

# SALISBURY CITY COUNCIL

## Report

**Subject** : Re-adoption of the General Power of Competence  
**Committee** : Full Council  
**Date** : 28 June 2021  
**Author** : Annie Child, City Clerk

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### 1. Report Summary:

1.1. This report requests a resolution to renew the General Power of Competence (GPC).

### 2. Background:

- 2.1. The GPC was introduced as part of the Localism Act 2011, sections 1-8 which became effective in July 2012.
- 2.2. Parish Councils no longer need to ask whether they have a specific power to act or do something. The GPC (LA 2011 s1(1)) gives local authorities, including eligible local councils, "*the power to do anything that individuals generally may do*" as long as they don't break other laws. It is a 'power of first resort' which means that when searching for a power to act, the first question to ask is whether you can use the GPC.
- 2.3. This was a change to the manner in which Parish Councils ordinarily worked and speeds up opportunities to be more flexible and innovative in their approach to providing public services.
  - 2.3.1. There are two eligibility criteria which must be met in order for a Council to adopt the GPC:
    - A minimum of two-thirds of Councillors must have been elected
  - 2.3.2. The Clerk must hold the Certificate in Local Government Administration (CiLCA) 2012.
- 2.4. SCC fulfils both these criteria and, if it so wishes can determine, via a Full Council resolution, to adopt the GPC.
- 2.5. SCC first resolved to adopt the GPC at a Full Council meeting on 23 July 2012 (minute 210 refers).
- 2.6. The power was then re-adopted at Full Council on 3 June 2013 (minute 289.2 refers) and again on 5 Jun 2017 (minute 723.1-723.2 refers). The adoption only lasts however for the term of that Council, hence why it must be renewed now that an election has taken place.

### 3. Recommendation:

It is recommended that the Council:

- 3.1. Declares that it meets the conditions, prescribed in Article 2 paragraph 2 of The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 (SI2012/965), and hereby resolves to adopt the General Power of Competence as provided in the Localism Act 2011 ss1-8. This declaration has effect until the Council's Annual Meeting 2025.

4. **Wards Affected:** All

5. **Background Papers:** The Localism Act 2011

6. **Implications:**

6.1. **Financial:** none in relation to this report

6.2. **Legal:** as outlined in this report

6.3. **Personnel:** as shown in this report

6.4. **Environmental Impact:** none in relation to this report

6.5. **Equalities Impact Statement:** none in relation to this report.