

EPWELL PARISH COUNCIL

The General Power of Competence

The General Power of Competence was provided for in the Localism Act 2011 s1 - 8 and gives local councils 'the power to do anything that individuals generally may do' as long as they don't break other laws.

There are two criteria for councils to qualify:

- the Clerk must be qualified with a recognised sector-specific qualification such as CiLCA or Level 4 qualification of the Foundation Degree in Community Engagement and Governance;
- two thirds of the council members must have been elected at the last ordinary meeting. In the case of Epwell this equals to 3.33 or 3 Councillors.

The council may confirm its eligibility once the criteria are met and thereafter must confirm its eligibility at the first appropriate annual meeting after an election.

Restrictions would be:

- if there are other statutory duties with compliance to other legislation;
- financial duties;
- statutory permissions from other authorities;
- health and safety and employment law.

Risks would include:

- inadequate community support;
- damage to other shops / businesses;
- if the project went wrong.

In effect, it takes away the need to use S137 to award grants and will give more flexibility in this respect.

May 2026