

# General Power of Competence

Local Councils in England were given a General Power of Competence (GPC) in the Localism Act 2011, Sections 1-8. This means that Councils, once adopting the power, no longer need to ask whether they have a specific power to act. The General Power of Competence Localism Act 2011 S1 (1) gives Local Authorities including Parish Councils “the power to do anything that individuals generally may do as long as they do not break any other laws”. It is a power of first resort. This means that when searching for a power to act, the first question to ask is whether you can use the General Power of Competence. To find the answer, you ask whether an individual is normally permitted to act in the same way.

Sometimes a Council can do things that an individual can't do such as creating bylaws, raising a precept or issuing fixed penalty notices but it must do so using the specific original legislation. The General Power of Competence does not mean the Council can delegate decisions to individual Councillors. This is a procedural matter that remains enshrined in law.

Bungay Town Council adopted the General Power of Competence at its meeting on 16 May 2019. Bungay Town Council meets the criteria for eligibility as follows:

- the number of Councillors elected at the last ordinary election, or at a subsequent by-election, equals or exceeds two thirds of its total number of Councillors (13 out of 15)
- Jeremy Burton, the Town Clerk, has completed CiLCA (a sector specific qualification) and his submitted portfolio has passed examination.

## **Agenda Item 009-2019/2020**

General Power of Competence: To consider Bungay Town Council adopting the General Power of Competence. (Localism Act 2011 ss 1-8).

The qualifying criteria and details of the General Power of Competence had previously been circulated to all Town Councillors.

**It was proposed and seconded and unanimously RESOLVED that Bungay Town Council adopts the General Power of Competence.**