

Agenda item 6

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

Author: Peter Wheelhouse, Town Clerk

Summary (incl. recommendations)

At the start of a new civic year it is essential that Council reviews and confirms that Standing Orders and the Cllrs Code of Conduct are up to date. Although only necessary at the beginning of a new administration, as a new Town Clerk, I confirm that the Council still meet the requirements for the General Power of Competence.

The recommendations are to approve the Standing Orders and Cllr Code of Conduct.

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. Therefore, 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. The civic duties of the Mayor will continue to be delegated to the Deputy Chair.

[Please refer to track changes in Appendix 6.1 which can be viewed on the website here, for minor text amendments.](#)

In addition, the following amendments are proposed:

Page 12: The addition of 'All aspects of risk management and insurance' in terms of the remit of Council on the advice of the Internal Auditor (previously, this was a matter for Operations & Assets Committee)

Page 12: The change of Oversight Committee to Operations & Assets Committee

Recommendation

1. Approve the Standing Orders as amended at Appendix 6.1

2. General Power of Competence (GPC)

This power enables us to deliver local services of a broad nature. 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”

As set out in the Localism Act in 2011, the General Power of Competence (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 provided that it isn’t illegal.

In order to use the GPC, Cllrs must agree that the Council 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 6.2, 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 types of interests as well as a behaviour code for Cllrs. The Code was last updated by the LGA in 2021. A review has been completed annually since and on this occasion, no changes are proposed.

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 to be able to 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 there is 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.

<p>Recommendation</p> <p>2. Approve the Cllrs' Code of Conduct at Appendix 6.2</p>

Other options considered	None
Key considerations for the Council	To be confident that the chapters of the constitution are up to date and fit for purpose and the GPC requirements are met.
Consultation and feedback	None
Links to Council Plan and Medium-Term Financial Plan	All aims of the Council Plan.
Financial and Risk Implications	Having up to date policies and procedures minimises any implications.
Legal / HR Implications	Standing Orders are a legal requirement. The GPC is a legal power
Equalities Implications	None
Community Safety Implications	None
Climate Change and Sustainability Implications	None
Health and Safety Implications	None
Constitutional Requirements	These chapters form the constitution
Background Papers	None
Report Sign-Off	Peter Wheelhouse 20/05/26