

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. All the proposed changes are highlighted in red.

No real significant changes are being recommended. A couple of points have been added for clarity which are suggested in the model from NALC. These are:

2.3 Unless they have been granted a dispensation, a Cllr or non Cllr with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest. They may return to the meeting after it has considered the matter in which they had the interest.

15.5 Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

If Cllrs felt they did not want to adopt Standing Orders at this early stage in the administration and review them, they can do so (although the mandatory elements remain in place). Even so, it is recommended that Standing Orders are adopted and then reviewed as it makes responding to planning applications difficult, for example. Further on on this agenda, Cllrs will decide whether to appoint a Leader, deputy Leader, membership of committees and chairs – all of these can be postponed until a review has been carried out. The committees would effectively be populated by all Cllrs who would elect a chair at each meeting.

[The proposed Standing Orders are at Appendix 5.1, which can be viewed on the website here.](#)

Recommendation

1. Approve the Standing Orders at [Appendix 5.1](#)

2. Cllrs' Code of Conduct

FTC has to approve a Cllrs Code of Conduct and it is strongly recommended that Cllrs approve the Code at [Appendix 5.2, which can be viewed on the website here.](#)

The Code contains the rules that Cllrs abide by and are based on the Seven Principles of Public Life. The Code is the same as that adopted by the district and the county/unitary council and based on model Code of Conduct issued by the Local Government Association (LGA). The LGA also issues guidance ([at Appendix 5.3, which can be viewed here](#)) on the model code which is

useful in that it provides examples of what would probably be deemed interests that need to be declared, for example, but also on the meanings of the seven codes of public life. The code includes full descriptions of how and when to declare different type of interests as well as a behaviour code for Cllrs.

This Code is marginally different to the current Code adopted by FTC. From now on there are disclosable pecuniary interests (these relate to financial interests that a Cllr may have); other registerable interests; and non-registerable interests. Prejudicial or personal interests are no longer categories. The crucial point about other registerable interests is that Cllrs must declare if they have a non-financial interest in an area but one that impacts on their well-being and that “a reasonably well informed member of the public” would consider the Cllr not able to be able make decisions impartially. In these instances, the Cllr must not vote on the decision. An example might be that a Cllr invests a lot of time into a charity, they maybe a trustee or director and it’s reasonable to think that the Cllr would not decide impartially on whether to give a grant to that charity. In this case, the Cllr should declare an other registrable interest and not vote on that decision.

What interests to declare and not declare is an imprecise science. It is up to the Cllr to decide. But in instances where failure to declare disclosable pecuniary interests, the offence is a criminal one.

My advice is *always* err on the side of caution, be transparent and declare interests.

Recommendation

2. [Approve the Cllrs’ Code of Conduct at Appendix 5.2](#)
3. [Note the LGA guidance at Appendix 5.3](#)

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. There are instances in legislation that explicitly prohibit Council to do something and it’s probably the case that the GPC does not over ride that.

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

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