



Annual Parish Meeting The General Power of Competence (GPC)

Agenda Item 9

Background

The General Power of Competence is a statutory power of first resort enabling a Council to do anything that an individual might while considering legal and regulatory restrictions.

A Council can choose to adopt the General Power of Competence (GPC) if it meets the following criteria:

1) Have a suitably qualified Clerk who has obtained:

The Certificate in Local Council Administration (CiLCA) or
The higher education qualifications for clerks awarded by De Montford University
or its predecessor institutions, namely:
A Certificate of Higher Education in Community Governance (Level 4)
A Foundation Degree in Community Governance (Level 5)
An Honours Degree (Level 6)
Any equivalent successor qualification

2) At least two thirds of the Council members must have been elected, Wroughton & Wichelstowe Parish Council has 15 elected members.

Elected councillors include all councillors who stood for election whether or not the election was contested. Co-opted or appointed councillors do not count as they are not elected.

Eligibility and adoption of the GPC must be confirmed as a resolved, minuted agenda item at a full meeting, and then reconfirmed at an annual meeting every four years. This means that eligibility remains in place until the first annual meeting of the council after the ordinary election even if the condition of the eligibility criteria has changed.

The freedom of the GPC

Councils no longer need to ask whether they have a specific power to act. The GPC (LA 2011 s1(1)) gives local authorities, including eligible local councils, “the power to do anything that individuals generally may do” as long as they don’t break other laws. It is a ‘power of first resort’; this means that when searching for power to act, the first question you ask is whether you can use the GPC. To find the answer, you ask whether an individual is normally permitted to act in the same way. For example:

- An individual can't impose taxes on other people – so a local council can't use the GPC to raise taxes.
- On the other hand, an individual: can set up a company to provide a service. The GPC clearly permits a local council to engage in commercial activity as long as it sets up a company or co-operative society (s4) for this purpose.

What the GPC Allows

- Councils can act creatively to support their communities and work with partners to provide services.
- They can lend or invest money, trade, or even sell energy to the National Grid.
- Councils can support services run by others (e.g., schools, community trusts), but cannot take over responsibilities that legally belong to another authority (such as education or social services).
- Activities can take place inside or outside the parish.
- Councils can use the GPC even if another specific power already exists.

Restrictions & Responsibilities

The GPC does not override existing legal duties. Councils must still:

- Consider crime and disorder impacts.
- Consider biodiversity.
- Provide allotments where there is demand.
- Follow all employment, health and safety, equality, data protection and governance laws.

Additional restrictions:

- To trade, the council must set up a company or co-operative and follow company law.
- Investment decisions must follow Government guidelines.
- If another authority has a statutory duty, that duty remains theirs.
- If a specific power also applies to an activity, the council must still follow any requirements of that power (e.g., ask permission from the Highways Authority before working on verges).

Finance

- The GPC is not a source of funds and cannot be used to raise the precept.
- Loans must follow normal borrowing rules.
- Councils may still seek other funding sources: grants, CIL, sponsorship, commercial activity, etc.
- Councils may earn income as a secondary result of an activity (e.g., interest on a loan, sponsorship), but cannot use the GPC simply to raise money.

Risks

Using the GPC carries potential risks:

- Legal challenge.
- Impact on other local businesses.
- Reputational or financial loss if projects fail.

Future Changes

The Secretary of State can amend GPC legislation, following consultation. Councils should stay updated and may report concerns about restrictions through SLCC or NALC/WALC.

<https://www.slcc.co.uk/qualifications/gpc/>

Recommendations:

- 1) To note the Parish Council meets the criteria for adopting the GPC.**
- 2) To adopt the GPC for the period 2026-2030 at this meeting.**