

Cowes Town Council does not have the General Power of Competence and does meet the criteria required and this possibly could curtail our expenditure on certain projects.

GPC qualification criteria requires that:

1. We have the required number of elected Councillors; minimum is Eleven out of Sixteen
2. The Clerk must hold at least one of the sectors specific qualifications (CiLCA certified).

There are certain restrictions on what Cowes Town Council can do with funds as we do not have General Power of Competence.

GPC can be used for most of the activities of the council rather than for unusual one-off projects, the council cannot employ a Clerk on a short-term contract specifically for using the power.

If the council loses its qualified Clerk or has insufficient elected Councillors, then it must record its ineligibility at the next 'relevant' annual meeting of the council (after the ordinary election).

If it has already started an activity under GPC for which there is no other specific power, it remains eligible for the purpose of completing that activity, but it can't start anything new under the power until it is in a position to make the formal decision that it meets the criteria. The council must go back to identifying whether it has a specific power to act and use the restricted s137 if there is no appropriate specific power. When entering into a contract under GPC, a council should be cautious if the contract lasts beyond the next annual meeting when the council might no longer be eligible to use GPC. There is a risk of legal action if the council ends the contract unexpectedly. It is wise to seek legal advice when setting up the contract.

My understanding is that we can only spend approximately £11.00 per elector on services that are for public services without the GPC and it is possible that some of our outgoing may have to be put on hold.