

THE GENERAL POWER OF COMPETENCE

What is the General Power of Competence and where is it found?

The General Power of Competence is included in the 2011 Localism Act, s. 1-8.

The General Power of Competence gives the local authority the power to do anything that individuals generally may do as long as they don't break other laws.

What criteria must local councils meet to be eligible to use the general power of competence and when must a council confirm that it is eligible?

When Council resolves that it meets the criteria, the number of councillors elected at the last ordinary election, or a subsequent by-election, must equal or exceed two thirds of its total number.

The Clerk must hold one of the sector-specific qualifications.

Council must decide and minute at a full meeting that it meets the above criteria. Council must revisit that decision at every 'relevant' annual meeting of the council to confirm that it still meets the criteria.

List four restrictions to consider before using the power for a specific purpose.

- If the proposed action is covered by a specific power, those restrictions remain.
- Duty to act with regard to the effect on crime and disorder
- Procedural and financial duties
- Compliance with employment law, health and safety, equality, data protection and freedom of information legislation.

Adopted 9th May 2023