



Bungay Town Council

Appendix to standing orders July 2023

NON-COUNCILLOR MEMBERS OF COMMITTEES

The benefits of non-councillor members.

Non-councillor members may be appointed by the council because, for example, they represent a particular section of the local community (e.g. local charities, businesses, voluntary organisations), or because they have an expertise in or enthusiasm for the work of the committee.

Appointment of non-councillor members.

Non-councillor members are optional and not a requirement for committees and working groups.

In Bungay, Committees must have a minimum of three councillors. Non-councillor members are limited to 5 for the Business Tourism and Heritage Committee and 3 for Community Assets and Services and the Planning Environment and Highways Committee. Finance and Governance, Appeals and the Employment Committee are not permitted to appoint non-councillor members due to the nature of their business.

The appointment of non-councillor members is delegated to the committees and appointments are made on an annual basis and should be completed at the first committee meeting after the May Annual meeting. Appointments however can be made to vacancies during the year.

Non-councillor members on working groups are not restricted as working groups are advisory, some have delegated powers, however all formal decisions are made by their parent committee. In practice and dependent on their terms of reference, working groups are usually comprised of both councillors and those who are not members of the council.

Co-option Process

S.102 (3) of the 1972 Act provides that a person can be appointed as a non-councillor member of a committee (or working group) unless they have been disqualified pursuant to s.104 of the 1972 Act. S.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. S. 80 of the 1972 Act sets out the circumstances in which a person is disqualified from being a member of a council.

Voting Rights and participation

By virtue of s.13(1) and (7) of the Local Government and Housing Act 1989 ('the 1989 Act'), non-councillor members of committees and sub-committees do not have voting rights.

Only in extremely limited situations do they enjoy voting rights. They may vote at meetings which concern the following:

- 1) the management of land owned or occupied by the Council;
- 2) the functions of the council as a harbour authority;
- 3) functions of the council relating to the promotion of tourism;
- 4) functions of the council relating to the management of a festival;

The term "management" does not include making decisions about the total amount of money which may be spent by the council in a financial year in respect of land or a festival.

Code of Conduct and Standing orders.

In England, a local council has a duty to adopt a code of conduct (s.27(2) of the Localism Act 2011). The non-councillor members of a committee or working group are subject to the council's code of conduct.

Non-councillor members of committees will be required to comply with the council's standing orders and will have the same rights as members of the public to attend meetings of the council or other committees of which they are not members.

Non-Councillor members are not included in the calculation of whether a meeting is quorate.

BUNGAY TOWN COUNCIL

Non- Councillor Co-option Application Form

Name	
Address	
Telephone number	
Email address	

Please detail any experience you may have that is relevant to the Town Council (continue onto a separate sheet if necessary).

Is there any other information you would like to disclose regarding your application (continue onto a separate sheet if necessary) ?

Declaration and consent

I confirm that I am not disqualified¹ from being a councillor

Signed..... Name

Date.....

Please return this completed form to:

Town Clerk, Bungay Town Council.

Use of personal information

The Town Council will use your information, including that which you provide on this application form, to assess your suitability as a Town Councillor. For full details of how we manage personal information please use this link to visit our website and our privacy notice.

¹ Disqualification

Under s.80 of the 1972 Act, a person is disqualified from being a Parish Councillor if they:

- hold any paid office or employment with the Parish Council; **or**
- is the subject of a bankruptcy restrictions order, an interim restrictions order, a debt relief restrictions order, or interim order; **or**
- have been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the preceding five years; **or**
- have been disqualified under any enactment relating to corrupt or illegal electoral practices.