



## Item 23

Council - 14 November 2024

### General Power of Competence (GPoC) Declaration

#### 1. Introduction

- 1.1 The Local Government & Elections (Wales) Act 2021 (Part 2, Chapters 1 & 2) <https://www.legislation.gov.uk/asc/2021/1/part/2> outlined the eligibility for a Community Council to have the General Power of Competence (GPoC).
- 1.2 The GPoC permits qualifying authorities to do “anything that an individual generally can do”. It is a power of first resort which means that a qualifying authority does not need to rely on specific powers in legislation to do something, so long as what is intended is not otherwise prohibited. The use of the GPoC is subject to restrictions and legal requirements which are outlined in the Statutory Guidance. <https://www.gov.wales/sites/default/files/publications/2022-08/statutory-guidance-for-community-and-town-councils.pdf>
- 1.3 Further information relating to GPoC is available on the Society of Local Council Clerks website. <https://www.slcc.co.uk/qualifications/the-general-power-of-competence-gpoc-wales/>

#### 2. What is the General Power of Competence (GPoC)

- 2.1 The GPoC enables eligible Community Councils to act in their communities' best interests, generate efficiencies and secure value for money outcomes. The general power of competence gives eligible community councils the same powers to act that an individual generally has, thus enabling them to do similar sorts of things.
- 2.2 The GPoC allows an eligible Community Council to engage in commercial activity if it sets up a company or co-operative society for this purpose. The kinds of activities that the GPoC could be used for includes:
  - Lending or investing money e.g. to support village or town activities, or to support and generate local businesses.
  - Providing discretionary support and activities e.g. taking over youth facilities or offering organised support (such as reading/numeracy assistants to schools).
  - Generating and selling green energy.
  - Building and providing a range of community facilities.

### **3. Eligibility for General Power of Competence (GPoC)**

3.1 The freedom of GPoC is available to Community Councils that meet three criteria for eligibility set out in the Local Government & Elections (Wales) Act 2021 (Part 2, Section 30). The criteria being:

- 1) At least two-thirds of the total number of members of the Council have been declared to be elected (including unopposed), whether at an ordinary election or at a by-election (section 30(2)).
- 2) The Clerk to the council holds such named qualification or certification as may be specified by the Welsh Ministers by regulations (section 30(3)).
- 3) The two most recent Auditor General for Wales (AGW) opinions on the Council's accounts are unqualified. The most recent must have been received in the previous 12 months (section 30(4)).

### **4. Eligibility Criteria 1**

4.1 Llangyfelach Community Council comprises of 9 Community Councillors. Seven (7) of the Councillors were elected unopposed at the Local Government Elections on 5 May 2022.

4.2 Two (2) of the Councillors were Co-opted. The Co-opted Councillors being:

- Councillor Julie Rees. Co-opted on 10 November 2022.
- Councillor Daniel Lorey. Co-opted on 12 October 2023.

4.3 Llangyfelach Community Council meets Eligibility Criteria 1 as at least 2/3 of its Councillors were declared to be elected.

### **5. Eligibility Criteria 2**

5.1 Eligibility Criteria 2 is met as the Clerk holds the Certificate in Local Council Administration (CiLCA) qualification. He qualified CiLCA on 17 April 2023.

### **6. Eligibility Criteria 3**

6.1 Llangyfelach Community Council meets Eligibility Criteria 3 as the two most recent Auditor General for Wales (AGW) opinions on the Council's accounts are unqualified.

### **7. Declaring the General Power of Competence (GPoC)**

7.1 Providing a Community Council meets the three eligibility criteria, the Council can pass a formal resolution declaring that it has the General Power of Competence. It must also publish the decision on the Council's website within 7 working days of the resolution being passed.

### **8. Annual Review of Eligibility**

8.1 Once a Community Council has resolved itself to be an eligible Community Council, it will need to reaffirm on an annual basis that it continues to meet the eligibility criteria. A Council can do this by passing a resolution to this effect at its Annual Meeting.

- 9. Recommendation.** It is recommended that:
- 9.1 Llangyfelach Community Council declares that it has the General Power of Competence (GPoC).
  - 9.2 The decision be published on the Council's website within 7 working days.
  - 9.3 The declaration of GPoC be reviewed at the Annual Meeting of Council.

**Background Papers:** None

**Appendices:** None

**Huw Evans (PSLCC)**  
**Clerk of Llangyfelach Community Council**