

NETHER WALLOP PARISH COUNCIL

Review of the council’s expenditure incurred under section 137 or GPC.

Spending under <u>Section 137 of Local Government Act 1972.</u>						
04/05/2022	Nether Wallop Parish Council				Page 1	
18:08	Nominal Ledger Report by ACCOUNT				User :GAIL	
A/c Code	4240	s.137 Expenditure			Annual Budget	200
Centre	100	Administration				
	<u>Date</u>	<u>Reference</u>	<u>Source</u>	<u>Transaction Detail</u>	<u>Debit</u>	<u>Credit</u>
				Opening Balance	0.00	
	30/10/2021	BACS	Cashbook	Prizegiving 2 x £25	50.00	
		Account s.137 Expenditure		Account Totals	50.00	0.00
		Centre Administration		Net Closing Balance	50.00	
Spending under the <u>General Power of Competence.</u>						
NONE – see explanation below.						

The Council does not yet have the right to declare the General Power of Competence.

Summary:	GPC is known as the Power of first resort meaning that a Clerk does not need to check if a Council has the power to perform a function, he/she must only check that Council is not prohibited to so do by other legislation.
Legislation:	Localism Act 2011, Part 1, Chapter 1, sections 1 to 8 S.I. 2012 no. 965
Permits:	Council to “do anything that individuals generally may do” subject to: 1. The function not contravening a pre/post commencement limitation ¹ 2. No alteration of the discharge of functions per LGA 1972 part VI (committees & officers) ² 3. Limitations on any charges made for a function ³
Process to confirm & re-affirm eligibility.	The council resolves at a <i>meeting</i> ⁴ of the council and each subsequent <i>relevant annual meeting</i> ⁵ that it meets the eligibility criteria.
Eligibility Criteria:	A) the number of elected ⁶ members of the council ⁷ is equal to or greater than two-thirds of the total number of members of the council ⁸ ; B) the clerk to the parish council is suitably qualified ⁹ . NOTE: the CLERK IS QUALIFIED but the COUNCIL IS NOT.

¹ Localism Act 2011, Part 1, Chapter 1, sections 2 (2)

² Localism Act 2011, Part 1, Chapter 1, sections 2 (3) a

³ Localism Act 2011, Part 1, Chapter 1, sections 3

⁴ This can be any Full Council meeting throughout the year and need not be an election year.

⁵ “relevant annual meeting” means an annual meeting that takes place in a **year of ordinary elections** of parish councillors. Renewal is every four years rather than annually.

⁶ Co-opted are not counted

⁷ Those that are still members at the time of the meeting, (i.e. any resigning since the elections don’t count)

⁸ If this is not a whole number, then it must always be rounded up to the nearest whole number.

⁹ SI 2012 No.965 Article 2, 2 s1.(b)+(c) & 2.