

Report concerning the expenditure of Budget items on non-Parish items

Prior to the implementation of the GPC (introduced under the Localism Act 2011), Town and Parish Councils were obliged to ensure they had a “power” or ability to act under a variety of Local Government Acts (primarily the LGA 1972). In many respects, this stymied the ability of the sector to deliver necessary services as Councils struggled to reconcile the evolving needs of the community against the legislative powers.

The GPC allows the Council to do anything which an individual can do provided it is not prohibited by other legislation. It applies to all principal councils (district, county and unitary councils) and Town and Parish Councils. It provides Councils with an important legislative ability and there are primary qualifying criteria for a Town/Parish Council to hold the GPC and these include:

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.

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.

SWTC meets these requirements, affirming this at an Annual Meeting following elections (this is a legal requirement).

The use of the GPC is not however, a carte blanche ability to delivery anything that a Council wishes to do, and a Council is obliged to ensure that any GPC expenditure passes the following tests:

1 “Reasonableness”. The Council must exercise reasonable discretion when interpreting legislation, it must also be relevant.

2 “Public perception”. The Council must be confident that the tax payers, from whom the money has been raised, will be satisfied with the Council’s decision to spend money in such a way not sanctioned by the Budget.

3 “Value for money”. The Council must be certain that money spent is achieving the desired purpose. It must be certain that the money will reach and benefit the intended recipients.

4 “Council purposes”. The Budget represents public money raised from residents. This is done on the understanding that such money will be spent in accordance with the Budget passed by Council.

5 “Is the Council the best forum for such expenditure?” Are there other Government or charitable agencies better suited to raising and channeling such funds?

6 “Facilitating the raising of Funds”. The Council may have a role to play in coordinating the raising of funds from local people, as it has done already. To be spent with a local context, for example directing the money to refugees housed in Saffron Walden.

Whilst technically therefore, the GPC could allow Town and Parish Councils to directly support charities and activities outside of Saffron Walden (or outside the UK), it is likely any such activity would fail the above tests, particularly if one assumes that any donations made would be spent as part of a large international effort therefore one could not specifically determine how the SWTC contribution had been spent.

It is noted that a more local effort, one where tangible benefit can be recognised, may be more appropriate and this could include supporting any refugees placed locally and/or supporting the local effort in supporting Ukrainian residents (for example, providing fuel money to those taking essential food and emergency supplies to Ukraine).