

Report Statement

Report Purpose:

Author:

Town Clerk

Background

The General Power of Competence (GPC) is a statutory power arising from the Localism Act 2011 (S.1-8). It gives Town and Parish Councils the power to do anything that an individual may do.

Currently Local Councils are restricted to the activities they may become financially involved in by the Local Government Act 1972 (Powers and Duties of Parish Councils), a copy of which is attached. To support Council's, an additional section S.137 was added, which allows Local Councils to spend £9.93 (2023/24) per elector on activities that are not included in the Powers and Duties Schedule.

In order for a Council to use the GPC, two relevant criteria must be met:

- A qualified Clerk;
- Minimum two thirds of its members must be elected.

The Council must decide its eligibility at a Full Council Meeting through the recording of a proper minute; eligibility must then be confirmed at the annual meeting following ordinary elections for as long as the Council wishes to continue using the power.

Restrictions on using the power include:

- The law (a Council cannot break the law);
- It must comply with procedural and financial duties and obligations;
- It must obtain relevant statutory permissions.
- It may not have the power to take on the statutory duties of principal authorities.

Should the power be adopted, then the following are a few examples of how it might be used:

- Set up a Community Transport Scheme.
- Form a Company.
- Carry out any such activity that could be exercised legally by an individual or company.

Macclesfield Town Council have held this the General Power of Competence (GPC) since 2017. After the election in May 23 it continues to meet the eligibility criteria.

POWERS AND DUTIES OF PARISH COUNCILS

The powers which have been vested in Parish and Town Councils and Acts of Parliament are summarised in this document as a guide to Councillors and others. Each description is brief and is intended to be a general indication. Like all powers given to public bodies the powers of local councils are defined in detail in legislation and these details may include a requirement to obtain the consent of another body (for example the approval of the County Council to the provision of a car park). Local Councils must exercise their powers also subject to the provisions of the general law (for example planning permission is necessary for a sports pavilion). Information on all these details should be in the hands of the Clerk to the Council.

The powers are listed below. Where a power is marked with an asterisk the council may, in addition to exercising the power itself, help another body to act by giving financial assistance.

This list is intended as a summary of the principle functions of Local Council. It is not intended to be a definitive list of such functions.

FUNCTION	POWERS AND DUTIES	STATUTORY PROVISIONS
Accounts	Duty to appoint a Responsible Financial Officer to manage the Council's accounts	Local Government Act 1972 s 151
Acceptance of Office	Duty to sign declaration of acceptance of office (councillors and chairman)	Local Government Act 1972 s 83
Agency Arrangements	Power to arrange for the discharge of functions by another local authority	Local Government Act 1972 s.101
Allotments	Powers to provide allotments Duty to consider providing allotment gardens if demand unsatisfied	Small Holdings Allotments Act 1908 ss 23, 26 and 42
Archives	Power to make records held available to the public and support local archives	Local Government (Records) Act 1962, ss1 and 4
Baths and Washhouses	Power to provide public baths and washhouses	Public Health Act 1936 ss 221 222,223 and 227
Borrowing	Power to borrow money for statutory functions	Local Government Act 1972 Sch. 13
Burial Grounds, cemeteries	Power to acquire, provide and maintain shelters	Open Spaces Act 1906, ss 9 and 10: Local Government

and crematoria*	<p>Power to agree to maintain monuments and memorials</p> <p>Power to contribute towards expenses of cemeteries</p>	<p>Act 1972, s 214</p> <p>Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s. 1</p> <p>Local Government Act 1972, s 214</p>
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous) Act 1953 s.4 Parish Councils Act 1957, s 1
Bye Laws	<p>Power to make byelaws for:</p> <p>Public walks and pleasure grounds</p> <p>Cycle Parks</p> <p>Swimming pools, bathing places baths and washhouses</p> <p>Open Spaces and Burial Grounds</p> <p>Mortuaries and post-mortem rooms</p> <p>Public Bathing</p> <p>Hiring of pleasure boats in parks and pleasure grounds</p> <p>Dogs and dog fouling in parks and open spaces</p>	<p>Public Health Act 1875, s 164</p> <p>Road Traffic Regulation Act 1984 s.57 (7)</p> <p>Public Health Act 1936, s 223</p> <p>Open Spaces Act 1906, s 15</p> <p>Open Spaces Act 1906 ss 12 and 15</p> <p>Public Health Act 1936 s. 198</p> <p>Public Health Act 1936 s. 231</p> <p>Public Health Amendments Act 1907, s 44(2): Public Health Act 1961, s54</p> <p>Public Health Act 1875, s 164 Open Spaces Act 1906 s 15</p>
Charities	Power to appoint trustees of parochial charities	Charities Act 1993, s 79
Christmas Lights	Power to provide to attract visitors	Local Government Act 1972. s 144
Citizens Advice Bureau	Power to support	Local Government Act 1972, s 142
Clocks*	Power to provide public clocks	Parish Councils Act 1957,s 2

Closed Churchyards	Powers (and sometimes duty) as to maintain	Local Government Act 1972, s.215
Commons Land and Common Pastures	<p>Powers in relation to enclosure as to regulation and management and as to providing common pasture</p> <p>Power to protect unclaimed common land from unlawful interference</p> <p>Power to manage commons and village greens under a district council scheme</p>	<p>Inclosure Act 1845; Local Government Act 1984, s 8(4); Smallholding and Allotments Act 1908, s.34</p> <p>Commons Registration Act 1965, s.9</p> <p>Commons Act 1899, ss 4 & 5</p>
Community Centres and Village Halls	<p>Power to provide and equip community buildings</p> <p>Power to provide and equip premises for use of clubs having athletic, social or educational objectives</p>	<p>Local Government Act 1972, s 133</p> <p>Local Government (Miscellaneous Provisions) Act 1976, s.19</p>
Conference facilities*	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Consultation	Right to be consulted by principal councils if directed by Secretary of State	Local Government and Rating Act 1997, s21; Local Government Act 1972, s 33A
Crime Prevention*	<p>Powers to spend money on various crime prevention measures</p> <p>Power to (a) install equipment, (b) establish schemes and (c) assist others in so doing for the prevention of crime</p>	<p>Local Government and Rating Act 1997, s 31</p> <p>Local Government and Rating Act 1997, s 31</p>
Delegated Functions	<p>Power to assume a function delegated by another authority</p> <p>Power to ensure effective discharge of Council functions</p> <p>Power to employ someone to carry out Council functions</p>	Local Government Act 1972 ss. 101, 111 and 112

Drainage	Power to deal with ponds/ditches	Public Health Act 1936, s. 260
Education	Right to appoint governors of primary schools	School Standards and Framework Act 1988, para 15 of Sch.10
Entertainment and the Arts*	Provision of entertainment and support of the arts including festivals and celebrations	Local Government Act 1972, s 145
Environment	Power to act for the benefit of the community by tackling and promoting awareness of environmental issues	Local Government Act 1972, ss 111 and 137
Flagpoles	Power to erect flagpoles in highways	Highways Act 1980, s 144
“Free Resource”	Power to incur expenditure not otherwise authorised on anything which in the council’s opinion is in the interests of the area or part of it or all or some of the inhabitants	Local Government Act 1972, s 137
Gifts	Power to accept	Local Government Act 1972 s 139
Highways	<p>Power to repair and maintain footpaths and bridleways</p> <p>Power to light roads and public places</p> <p>Provision of litter bins</p> <p>Power to provide parking places for vehicles, bicycles and motorcycles</p> <p>Power to make a dedication agreement for a new highway or widening of an existing highway</p> <p>Power to provide roadside seats and bus shelters</p>	<p>Highways Act 1980, ss 43 and 50</p> <p>Parish Councils Act 1957 s 3: Highways Act 1980, s 301: Local Government Act 1972, Sched. 14 para 27</p> <p>Litter Act 1983, ss 5 and 6</p> <p>Road Traffic Regulation Act 1984, s 57</p> <p>Highways Act 1980. ss 30 and 72</p> <p>Parish Councils Act 1957, s 1</p>

	<p>Consent of Parish Council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway</p> <p>Power to complain to district councils regarding the protection of rights of way and roadside wastes</p> <p>Power to provide traffic signs and other notices</p> <p>Power to plant trees, etc., and to maintain roadside verges</p> <p>Power to prosecute for unlawful ploughing of a footpath or bridleway</p>	<p>Highways Act, 1980 ss 47 and 116</p> <p>Highways Act 1980, s 130 (6)</p> <p>Road Traffic Regulation Act 1984, s 72; Countryside Act 1968</p> <p>Highways Act 1980, s 96</p> <p>Highways Act 1980, s 134</p>
Interests	Duty to declare an interest	Local Government Act 1972 s 94
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1962, s 11
Land	<p>Power to acquire land by agreement, to appropriate land and to dispose of</p> <p>Power to accept gifts of land</p> <p>Power to acquire land by compulsory purchase</p> <p>Power to obtain particulars of persons interested in land</p> <p>Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them</p>	<p>Local Government Act 1972, ss 124, 126 and 127</p> <p>Local Government Act 1972 s 139</p> <p>Local Government Act 1972, s 125</p> <p>Local Government (Miscellaneous Provisions) Act 1976, s 16</p> <p>Public Health Act 1875, s 16; Local Government Act 1972, Sched. 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19</p>

Lighting	Power to light roads and public places	Parish Councils Act 1957, s 3; Highways Act 1980, s 301
Litter* and dog fouling	Provision of receptacles Obligated to keep own land free of litter and dog faeces Dogs and dog fouling in parks and open spaces	Litter Act 1983, ss 5 and 6 Environmental Protection Act 1990; Litter (Animal Droppings) Order 1991 Public Health Act 1875 s 164 Open Spaces Act 1906 s 15
Lotteries	Power to promote	Lotteries and Amusements Act 1976, s 7
Meetings	Duty to hold annual parish meeting Duty to hold annual parish council meeting Power to convene a parish meeting	Local Government Act 1972 Sch 12 para 23 Local Government Act 1972 Sch 12 para 7 Local Government Act 1972 Sch 12 para 14
Mortuaries and post-mortem rooms	Powers to provide mortuaries and post-mortem rooms	Public Health Act 1936, s 198
Nature Reserves	Power to designate statutory to the nature reserves and marine nature reserves – English Nature can designate sites of specific scientific interest Powers to make management agreements with landowners and the English Nature to manage council-owned reserve land as a nature reserve	National Parks and Access Countryside Act 1949, ss 15, 16 and 21; The Wildlife and Countryside Act 1982, ss 36 and 39 and Sched.12
Newsletters	Power to provide information relating to matters affecting local government	Local Government Act 1972 s 142
Nuisances*	Power to deal with offensive ditches, ponds and gutters	Public Health Act 1936, s 260 Public Health Act 1875, s 164

Open Spaces	<p>Power to acquire land and maintain</p> <p>Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces, and to manage and control them.</p>	<p>Open Spaces Act 1906, ss 9 and 10; Commons Act 1899</p> <p>Public Health Act 1875, s 164; Local Government Act 1972, Sched 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19.</p>
Parish Property, Records and Documents	Powers to direct as to their custody	Local Government Act 1972, s 226
Parking Facilities	Power to provide parking places for motor vehicles, motorcycles and bicycles	Road Traffic Regulation Act 1984, ss 57 and 63
Parks, pleasure ground	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds, and open spaces and to manage and control them.	<p>Public Health Act 1875, s 164; (Local Government Act 1972, Sched 14 para 27);</p> <p>Public Health Acts Amendment Act 1890, s 44;</p> <p>Open Spaces Act 1906, ss 9 and 10</p>
Planning	Right to be notified of and power to respond to planning applications	<p>Town and Country Planning Act 1990, Sched. 1 para 8;</p> <p>Local Government Act 1972, Sched. 15 para 20.</p>
Postal and telecommunications facilities	Power to pay telecommunications operators any loss sustained in providing post or telegraph office or telecommunications facilities	<p>Post Office Act 1953, s 51;</p> <p>Telecommunications Act 1984, s 97</p>
Public Buildings and Village Halls	Power to provide buildings for offices and for public meetings and assemblies	Local Government Act 1972 s 133
Public Conveniences	Power to provide	Public Health Act 1936, s 87
Public Enquiries	Power to make representations at public enquiries	Local Government Act 1982, s 222

Publicity	Power to publicise council and local authority functions	Local Government Act 1982, s. 142
Raising of Finances	Power to raise money through the precept	Local Government Act 1982, s 150
Records	Power to collect, exhibit and purchase local records	Local Government Act (Records) Act 1962 ss 1 and 2
Recreation*	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds, and open spaces and to manage and control them.	Public Health Act 1875, s 164; (Local Government Act 1972, Sched 14 para 27); Public Health Acts Amendment Acts 1890, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19; Commons Act 1899
	Power to provide gymnasiums, playing fields, holiday camps	-ditto-
	Provision of boating pools	Public Health Act 1962, s 54
	Power to provide a wide range of recreational facilities	Public Health Act 1961, s 54
Seats and Shelters*	Power to provide roadside seats and shelters	Parish Councils Act 1957, s 1
Telecommunications facilities	Power to pay BT or any other telecommunications operator any loss sustained in providing telecommunications facilities	Telecommunications Act 1984
Tourism*	Power to contribute to the encouragement of tourism	Local Government Act 1972, s. 144
Town and Country Planning	Right to be notified of planning applications	Town & Country Planning Act 1990, Sched. 1 para 8
Town Status	Power to adopt town status	Local Government Act 1972, ss 245 and 245B
Traffic Calming	Power to contribute to the cost of traffic calming measures	Highways Act 1980, s 274a
Training	Power to train Councillors	Local Government Act 1972. s 175.

Transport*	Power to (a) establish car sharing schemes (b) make grants for bus services, (c) provide taxi-fare concessions; (d) investigate public transport, road use and needs; (e) provide information about public transport services Community Transport Schemes	Local Government and Rating Act 1997, s 26-29
Village greens*	Power to maintain, to make bylaws for and to prosecute for interference with village greens	Open Spaces Act 1906, s 15 Enclosure Act 1857, s 12, Commons Act 1876, s 29
Village Signs	Power to use decorative signs to inform visitors	Local Government Act 1972 s 144
War Memorials	Power to maintain, repair, protect and adapt war memorials	War Memorials (Local Authorities Powers) Act 1923, s 1 as extended by Local Government Act 1948, s 133.
Water Supply	Power to utilise any well, spring or stream and to provide facilities for obtaining water from them	Public Health Act 1936, s 125

Evidence of Town Clerk's Appropriate Qualification



With Congratulations

This is to certify that

Laura Smith

Has been awarded

20 Credits at Level 3

on a programme entitled

Certificate in Local Council Administration

provided by

Society of Local Council Clerks/SLCC Enterprises

Unit Title	Unit Code	Credit(s)	Level
Core Roles in Local Council Administration	AC3/3/SO/002	3	3
Law and Procedures for Local Councils	AC3/3/SO/005	5	3
Finance for Local Councils	AC3/3/SO/003	5	3
Management for Local Councils	AC3/3/SO/001	2	3
Community Engagement	AC3/3/SO/004	5	3

* Please note that the unit(s) listed above are not regulated by Ofqual

*Phil Wilkinson*Phil Wilkinson
Ascentis Chief Executive

Learner Number 1276921

Certificate Number 7341650
Date of Issue 07 Dec 2022

Evidence of Proportion of members elected

All members have been elected, exceeding the required level of two thirds.

Recommendation:

It is recommended that Macclesfield Town Council:

1. Agree eligibility to adopt the Power.
2. Confirms its adoption of the Power of General Competence with immediate effect.