

11. Localism Act 2011 - General Power of Competence – to resolve that Liskeard Town Council retains its General Power of Competence as defined by the Localism Act 2011 s1(1) and s8 and defined further in statutory instrument Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012.

Background – Before the Localism Act 2011, Town and Parish Councils had very limited lawful ability to spend money on undertaking an activity, unless there was a specific Act of Parliament that permitted them. Hence, Town and Parish Councils' were largely constrained to follow the provisions of the general purpose Local Government Act 1972 and a small range of other specific Acts. There was also Section 137 of the Local Government Act 1972 that allowed some expenditure on items not covered by the other Acts.

1. **Local Government Act 1972** – ss 124-127 (to undertake land transactions – such as, accepting the transfer of amenity land at Eastern Avenue), s133 (to operate a Community Centre or village hall or public building), s139 (to accept Gifts), s 144 (to promote Tourism) s215 (to maintain a closed church yard).
2. **Section 137** Establishes the “Power of local authorities to incur expenditure for certain purposes not otherwise authorised”. As amended by Section 36 of the Local Government and Housing Act 1989 which states that it “must be of benefit to people within the parish and must be commensurate to the benefit”. An example of this would be the purchase of a poppy wreath for Remembrance Sunday. The upper limit of total expenditure possible under Section 137 is determined annually by the Government. The value for local councils for the financial year 2017/2018 is £7.57 per head of relevant population, that is, the number of persons on the electoral roll.
3. **Provision of recreational facilities** – Liskeard Town Council provides an outdoor Multi-Use Games Area at Rapson’s and Thorn Park for use by the public. These are provided under the Local Government (Miscellaneous Provisions) Act 1972 s19.
4. **Allotments** – Liskeard Town Council provides 32 allotments at two locations. These are provided under the Small Holdings and Allotments Act 1908 ss23, 25.
5. **Public Conveniences** – The Town Council manages 3 sets of public conveniences at Dean Street, Westbourne and Sun girt. These are provided under the Public Health Act 1936 s87.
6. **War Memorials** – The Town Council maintains and repairs the War Memorial. This is covered by the provisions of the War Memorials (Local Authorities’ Powers) Act 1923.
7. **Crime Prevention** - The Town Council owns and maintains the town centre CCTV system under the Local Government and Rating Act 1997 s31.
8. **Footpath Maintenance** – The Town Council has a contract with Cornwall Council to maintain certain footpaths in accordance with the schedule. This work can be undertaken under the Highways Act 1980 s43.

General Power of Competence - Localism Act 2011 – the Localism Act 2011 introduced the concept of a General Power of Competence (G.P.C.). It gave eligible Councils “the power to do anything that an individual might generally do” provided it does not break the law. The eligibility criteria are:

1. The number of Councillors who have stood for election must equal or exceed two-thirds (Liskeard Town Council has 15 Councillors (a minimum of 10 need to have stood for election – 13 have stood for election in the May 2017 elections)
2. The Clerk must be qualified. (Town Clerk obtained the Certificate in Local Council Administration (C.i.C.L.A.) on 15th July 2016).

The Council must decide that it meets the eligibility criteria (Town Council resolved to adopt G.P.C. 5th September 2016). It remains eligible by clear resolutions recorded in the minutes at every annual meeting after ordinary elections. (needs to be done after the May 2017 elections).

Restrictions:

- the Council remains subject to existing statutory duties – e.g. Allotments Act.
- if another authority has a statutory duty, it remains their duty to provide the service e.g. Education, Highways, etc.
- The Council is still subject to a range of other legislation e.g. Health & Safety.
- Council must act ‘reasonably’ when using the power.

Activities:

- The Council can seek to acquire land and undertake works to support the provision of Section 106 funded facilities.
- The Council can promote and carry out projects emerging from the Neighbourhood Plan and from the pursuit of the Council’s aims and objectives and five-year capital programme.

Conclusion – The Town Council already has a range of issues and properties which could reasonably be expected to provide the main focus of its limited funding and Staff and Councillor time. However, there are opportunities to do other things that are presented by the maintenance of the General Power of Competence combined with the possibility of Section 106 contributions, grants, Public Works Loan Board loans and the projects emerging from a range of sources including the Neighbourhood Plan and the Council’s own capital programme.

RECOMMENDATION: That Liskeard Town Council RESOLVES to retain its General Power of Competence as defined by the Localism Act 2011 s1(1) and s8 and defined further in statutory instrument Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012.