



BIRCHINGTON PARISH COUNCIL
GENERAL POWER OF COMPETENCE
REPORT FOR FULL COUNCIL 15.09.2026

Background

The General Power of Competence was introduced by the Localism Act 2011 and gives eligible Parish and Town councils greater freedom to act.

In simple terms, the GPC allows an eligible council to do anything that an individual may generally do, unless legislation specifically prohibits or restricts it.

Traditionally, Parish Councils have needed to identify a specific statutory power before undertaking an activity or spending money. The GPC provides a much broader power and gives councils greater flexibility to respond to local needs and opportunities.

Eligibility

The eligibility requirements are set out in the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012.

At the time the Council passes the resolution:

- at least two-thirds of the total number of councillors must have been declared elected rather than co-opted; and
- the Clerk must hold a recognised qualification and have completed the required training relating to the GPC.

Councillors elected unopposed count as elected members.

Birchington Parish Council has 10 councillor seats and therefore requires at least 7 elected members to meet the electoral requirement.

The Clerk has recently achieved the Certificate in Local Council Administration (CiLCA), which meets the relevant qualification and training requirement.

Birchington Parish Council therefore meets the prescribed conditions to exercise the General Power of Competence.

What does this mean for the Council?

The GPC provides greater flexibility when considering projects and services. Rather than having to identify a specific statutory power for every activity, the Council can generally act provided that the proposed action is lawful and is not specifically prohibited or restricted.

This could provide greater flexibility when:

- delivering community projects or services;
- entering into partnerships or agreements;

- acquiring or managing property;
- supporting community organisations and providing grants; and
- responding to new opportunities for the benefit of Birchington.

The GPC may become particularly useful as opportunities arise to take on additional projects, assets or services.

Limitations

The GPC does not mean that the Council can simply do anything it wishes.

The Council must continue to comply with all relevant legislation and its normal governance arrangements, including requirements relating to financial management, procurement, employment, planning, equality, data protection and the proper use of public money.

Specific restrictions also apply where councils undertake activities for a commercial purpose.

The GPC therefore provides greater freedom to act but does not remove the Council's responsibility to ensure that its decisions are lawful, properly authorised and financially responsible.

Duration

Once the Council has resolved that it meets the conditions, it may exercise the GPC until the next Annual Meeting of the Council held following an ordinary parish council election.

At that meeting, the Council must reconsider its eligibility and pass a further resolution if it continues to meet the prescribed conditions.

Financial Implications

There are no direct financial implications arising from adopting the GPC.

Any future expenditure using the power will remain subject to the Council's budget, Financial Regulations, Standing Orders and normal decision-making processes.

Conclusion

Members are asked to consider the contents of this report and confirm that Birchington Parish Council meets the eligibility criteria for the General Power of Competence, as set out in the Localism Act 2011 and the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, namely that:

- at least two-thirds of the total number of councillors have been declared elected; and
- the Clerk holds the required recognised qualification (CiLCA)

To resolve to adopt the General Power of Competence (GPC) under Section 1 of the Localism Act 2011, with immediate effect.

JB – 08.09.2026