

# NON-COUNCILLOR MEMBERS' POLICY



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## Introduction

This policy applies to non-councillor members of Faversham Town Council (FTC) undertaking work/duties on behalf of, but not directly employed by, the Town Council.

The term non-councillor refers to someone who has not been elected to office, but would be eligible to stand as a town councillor and meets such criteria under the Local Government Act 1972 s79 and s80.

The maximum number of non-councillor members is limited, per committee, to 3.

The following representatives are not included within the above limit:

- a) Town, Borough, County Councillors, MP, PCC or any other elected member who represents Faversham.
- b) Officers of organisations represented in (a) above.
- c) Contractors/Project Officers engaged by the Town Council.

s.102(3) of the Local Government 1972 Act 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.' *Therefore, non-councillor members should not be appointed to stand on Full Council or the Policy & Resources Committee.*

## 1. Policy Statement

Non-councillor members act in a voluntary capacity to play a crucial role by providing expert knowledge and support to the town council.

This policy reflects our commitment to supporting the role of non-councillor member and sets out a framework of procedures and best practice, which FTC will endeavour to follow when appointing and working with non-councillor members, to ensure that both non-councillor members' and FTC's expectations are met.

FTC wants to ensure that there are good working relationships between councillors, paid staff, volunteers, and non-councillor members and that non-councillor members are well supported.

## 2. Non-Councillor member

A non-councillor member is any individual who is appointed to council committees and working groups which discharge the functions of the council, other than a committee for regulating and controlling the finance of the town council.

- a. Non-councillor members may be involved in short or long-term activities or as a one off. Typical activities may include:

- i. Supporting fundraising or awareness raising events
  - ii. Involvement in direct delivery of our services, events and projects
- b. Where a non-councillor member represents an organisation, that organisation can send a different representative if it wishes (by notifying the Clerk of that committee in advance).

### 3. Roles and Responsibilities

By virtue of section 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. There are five important exceptions to this rule:

- a. Sections 13 (3)<sup>1</sup> and (4)(e)<sup>2</sup> of the 1989 Act confirm that non-councillor members of advisory committees and sub-committees have voting rights.
- b. Regulation 3 of The Parish and Community Councils (Committees) Regulations 1990 confirms that non-councillor members of committees and sub-committees have voting rights in respect of:
  - i. management of land owned or occupied by the council.
  - ii. the functions of the council as a harbour authority (as defined in section 57(1) of the Harbours Act 1964).
  - iii. function under section 144 of the 1972 Act relating to the promotion of tourism, and
  - iv. any function under section 145 of the 1972 Act relating to the Council’s management of a festival/event.

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

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<sup>1</sup> (3) Nothing in subsection (1) above shall require a person to be treated as a non-voting member of a committee or sub-committee falling within subsection (4) below; but, except—

(a) in the case of a sub-committee appointed by a committee falling within paragraph (e) of that subsection; and

(b) in such cases as may be prescribed by regulations made by the Secretary of State,

a person who is a member of a sub-committee falling within that subsection shall for all purposes be treated as a non-voting member of that sub-committee unless he is a member of the committee which appointed the sub-committee.

<sup>2</sup> 4(e) a committee appointed under section 102(4) of the Local Government Act 1972 (appointment of advisory committees by local authorities);

- c. Non-councillor members can expect to:
- i. Have clear information about what is and is not expected of them.
  - ii. Receive adequate support and training.
  - iii. Be insured and to volunteer in a safe environment.
  - iv. Be treated with respect and in a non-discriminatory manner.
  - v. Be recognised and appreciated.
  - vi. Be able to say 'no' to anything which they consider to be unrealistic or unreasonable.
  - vii. Know what to do if something goes wrong.

FTC expects non-councillor members to:

- Uphold the 7 Principles of Public Life (The Nolan Principles).
- Comply with the Code of Conduct
- Declare any Pecuniary or Non-Pecuniary Interests and leave the meeting where applicable
- Comply with the Civility and Respect Pledge
- Uphold FTC's values and comply with its policies and procedures
- Contribute positively to the aims of the Council and avoid bringing the Council into disrepute.
- Carry out any specified tasks within agreed guidelines.

#### 4. Recruitment

Appointment of a non-councillor member will be in accordance with Section 102(3) of the Local Government Act 1972. Recruitment will involve a standard application form and informal interview with Councillors at the appropriate committee or working group.

Recruitment of non-councillor members for the town council will be supported by the Town Clerk:

- a. Opportunities will be advertised in good time to enable applications to be considered and for successful applicants to be ratified at the Annual Meeting of the Town Council.
- b. Interviews may be undertaken by the committee to which the application is made, particularly if there are more applicants than vacancies.
- c. This procedure may be delayed during election years.
- d. Applications will generally be dealt with on an annual basis, except in special circumstances, ie the setting up of a task and finish working group, as determined by the Town Clerk.

- e. Where applicants are not able to be placed onto their preferred committee or working group, they will be given feedback and the opportunity to discuss other possible roles with FTC.
- f. Where a committee requires expertise, they may co-opt non-councillors to obtain such at their discretion.

## 5. Equality and Diversity

FTC is committed to the Equality Act 2010 and building a diverse organisation that is responsive to the needs of the community of Faversham and to the Council's stakeholders. It is committed to equal opportunities at all stages of recruitment, selection and volunteering. Where it is reasonable to do so, in accordance with the Act, FTC will be flexible with the tasks within role descriptions.

## 6. Induction and Training

To help ensure that non-councillor members are appropriately equipped for their role, each non-councillor member must undergo the appropriate induction and training process prior to commencing their role. As a minimum, non-councillors will receive an induction which will include:

- a. An introduction to councillors, other non-councillor members and staff members
- b. Copies of FTC policies in Health and Safety, Equality and Diversity, Confidentiality, and Safeguarding
- c. Terms of Reference for the relevant committees and/or sub-committees
- d. Health and Safety procedures including verbal instruction regarding the Fire Evacuation Procedure
- e. The Town Clerk and Deputy Clerk will be the main contacts and provide support/legal guidance to each non-councillor member volunteer.

Induction training will be provided by the Town Clerk or Deputy Clerk. Councillors on specific committees and working groups may also support non-councillor members.

Appendix 1 *Faversham Town Council's Standing Orders* outlines the legal procedures that committees and working groups adhere to, how council meetings are conducted and the expected behaviours of Councillors, which non-councillor members must also adhere to.

## 7. Exclusion or Removal

Non-councillor members may be excluded from private sessions of committees, and/or working group meetings, if there are matters of private or prejudicial

matters in pursuance of section 1(2) of the Public Bodies (Admission to Meetings Act) 1960.

Non-councillor members may be removed from their respective committee and/or working group, by the Council at any time and have the right of appeal through the Town Council's Complaints Policy.

## 8. Health and Safety

Non-councillor members must take reasonable care of themselves and others while volunteering for FTC and follow any health and safety advice and instruction given for their role.

FTC will ensure that all non-councillor members are provided with the appropriate information, supervision and training required to enable them to complete voluntary work safely. This includes providing suitable systems and procedures and guidance as outlined in The Health and Safety Policy

## 9. Insurance

FTC provides Employers Liability, Public Liability and Professional Indemnity cover for all volunteers whilst working on FTC activities, which will cover non-councillor members. The insurance will not cover unauthorised actions.

## 10. Data Protection and Confidentiality

FTC will protect non-councillor information in accordance with the relevant data protection legislation including the General Data Protection Regulation (GDPR).

Data will be held securely and confidentially and will only be accessed by authorised individuals. Our Privacy Policy is available on the website for further information about how we collect, manage and use the personal data of our non-councillor members. We will not pass information on without permission.

We expect all non-councillors to comply with the Council's Data Protection Policy and associated policies.

Whilst working with FTC, non-councillor members may become aware of confidential information about the Council, Councillors, its staff, and third parties.

All non-councillors are required to maintain confidentiality and should not disclose the Council's information during their time as a non-councillor member or any time afterwards.

All non-councillor members are bound by the same requirements for confidentiality as Councillors, as laid down in any FTC policy or by verbal instruction from the Town Clerk.

Breach of confidentiality is taken very seriously and will result in FTC asking the non-councillor member to leave.

## 11. Appendices

Appendix 1 Faversham Town Council's Standing Orders

Appendix 2 NALC Legal Topic Note 7 Non-Councillor Members of Committees

Appendix 3 Application Form

**This policy was adopted by the Policy and Resources Committee on 2<sup>nd</sup> April 2024**



APPENDIX 3

**MEMBERSHIP: FAVERSHAM TOWN COUNCIL COMMITTEE/WORKING GROUP**

This form is for members of the public to complete who wish to sit on a Town Council Committee. All personal information will be held in accordance with the Data Protection Act 2018 principles.

Name.....

Organisation .....

Address.....

.....

.....Postcode.....

Contact telephone number.....

Email address.....

Name of Committee/Working Group you are interested in joining

.....

Particular interests/expertise relating to the committee/working group's work (please add a separate page if required)

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You will be obliged to sign the Declaration of Interest that all Councillors sign. Are you willing to do so?

Yes/No

Do you agree to adhere to the Town Council’s Standing Orders in relation to committees?

Yes/No

You confirm that you are not disqualified under the Local Government Act 1972 s80?

Yes/No

Signature..... Date.....