

TOPIC NOTE 2 – POWERS AND DUTIES

Parish Councils can take part in, and pay for, a wide range of activities that are allowed for by various Acts of Parliament. There is a useful reference list in 'The Good Councillors' Guide' (please see Sharepoint for a copy) and is available online at www.nalc.gov.uk and www.walc.org.uk.

Unless General Power of Competence (see below) applies, Councils wishing to incur expenditure on doing something that is not legally specified via any of the various Acts of Parliament, have a 'Section 137' power (local Government Act 1972, s137). This allows the council to spend a certain amount on a service that benefits the community as a whole. The amount is calculated as £8.82 (2022-23) and is adjusted annually. Further information may be obtained in Legal Topic Note 31 (NALC) – Please ask the Clerk for assistance.

Under the Localism Act 2011 local councils are being encouraged to take over more services and have the right to challenge and bid for community assets.

In addition, the General Power of Competence (GPoC) is a power of first resort that allows eligible parish councils in England to do 'anything that individuals generally may do'.

The GPoC aims to give councils more freedom to work together with others in new ways to drive down costs and increase their confidence to work creatively and innovatively to meet local people's needs.

To be eligible to use the GPoC the two mandatory requirements are:

- Two-thirds of members must have been elected; and
- The Clerk must be qualified to Certificate in Local Council Association standard

And a resolution being made at a Parish Council meeting.

BBHPC currently does not have General Power of Competence due to not satisfying the requirement to have two-thirds elected council as at May 2023.