

***CHADDESLEY CORBETT PARISH COUNCIL
DISTRICT OF WYRE FOREST - WORCESTERSHIRE***

**Section 7
THE GENERAL POWER OF COMPETENCE**

Under the Localism Act 2011 s1(1) The General Power of Competence gives a local authority the power to do anything that individuals generally may do.

To be eligible to use the Power, a parish council must meet criteria set by the Secretary of State.¹ These are two thirds elected councillors and a qualified clerk who needs to hold a CiLCA qualification or relevant higher education qualification for clerks and have attended training and passed Section 7 of the CiLCA 2012. To confirm eligibility the Council must pass a resolution at a meeting of the full council that it meets the criteria at that time and again at every relevant² annual meeting of the council.

Statutory duties remain in place which restrict the use of the General Power of Competence, including:

- Duty to act with regard to crime and disorder³
- Duty to consider conserving biodiversity⁴
- Duty to obtain permission to work on roadside verges
- Duty to provide allotments⁶

The Parish Council could use the General Power of Competence to provide:

- Bus shelters
- A car park
- CCTV cameras⁹

¹ Localism Act 2011 s8, as set out in the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012.

² A 'relevant' meeting is the annual meeting of the council after the ordinary election that normally takes place every four years. The confirmation does not have to take place every year.

³ Crime and Disorder Act 2006 s 17

⁴ The Natural Environment and Communities Act 2006 s 40

The Local Government Act 1972 s101, Local Government Act 2000 s19, and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000.

⁶ The Smallholding and Allotments Act 1908 s 23 (1) gives councils a duty to provide allotments if they are of the opinion that there is a demand for them.

Duty to comply with Highways Act 1980, ss 47, 116 and Health & Safety At Work Act (1974).

Duty to comply with Road Traffic Regulation Act 1984, ss. 57, 63

⁹ Local Government and Rating Act 1997, s 31.