



FOR FULL COUNCIL 13TH MAY 2025

Harbour Cttee 18/3/25:

Information on Non Cllrs as Members of Cttees.

In the light of one of the motions for this meeting, I thought it would be helpful to provide some more information on how/when there can be non-Cllrs on Cttees.

It is perfectly legal for this to happen. The power to do this comes from Section 102 (3) of the Local Government Act 1972.

In the book 'Arnold-Baker on Local Council Administration' the following passage can be found:

'Committees and joint committees may be appointed ... the local council ...settle the area, if restricted, within which the committee is to operate and the number of its members. All of the members of a finance cttee must be members of the appointing local council. In other committees with executive functions non-members may be appointed but save in four cases the non-members have no vote.

These four are the management of land, harbour functions if the council is a harbour authority, tourism functions and the management of a festival.....

The disqualification for membership of a local council committee are the same as those for the council.' [section 7.48].

So, as can be seen:

- The Council appoints
- All members of a finance cttee must be Cllrs [Harbour Cttee is NOT a finance cttee]
- There are only 4 cases where non-Cllrs can vote, but they do not apply in this case.

Please note that the grounds to be disqualified, as per Section 104 of the Act, are:

- Hold any paid office or employment to which they were appointed by the Council.
- Is subject to bankruptcy restrictions or interim bankruptcy order.

- Have in the last 5 years been convicted of a criminal offence subject to a sentence of imprisonment of at least 3 months.
- Is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003.

Apart from the issues of eligibility, the non-Cllr Cttee members would be expected to comply with the Council's Standing Orders.

In addition, the Council may also wish to require them to comply with the Code of Conduct to cover such matters as being subject to the same confidentiality requirements as Cllrs on a Cttee.

Adam Chugg Town Clerk March 2025