

# Pillaton Parish Council

Christopher Cook (CILCA)  
Clerk to Pillaton Parish Council  
24 Rashleigh Avenue, Saltash  
Cornwall, PL12 4NS  
e mail: stop5656@gmail.com  
☎: 07523 005414

## **General Power of Competence (GPC) – Eligibility**

### **Forward**

For Councils to have the confidence to act with innovation and creativity for the benefit of their Community, the Government included a General Power of Competence (GPC) clause in the Localism Act 2011 (Part 1, Chapter 1, ss 1-8). This was brought into force in April 2012 under SI 965 of the Prescribed Conditions Order 2012.

The conditions for eligibility are set out in the Statute for Parish Councils under the (General Power of Competence) (Prescribed Conditions) Order 2012. The legislation provides eligible Councils with the power to “do anything that individuals generally may do”, as long as no other Laws are broken.

The Government considers that under ‘accountability’ in the form of an electoral mandate and access to proper advice from a suitably qualified Parish Clerk these are key elements of the conditions.

### **Conditions for Eligibility**

#### **1. Resolution**

The Parish Council must resolve at a meeting that it meets the criteria for eligibility relating to the electoral mandate and professional training of the Clerk.

The resolution may be passed at any meeting of the Council, but a further resolution must be passed at every subsequent particular ‘Annual Meeting’ to enable the Council to qualify and exercise the (GPC). A particular ‘Annual Meeting’ means the Annual Meeting that takes place in a year of ordinary local elections (once every four years).

Should the Council lose its qualified Clerk or has insufficient elected Councillors then it must record its ineligibility at the next Annual Meeting (following the ordinary election year). The Council, had it already started a project or activity is entitled to complete it but not to commence anything new (paragraph 3(3) of the Order).

#### **2. Electoral mandate**

At the time of the resolution being passed, at least two thirds of the members of the Council must hold office because of being declared elected. Being elected constitutes standing for an election, either ordinary or by-election, even if unopposed, and had not been co-opted or appointed.

For Pillaton Parish Council with 7 Councillors, two thirds represent 4.6, therefore the number of Councillors who must be elected is 5.



Chair: Councillor Dave Dolley  
Vice: Councillor Roger Warne  
Councillors: Shirley Floyd - Chris Ley --  
- Peter Johnson, Graham Moore, Ivan Bunkum.



# Pillaton Parish Council

## 3. Qualified Clerk

At the time of the resolution being passed the Clerk must hold an eligible qualification: -

- Certificate in Local Council Administration (CiLCA)
- Certificate of Higher Education in Local Policy **AND** pass the CiLCA module relating to the (GPC)

### **Eligibility recording**

Once a resolution has been made at a full council meeting that the criteria for eligibility has been met/agreed at the time then the Minutes must record this resolution. Should the Council not wish to exercise the (GPC) it is not obliged to do so.

Eligibility remains in place until the next particular 'Annual Meeting' even if the conditions of the eligibility criteria have changed. Should the Council lose its qualified Clerk or have insufficient number of elected Councillors it must record its ineligibility at the next relevant Meeting

1<sup>st</sup> May 2024 draft document

Christopher Cook – Parish Clerk & RFO  
24 Rashleigh Avenue Saltash PL12 4NS Tel 07523 005414



Chair: Councillor Dave Dolley  
Vice: Councillor Roger Warne  
Councillors: Shirley Floyd - Chris Ley --  
- Peter Johnson, Graham Moore, Ivan Bunkum.

