

General Power of Competence

Local Councils in England were given a General Power of Competence in the Localism Act 2011, Sections 1-8. This means that Councils, once adopting the power, no longer need to ask whether they have a specific power to act. The Localism Act 2011 s1 (1) gives local authorities including town councils “the power to do anything that individuals generally may do as long as they do not break any other laws”. It is a power of first resort.

Restrictions in law which apply to the use of the General Power of Competence include the duties on councils to act to prevent crime and disorder; to respect human rights; to consider biodiversity; and to protect personal data. Sometimes a council can do things that an individual can't do such as creating byelaws, raising a precept, or issuing fixed penalty notices but it must do so using the specific original legislation. The General Power of Competence does not mean the Council can delegate decisions to individual councillors. This procedural matter remains enshrined in law.

Shere Parish Council adopted the General Power of Competence at its meeting on 8th September 2020. This power remains with the Council until the next Annual Council Meeting; it can then be readopted at that Annual Meeting if the Council is still eligible – **readopted 6th May 2025. To be reviewed May 2026.**

In order to be eligible for the General Power of Competence there are two criteria that must be fulfilled:

- At the time when the General Power of Competence is adopted, at least two-thirds of the total seats on the council must be held by members who stood at the last ordinary election or subsequent by-election, i.e. council members who have been elected (even if unopposed) rather than co-opted or appointed.
- The Clerk must hold the Certificate in Local Council Administration or an equivalent qualification.