



MEMBER GUIDANCE NOTE REPRESENTATION ON OUTSIDE BODIES

1. WHAT IS THE PURPOSE OF YOUR APPOINTMENT?

When Ordinary Council appoints you to an outside body, you are acting as a representative of Felixstowe Town Council.

Your role is primarily to help maintain an effective link between the Council and the organisation.

You are not, however, given general authority to make decisions or commitments on behalf of the Town Council.

2. WHAT SHOULD YOU DO?

DO:

- attend meetings where reasonably possible;
- keep yourself informed about the organisation's activities;
- communicate relevant Council decisions and policies;
- keep the Town Council informed of significant developments;
- raise matters with the Town Clerk where Council action may be required; and,
- respect confidentiality.

DO NOT:

- commit Council money;
- promise Council staff time or other Council resources;
- enter into an agreement on behalf of the Town Council;
- imply that you have authority to make a Council decision; or,
- disclose confidential Council information without authorisation.

3. CAN I VOTE ON THE OUTSIDE BODY?

This depends upon the capacity in which you have been appointed and the rules of the organisation.

If you have voting rights as a member, trustee, director or committee member, you should exercise those rights in accordance with the constitution and legal duties applying to your role.

However, you must not use a vote to commit Felixstowe Town Council to expenditure, a contract or another corporate commitment unless the Council has separately authorised this.

If you are unsure about the capacity in which you are acting, speak to the Town Clerk.

4. WHAT IF I AM ALSO A TRUSTEE OR DIRECTOR?

Your Council appointment does not remove your legal duties to the outside organisation.

For example, if you are a trustee of a charity, you must continue to comply with the legal duties applying to charity trustees.

You should therefore distinguish between:

“I am representing Felixstowe Town Council”

and

“I am acting as a trustee/director/member of this organisation.”

Sometimes both roles will apply at the same time. If you are unsure which duties apply, seek advice before acting.

5. WHAT ABOUT DECLARING AN INTEREST?

A Council appointment to an outside body will normally be an **Other Registerable Interest** and should be registered with the relevant Monitoring Officer.

You must also declare the interest at Council meetings when required by the Code of Conduct.

The Council has arrangements for dispensations which may allow Council-appointed representatives to participate in Council business concerning their designated outside body where the Member would otherwise be prevented from participating solely because of that Other Registerable Interest.

A dispensation does not mean that you no longer have an interest.

You should still declare the interest when required.

It also does not override a Disclosable Pecuniary Interest or another separate interest which requires you to withdraw.

6. WHEN SHOULD I STEP ASIDE?

If you have an interest which prevents you from participating in an item, you should follow the Code of Conduct and any advice given by the Town Clerk or Monitoring Officer.

Examples could include:

- a direct personal financial interest;
- a matter involving a separate interest which is not covered by the standing dispensation;
- a specific planning or other application involving your personal interest; or,
- circumstances where another legal requirement means that you should not participate.

If in doubt, ask before the meeting rather than relying on an assumption.

7. DO I HAVE TO REPORT EVERY MEETING?

No.

There is no expectation that you produce a report after every routine meeting.

You should keep the Town Council informed where there is:

- significant new information;
- a decision or proposal which may affect the Council;
- a request for Council support or resources;
- an emerging partnership opportunity;
- a significant funding or financial issue; or,
- another matter which the Council may reasonably need to know about.

A short written report should be provided to the Town Clerk at least 5 working days before the relevant meeting if you wish it to be published in the agenda. A report may be tabled subject to a written copy being provided to the Clerk at least two days prior to the meeting.

8. CAN I SEND ANOTHER COUNCILLOR IN MY PLACE?

Council appointments are normally personal to the Councillor appointed by Ordinary Council.

You should therefore not arrange for another Councillor to attend as your substitute unless the Council has specifically agreed that substitutes are permitted for that appointment.

If you cannot attend, send your apologies directly to the outside body.

9. CAN I SHARE INFORMATION?

Think carefully about which “hat” you are wearing.

You must not disclose confidential Council information to an outside organisation simply because you are its Council representative.

Similarly, information provided to you in confidence by the outside body should not automatically be reported to the Council.

If information is important to Council business but appears to be confidential, **Speak to the Town Clerk before sharing it.**

10. WHAT IF THE OUTSIDE BODY WANTS SOMETHING FROM THE COUNCIL?

Do not promise that the Council will:

- provide funding;
- provide staff;
- provide equipment or premises;

- undertake work;
- enter into a contract; or
- support a particular proposal.

Instead, ask the organisation to put its request in writing and refer it to the Town Clerk.

The request can then be dealt with through the appropriate Council or Committee process.

11. WHAT IF I AM INVOLVED WITH THE ORGANISATION IN MY OWN RIGHT?

If you joined an organisation independently and were not appointed by the Town Council, you are acting in a personal capacity.

You should make this clear to the organisation.

You should not describe yourself as representing Felixstowe Town Council unless you have separately been appointed to do so.

12. THE SIMPLE RULE

When attending an outside-body meeting, ask yourself:

What capacity am I acting in?

What authority do I actually have?

Is there anything I need to report to the Town Council?

Do I have an interest that affects my participation?

Am I about to make a commitment which only the Town Council can make?

If you are unsure, **ask the Town Clerk before acting.**

Related documents:

- Felixstowe Town Council Code of Conduct
- Felixstowe Town Council Standing Orders
- Protocol on Member Representation on Outside Bodies
- Member Register of Interests