

CENTRAL SWINDON NORTH PARISH COUNCIL

Adoption of General Power of Competence

Introduction

The purpose of this report is to recommend that the Council formally adopts the General Power of Competence ("GPC") under the provisions of the Localism Act 2011.

The General Power of Competence gives eligible local councils the power to do anything that an individual generally may do, provided it is not prohibited by other legislation or a statutory requirement of SBC.

Adoption of the GPC provides the Council with greater flexibility and freedom to act in the interests of the residents.

The power enables the Council to act more innovatively, respond more effectively to local needs and pursue opportunities that may otherwise fall outside specific statutory powers.

Under the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, a council must satisfy specific eligibility criteria before it can resolve to adopt the power.

Eligibility Criteria

The Council lost its General Power of Competence in July 2024 following the resignation of Will Stone MP.

The Council now again meets the statutory criteria required to adopt the General Power of Competence which is as follows:

1. Electoral Mandate

At the time of passing the resolution, at least 2/3 of the members of the Council must hold office following election rather than co-option.

From May 7th 2026, Council now meets this requirement, with at least two thirds of serving councillors having been elected.

2. Qualified Clerk

The Clerk to the Council must hold an appropriate qualification and satisfy the training requirements prescribed by legislation.

The Clerk holds the Certificate in Local Council Administration (CiLCA), which is the England & Wales recognised qualification for the purposes of eligibility under the legislation.

The Clerk has also completed the required WALC sector training in local council law and practice.

3. Resolution of Full Council

The Council must now formally resolve at a meeting of the Full Council that it satisfies the eligibility criteria and wishes to adopt the General Power of Competence.

Subject to approval of the recommendation within this report, this requirement will be fulfilled.

Benefits of Adoption

Adoption of the General Power of Competence would:

- Provide broader legal capacity for the Council to act on behalf of the community.
- Reduce uncertainty regarding whether the Council has a specific statutory power for certain activities.
- Enable the Council to pursue innovative projects and partnerships.
- Support community initiatives, local service delivery and economic wellbeing.
- Strengthen the Council's ability to respond flexibly to local priorities.

The General Power of Competence does not remove existing duties or restrictions and does not permit the Council to undertake actions expressly prohibited by law.

Financial & Legal Implications

There are no direct financial implications arising from adoption of the General Power of Competence.

The Council will continue to ensure that all decisions made under the power are lawful, proportionate and supported by appropriate governance and financial controls.

The Council must continue to meet the eligibility criteria throughout the relevant electoral period.

Summary

The Council satisfies the statutory conditions required to adopt the General Power of Competence under the Localism Act 2011. Adoption of the power will provide the Council with greater flexibility and wider legal competence to act in the interests of the local community.

Recommendations

It is recommended that Full Council:

1. Notes the contents of this report.
2. Confirms that the Council satisfies the eligibility criteria prescribed by the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012.
3. Resolves to adopt the General Power of Competence pursuant to Section 1 of the Localism Act 2011.