

LO7 – A CiLCA qualified officer understands the general power of competence.

Explain

7.1 explain a) the general power of competence providing legal references b) the criteria for eligibility c) the process for confirming and reaffirming eligibility

7.2 explain activities that a council might undertake using the general power of competence

7.3 identify any relevant risks and restrictions.

The General Power of Competence :-

- Gives local councils, *“the power to do anything that individuals generally may do”*¹
- Must not override other legislation².

Eligibility - the council must

1. Have at least two-thirds of the members elected by ordinary election or a bye election³.
2. Have a clerk with any of:-
 - Certificate in Local Council Administration,
 - Certificate of Higher Education in Local Policy,
 - CertHE in Local Council Administration,
 - first level of the foundation degree in Community Engagement and Governance⁴

To confirm/reaffirm eligibility the council must :-

- Resolve at a Full council meeting that it meets eligibility criteria at that particular time and at every “relevant” annual meeting⁵, revisit the decision and resolve again.
- To retain the GPC, pass a resolution at the Council's the first annual meeting after the ordinary elections⁶.

Activities, Risks and relevant risks and restrictions.

Three examples of what the GPC could be used for are:-

¹ Localism Act 2011 s1-8

² Localism Act 2011 S2

³ Parish Councils 2012 (General Power of Competence) (Prescribed Conditions) Order s2(a)

⁴ Parish Councils 2012 (General Power of Competence) (Prescribed Conditions) Order s2 (b)

⁵ A “relevant” annual meeting is the annual meeting of the council after the ordinary election that takes place every four years. The confirmation does not have to take place every year.

⁶ Parish Councils 2012 (General Power of Competence) (Prescribed Conditions) Order s1

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Submitted 1st March 2021

Activity	Risks - Reputational (R) and Financial (F)	Restrictions (e.g. permissions or authority required)
Provision of small business incubator units.	(F)Underoccupied. (F)Large maintenance costs. (R)Troublesome tenants.	Planning permissions/ change of use required from LPA. Licencing restrictions. LTA Act 1954
Higher Education Grants.	(F) Individual funding. (R) Benefits individual not community.	Bank account for recipient Proof of higher education attendance.
Music Festival with shared losses/profits- commercial venture - indoor/outdoor	(F) poor ticket, merchandise, wet and dry sales (R) Premises not authorised to hold event (R) Artists poor quality. (R) Crowds overflowing onto streets requiring closure of road. (F) Event shut down because of noise.	Must be operated through company or registered society ⁷ Premises licence ⁸ Road Closure Order ⁹ Level of noise ¹⁰

ASSESSOR'S COMMENTS

1: *** 12/03/2021 17:54 (DDu)***

A concise description that clearly demonstrates that you understand
the general power of competence (England)

⁷ Localism Act 2011 s4







⁸ Licencing Act 2003

⁹ Road Traffic Regulation Act 1984 s 16A

¹⁰ Environmental Protection Act 1990 s79

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1: BEFORE YOU BEGIN: Please complete this Mandatory task		Completed
2: UNIT ONE: CORE ROLES IN LOCAL COUNCIL ADMINISTRATION		Completed [EXEMPLARY SUBMISSION]
3: UNIT TWO: LAW AND PROCEDURES FOR LOCAL COUNCILS		Completed [EXEMPLARY SUBMISSION]
4: UNIT THREE: FINANCE FOR LOCAL COUNCILS		Completed [EXEMPLARY SUBMISSION]
5: UNIT FOUR: MANAGEMENT FOR LOCAL COUNCILS		Completed [EXEMPLARY SUBMISSION]
6: UNIT FIVE: COMMUNITY ENGAGEMENT		Completed [EXEMPLARY SUBMISSION]