

General Power of Competence (GPOC)



What is the GPOC?

- Statutory power under the Localism Act 2011 s1(1) that came into force in April 2012
- Gives local authorities the power to do anything that individuals generally may do. Without it, councils can only do those things which they are specifically empowered to do by statute
- Able to exercise it when doing something new instead of having to search for a statutory power, only have to consider the possibility that there may be a reason why they may not do what they propose
- 'Power of first resort'.

Restrictions

- Inadequate community support or insufficient funding are significant risks
- Statutory or legal restrictions to consider
- Statutory duties remain in place e.g. duty to act with regard to crime and disorder; duty to consider conserving biodiversity; duty to provide allotments if there is a demand
- Comply with procedural and financial duties and laws e.g. health and safety; freedom of information; data protection; employment law.

How long is a council eligible to use the GPOC?

- Once the resolution has been passed the council remains eligible until the annual meeting after the next ordinary election, when it must confirm eligibility again. The confirmation does not have to take place every year
- If the council does not pass a further resolution, either by choice or because of change in circumstances, then it will cease to be eligible. Any activity begun using the power may continue until that activity is completed.

The Checklist

• **Qualified Clerk (CiLCA 2012 or other relevant higher qualification for clerks awarded by the University of Gloucestershire)**

• **At least two-thirds of members of the council are elected rather than co-opted (either at an ordinary election or by-election, even if they were unopposed)**

• **Council passes a resolution and confirms it meets the two criteria above at the date of the resolution**