
Report from Finance Advisory Group Chairman

Part 1: Section 137 Donation – First Responders

Part2: General Power of Competence – Charging for Services BPC may provide

Part 3:

Part 1: TO NOTE THE DISCRETION OF PARISH COUNCILS UNDER SECTION 137 AND DONATION OF £150 TO LOCAL FIRST RESPONDERS USING 2021-22 S137 FUNDS

Section 137 (1) of the Local Government Act 1972 is a statutory power. It gives **councils the power 'to incur expenditure for purposes not otherwise authorised.** ... S137 was amended in s36 of the Local Government and Housing Act 1989. The amendment stipulates that expenditure and benefit must be balanced.

The Grafham Water-based First Responders Service supports the East Anglian Ambulance Trust (EAAT) by providing additional, trained volunteer personnel who will respond to emergencies in our local area to supplement the Ambulance Trust capacity.

- This part of the NHS East Anglia Ambulance Trust (EAAT) First Responders network covers Buckden and a number of other villages in our area.
- This service helps the BPC Clerk with the management of the two BPC-owned defibrillators within Buckden village boundaries

We have received a request for a small donation to support the work of this service. See Finance Report January 2022 Appendix – Application form.

To note a payment of £150 as a donation to Grafham-based First Responders Service under the Council's Section 137 powers.

Part 2: TO NOTE THE PREREQUISITES FOR A PARISH COUNCIL TO EXERCISE "THE GENERAL POWER OF COMPETENCE" AND HOW THEY AFFECT BPC AND CHARGING FOR SERVICES

The General Power of Competence (GPC) was introduced by the Localism Act 2011 and took effect in February 2012. In simple terms, it **gives councils the power to do anything an individual can do provided it is not prohibited by other legislation.**

For BPC it would give us the right to charge for services to contribute to BPC income for projects or reserves. However, at the current time BPC does not meet two of the three criteria required for it to use General Power of Competence.

Current charges for Cemetery- and Allotments-related activities are permitted under separate legislation.

To be able to exercise the General Power of Competence any local (Town or Parish) council must comply with all of the following:

1. The council has resolved at a meeting of the council and each subsequent relevant annual meeting that it meets the conditions in paragraph 2.
2. (1) At the time a resolution under paragraph 1 is passed —
(a) the number of members of the council that have been declared to be elected([1](#)), whether at ordinary elections or at a by-election, is equal to or greater than two-thirds of the total number of members of the council;

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(b) the clerk to the parish council holds one of the specified qualifications [our Clerk does] and

(c) the clerk to the parish council has completed the relevant training, unless such training was required for the purpose of obtaining a qualification of a description mentioned in paragraph (b).

(2) For the purposes of this paragraph “relevant training” means training—

(a) in the exercise of the general power;

(b) provided in accordance with the national training strategy for parish councils adopted by the National Association of Local Councils, as revised from time to time.

Note (1) In relation to declaring a person to be elected, see the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 2006/3305), in particular, rules 14 and 50 of the Rules for Conduct of an Election of a Parish or community where the Poll is not taken together with Poll at another Election, and rules 14 and 50 of the Rules for Conduct of an Election of Councillors for a Parish or Community where the Poll is taken together with Poll at a relevant Election or Referendum.

The next Parish Council Elections are on 05 May 2022, with applications by prospective Councillors to be submitted to HDC offices by 4pm 05 April 2022.

- Provided at least 10 Councillors are elected to BPC and we pass a resolution at the May Council meeting, then we can exercise the General Power of Competence during the following 12 months.
- Once that is in place, Advisory Groups may bring forward charging proposals which are not currently permitted.
- Review of the number of elected Councillors must then be reviewed each year and a further resolution passed at the Annual (May) Council meeting if we still meet all criteria.

Advisory Groups are asked to read Appendix 2 – Fact Sheet on General Power of Competence^{1,2} before putting forward any charging proposals.

¹ With acknowledgement to Lincolnshire Association of Local Councils

² Reference: The Parish Councils (General Powers of Competence) (Prescribed Conditions) Order 2012
<https://www.legislation.gov.uk/ukdsi/2012/9780111519868/schedule>