

# Non-Councillor Members Policy & Procedures

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<b>Initiating Author</b>	Councillor Lain-Rose	<b>Last Updated By</b>	Parish Clerk MW
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## DOCUMENT HISTORY

- (a) Adopted by Staplehurst Parish Council on 24 September 2018 (Min 1723).
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## 1. INTRODUCTION

- 1.1 Section 102(3) of the Local Government Act 1972 provides that a local council can appoint persons who are not its members to committees and sub-committees (including joint committees and sub-committees), other than a committee for regulating and controlling the finance of the local authority or of their area.
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## 2. NON-COUNCILLOR MEMBERS DISQUALIFICATION

- 2.1 Section 102(3) of the 1972 Act provides that a person can be appointed as a non-councillor member of a committee unless they have been disqualified pursuant to Section 104 of the 1972 Act. Section 104 confirms that a person is disqualified if he would be disqualified from being elected or being a member of a local authority pursuant to Part V of the 1972 Act. Section 80 of Part V of the 1972 Act sets out the circumstances in which a person is disqualified from being a member of a council. In summary, a non-councillor cannot sit on a committee if he or she:
- i. holds any paid office or employment (other than the office of chair, vice chair or deputy chair) to which he has been appointed by the council or any committee or sub-committee on which the council is represented; or
  - ii. is the subject of a bankruptcy restriction order or interim bankruptcy order; or
  - iii. has within the five years before the day of appointment, or since his appointment, been convicted in the UK, Channel Islands or Isle of Man of any offence and has had passed on him sentence of imprisonment of at least three months (whether suspended or not) without the option of a fine; or
  - iv. has been found guilty of corrupt or illegal practices or was responsible for incurring unlawful expenditure and the court orders his disqualification.
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## 3. NON-COUNCILLOR MEMBER APPOINTMENTS

- 3.1 The Council may appoint (or ratify) persons who are not a member of the Council on the following Standing Committee(s):
- i. Planning Committee
- 3.3 The Council may appoint (or ratify) persons who are not a member of the Council on the following Advisory Committee(s)/Group(s):
- i. Communications Group;
  - ii. Community Enhancement Group; or
  - iii. Neighbourhood Plan Review Group.
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## **4 NON-COUNCILLOR VOTING RIGHTS**

- 4.1 Non-councillor members of the Standing Committee(s) (set out in 3.1) do not have voting rights.
- 4.2 Non-councillor members of the Advisory Committee(s)/Group(s) (set out in 3.2) do have voting rights, except where voting on a matter includes a financial element(s).
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## **5. CODE OF CONDUCT**

- 5.1 Non-councillor members are subject to the Council's Code of Conduct.
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## **6. POLICIES & PROCEDURES**

- 6.1 Non-councillor members are subject to the Council's policies and procedures, particularly the Council's Standing Orders and the Council's Financial Regulations
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## **7. EXCLUSION OF NON-COUNCILLOR MEMBERS**

- 7.1 Non-councillor members may be excluded from Committee(s), Advisory Committee(s) and/or Group(s) meetings, without explanation, by the Chair of the relevant Committee, Advisory Committee or Group.
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## **8. REMOVAL OF NON-COUNCILLOR MEMBERS**

- 8.1 Non-councillor members may be removed from their respective Committee(s), Advisory Committee(s) and/or Group(s), by the Council at any time.
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## **9. NON-COUNCILLOR MEMBERS CHAIRING/LEADING A COMMITTEE(S), ADVISORY COMMITTEE(S) OR GROUP(S)**

- 9.1 Non-councillor members may not be appointed as a Chairman or Lead for a Committee(s) (set out in 3.1).
- 9.2 Non-councillor members may be appointed as a Chairman or Lead for an Advisory Committee(s) or Group(s) (set out in 3.2).
- 9.3 Non-councillor members may be removed as a Chairman or Lead for an Advisory Committee(s) or Group(s) (set out in 3.2), by resolution of the Council.
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