



MELTON PARISH COUNCIL

MPC(23)51

General Power of Competence (GPC)

The GPC is referred to as the power of 1st resort and was given to local councils in England through the Localism Act 2011 (s1-8). With the GPC, councils no longer need to ask whether they have a power to do something. It allows councils 'the power to do anything individuals generally may do', as long as they are lawful. The GPC is a power and not a source of revenue, although indirectly the council could receive income because of using the power.

For a council to be able to use the GPC there are two eligibility criteria they must meet, as set out in law:

- Elected councillors – at the point the council resolves that it meets the criteria, the number of councillors elected at the last ordinary election, or subsequent by-election, must equal or exceed two thirds (rounded up) of its total number of councillors. Co-opted/appointed councillors do not count, and the total number of councillors includes any vacant seats.
- The Clerk – they must hold at least one sector-specific qualification and have completed the relevant training.

At a full council meeting, the council must decide if they meet the eligibility criteria as set out above and the minutes of the meeting should clearly record the resolution. Going forward, the council must consider this decision at the first Annual Commissioning meeting after an election and make a new resolution to confirm if it still meets the criteria. Even if the council doesn't meet the eligibility between these meetings, eg if a new Clerk took up the post and didn't have the relevant qualifications, the resolution stands until the next Annual Commissioning meeting.

The Council currently has 13 elected Councillors and 15 seats and the Clerk holds the CILCA qualification, so the eligibility criteria has been met.

Recommendations

- That members **NOTE AND COMMENT** on this report.
- Decide if they wish to adopt the General Power of Competence

Pip Alder

Clerk, Melton Parish Council

May 2023