

**SHREWSBURY TOWN COUNCIL
FULL COUNCIL
17 May 2021**

Officer: Helen Ball (Town Clerk)

GENERAL POWER OF COMPETENCE

Purpose of Report

To confirm the Town Council's continued eligibility to use the power following the May 2017 elections

Background

Traditionally unlike an individual who can do what he likes (providing he doesn't break the law) Parish Councils have only been able to carry out the roles, duties and functions where the law prescribes them to do so. An outline of the types of powers available to Parish Councils is appended to this report.

This has meant that very traditional functions of Parish Councils (E.g. purchasing a Poppy Wreath, Christmas Lights, granting money to aspiring local sportsmen etc.) are not covered by statute.

Recognising the potential limiting effect this might have on Councils, the Local Government Act 2000 granted the General Power of Competence to principal authorities which was subsequently extended by the Local Government & Public Involvement in Health Act 2007 to eligible parish councils.

Current Situation

The Localism Act 2011 provided a raft of powers which are designed to give greater freedoms to parish councils to carry out functions that are required locally, that benefit their community and allow local people to be in greater charge of their own destinies.

S1(1) Localism Act 2011 has given eligible local councils "*the power to do anything that individuals generally may do*" providing they do not break the law. There remain restrictions to this power. Duties under financial regulations, Health & Safety and Employment law will still remain (you can't use the General Power of Competence to negate an existing duty) and such impact duties as the duty to consider the impact on Crime & Disorder s17 Crime & Disorder Act 2006) and the duty to consider the effects on biodiversity ((Natural Environment & Communities Act 2006) will still apply.

Eligibility Criteria

Government published the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 which provides the mechanism by which a parish council can seek to use the power.

For a local council to become eligible it must confirm at a full council meeting (or at the Annual Council Meeting after an election) that:

1. the Clerk is qualified to one of the two sector-specific qualifications and has upgraded those qualifications to cover the General Power of Competence and
2. two-thirds of the Council has stood for election.

The Council meets both criteria in that the Town Clerk holds the necessary qualification and there have been 59 candidates for the 17 seats.

Recommendations

1. **That the Council notes the Report;**
2. **That Council resolves that Acknowledging the elections for Shrewsbury Town Council and having cognisance of the criteria as defined in the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, Shrewsbury Town Council confirms its continued eligibility to use the General Power of Competence as set out in the Localism Act 2011**