

General power of competence

Local authorities' powers and responsibilities are defined by legislation. In simple terms, they can only do what the law says they can. Sometimes councils are wary of doing something new - even if they think it might be a good idea - because they are not sure whether they are allowed to in law, and are concerned about the possibility of being challenged in the courts. The Government thinks that we need to turn this assumption upside down. Instead of being able to act only where the law says they can, local authorities should be free to do anything - provided they do not break other laws.

The Localism Bill includes a 'general power of competence'. It will give local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited; they will not, for example, be able to impose new taxes, as an individual has no power to tax.

The new, general power will give councils more freedom to work together with others in new ways to drive down costs. It will give them increased confidence to do creative, innovative things to meet local people's needs.

Councils have asked for this power because it will help them get on with the job. The general power of competence does not remove any duties from local authorities - just like individuals they will continue to need to comply with duties placed on them.

The Bill does, however, give the Secretary of State the power to remove unnecessary restrictions and limitations where there is a good case to do so, subject to safeguards designed to protect vital services.