

TC/3980/21

Oswestry Town Council

Report from the Town Clerk to Council – 19th May 2021

General Power of Competence

Purpose

The Council is formally asked to renew its entitlement to the General Power of Competence that is a requirement at the start of the new Council term following an Election.

This report sets out the General Power of Competence, eligibility and action required.

The General Power of Competence

Section One of the Localism Act 2011 provided for a new General Power of Competence for Councils in England. The General Power replaced the Power of Wellbeing, provided under Section Two of the Local Government Act 2000.

The General Power is available to Parish and Town Councils which meet conditions of eligibility for the exercise of the Power as set out in the Parish Councils (*General Power of Competence*) (*Prescribed Conditions*) Order 2012.

Oswestry Town Council was one of the first Councils in England to acquire the Power.

The General Power

Section One of the Act states that a local Council has power to do anything that individuals generally may do.

The Power includes the power to do an Act anywhere in the United Kingdom or elsewhere, and the power to do it for a commercial purposes or otherwise for a charge, or without charge, and the power to

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do it, or otherwise than for, the benefit of the area, its area or persons resident or present in its areas.

It is not limited by the existence of any other power of the authority which overlaps the General Power.

Eligibility

To qualify as an eligible “Parish Council” a Parish Council in England must meet conditions prescribed by the Secretary of State in the Parish Councils (*General Power of Competence*) (*Prescribed Conditions*) Order 2012.

The Council must resolve that a meeting of the Council, and each subsequent relevant Annual Meeting, that it meets the conditions as set out. Those conditions are:

- At the time the resolution is past the number of Members of the Council that have been declared to be elected, whether at ordinary elections or at a by-election, is equal to, or greater than, two-thirds of the total number of Members of the Council and:
- The Clerk to the Parish or Town Council holds one of a certain number of qualifications and in addition has completed the relevant training in respect of the General Power.

The Council has a 100% qualification in terms of elected Members following the elections held in May 2021 and the Town Clerk has the Certificate in Local Council Administration qualification and the Certificate of Higher Education (Level 4 Community Governance) and has also completed the relevant training in respect of the General Power. The two qualifications are therefore met.

Current Use

The Council has offered to use the Power once in terms of improving health provision in the town.

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It provides for great flexibility should the Council wish to involve itself in expenditure whereby a statutory power is perhaps unavailable but requires careful consideration by elected Members. Whilst the Power is not essential, it can be a very useful tool.

Recommendation

The Town Council is asked to again formally adopt that it meets the prescribed conditions to be an eligible Parish or Town Council in terms of the General Power of Competence and that it is eligible to use the General Power from the date of the meeting until the day of the next Annual Meeting of the Town Council that takes places in a year of ordinary elections.

Arren Roberts
Town Clerk