

## Agenda item 5

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

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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.

The proposed Standing Orders look different from the current ones because they are based on the new model Standing Orders published by NALC. The meaning, however, remain largely unchanged. I have added the proposed remit of the Oversight Committee as discussed at the Council meeting in April and the proposed length of meetings to be up to 2.5 hours - see 1 (37).

[The proposed Standing Orders are at Appendix 5.1](#)

Recommendation
1. Approve the Standing Orders at Appendix 5.1

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### 2. 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

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

3. Cllrs' Code of Conduct

FTC has to approve a Cllrs Code of Conduct 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 unitary council and based on model Code of Conduct issued by the Local Government Association (LGA). [The LGA also issues guidance 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.

As a reminder on declaring interests 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.

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 and be transparent.

Recommendation

3. Approve the Cllrs' Code of Conduct at Appendix 5.2
4. Note the LGA guidance at