CAMBOURNE TOWN COUNCIL

District of South Cambridgeshire

ANNUAL COUNCIL MEETING 17th May 2022

11 General Power of Competence

The Government as part of the Localism Act 2011 has introduced a new 'General Power of Competence'. This new power was implemented at the end of March 2012.

In order to use the power, councils will need to demonstrate that they have:

a) An electoral mandate (two thirds of the council must be elected). The Town Council has 19 of the 19 Councillors elected which is 100%.
b) A qualified clerk. The Town Clerk has obtained the Certificate in Local Council Administration (CiLCA).
c) The Clerk to the parish council has completed the relevant training; unless such training was required for the purpose of obtaining a qualification as in paragraph b) The Town Clerk attended the necessary training on and has updated his CiLCA qualification by submitting a new section 7. The original section 7 covered the Power of wellbeing.

The General Power of Competence

Extract from A plain English guide to the Localism Act

"General power of competence

Local authorities' powers and responsibilities are defined by legislation. In simple terms, they can only do what the law says they can. Sometimes councils are wary of doing something new - even if they think it might be a good idea - because they are not sure whether they are allowed to in law and are concerned about the possibility of being challenged in the courts.

The Government has turned this assumption upside down. Instead of being able to act only where the law says they can, local authorities will be freed to do anything - provided they do not break other laws.

The Localism Act includes a 'general power of competence'. It gives local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited; they will not, for example, be able to impose new taxes, as an individual has no power to tax.

The new, general power gives councils more freedom to work together with others in new ways to drive down costs. It gives them increased confidence to do creative, innovative things to meet local people's needs. Councils have asked for this power because it will help them get on with the job. The general power of competence does not remove any duties from local authorities - just like individuals they will continue to need to comply with duties placed on them. The Act does, however, give the Secretary of State the power to remove unnecessary restrictions and limitations where there is a good case to do so, subject to safeguards designed to protect vital services

Similar powers have been given to Fire and Rescue Authorities, Integrated Transport Authorities, Passenger Transport Executives, Combined Authorities and Economic Prosperity Boards."

By exercising the General Power of Competence, the Parish Council will be able to continue to be creative in the way the Council supports the community and works to keep the costs down.

It is;
Recommended that the report be received and Cambourne Town Council reconfirms the **General Power of Competence** as the Town Council meets the criteria. This resolution will be reviewed/renewed at each subsequent Annual Council Meeting in an election year as long as the Town Council continues to meet the criteria.