

Agenda item 4

For decision - Adoption of Standing Orders and the Cllr Code of Conduct, and confirmation that FTC retains the 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.

Legislation refers only to the Chair and Deputy Chair of the Council. FTC's Standing Orders confirm that the Chair will be the Mayor and the Deputy Chair will be the Deputy Mayor. When reading Standing Orders please remember that the Mayor and the Chair are the same role, likewise the Deputies.

A track changed version of the proposed changes can be found at [Appendix 4.1, which can be viewed on the website here](#). The proposed changes include:

- Incorporating the role of Leader of the Council into the role of the Chair of the Council with civic duties normally to be carried out by the deputy Chair
- The establishment of a new committee called Communities and Assets and its remit
- Minor amendments to the remit of the newly named Operations and Assets Committee (formerly this was the Oversight Committee)
- Minor clarifications to the remit and Lead Cllrs
- Other minor amendments.

Discussion

Investigations resulted in it being unlawful for Council to award a larger allowance for the Leader relative to other Cllrs. Only the Chair can receive an allowance larger than for Cllrs. It is proposed therefore to incorporate the role of Leader into the role of the Chair (see section 10 of the Standing Orders at [Appendix 4.1](#)). By doing this Council can consider a larger allowance for the Chair which is to be considered separately in this agenda ([at agenda item 7](#)).

By merging the role of Chair/Mayor and Leader, the role would become very time consuming and probably unworkable so proposal is that the Mayoral civic and ceremonial roles in the community will normally be carried out by the deputy Mayor and proposed Standing Orders reflects this. There appears to be no reason why the Mayor's chain should not be worn by the deputy when they are carrying out civic and ceremonial duties. The deputy Mayor will not be able to wear the Mayor's chain at formal Council meetings, however.

With a larger Council providing more services, the business of Council and its committees has grown too, and so it is time to consider establishing an additional new committee and to develop the focus of Council meetings.

Council has always been a forum, not just to discuss Council business, but to discuss issues important to the town. (Occasionally in the past these issues have been so large that additional public meetings have been organised). Over the past year or so Council meetings have tended more towards Council business and we have struggled to create space for external contributions and good subsequent debate. By creating an additional committee, Council can be a forum for essential Council business alongside a forum to discuss issues important to the town. It is hoped that by increasing our efforts to promote Council meeting and having topics of interest to the local community, more people will attend and engage. This will help to deliver our desired outcome in the Council Plan to increase public understanding of FTC's role and increasing participation in council decision-making.

The proposed new Communities and Place committee will focus on the work of the Council that engages more with stakeholders and the town compared to the more internal business considered by operations and Oversight Committee.

The remit of the Operations and Assets Committee has been amended so that discussions around major assets (currently the Cheese and Grain, the Badger's Hill stadium, the Key Centre and the Town Hall) will be considered by Council while communications and marketing (including events) and community development and engagement will in future be discussed at Communities and Place committee meetings. This will also consider our work around the climate emergency and a thriving town centre.

Recommendation

1. Approve the Standing Orders at [Appendix 4.1](#)

2. General Power of Competence

This power enables us to deliver local services. The Government's 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 flipped 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. Council only needs to confirm this eligibility at the beginning of its administration so this note simply confirms that FTC retains the GPC.

3. Cllrs' Code of Conduct

The Code at [Appendix 4.2, which can be viewed on the website here](#), 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 are 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

2. Approve the Cllrs' Code of Conduct at [Appendix 4.2](#)