

<b>Report No. TC01919</b> <b>Appendix: H</b> <b>Agenda Item: 16</b>	<b>Annual Meeting of the Council</b>  <b>15<sup>th</sup> May 2019</b>
<b>OAKHAM TOWN COUNCIL</b>	
<b>Report Author: Allison Greaves</b>	<b>Title: Clerk to the Council</b>
<b>Subject: General Power of Competence</b>	
<b>Strategic objective:</b>	

## **Background**

The General Power of Competence (GPOC) states that a local authority (which includes Parish Councils) has the power to do anything that individuals generally may do as long as they don't break other laws and is found in Sections 1-8 of the Localism Act 2011.

It is a power of "first resort" in that it covers all aspects of the operations of a council (including spending money) regardless of whether there is another power to do so.

A Council may:

- Grant money to an individual but must consider whether the proposed activity is lawful and whether it is reasonable to use the power in the first instance
- Sponsor a local Sports Club but should consider whether it has sufficient funds to do so and that there is community support for the activity.
- Invest in a local business but must consider whether this competes with similar businesses and whether the reputation of the Council may be compromised.

Four restrictions that a Council must consider before using the power are:

- Whether the activity is prohibited by another specific power
- The duty to consider crime and disorder
- The duty to consider conserving biodiversity
- Whether activities which are specifically prohibited in statute

To use the power a Parish Council must meet criteria set by the Secretary of State in the Localism Act 2011 Section 8. Its Council requirement that two thirds of the Councillors are elected as opposed to co-opted. So, in Oakham Town Council's case the minimum is 8 elected Councillors. In the case of the Clerk, he or she must hold the Certificate in Local Council Administration (CiLCA). The Clerk has also undertaken training and passed Section 7 of CiLCA as per the requirements.

Oakham Town Council therefore meets the criteria to use the power.

The eligibility remains in place until the next relevant annual meeting after the ordinary elections (i.e. another four years). The Council may continue to use the GPOC even if the condition of the eligibility criteria changes in that time.

The Council must confirm and minute at a full meeting of the council that it meets the eligibility conditions and reconfirm that it is eligible at every 'relevant annual meeting of the Council' after ordinary elections and this resolution should be clear in the minutes.

## **Recommendation**

That the Council exercises its right to use the General Power of Competence by means of the following resolution:

**"That on May 15<sup>th</sup> 2019 Oakham Town Council met the criteria for eligibility for the General Power of Competence and that it will exercise its right to use it until the next relevant annual meeting of the Council"**