FELIXSTOWE TOWN COUNCIL

PROTOCOL ON MEMBER REPRESENTATION ON OUTSIDE BODIES

1. PURPOSE AND SCOPE

1.1. Felixstowe Town Council appoints Councillors to represent the Council on a range of outside bodies, community organisations and partnership arrangements.

1.2. The purpose of this Protocol is to provide clarity about the role and responsibilities of Councillors appointed to outside bodies, the distinction between Council representation and personal involvement, and the arrangements for reporting, declarations of interest and participation in Council business.

1.3. The Protocol applies to Councillors formally appointed or nominated by resolution of Felixstowe Town Council to represent the Council on an outside body.

2. COUNCIL APPOINTMENTS AND CAPACITY

2.1. Where a Councillor is formally appointed by resolution of the Town Council, the Councillor acts as a representative of Felixstowe Town Council and provides a link between the Council and the outside body.

2.2. A Council-appointed representative should represent the Council's agreed position and comply with the Council's decisions and policies insofar as these are consistent with the legal duties applying to the capacity in which the Councillor serves.

2.3. Where a Councillor is also a trustee, director or other office-holder of the outside body, their legal duties to that body must be observed. The Council appointment does not remove or replace those duties.

2.4. Where a Councillor joins or serves on an outside body independently of a Town Council appointment, they do so in a personal capacity. They should make clear to the organisation that they are not acting as a representative of Felixstowe Town Council unless separately appointed to do so.

3. ROLE AND AUTHORITY

3.1. A Council-appointed representative acts as a liaison between the Town Council and the outside body and should:

- maintain effective communication between the Council and the organisation;
- keep the Council informed of significant developments;
- communicate relevant Council decisions and policies where appropriate; and,
- identify matters which may require consideration or action by the Council.

3.2. A representative has **no delegated authority** to:

- commit Council expenditure;
- commit Council staff time or other Council resources;
- enter into agreements or contracts on behalf of the Council; or,
- make commitments on behalf of the Council which have not been authorised through the Council's normal decision-making arrangements.

3.3. Requests for financial assistance, officer support, use of Council resources or other commitments must be referred to the Town Clerk for consideration through the appropriate Council process.

4. VOTING AND EXTERNAL DUTIES

4.1. A Councillor appointed to an outside body should exercise any voting rights in accordance with the capacity in which they have been appointed and the constitution, rules or governing documents of that body.

4.2. Unless separately authorised by the Town Council, a representative must not use any voting right on an outside body to commit Felixstowe Town Council to expenditure, a contractual obligation or any other corporate commitment.

4.3. Where a Councillor is a trustee, director or other office-holder of the outside body, they must exercise their duties in accordance with the legal requirements applicable to that role.

4.4. Nothing in this Protocol is intended to require a Councillor to act contrary to a legal duty owed to an outside body.

5. DECLARATIONS OF INTEREST AND PARTICIPATION

5.1. A Council appointment to an outside body will normally constitute an **Other Registerable Interest** and must be registered in the Councillor's Register of Interests in accordance with the applicable Code of Conduct arrangements.

5.2. Members remain personally responsible for declaring interests when required and for complying with the Council's Code of Conduct.

5.3. The Council will maintain appropriate arrangements for dispensations under Standing Order 13(e). A standing dispensation may enable a Council-appointed representative to participate in Council business concerning their designated outside body where the Member would otherwise be prevented from participating solely because of the relevant Other Registerable Interest.

5.4. The dispensation does **not**:

- remove the requirement to declare an interest;
- apply to a Disclosable Pecuniary Interest unless the requirements for such a dispensation are separately satisfied;

- override a separate non-registerable interest;
- permit participation where another legal restriction applies; or,
- prevent the Member from withdrawing where circumstances require it.

5.5. Members should seek advice from the Town Clerk or, where appropriate, the relevant Monitoring Officer if they are uncertain whether an interest affects their participation.

5.6. The fact that a Councillor is appointed to an outside body does not, by itself, prevent that Councillor from considering unrelated Council business involving that organisation or the wider community.

6. CONFIDENTIALITY AND INFORMATION

6.1. Council-appointed representatives on an outside body must respect confidentiality in both directions.

6.2. Confidential or exempt information obtained through the Councillor's Council role must not be disclosed to an outside body unless authorised to do so.

6.3. Equally, confidential information received from an outside body must not be disclosed to the Town Council where doing so would breach a duty of confidence or another legal obligation.

6.4. Where information received by a representative is relevant to Council business but cannot appropriately be disclosed because of confidentiality, the representative should seek advice from the Town Clerk.

7. ATTENDANCE AND REPORTING

7.1. Council-appointed representatives are expected to regularly attend meetings of the outside body and to provide apologies directly to the organisation when unable to attend.

7.2. Appointments are personal to the Councillor appointed by Council resolution. Substitutes are not normally permitted unless Council has specifically resolved otherwise.

7.3. Representatives are not expected to provide a report to Council following every routine meeting of an outside body.

7.4. Where there is substantive business, a significant development or a matter which may be relevant to the Town Council, the representative should provide a concise written update to the Town Clerk for consideration through the appropriate Council or Committee process.

7.5. Where a written report is intended for publication in a Council agenda, it should normally be provided to the Town Clerk at least 5 working days before the relevant meeting. A report may be tabled subject to a written copy being provided to the Clerk at least two days prior to the meeting.

8. COUNCIL STAFF AND OUTSIDE BODIES

8.1. Town Council officers do not provide administrative support to outside bodies solely because a Councillor has been appointed as a representative.

8.2. A request for officer involvement, administrative support or other Council resources must be referred to the Town Clerk and considered through the Council's normal arrangements.

8.3. Nothing in this section prevents officers from undertaking work which has been separately authorised by the Council or which falls within an officer's existing delegated responsibilities.

9. INSURANCE AND LIABILITY

9.1. The extent of Town Council insurance cover will depend upon the capacity in which a Member is acting and the terms of the Council's insurance arrangements.

9.2. Where a Member is asked to act as a director, trustee or other office-holder of an outside body, the Member should establish what insurance and indemnity arrangements are provided by that organisation.

9.3. Members should seek advice from the Town Clerk where there is uncertainty about the capacity in which they are acting or the associated insurance arrangements.

10. REVIEW AND RESIGNATION

10.1. Council may review, vary or terminate an outside-body appointment at any time.

10.2. A Member wishing to resign from an outside-body appointment should notify the Town Clerk and the organisation concerned in writing.

10.3. The Council will consider whether a replacement appointment is required through its normal decision-making arrangements.

11. REVIEW OF PROTOCOL

11.1. This Protocol will be reviewed periodically by the Finance & Governance Committee or sooner where required by changes in legislation, the Council's Code of Conduct, Standing Orders or relevant guidance.

Policy Approved: Ordinary Council (pending)
Review Body: Finance & Governance Committee
Review Period: Four years.
Next Review: Finance & Governance Committee (September 2030)