

## Agenda item 5

### For decision - Adoption of Standing Orders, Cllrs' Code of Conduct and General Power of Competence

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#### 1. Standing Orders

Standing Orders are the rules that the Council operates under and they are re-adopted every year at the May Council meeting. They include rules we have to abide by (these are in bold in the document) and rules that we choose to abide by. For example, the terms of reference for the committees are included and that Council decides to have a Leader.

This year, the changes include the following:

- Establishing the Planning Advisory Group as a full committee. Given the very significant new development proposals that this administration will have to consider, it is felt that giving the planning group a higher profile is important. Having a Planning Committee with a unitary Somerset still likely to happen within this administration we will also be prepared to embrace this. The remit of the proposed Planning Committee is the same as the existing Planning Advisory Committee.
- In the light of the current Covid 19 emergency and following legislation permitting it, I have tweaked Standing Orders to enable Council to hold public meetings virtually.
- There are also two minor changes: having the Town Clerk's appraisal carried out by the Leader and the Deputy Leader instead of the Leader and the chair of Council Matters - this reflects current ways of working; and, enabling deputy chairs of Committees to chair meetings as well as the chairs. Unfortunately, legislation dictates that Council meetings have to be chaired by the Mayor if they are present.

The proposed Standing Orders are at [Appendix 1](#).

#### Recommendation

1. Approve the Standing Orders at [Appendix 1](#).

#### 2. Cllrs' Code of Conduct

These are the rules that Cllrs abide by. They are based on those drafted by Somerset based Monitoring Officers which in turn reflect the model code and guide published by the Standards Board of England. The code includes full descriptions of how and when to declare different type of interests as well as a behaviour code for Cllrs.

The proposed Cllrs' Code of Conduct is at [Appendix 2](#).

**Recommendation**

2. Approve the Cllrs' Code of Conduct at [Appendix 2](#)

### 3. General Power of Competence

This enables us to deliver local services. It was brought into force by the Localism Act 2011. The Explanatory Memorandum states:

“The Government’s intention in providing eligible parish (including town) councils with the general power of competence is to better enable them to take on their enhanced role and allow them to do the things they have previously been unable to do under their existing powers”

In short, as the Government stated in 2011, the GPC gives eligible local councils, “the power to do anything that individuals generally may do” as long as they do not break other laws. This is a powerful tool and flips legislation around from being explicit about what a Council can do (and therefore everything that isn’t permitted is not allowed) to explicitly saying a Council can do anything that isn’t illegal.

In order to use the GPC Cllrs must agree at this meeting that it has an electoral mandate (two thirds of the Cllrs elected) and has a properly qualified Clerk. I can confirm both of these.

**Recommendation**

3. Confirm that the eligibility criteria for utilising the power of general competence are met.