

## Agenda item 8

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

Author: Paul Wynne, Town Clerk

#### 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. All the proposed changes are highlighted in red.

This year, other than typos it is proposed to remove reference to The Advisory Group (TAG). There are no other meaningful changes.

The proposed Standing Orders are at [Appendix 3](#).

#### Recommendation

1. Approve the Standing Orders at [Appendix 3](#).

#### 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.

However, every council at whatever tier of local government is able to draft and agree its own code and doesn't need to follow the model. This makes it very confusing for everyone: for Cllrs (especially those who sit as town and district and/or county Cllrs who may have to adhere to three different codes) as well as those interested in monitoring Cllrs interests and behaviour.

As a result, the Local Government Associations and NALC have drafted a new code that they would like all councils in the country to adhere to. It also updates much of the content (the current one is ten years old). At the time of writing guidance on the implementation of the new code is being drafted. Once this guidance is in place, I will table the new the code for approval and, if Cllrs would like, provide training on the new code of conduct.

For now, it is proposed that the Cllrs' Code of Conduct at [Appendix 4](#) is approved.

#### Recommendation

2. Approve the Cllrs' Code of Conduct at [Appendix 4](#)

### 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 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.