



FILTON TOWN COUNCIL

ELM PARK | FILTON | SOUTH GLOUCESTERSHIRE | BS34 7PS

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Town Clerk: Lesley Reuben

Tel: 01454 866698

FULL COUNCIL MEETING (Finance & General Purposes) – All Town Council Members

3rd September 2020

Dear Member

You are hereby summoned to A VIRTUAL meeting of the FULL COUNCIL (FINANCE & GENERAL PURPOSES) will be held on Tuesday 8th September 2020 at 7pm.

Join Zoom Meeting

<https://us02web.zoom.us/j/82003638073?pwd=UEpvVUdjWDIhUHU1Lzgz4T3p2aVNDUT09>

Meeting ID: 820 0363 8073

Passcode: 790951

Dial by your location

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Meeting ID: 820 0363 8073

Passcode: 790951

Yours sincerely,

L.A.Reuben
Town Clerk.

Public and press are welcome to view all council meetings - member of the public joining the meeting will need to identify themselves and will be muted throughout the meeting unless invited to speak.

A G E N D A

Part 1

1. Apologies for Absence
2. Declarations of Interest
3. To approve the Minutes of the meeting held 14th July 2020 (pages 1-2)
4. Matters of report arising from the minutes not otherwise covered by the Agenda
5. Public Participation – need to be sent in to clerk 48 hrs prior to meeting
6. That Filton Town Council resolve to adopt the 'General Power of Competence'
7. Review of Services – working group
8. MUGA – quotes for information, to agree on public consultation process (page 3)
9. Fencing issues (page 4)
10. Income & Expenditure Reports Month 4 (pages 5-13)
11. Balance Sheet Month 4 (pages 14-15)
12. Payments for information up to date (page 16)

Part 2 – Excluding Press and Public

13. Staffing Committee minutes of the meeting held 7th July 2020 (page 17)

Minutes of the virtual meeting of the **FULL COUNCIL FINANCE & GENERAL PURPOSES** held on Tuesday 14th July 2020 on **ZOOM CONFERENCE CALLING**

PRESENT: Cllrs: - M Chaudhry (Chair), K Briffett, D Collins, A Doyle, A Kenyon, T Mewies, A Monk, I Scott, A Robinson, J Tucker, C Wood

ALSO PRESENT: L Reuben (Town Clerk) N Gould (Town Council Support Officer) C Westcott (Administrator) Derek Kemp (Accounting Solutions)

APOLOGIES: Cllrs: - B Mead, A Johnstone

NON ATTENDANCE:- Cllrs:-

F.104 APOLOGIES FOR ABSENCE: Cllrs apologies were noted.

F.105 DECLARATION OF INTEREST: There were none.

F.106 PRESENTATION OF FINANCIAL STATEMENTS: Derek Kemp (Accounting Solutions) presented the end of year accounts and informed Councillors that the 2019/2020 financial year ended in deficit but not as bad as was previously predicted. At presented the accountants do not have enough data to show how the current situation (Covid19) has had on Filton Town Council finances. It was noted that whilst the Council continued to receive furlough payments for staff, the finances were in a sustainable position. The accountant confirmed he would be keeping a close eye on the monthly finances and will be reporting back with updated figures in a couple of months. It was also agreed the accountants would provide a month by month breakdown vs the previous two years.

F.107 MINUTES: The minutes of the meeting held Tuesday 09th June 2020 were approved as an accurate record after noting that F.099 should read "could be" instead of "will be".

F.108 MATTERS OF REPORT ARISING FROM MINUTES:

F.102 Boundary issue.

The Town Clerk updated on a meeting held with the property owner. The community garden Chair had suggested a new boundary line, slightly different to that suggested by the surveyor. The property owner seemed happy with this although official confirmation of this was still awaited.

Cllr Kenyon joined the meeting at 7.20pm

F.109 TO COMPLETE THE ANNUAL GOVERNANCE STATEMENT:

Councillors talked through each statement; Points 1-8 were agreed by the majority. point 9 is N/A. It was agreed to bring a summary report of all risks to each Finance meeting.

Action: Town Council Office

F.110 TO ADOPT THE 2019/2020 FINANCIAL STATEMENTS: It was unanimously **Agreed:** to adopt the financial statements.

F.111 PUBLIC PARTICIPATION: None received.

F.112 REVIEW OF SERVICES: The Town Clerk updated that the consultant was now engaged to soft test the market. It was noted that a small working group needs to be set up for him to report back to, it was agreed councillors D Collins, C Wood, A Doyle, M Chaudhry, T Mewies and A Monk would sit on that group.

F.113 INCOME & EXPENDITURE REPORTS: The reports were noted. It was noticed that there were anomalies with electricity figures in 101. The Town Clerk advised that this was a coding error but would confirm at the next meeting.

F.114 BALANCE SHEET: The report was noted.

F.115 PAYMENTS FOR INFORMATION: The document was noted.

F.116 TOWN CLERK UPDATE:

i) Ratepayers Arms Update: The Town Clerk updated councillors on the re-opening of the bar, it was noted that the Ratepayers had opened on Friday 10th July on reduced hours and with a reduced drinks menu. A graph was presented showing the first 3 days sales and costs including staffing. Councillors asked if the graphs could include more detail like the cost of utilities. The Town Clerk was asked to investigate extending the licenced boundary to include the green space at Elm Park so residents could sit outside with drinks.

Action: Town Clerk

ii) Leisure Centre Update: The Town Clerk advised that 4 members of the pool team were now flexibly furloughed and working on a part time basis to pull a plan together for the opening of the Leisure Centre. It is hoped that this will be able to happen at the end of July.

The Chair closed the meeting at 8.10pm

Company	Removals and Groundworks	£	Supply/Install/Bespoke Arena	£	Project Preliminaries	£	Sub Total	Discount	Total Cost, inc VAT	Addendum	£
1	Remove and dispose of existing fencing	2,130	Free to play multi use area	24,885	Temporary fencing	600	148,067.00	-26,552.06	124,047.00		
	Repairs to perimeter wall	3,295	Installation of area	32,443	Storage	450					
	Improving surface drainage	2,797	Sports Bullsseye panel	305	Temporary hire of welfare facilities	350					
	overlay existing surface with Courtmaster	47,545	Installation	70	Post installation inspection	575					
	Great DDA Ramp and associated works To link play to play areas	4,635	Star target panel	208	Carriage	2,632.06					
			Installation	70							
			Sniper Sports Panel	246							
			Installation	70							
			Multi sports system	131							
			Installation	25							
		Wall sports panel 1-10	418								
		Installation	279								
		Fixing park for panels	54								
		Allowance for thermographics	3,883								
		Pay to play Area	26,112								
		Installation	13,056								
		Allowance for thermographics	3,157								
2	Provide and lay dense base course	40,250	Supply x2 Arena ball courts. Playing zone	64,434	Site Security/Welfare/Storage	2,553.42	141,089.46	-21,139.46	119,950.00	Breakout and remove from site 190 metre of Welfare Costs	2,360
	Supply/install stone to regulate	9,200	Line markings	3,516	Carriage	3,866.04					850
3	Installation of hard dig	16,880			Post installation inspection	350					
	Heras fencing, upload, erect, dismantle	327.5	Multi-sport arena x2	80,240	Post installation inspection	565					
	Heras fencing delivery/collection	133.47	Installation	16,504	Freight	8,826.40			131,558.55		
	Heras fencing hire per week	266									
	Skip hire x2	868.32									
	Telehandler hire 1 week	705.48									
	Site welfare 4 weeks	352.74									
	Storage container	843.32									

Elm Park

During the last football season, we received a number of complaints regarding damage to the fence to the rear of the properties in Elm Park (top pitch). Resulting in a number of balls entering their property with risk of damage to their cars, greenhouses etc plus the annoyance of players retrieving their footballs. Quotes to the replace the fence were obtained at that time. However, FTC were undergoing a 'no spend' at that time due to council's financial position and a promise was made to review the situation in the new financial year.

The property owners have been very sympathetic to the council's financial restraints but with the football teams restarting it is paramount that this is revisited as a matter of urgency.

The quotes will need to re-assessed but are currently ..

Quote 1 £1,430.00 + VAT

Quote 2 £1,140.00 + VAT

Gloucester Rd North/Community Garden

You will all be aware of the problem with the fences at the rear of the properties on Glos Rd North which borders the community garden.

I have had regular contact with each of the property owners who are not in a position to replace their fences during these unprecedented times. We would not normally get involved in replacing or repairing private fences and there is no legal obligation for them to provide a boundary fence unless directly onto a highway or onto a railway line. Fences are normally erected to protect private property or for cosmetic reasons. Filton Community Garden group have replaced fence panels there over the years and have also experienced ongoing problems as the panels are often damaged due to the wind tunnel. It has also been established that the boundary has previously been compromised as boundary line at the back of these properties is not a straight line which also causes problems.

It is my recommendation to council that FTC take charge of the situation once and for all and erect a chain link fence within the council's boundary. The property owners are all happy for the new boundary line to be registered with the Land Registry for the avoidance of problems if they should sale their properties.

At the time of writing this report I am currently on leave but quotes are currently being obtained and I am informed that they are estimated to be in the region of £2,000 - £2,500.

Please can council advise if you wish me to proceed on this basis.

Lesley Reuben
Town Clerk

Detailed Income & Expenditure by Budget Heading 01/09/2020

Month No: 4

Cost Centre Report

	Actual Current Mth	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
<u>101 Leisure Centre - General</u>								
1001 RENT RECEIVED	0	0	1,583	1,583			0.0%	
1010 Pavillion Hire	0	150	6,500	6,350			2.3%	
1011 HALL BLOCK BOOKINGS	0	0	3,000	3,000			0.0%	
1013 EQUIPMENT HIRE INCOME	0	0	25	25			0.0%	
1054 Softplay Income	0	(216)	10,000	10,216			(2.2%)	
1080 MISCELLANEOUS INCOME	0	0	500	500			0.0%	
1088 HMRC JRS Grant	30,442	79,564	0	(79,564)			0.0%	
Leisure Centre - General :- Income	<u>30,442</u>	<u>79,498</u>	<u>21,608</u>	<u>(57,890)</u>			<u>367.9%</u>	<u>0</u>
4001 SALARIES & WAGES	33,464	129,201	554,509	425,308		425,308	23.3%	
4003 COST OF TRAINING COURSES	0	0	1,000	1,000		1,000	0.0%	
4006 PROTECTIVE CLOTHING	0	0	1,000	1,000		1,000	0.0%	
4008 TRAINING	0	0	1,000	1,000		1,000	0.0%	
4011 RATES	6,246	12,496	62,800	50,304		50,304	19.9%	
4014 ELECTRICITY	164	783	2,500	1,717		1,717	31.3%	
4015 GAS	262	689	4,500	3,811		3,811	15.3%	
4016 JANITORIAL	566	720	5,500	4,780		4,780	13.1%	
4017 HEALTH & SAFETY	459	613	800	187		187	76.6%	
4018 REFUSE DISPOSAL	991	2,857	7,500	4,643		4,643	38.1%	
4021 TELEPHONE & FAX	0	0	600	600		600	0.0%	
4023 STATIONERY/PRINTING	0	0	2,000	2,000		2,000	0.0%	
4025 INSURANCE	0	10,162	12,000	1,838		1,838	84.7%	
4030 RECRUITMENT ADVTG	0	0	1,000	1,000		1,000	0.0%	
4032 PUBLICITY	0	0	3,000	3,000		3,000	0.0%	
4035 SECURITY COSTS	(354)	780	8,000	7,220		7,220	9.8%	
4036 PROPERTY MAINTCE	772	1,008	10,000	8,992		8,992	10.1%	
4038 MAINTENANCE CTRCTS	0	423	8,000	7,577		7,577	5.3%	
4040 EQUIPMENT & SMALL TOOLS	313	313	1,500	1,187		1,187	20.9%	
4042 EQUIPMENT MAINTCE	75	75	500	425		425	14.9%	
4051 BANK CHARGES	150	167	5,000	4,833		4,833	3.3%	
4069 Irrecoverable VAT	0	0	10,000	10,000		10,000	0.0%	
4115 LICENCES	0	0	450	450		450	0.0%	
Leisure Centre - General :- Indirect Expenditure	<u>43,107</u>	<u>160,287</u>	<u>703,159</u>	<u>542,872</u>	<u>0</u>	<u>542,872</u>	<u>22.8%</u>	<u>0</u>
Net Income over Expenditure	<u>(12,665)</u>	<u>(80,788)</u>	<u>(681,551)</u>	<u>(600,763)</u>				
<u>102 Leisure Centre - Swimming Pool</u>								
1012 Bouncy Castle Parties	0	0	500	500			0.0%	
1020 SWIMMING - PUBLIC	(33)	61	55,000	54,939			0.1%	
1021 SWIMMING - LESSONS	(42)	(42)	200,000	200,042			0.0%	

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Detailed Income & Expenditure by Budget Heading 01/09/2020

Month No: 4

Cost Centre Report

	Actual Current Mth	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
1022 SWIMMING - SCHOOLS	0	(690)	25,000	25,690			(2.8%)	
1023 SWIMMING - CLUBS	0	0	24,000	24,000			0.0%	
1024 SALES (STOCK) POOL	0	0	5,000	5,000			0.0%	
1025 Pool Parties	0	0	4,500	4,500			0.0%	
1027 Aqua Fit	0	0	6,000	6,000			0.0%	
1028 Lifeguard Courses	0	0	4,000	4,000			0.0%	
1099 TILL DISCREPANCIES	0	90	0	(90)			0.0%	
Leisure Centre - Swimming Pool :- Income	<u>(75)</u>	<u>(581)</u>	<u>324,000</u>	<u>324,581</u>			<u>(0.2%)</u>	<u>0</u>
4103 PURCHASES FOR RESALE	0	0	4,000	4,000		4,000	0.0%	
Leisure Centre - Swimming Pool :- Direct Expenditure	<u>0</u>	<u>0</u>	<u>4,000</u>	<u>4,000</u>	<u>0</u>	<u>4,000</u>	<u>0.0%</u>	<u>0</u>
4002 TEMPORARY & CASUAL STAFF	25	75	3,000	2,925		2,925	2.5%	
4008 TRAINING	188	116	2,000	1,884		1,884	5.8%	
4012 WATER RATES	0	3,585	20,000	16,415		16,415	17.9%	
4014 ELECTRICITY	2,362	8,560	30,000	21,440		21,440	28.5%	
4015 GAS	861	2,243	32,000	29,757		29,757	7.0%	
4017 HEALTH & SAFETY	0	0	1,500	1,500		1,500	0.0%	
4020 SUNDRY OFFICE & IT COSTS	320	320	3,500	3,180		3,180	9.1%	
4024 SUBSCRIPTIONS	0	0	300	300		300	0.0%	
4036 PROPERTY MAINTCE	100	100	2,500	2,400		2,400	4.0%	
4038 MAINTENANCE CTRCTS	0	208	2,400	2,192		2,192	8.7%	
4040 EQUIPMENT & SMALL TOOLS	0	0	500	500		500	0.0%	
4042 EQUIPMENT MAINTCE	1,280	1,280	30,000	28,720		28,720	4.3%	
4120 POOL CHEMICALS	0	136	4,500	4,364		4,364	3.0%	
4125 POOL PURCHASES NOT FOR RESALE	0	0	2,000	2,000		2,000	0.0%	
Leisure Centre - Swimming Pool :- Indirect Expenditure	<u>5,136</u>	<u>16,623</u>	<u>134,200</u>	<u>117,577</u>	<u>0</u>	<u>117,577</u>	<u>12.4%</u>	<u>0</u>
Net Income over Expenditure	<u>(5,211)</u>	<u>(17,204)</u>	<u>185,800</u>	<u>203,004</u>				
<u>103 Leisure Centre - Pool Vending</u>								
1030 Vending Machine Income	0	0	500	500			0.0%	
Leisure Centre - Pool Vending :- Income	<u>0</u>	<u>0</u>	<u>500</u>	<u>500</u>			<u>0.0%</u>	<u>0</u>
Net Income	<u>0</u>	<u>0</u>	<u>500</u>	<u>500</u>				
<u>104 Leisure Centre - Bar</u>								
1001 RENT RECEIVED	775	2,275	8,700	6,425			26.1%	
1031 MACHINE INCOME	0	0	800	800			0.0%	
1032 Tickets	0	0	700	700			0.0%	
1040 BAR INCOME - LOUNGE	3,103	3,353	125,000	121,648			2.7%	
1041 BAR INCOME - HALL	0	0	13,000	13,000			0.0%	

Detailed Income & Expenditure by Budget Heading 01/09/2020

Month No: 4

Cost Centre Report

	Actual Current Mth	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
1049 CAFE INCOME	0	0	3,500	3,500			0.0%	
1056 FUNCTION ROOM HIRE	0	110	750	640			14.7%	
1088 HMRC JRS Grant	4,083	12,553	0	(12,553)			0.0%	
1095 INSURANCE CLAIM	0	8,802	0	(8,802)			0.0%	
1099 TILL DISCREPANCIES	5	(105)	0	105			0.0%	
Leisure Centre - Bar :- Income	7,966	26,988	152,450	125,462			17.7%	0
4101 PURCHASES - WET STOCK	38	509	55,900	55,391		55,391	0.9%	
4102 PURCHASES - DRY STOCK	0	86	3,000	2,914		2,914	2.9%	
4109 PURCHASES - CAFE	0	0	2,000	2,000		2,000	0.0%	
Leisure Centre - Bar :- Direct Expenditure	38	594	60,900	60,306	0	60,306	1.0%	0
4001 SALARIES & WAGES	5,146	17,379	86,114	68,735		68,735	20.2%	
4008 TRAINING	0	0	500	500		500	0.0%	
4020 SUNDRY OFFICE & IT COSTS	0	53	0	(53)		(53)	0.0%	
4036 PROPERTY MAINTCE	0	0	3,000	3,000		3,000	0.0%	
4038 MAINTENANCE CTRCTS	160	146	305	159		159	47.8%	
4040 EQUIPMENT & SMALL TOOLS	14	14	400	386		386	3.5%	
4041 EQUIPMENT HIRE	0	532	6,000	5,468		5,468	8.9%	
4051 BANK CHARGES	0	0	500	500		500	0.0%	
4060 OTHER PROF FEES	0	200	1,200	1,000		1,000	16.7%	
4104 BAR SUNDRIES	0	0	500	500		500	0.0%	
4110 PROMOTIONS	0	0	3,500	3,500		3,500	0.0%	
4115 LICENCES	0	258	1,500	1,242		1,242	17.2%	
4116 GAMING MACHINE DUTY	0	0	350	350		350	0.0%	
Leisure Centre - Bar :- Indirect Expenditure	5,320	18,582	103,869	85,287	0	85,287	17.9%	0
Net Income over Expenditure	2,608	7,812	(12,319)	(20,131)				
105 Leisure Centre - Indoor Sports								
1050 BADMINTON FEES	0	0	1,500	1,500			0.0%	
1051 SNOOKER FEES	0	0	5,000	5,000			0.0%	
1052 PARTY ROOM HIRE	0	0	3,000	3,000			0.0%	
1053 SKITTLE ALLEY	0	0	200	200			0.0%	
Leisure Centre - Indoor Sports :- Income	0	0	9,700	9,700			0.0%	0
4014 ELECTRICITY	36	50	12,000	11,950		11,950	0.4%	
4036 PROPERTY MAINTCE	0	0	4,000	4,000		4,000	0.0%	
4038 MAINTENANCE CTRCTS	0	0	1,000	1,000		1,000	0.0%	
Leisure Centre - Indoor Sports :- Indirect Expenditure	36	50	17,000	16,950	0	16,950	0.3%	0
Net Income over Expenditure	(36)	(50)	(7,300)	(7,250)				

Detailed Income & Expenditure by Budget Heading 01/09/2020

Month No: 4

Cost Centre Report

	Actual Current Mth	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
<u>106 Leisure Centre - Outdoor Sport</u>								
1060 GRASS INCOME	0	0	4,590	4,590			0.0%	
1061 OUTSIDE COURTS	0	0	100	100			0.0%	
1063 Petanque Income	0	(6)	125	131			(5.0%)	
Leisure Centre - Outdoor Sport :- Income	0	(6)	4,815	4,821			(0.1%)	0
4014 ELECTRICITY	0	167	250	83		83	66.9%	
Leisure Centre - Outdoor Sport :- Indirect Expenditure	0	167	250	83	0	83	66.9%	0
Net Income over Expenditure	0	(174)	4,565	4,738				
<u>201 Playing Fields</u>								
1201 Field Hire Income	0	0	2,500	2,500			0.0%	
Playing Fields :- Income	0	0	2,500	2,500			0.0%	0
4037 GROUNDS MAINTENANCE	0	0	2,250	2,250		2,250	0.0%	
4115 LICENCES	0	0	250	250		250	0.0%	
Playing Fields :- Indirect Expenditure	0	0	2,500	2,500	0	2,500	0.0%	0
Net Income over Expenditure	0	0	0	0				
<u>202 Play Areas</u>								
4037 GROUNDS MAINTENANCE	0	478	1,000	522		522	47.8%	
4042 EQUIPMENT MAINTCE	0	111	1,000	890		890	11.1%	
Play Areas :- Indirect Expenditure	0	589	2,000	1,412	0	1,412	29.4%	0
Net Expenditure	0	(589)	(2,000)	(1,412)				
<u>203 Millennium Green</u>								
1001 RENT RECEIVED	0	0	1,500	1,500			0.0%	
Millennium Green :- Income	0	0	1,500	1,500			0.0%	0
4037 GROUNDS MAINTENANCE	0	0	500	500		500	0.0%	
Millennium Green :- Indirect Expenditure	0	0	500	500	0	500	0.0%	0
Net Income over Expenditure	0	0	1,000	1,000				
<u>204 Allotments</u>								
1001 RENT RECEIVED	45	45	1,000	955			4.5%	
Allotments :- Income	45	45	1,000	955			4.5%	0
4012 WATER RATES	0	33	400	367		367	8.3%	

Detailed Income & Expenditure by Budget Heading 01/09/2020

Month No: 4

Cost Centre Report

	Actual Current Mth	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
4013 RENT	0	0	275	275		275	0.0%	
4037 GROUNDS MAINTENANCE	0	0	250	250		250	0.0%	
Allotments :- Indirect Expenditure	0	33	925	892	0	892	3.6%	0
Net Income over Expenditure	45	12	75	63				
301 Roads & Highways								
4080 STREET CARE (ex S Glos)	0	781	3,124	2,343		2,343	25.0%	
Roads & Highways :- Indirect Expenditure	0	781	3,124	2,343	0	2,343	25.0%	0
Net Expenditure	0	(781)	(3,124)	(2,343)				
302 Community Development								
1082 Filton Festival	(68)	(68)	2,500	2,568			(2.7%)	
Community Development :- Income	(68)	(68)	2,500	2,568			(2.7%)	0
4701 GRANTS - N BRISTOL ADVICE	0	0	500	500		500	0.0%	
4702 GRANTS - TWINNING ASS'N	0	0	300	300		300	0.0%	
4703 GRANTS - FOUR TOWNS TPT	0	0	1,000	1,000		1,000	0.0%	
4706 GRANTS - Four Towns Play Assoc	0	0	4,280	4,280		4,280	0.0%	
4707 GRANTS - YOUTH PROVISION	12,500	15,000	17,500	2,500		2,500	85.7%	
4708 GRANTS - COMM'Y PARTNERSHIP	0	0	3,500	3,500		3,500	0.0%	
4711 GRANTS - S137 GENERAL	0	0	6,500	6,500		6,500	0.0%	
4720 CHRISTMAS ACTIVITIES	0	0	3,000	3,000		3,000	0.0%	
4725 FILTON FESTIVAL	0	0	10,000	10,000		10,000	0.0%	
Community Development :- Indirect Expenditure	12,500	15,000	46,580	31,580	0	31,580	32.2%	0
Net Income over Expenditure	(12,568)	(15,068)	(44,080)	(29,013)				
801 Corporate Management								
4004 PENSION DEFICIT	(917)	(3,667)	(6,800)	(3,133)		(3,133)	53.9%	
Corporate Management :- Indirect Expenditure	(917)	(3,667)	(6,800)	(3,133)	0	(3,133)	53.9%	0
Net Expenditure	917	3,667	6,800	3,133				
802 Democratic Rep'n & Mgmt								
4007 COURSES/CONFERENCES	0	0	250	250		250	0.0%	
4009 TRAVEL	0	0	50	50		50	0.0%	
4024 SUBSCRIPTIONS	0	0	200	200		200	0.0%	
4028 ELECTION COSTS	0	0	2,500	2,500		2,500	0.0%	
4033 NEWSLETTER	75	138	3,000	2,863		2,863	4.6%	

Detailed Income & Expenditure by Budget Heading 01/09/2020

Month No: 4

Cost Centre Report

	Actual Current Mth	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
4065 MEETING COSTS	0	0	150	150		150	0.0%	
Democratic Rep'n & Mgmt :- Indirect Expenditure	75	138	6,150	6,013	0	6,013	2.2%	0
Net Expenditure	(75)	(138)	(6,150)	(6,013)				
803 Civic Expenses								
4066 CHAIRMANS ALLOWANCE	0	0	950	950		950	0.0%	
Civic Expenses :- Indirect Expenditure	0	0	950	950	0	950	0.0%	0
Net Expenditure	0	0	(950)	(950)				
901 Central Services								
1001 RENT RECEIVED	0	0	2	2			0.0%	
Central Services :- Income	0	0	2	2			0.0%	0
4001 SALARIES & WAGES	8,444	33,777	114,300	80,523		80,523	29.6%	
4005 HR Costs-Service level agr'mnt	0	314	7,500	7,186		7,186	4.2%	
4007 COURSES/CONFERENCES	0	0	250	250		250	0.0%	
4008 TRAINING	0	0	2,500	2,500		2,500	0.0%	
4009 TRAVEL	0	0	200	200		200	0.0%	
4010 OTHER STAFF COSTS	0	0	1,600	1,600		1,600	0.0%	
4020 SUNDRY OFFICE & IT COSTS	474	2,230	4,000	1,770		1,770	55.7%	
4021 TELEPHONE & FAX	127	471	750	279		279	62.8%	
4022 POSTAGE	132	308	1,000	692		692	30.8%	
4023 STATIONERY/PRINTING	102	638	1,000	362		362	63.8%	
4024 SUBSCRIPTIONS	0	1,581	1,600	19		19	98.8%	
4026 PHOTOCOPY CHARGES	0	0	2,000	2,000		2,000	0.0%	
4027 OFFICE EQUIPMENT	0	209	500	291		291	41.8%	
4039 MISC EXPS, XMAS DECORATIONS	0	100	0	(100)		(100)	0.0%	
4051 BANK CHARGES	43	297	1,500	1,203		1,203	19.8%	
4056 LEGAL FEES	0	333	1,000	667		667	33.3%	
4057 AUDIT FEES	0	0	3,300	3,300		3,300	0.0%	
4058 ACCOUNTANCY FEES	0	1,711	12,000	10,289		10,289	14.3%	
4060 OTHER PROF FEES	893	6,724	3,200	(3,524)		(3,524)	210.1%	
Central Services :- Indirect Expenditure	10,215	48,691	158,200	109,509	0	109,509	30.8%	0
Net Income over Expenditure	(10,215)	(48,691)	(158,198)	(109,507)				
902 Outside Services								
4001 SALARIES & WAGES	7,639	30,557	97,300	66,743		66,743	31.4%	
4006 PROTECTIVE CLOTHING	0	0	200	200		200	0.0%	

Detailed Income & Expenditure by Budget Heading 01/09/2020

Month No: 4

Cost Centre Report

	Actual Current Mth	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
4008 TRAINING	0	0	500	500		500	0.0%	
4036 PROPERTY MAINTCE	163	390	1,500	1,110		1,110	26.0%	
4037 GROUNDS MAINTENANCE	363	1,873	2,500	627		627	74.9%	
4039 MISC EXPS, XMAS DECORATIONS	100	100	0	(100)		(100)	0.0%	
4040 EQUIPMENT & SMALL TOOLS	0	412	2,000	1,588		1,588	20.6%	
4041 EQUIPMENT HIRE	0	0	250	250		250	0.0%	
4042 EQUIPMENT MAINTCE	0	0	3,000	3,000		3,000	0.0%	
4044 VEHICLE FUEL,OIL & MAINT	0	1,796	2,500	704		704	71.8%	
Outside Services :- Indirect Expenditure	<u>8,265</u>	<u>35,127</u>	<u>109,750</u>	<u>74,623</u>	<u>0</u>	<u>74,623</u>	<u>32.0%</u>	<u>0</u>
Net Expenditure	<u>(8,265)</u>	<u>(35,127)</u>	<u>(109,750)</u>	<u>(74,623)</u>				
<u>909 Capital & Projects</u>								
1074 CIL Income	0	30,963	0	(30,963)			0.0%	
Capital & Projects :- Income	<u>0</u>	<u>30,963</u>	<u>0</u>	<u>(30,963)</u>				<u>0</u>
4054 LOAN INTEREST PWLB	0	445	1,732	1,287		1,287	25.7%	
4055 LOAN CAPITAL REPAID	0	7,095	14,371	7,276		7,276	49.4%	
4978 CAP Fire Alarm Upgrade	0	0	32,101	32,101		32,101	0.0%	
4980 CAP - Defibrillators	0	2,000	0	(2,000)		(2,000)	0.0%	
4992 FUNDING FROM R CAP FUND	0	(2,000)	(32,101)	(30,101)		(30,101)	6.2%	
4993 TFR TO ROLLING CAPITAL FUND	0	40,000	40,000	0		0	100.0%	
4998 TFR TO EARMARKED RSV	0	30,963	0	(30,963)		(30,963)	0.0%	
Capital & Projects :- Indirect Expenditure	<u>0</u>	<u>78,502</u>	<u>56,103</u>	<u>(22,399)</u>	<u>0</u>	<u>(22,399)</u>	<u>139.9%</u>	<u>0</u>
Net Income over Expenditure	<u>0</u>	<u>(47,539)</u>	<u>(56,103)</u>	<u>(8,564)</u>				
<u>998 Precept & Interest</u>								
1076 PRECEPT	0	490,893	981,785	490,892			50.0%	
1090 INTEREST RECEIVED	72	231	1,000	769			23.1%	
Precept & Interest :- Income	<u>72</u>	<u>491,124</u>	<u>982,785</u>	<u>491,661</u>			<u>50.0%</u>	<u>0</u>
Net Income	<u>72</u>	<u>491,124</u>	<u>982,785</u>	<u>491,661</u>				
Grand Totals:- Income	<u>38,383</u>	<u>627,965</u>	<u>1,503,360</u>	<u>875,395</u>			<u>41.8%</u>	
Expenditure	<u>83,775</u>	<u>371,497</u>	<u>1,403,360</u>	<u>1,031,863</u>	<u>0</u>	<u>1,031,863</u>	<u>26.5%</u>	
Net Income over Expenditure	<u>(45,392)</u>	<u>256,467</u>	<u>100,000</u>	<u>(156,467)</u>				
Movement to/(from) Gen Reserve	<u>(45,392)</u>	<u>256,467</u>						

Summary Income & Expenditure by Budget Heading 01/09/2020

Month No: 4

Cost Centre Report

		Actual Current Mth	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent
101	Leisure Centre - General							
	Income	30,442	79,498	21,608	(57,890)			367.9%
	Expenditure	43,107	160,287	703,159	542,872		542,872	22.8%
	Movement to/(from) Gen Reserve	<u>(12,665)</u>	<u>(80,788)</u>					
102	Leisure Centre - Swimming Pool							
	Income	(75)	(581)	324,000	324,581			(0.2%)
	Expenditure	5,136	16,623	138,200	121,577		121,577	12.0%
	Movement to/(from) Gen Reserve	<u>(5,211)</u>	<u>(17,204)</u>					
103	Leisure Centre - Pool Vending							
	Income	0	0	500	500			0.0%
104	Leisure Centre - Bar							
	Income	7,966	26,988	152,450	125,462			17.7%
	Expenditure	5,358	19,176	164,769	145,593		145,593	11.6%
	Movement to/(from) Gen Reserve	<u>2,608</u>	<u>7,812</u>					
105	Leisure Centre - Indoor Sports							
	Income	0	0	9,700	9,700			0.0%
	Expenditure	36	50	17,000	16,950		16,950	0.3%
	Movement to/(from) Gen Reserve	<u>(36)</u>	<u>(50)</u>					
106	Leisure Centre - Outdoor Sport							
	Income	0	(6)	4,815	4,821			(0.1%)
	Expenditure	0	167	250	83		83	66.9%
	Movement to/(from) Gen Reserve	<u>0</u>	<u>(174)</u>					
201	Playing Fields							
	Income	0	0	2,500	2,500			0.0%
	Expenditure	0	0	2,500	2,500		2,500	0.0%
	Movement to/(from) Gen Reserve	<u>0</u>	<u>0</u>					
202	Play Areas							
	Expenditure	0	589	2,000	1,412		1,412	29.4%
203	Millennium Green							
	Income	0	0	1,500	1,500			0.0%
	Expenditure	0	0	500	500		500	0.0%
	Movement to/(from) Gen Reserve	<u>0</u>	<u>0</u>					
204	Allotments							
	Income	45	45	1,000	955			4.5%
	Expenditure	0	33	925	892		892	3.6%
	Movement to/(from) Gen Reserve	<u>45</u>	<u>12</u>					
301	Roads & Highways							
	Expenditure	0	781	3,124	2,343		2,343	25.0%
302	Community Development							
	Income	(68)	(68)	2,500	2,568			(2.7%)
	Expenditure	12,500	15,000	46,580	31,580		31,580	32.2%
	Movement to/(from) Gen Reserve	<u>(12,568)</u>	<u>(15,068)</u>					
801	Corporate Management							
	Expenditure	(917)	(3,667)	(6,800)	(3,133)		(3,133)	53.9%
802	Democratic Rep'n & Mgmt							
	Expenditure	75	138	6,150	6,013		6,013	2.2%
803	Civic Expenses							
	Expenditure	0	0	950	950		950	0.0%
901	Central Services							
	Income	0	0	2	2			0.0%
	Expenditure	10,215	48,691	158,200	109,509		109,509	30.8%
	Movement to/(from) Gen Reserve	<u>(10,215)</u>	<u>(48,691)</u>					
902	Outside Services							
	Expenditure	8,265	35,127	109,750	74,623		74,623	32.0%
909	Capital & Projects							
	Income	0	30,963	0	(30,963)			0.0%
	Expenditure	0	78,502	56,103	(22,399)		(22,399)	139.9%
	Movement to/(from) Gen Reserve	<u>0</u>	<u>(47,539)</u>					
998	Precept & Interest							
	Income	72	491,124	982,785	491,661			50.0%

Summary Income & Expenditure by Budget Heading 01/09/2020

Month No: 4

Cost Centre Report

	Actual Current Mth	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent
Grand Totals:- Income	38,383	627,965	1,503,360	875,395			41.8%
Expenditure	83,775	371,497	1,403,360	1,031,863	0	1,031,863	26.5%
Net Income over Expenditure	<u>(45,392)</u>	<u>256,467</u>	<u>100,000</u>	<u>(156,467)</u>			
Movement to/(from) Gen Reserve	<u>(45,392)</u>	<u>256,467</u>					

Detailed Balance Sheet - Excluding Stock Movement

Month 4 Date 01/09/2020

<u>A/c</u>	<u>Description</u>	<u>Actual</u>		
	<u>Fixed Assets</u>	Asset Value	Depreciation	Net Value
1	FREEHOLD LAND & BUILDINGS	2,214,528	1,520,977	693,551
11	LEASEHOLD LAND & BUILDINGS	25,000	6,500	18,500
21	VEHICLES & EQUIPMENT	555,859	521,014	34,845
41	INFRASTRUCTURE ASSET	191,408	180,560	10,848
61	COMMUNITY ASSETS	61,372	29,100	32,272
	Total Fixed Assets	3,048,167	2,258,151	790,016
	<u>Current Assets</u>			
105	VAT CONTROL	8,929		
119	MISSING CHEQUE BANKINGS	345		
120	STOCK - BAR	2,719		
121	STOCK - LEISURE	642		
200	BANK ACCOUNT-GENERAL	72,395		
201	BANK IMPREST WAGES AC	156,333		
220	PETTY CASH - OFFICE	245		
221	PETTY CASH - BAR	269		
225	FLOAT - BAR	295		
226	FLOAT - GAMBLING MACHINE	100		
230	FLOAT - POOL	165		
245	CCLA Public Sector Investment	165,000		
	Total Current Assets		407,437	
	<u>Current Liabilities</u>			
500	TRADE CREDITORS	14,025		
510	ACCRUED EXPENSES	3,395		
513	ACCRUED MISSING INVOICES	956		
525	PAYE AND NI DUE	7,804		
526	SUPERANNUATION DUE	6,543		
528	A of E CONTROL	58		
560	INCOME IN ADVANCE	4,500		
	Total Current Liabilities		37,281	
	Net Current Assets			370,156
	Total Assets less Current Liabilities			1,160,172
	<u>Long Term Liabilities</u>			
390	Deferred Grants Applied	1,471,220		
391	Deferred Grants Released	(1,258,443)		
401	PWLB Loan 486814	30,243		
	Total Long Term Liabilities		243,020	
	Total Assets less Total Liabilities			917,152
	<u>Represented by :-</u>			
300	CURRENT YEAR FUND	256,467		
310	GENERAL FUND	26,100		
315	ROLLING CAPITAL FUND	38,689		
325	EMR 4 Towns Play Association	300		
328	EMR Elections	10,338		

Detailed Balance Sheet - Excluding Stock Movement

Month 4 Date 01/09/2020

<u>A/c</u>	<u>Description</u>	<u>Actual</u>	
329	EMR CIL 19/20	7,298	
330	CAPITAL FINANCE ACCOUNT	546,996	
331	EMR CIL 20/21	30,963	
		<hr/>	<hr/>
	Total Equity		917,152

BANK ACCOUNT-GENERAL

List of Payments made between 01/08/2020 and 01/09/2020

<u>Date Paid</u>	<u>Payee Name</u>	<u>Reference</u>	<u>Amount Paid</u>	<u>Authorized Ref</u>	<u>Transaction Detail</u>
07/08/2020	A.M.P Window Cleaning Services	5402	45.00		4328-Cleaning windows
07/08/2020	Capital Cleaning (Kent) Ltd	5403	763.28		4334-Sanitisers & face masks
07/08/2020	Complete Business Solutions Gr	5404	281.33		4327-Hand Sanitisers
07/08/2020	DL I.T. Solutions Ltd	5405	944.88		4339-Office 365 Connectwise
07/08/2020	FACE	5406	12,500.00		4336-Youth Work Grant 20/21
07/08/2020	Instyle Marketing Services	5407	477.60		4325-Awareness stickers
07/08/2020	IQL UK Ltd	5408	140.00		4326-ATC Fee Sept 2020
07/08/2020	Office Watercoolers SW Ltd	5409	89.64		4317-Monthly Rental
07/08/2020	Nikki Pitkin	5410	25.00		4340-March Class aqua fit
07/08/2020	ST JOHN AMBULANCE SUPPLIES	5411	136.08		4324-Dressing & apron
07/08/2020	Ernest Till (South West) & co	5412	1,782.00		4335-Replace fan unit Pool
07/08/2020	Travis Perkins Trading Co Ltd	5413	54.64		4321-Green Roll
07/08/2020	Virgin Media Payments Ltd	5414	92.90		4314-Mobile charge Jun-Jul
07/08/2020	Viridor Waste Management Ltd	5415	1,189.08		4323-Waste collection FTC
21/08/2020	Brenntag UK Ltd	5416	620.80		47SI4789145/4378/Brenntag UK L
21/08/2020	C. Brewer & Sons Ltd	5417	48.00		FLT/325776/4367/C. Brewer & So
21/08/2020	CryoService Ltd	5418	174.11		414199944/4395/CryoService Ltd
21/08/2020	Easton Bevins Ltd	5419	230.40		L10631/4384/Easton Bevins Ltd
21/08/2020	Express Cleaning Supplies	5420	430.31		EXP442705-ACC/4368/Express Cle
21/08/2020	Filton Voice Ltd	5421	90.00		00490/4369/Filton Voice Ltd
21/08/2020	Trade UK(6331640004995809)	5422	49.99		1088417442/4390/Trade UK(63316
21/08/2020	South Gloucestershire Council	5423	937.22		3804442923/4391/South Gloucest
21/08/2020	Tailor Made Office Supplies Lt	5424	125.34		IN00191067/4392/Tailor Made Of
21/08/2020	Travis Perkins Trading Co Ltd	5425	27.65		3015APC395/4393/Travis Perkins
21/08/2020	DL I.T. Solutions Ltd	5426	472.44		1001472/4383/DL I.T. Solutions

Total Payments	21,727.69
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The General Power of Competence An introduction to key facts for local councils¹

Local councils in England were given a 'general power of competence' (GPC) in the Localism Act 2011, sections 1 to 8. This paper explains the freedom granted by the general power, the criteria to be met before a local council can use it and some restrictions on using the power. It notes the CiLCA questions and pass criteria (see also the Portfolio Guide 2012) and some useful weblinks. The power does not apply to parish meetings or to local authorities in Wales.

The freedom of the GPC

Councils no longer need to ask whether they have a specific power to act. The GPC (LA 2011 s1(1)) gives local authorities, including eligible local councils, "*the power to do anything that individuals generally may do*" as long as they don't break other laws. It is a 'power of first resort'; this means that when searching for a power to act, the first question you ask is whether you can use the GPC. To find the answer, you ask whether an individual is normally permitted to act in the same way. For example:

- An individual can't impose taxes on other people – so a local council can't use the GPC to raise taxes.

On the other hand, an individual

- could run a community shop or post office (provided they abide by relevant rules) – so a local council can do likewise;
- can set up a company to provide a service. The GPC clearly permits a local council to engage in commercial activity as long as it sets up a company or co-operative society (s4) for this purpose.

Sometimes a council can do things that an individual can't do – such as creating byelaws, raising a precept or issuing fixed penalty notices - but it must do so using the specific original legislation. The GPC does not mean that the council can delegate decisions to individual councillors – this is a procedural matter that remains enshrined in law.

The Government hopes that the GPC gives local councils confidence in their legal capacity to act for their communities. It encourages councils to use this power to work with others in providing cost-effective services and facilities in innovative ways to meet the needs of local people. The council can lend or invest money; it can trade; it can even sell energy to the National Grid. If another authority has a statutory duty, then it remains their duty to provide that service (eg education, waste collection, social services) but local councils can still help out. For example, a local council can support a school in many ways, just as an individual might. It could even help a community trust to run a local school.

The council can undertake activities using the GPC anywhere – not just in the parish (s1(4a)). It isn't necessary to worry whether the activity is for the benefit of the council, the area or the community (s1(4c)) although, in practice, parishioners might object if they can't see the benefit! And unlike the Local Government Act 1972, s137, it doesn't matter whether there are any other specific powers permitting the council to take action (s1(5)). So, for example, a council can use the GPC to build a sports facility even though there is another power enabling it to do the same thing (Local Government (Miscellaneous Provisions) Act 1976 s19).

¹ Parish, town and neighbourhood councils in England

As always, the council is expected to act in accordance with the general principle of 'reasonableness' established by the Wednesbury court case in 1948. The judgement made it clear that a council can exercise reasonable discretion when interpreting legislation provided that it justifies its decision in terms of relevant, rather than irrelevant, matters.

Criteria for eligibility

The freedom of the GPC is available to local councils that meet two criteria for eligibility (LA 2011 s8) set out in a statutory instrument known as the *Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012* that came into force in April 2012.

A local council must decide, at a full meeting of the council, that it meets the criteria for eligibility at that particular point in time. A resolution to this effect must be written clearly in the minutes of that meeting. The council is then required to revisit that decision and make a new resolution at every 'relevant'² annual meeting of the council to confirm that it still meets the criteria (if it does). This means that eligibility remains in place until the first annual meeting of the council after the ordinary election even if the condition of the eligibility criteria has changed. The two criteria are:

Elected councillors

At the precise moment that the council resolves that it meets the criteria, the number of councillors elected at the last ordinary election, or at a subsequent by-election, must equal or exceed two thirds of its total number of councillors.

Elected councillors include all councillors who stood for election whether or not the election was contested. Co-opted or appointed councillors do not count as they are not elected.

The total number of councillors means the number of seats on the council including those that might be vacant.

If two thirds is not a whole number, then it must be rounded up to the next whole number. For example, if the number of councillors in total is 8 and two thirds is approximately 5.3, then the number of councillors that must be elected is 6.

Total council seats	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
Two thirds	4	4	5	6	6	7	8	8	9	10	10	11	11	12	12	13	14

The qualified clerk

The clerk must hold at least one of the sector-specific qualifications and should have completed the relevant training designed as part of the National Training Strategy for local councils. From April 2012, this training is undertaken as part of a clerk's preparation for one of the recognised sector-specific qualifications. Where a clerk studied for one of these qualifications before April 2012, they undertake the relevant training and must pass the short section 7 of CiLCA 2012 in order to be fully qualified for the purposes of the GPC (see below)³.

The recognised sector-specific qualifications are:

² A 'relevant' annual meeting is the annual meeting of the council after the ordinary election that normally takes place every four years. The confirmation does not have to take place every year.

³ A clerk who studied the University of Gloucestershire module covering law for local councils before the academic year 2012/13 (but who doesn't have CiLCA 2012) must also pass Section 7 of CiLCA 2012.

The Certificate in Local Council Administration (CiLCA) awarded by the Monitoring and Verification Board (or previously by the AQA)

The higher education qualifications for clerks awarded by the University of Gloucestershire or its predecessor institutions, namely:

The Certificate of Higher Education in Local Council Administration

The Certificate of Higher Education in Local Policy

The first level of the Foundation Degree in Community Engagement and Governance (the Level Four course)

Any equivalent successor qualification

It is important that the council pays attention to the advice of its trained and qualified clerk when taking decisions to ensure that it acts lawfully.

Since the 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 (that is the one, after the next ordinary election). If it has already started an activity under the 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 the 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 the 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.

Risks and restrictions limiting the GPC

There are some risks associated with using the GPC. Inadequate community support or insufficient funding are significant risks while there are several statutory or legal restrictions that a local council should consider before using the power. Clerks and councillors should be aware of the following restrictions that potentially could limit the use of the GPC.

- If a council is already subject to a statutory duty, then that duty remains in place. So, for example, a local council that is eligible to use the GPC must continue to abide by its duties. For example:
 - The council has a duty to act with regard to the likely effect on crime and disorder and to do all it can to prevent crime and disorder in its area (Crime and Disorder Act 2006 s17).
 - The Natural Environment and Communities Act 2006 s40 imposes a duty on local councils to consider conserving biodiversity in exercising its functions.
 - The Smallholding and Allotments Act 1908 s23(1) gives councils a duty to provide allotments if they are of the opinion that there is a demand for them.
- There are also many procedural and financial duties that remain in place for regulating the governance of a local council.

- Furthermore, the council must comply with employment law, Health and Safety legislation, equality legislation and duties related to data protection and freedom of information for example.
- The council must set up a company or co-operative society if it wishes to trade. If the council sets up a company or co-operative society it must abide by company law. Councils are advised to refer to more detailed Government guidance on trading and on charging (see links below). The council can charge for services provided under the GPC⁴.
- If the council wants to invest in a local business to support the local economy, it should follow Government advice on investment (see links below). If it wishes to support a community enterprise, an economic development grant might be a sensible option.
- Remember, if another authority has a statutory duty, then it remains their duty to provide that service (eg education). If you are worried that you might be encroaching on another authority's duty, then ask whether an individual, a private company or a community trust might be able to step in and help. If they can, then so can the local council (although it might need to set up an appropriate delivery body first).
- If the action the council wishes to take is also covered by a specific power then any restrictions that apply to the overlapping power are still in force. So if existing legislation requires the council to ask permission before acting, then it must do so. For example, the council asks permission from the Highways Authority before doing work on roadside verges.

The GPC is a power and not a source of money. It cannot be used to raise the precept and if loans are needed then normal procedures apply. The council can seek other sources of finance such as the Community Infrastructure Levy, grant funding, sponsorship, commercial activity and agreements with other authorities. As always, the council should ensure support from local taxpayers.

So councils cannot use the GPC primarily to raise money but they can receive income as a consequence of using the power for a different primary purpose. For example, a council could give financial assistance to a struggling local enterprise by purchasing share capital just as any individual could. Similarly the council could lend money to support a local activity and earn interest on the loan and it can raise sponsorship for a community project.

Although councils are encouraged to be innovative, they should be aware of the risks involved in using the power in addition to a lack of money or community support. For example:

- There is a risk of being challenged
- Trading activities could damage competing local activities
- The council risks its reputation and public money if a project goes wrong

S137 and the power of well-being (PWB)

How do these two powers relate to the GPC?

- The money that can be spent under the Local Government Act 1972 s137 is limited while the power is restricted by regulations for use and scope; for example, councils must keep specific accounts for s137, they cannot use the power to give money to

⁴ If councils have a statutory **duty** to provide a service **free of charge**, they cannot charge for that service. This provision applies to principal authorities but does not affect local councils as they are not required by law to provide **any** services free of charge

individuals and spending must be commensurate with the benefit gained. In addition a council can't use s137 if another specific power exists. A council that is eligible to use the GPC can no longer use s137 as a power for taking action for the benefit of the area or its community (Sch 1(1))⁵.

- The PWB (Local Government Act 2000 s2) offered councils more opportunity to improve and promote the economic, social and environmental well-being of an area and its community with no restrictions on spending. However, in England it has now been replaced by the general power of competence which offers even more freedom to act. Transitional arrangements allow councils to complete projects started under the PWB.

Further changes affecting the GPC

The Secretary of State for Communities and Local Government has the power to change the enacted legislation (s5) so it is important to keep up to date with legal advice. Changes will not be made without consultation and should therefore come as no surprise. The Government is keen to know whether there are any additional restrictions affecting the use of the GPC so that it can consider removing them. Contact the Society of Local Council Clerks or the National Association of Local Councils (via your County Association) if you wish to draw attention to any legislative constraints affecting the use of the power.

The CiLCA Questions

Clerks are required to respond to these tasks correctly in order to pass CiLCA. They write a paragraph of approximately 200 words.

- What is the general power of competence and where is it found?
- What criteria must local councils meet to be eligible to use the general power of competence and when must a council confirm that it is eligible?
- List four restrictions to consider before using the power for a specific purpose.
- List three activities that your council might undertake using the general power of competence giving any restrictions that might apply to these activities

Pass criteria

- A clear understanding of the general power of competence
- A clear explanation of the eligibility criteria and arrangements for confirming eligibility
- A list of four possible restrictions to consider before using the power
- A list of three activities with appropriate restrictions

Useful web links

The Localism Act 2011 <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012
<http://www.legislation.gov.uk/ukdsi/2012/9780111519868>

⁵ Note that s137(3) which permits the council to contribute to UK charities, public sector funds and public appeals remains in place.

The Localism Act 2011: Explanatory notes

<http://www.legislation.gov.uk/ukpga/2011/20/notes/division/5/1/1>

Charging guidance

<http://www.communities.gov.uk/documents/localgovernment/pdf/151291.pdf>

Trading guidance

This guidance is in two documents. The second document is an addendum.

<http://www.communities.gov.uk/documents/localgovernment/pdf/133628.pdf>

<http://www.communities.gov.uk/documents/localgovernment/pdf/323153.pdf>

Investment guidance

<http://www.communities.gov.uk/documents/localgovernment/pdf/1501971.pdf>