

## STANDARDS COMMITTEE

15 JUNE 2011

### GUIDANCE ON REPRESENTING THE COUNCIL ON OUTSIDE BODIES

Report from: Deborah Upton, Monitoring Officer

Author: Julie Keith Head of Democratic Services

#### Summary

This report sets out draft guidance for elected members who are appointed to represent the Council on outside bodies. The Committee is asked to consider the guidance and agree it should be issued to Councillors and others appointed by the Council as representatives on outside bodies, subject to the inclusion of any comments from Group Leaders.

#### 1. Budget and Policy Framework

- 1.1 The Standards Committee is responsible for promoting and maintaining high standards of conduct by Councillors and co-optees. The Committee has power to advise, train or arrange training for Councillors and co-optees on matters relating to the Members' Code of Conduct.

#### 2. Background

- 2.1 The Council appoints Councillors and others to a range of bodies giving rise to various duties and obligations depending on the status of the organisation.
- 2.2 It is important that those accepting any appointment as a representative of the Council understand the implications of their role, particularly in terms of legal liability.
- 2.3 Draft guidance has been produced together with a checklist as set out at Appendices A and B.
- 2.4 The Committee is invited to consider and comment on the draft guidance which could be issued to Councillors as part of their induction following the local elections in May 2011. This will ensure Councillors and others are aware of their responsibilities as they start to attend meetings of outside bodies to which the Council has appointed them.
- 2.5 In addition to issuing the proposed guidance it is intended to invite all the outside bodies listed at the back of the guidance to update the information

held about them by the Council. The questionnaire to be used for this purpose is attached at Appendix C.

### 3. Risk Management

- 3.1 Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>
Failure by those representing the Council on outside bodies to meet their legal obligations	Elected members need to be aware of their legal duties and obligations when appointed to represent the Council on outside bodies, including how the Members' Code of Conduct applies.	Production of guidance and a checklist plus regular audits of the information held by the Council on outside bodies to which it appoints representatives

### 4. Financial and Legal Implications

- 4.1 There are various legal obligations and duties for elected members who are appointed to represent the Council on outside bodies and these are set out in the guidance attached at Appendix A. The Council has power under the Local Authorities (Indemnities for Members and Officers) Order 2004 to indemnify members and officers appointed to outside bodies and has done so as set out in section 10 of the guidance. The indemnity cannot cover Councillors who serve on outside bodies in a private capacity or those individuals who are not Councillors but have been appointed to represent the Council on outside bodies. People in this position need to make sure the organisation itself has provided insurance cover for them.
- 4.2 There are no financial implications arising from this report.

### 5. Recommendations

- 5.1 The Standards Committee is invited to consider and comment on the draft guidance on representing the Council on outside bodies and to agree to invite comments from Group Leaders before the guidance is finalised and issued to all Councillors.

#### Lead officer contacts:

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Julie Keith, Head of Democratic Services  
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#### Background papers

None

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# **Appointees to outside bodies and organisations – A Guide to your Legal Obligations**

## **Introduction**

This is a general guide for Councillors and others who are appointed to represent Medway Council on outside bodies/organisations. It deals with various types of bodies and the implications of sitting on them, particularly in terms of legal liability and gives some general guidance on important legal issues including bias, indemnity and insurance.

Councillors are governed by the Members' Code of Conduct adopted by Medway Council and this has implications for Councillors appointed to outside bodies. These are set out in this guide. A general principle from the Code is that Councillors acting as the Council's representative on an outside body must comply with the Members' Code of Conduct– unless it conflicts with any legal obligations arising as a consequence of serving on the body. A further important point is that if the outside body requires you to treat the body's business as confidential you should comply with this.

In future Members will also receive a Summary Checklist when they are appointed to an outside body. It is important that you take time to work through the checklist making sure you can answer the questions.

A list of useful contacts is contained in Appendix A. If you are representing the Council on an outside body and you have any concerns or questions that this guide does not address, you should contact the relevant officer for advice.

## 1. Directors of Companies

There are some general obligations on Councillors or others who sit as Directors of companies. You need to be aware of these.

- As a Director you owe a **fiduciary duty to the company**, (not to the individual shareholders or the Directors), to act honestly and in good faith and in the best interests of the company as a whole. Directors are, therefore, in the position of quasi-trustees who must take proper care of the assets of the company.
- You also owe a **general duty of care and skill** to the company – but no greater skill than might reasonably be expected of someone with your particular knowledge and experience. A Director is **not expected to be an expert**, (unless he or she holds themselves out to be one) but is expected to use due diligence and to obtain advice if necessary.
- Like a Councillor in respect of Council decisions, as a Director you are under a duty to exercise **independent judgement**. If you are in a position where the interest of the Council are relevant you must disclose this and tread a fine line between the interests of the company and the Council. You cannot simply vote in accordance with the Council mandate: to do so means you breach the duty you owe to the Company. In other words simply because the Council has taken a particular line on an issue does not allow you to take the same line when sitting as a Director. If that is not in the best interests of the Company then you will expose yourself to personal liability.
- There may be **actual or potential conflicts between the interests** of the Council and the interests of the company. For example, the company might be inflating a bid for a Council grant. In such circumstances the proper way for the conflict to be dealt with is for you to resign either from the company or from the Council.
- Directors are not allowed to make a **private profit** from their position. You must therefore disclose any interests you or your family have in relation to the company's contracts. Whether you are then allowed to vote will depend upon the Articles of Association of the company – you should be given access to these.
- Directors must ensure **compliance** with the Companies Acts in relation to accounts and in returns to the Registrar of Companies. Failure to do so will incur a fine and persistent default can lead to your disqualification as a Director.
- Directors should also ensure the company **complies with other legislation** such as health and safety legislation if the company employs staff or contractors.

If as a Director you act properly, use adequate skill and act in the best interests of the company you are unlikely to attract personal liability, given companies' status as separate legal bodies.

## 2. Charitable Trustees

Those who are responsible for the control and administration of a charity are referred to as Trustees. This guidance deals with **Charitable Trustees**. If the organisation is not legally a charity – if for example it is a company limited by guarantee you may be a trustee but you are not a Charitable Trustee. It is important that you are clear whether the organisation is a Charity with the legal status of a trust or whether it is a company or some other form of organisation.

As a Charitable Trustee you should comply with these points:

- Trustees must take care to act in accordance with the **trust deed** and to **protect the charity's assets**. They are also responsible for compliance with the Charities' Acts and the Trustee Act 2000.
- Trustees must not make a **private profit** from their position.
- All Trustees must act with the **standard of care** that an ordinary and prudent business person would show. Higher standards are required of professionals and in relation to investment matters.
- As a Charitable Trustee you must ensure that the information relating to the trust and trustees is **registered with the Charity Commissioners** and that annual accounts and returns are completed and sent.
- You should also be aware that if charitable income exceeds £5,000 letterhead, adverts, cheques etc. must bear a **statement** that the organisation is a registered charity.
- Trustees are under a duty to ensure the charity's **compliance with all relevant legislation**, for example, in relation to tax and health and safety.

If a Charitable Trustee is in doubt about any issue they should consult the Charity Commission. If the points above and Charity Commission advice are followed personal liability is likely to be avoided.

An important point is that Charitable Trustees can be **personally liable to third parties** because (unlike a company) as a trust, the charity has no separate legal identity. Trustees are, however, entitled to an indemnity from the charity if they have acted properly in incurring the liability.

Trustees remain **personally liable when they retire** and should therefore seek an indemnity from their successors.

Trustees may take out **insurance** which should cover them as long as they have acted properly and within their powers for liability while acting as a Trustee (alternatively the charity itself can take out the insurance as long as

the trust deed allows it.) The insurance will not cover you against liability for criminal act, fraud etc.

A number of useful publications are available on the Charity Commission's website: [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk).

### 3. Unincorporated Associations

Bodies which are neither limited companies nor charitable trusts may be "unincorporated associations".

Unincorporated associations have no separate legal identity from their members – examples are clubs and residents and tenants associations.

The rules governing the members' duties and liabilities will (or should) be set out in a constitution, which is simply an agreement between members as to how the organisation will operate. Usually the constitution will provide for a management committee to be responsible for the everyday running of the organisation. There are some general principles which you should apply:

- Management Committee members must act within the **terms of the constitution** and must take **reasonable care** when exercising their powers,
- Councillors who sit on unincorporated association Management Committees will have **joint and severable liability** with other Members. However, you will have an indemnity from the funds if you have acted properly. If the body has insufficient funds you will however be liable for any shortfall.
- You will be **personally liable** if you act outside of the authority given to you, you do not comply with the law or you act criminally.
- It is possible that the organisation itself can take out **insurance** for its members as long as its constitution allows for this.

### 4. School Governors

If you become a school governor you are appointed to the "governing body" of the school.

The governing body of a community, voluntary or foundation maintained school has a **separate legal identity** from that of the individual Governors (this is like the position with companies). It means that the governing Body, rather than individual Governors, will generally be responsible for the acts of the governors. So long as a Governor acts honestly and reasonably and within their powers when carrying out their delegated powers/duties, any liability will fall on the governing body rather than the individual governor concerned. Therefore, when making decisions as part of the governing body Governors are legally protected as long as they are acting in good faith and there is no element of wrong doing.



Governors should follow these principles:

- You should always **act reasonably**, seek and act upon professional advice when necessary and at all times act with the **school's best interests** as your major consideration.
- If, as a governor, you have to act on your own you should ensure you are acting under **properly delegated authority** and that what you are doing falls within the parameters of that authority.

(**Note:** Academies are non-maintained independent schools. If you are appointed to represent the Council as a Director, Governor or Trustee on an Academy, paragraphs 1 and 2 of this guidance apply.)

## 5. Consultative or advisory bodies

These are bodies that the Council recognises as having a formal advisory or consultative role. An example is an external committee or a statutory partnership which advises the Council on various issues.

Difficulties can arise if as a representative you champion a position taken by the external committee/partnership, when sitting as an elected Member on a Council committee. This can result in the decisions of the Council committee being successfully challenged. **As a representative on a consultative or advisory body it is very important that you understand your legal position in terms of personal and prejudicial interest and bias.**

## 6. Financial and Governance Issues

If you are part of the management structure of the organisation then you will have certain financial and governance responsibilities to that body. Some of these have already been set out in this guidance. However, there are some financial and governance issues to be aware of:

- You should ensure that regular accurate and up to date financial information is available to you.
- You should understand how decisions are made in the organisation. What is the decision making forum? What powers to make decisions have been delegated, to whom and what is the exact scope of the delegation?
- Do you have any decision-making powers and, if so, what is the exact scope of that power?
- What is the process if the organisation wants to contract with a third party? Who can sign those contracts in a way that binds the organisation?

## **Should the body on which you sit face financial difficulties you should be aware of the following:**

- You need to apply **reasonable skill and care** to help to protect the body's financial interests.
- Should the body begin to get into financial difficulties you must take **specialist advice** and act **as early as possible** to protect the body's potential creditors.
- In particular there may come a point when it is clear that the organisation will have no reasonable prospect of avoiding liquidation and you must then take every step to **minimise losses to creditors**.

Whilst this applies to all organisations these obligations are most clearly defined for **companies**. If a company continues to trade after there is no reasonable prospect of avoiding liquidation, this is "wrongful trading" and could lead to **personal financial responsibility to creditors** for the Director. It is important that you remain aware of the company's financial affairs and act very quickly should you consider it is in financial difficulty by taking professional advice as to the options.

### **7. Insurance**

You should establish as soon as you are appointed what, if any, insurance is in place that **covers you in your role**.

You should in general satisfy yourself as to the running of the organisation regarding insurance.

You should establish what insurance the organisation itself holds for **other purposes**, for example third party liability insurance and employers liability insurance (the second of which is a legal obligation for all organisations which employ staff). Clearly adequate and comprehensive insurance cover for the organisation is likely to limit any residual exposure for you as a Trustee, Director, Committee member, etc.

### **8. Responsibility to Regulators**

Whilst sitting on an outside body you should be aware of whether the body owes any obligations to regulators or other outside bodies. In particular and depending on the nature of the body, the following organisations might be relevant – Tenant Services Authority, Homes and Communities Agency Corporation, District Auditor, Information Commissioner (data protection and human rights issues), Charity Commission, Register of Companies or the Health and Safety Executive. The organisation should know which bodies are applicable and have systems in place to liaise and comply with their requirements. It is likely to be part of your role to help ensure that these obligations are complied with.

## 9. Indemnity by the Council for Members and officers

The Council has indemnified all Councillors appointed to any of the Joint Committees, outside bodies, other bodies and charities listed in Appendix B to this guidance. The Chief Executive has delegated authority to add to the list as appropriate. The indemnity also extends to all officers undertaking work for or in connection with such bodies. The indemnity covers “any loss, liability, damage, claim, proceeding, costs (including costs incurred by the member or officer), expenses or demands arising from any act, omission, neglect or error (occurring after 21 October 1999) by the member (or officer) and in the course of exercising, or in connection with the exercise of, the appointment of the member (or the work undertaken by the officer).”

This indemnity does not cover any amount that results directly or indirectly from the commission of a criminal offence, or any amount that results directly or indirectly from the fraud or dishonesty of the member or officer.

This indemnity does not apply if the Councillor or officer, without prior written approval of the Council’s Chief Executive or Monitoring Officer, admits liability or compromises any claim falling within the scope of this indemnity.

Since the Council resolved in 2001 to agree the terms of the indemnity a new requirement has been introduced by The Local Authorities (Indemnities for Members and Officers) Order 2004 stipulating that the terms of any indemnity must include provision for re-payment of sums expended by the Council or the insurer in cases in which a member has been found to be in breach of the Members’ Code of Conduct, or a member or officer has been convicted of a criminal offence (if the indemnity or insurance policy would otherwise cover the proceedings leading to that finding or conviction).

The indemnity does not cover Councillors who serve on outside bodies in a private capacity or those individuals who are not Councillors but have been appointed to represent the Council on any outside bodies. **People in that position need to make sure that the organisation itself has provided insurance cover for them.**

## 10. Application of the Members’ Code of Conduct – personal and prejudicial interests

This relates to the conduct of Councillors when taking part in Council business – for example when sitting on a Committee.

### Personal interest

Under paragraph 8 of the Code a Member must regard themselves as having a **personal interest** in the business of any body to which they have been appointed as the Council’s representative and this should be included in the register of interests. Under paragraph 9 the Members Code of Conduct you need only disclose the existence and nature of this type of interest if you speak at a meeting of the authority where the interest arises as part of the business of the meeting.

In summary Councillors always have a personal interest in any issue relating to a body on which they are a Council appointed representative and they should always disclose that personal interest if they speak at a meeting of the authority where such an interest arises.

### **Prejudicial interest**

A prejudicial interest is one where a member of the public, with knowledge of the relevant facts, would reasonably regard it to be so significant that it would be likely to prejudice the Member's judgement of the public interest. Usually a prejudicial interest will arise for a Councillor in relation to an outside body he or she serves on if the related Council business affects the financial position of the organisation or a matter relating to planning or licensing. However it is always advisable seek a view from the Monitoring Officer if unsure.

If a Member does not have a prejudicial interest they may stay and vote. Where a prejudicial interest does arise the member concerned must declare it and withdraw from the room during discussion of that item of business. Failure to act in accordance with the rule on interests could undermine the integrity of any decision. Members are therefore advised to interpret the Code's guidance on prejudicial interests widely and **when in any doubt treat it as prejudicial.**

### **11. Bias and closed minds**

Members need to be aware of these points on bias and closed minds. If a Member is found to have been influenced by bias when making a Council decision the Council decision must be set aside. (Where actual bias has not been established the personal impartiality of the Member is to be presumed.)

Should a decision be challenged then an objective appraisal will be undertaken. If the material facts give rise to a legitimate fear that the Member might not have been impartial the decision must be set aside. The 'material facts' are not limited to those which were apparent to any complainant but also include those which appear when the matter is investigated.

An important consideration in making an objective appraisal of the facts is the desirability that **the public should remain confident in the administration of government.** Would a fair-minded observer, knowing the background, consider that there was a real danger of bias from the external interest of a Member in the outside body? Is the Council being influenced by the outside body, not just through its representations, but also by the Member who was involved with the creation of that outside body's view and representations? Is the Member not considering the matter with an open mind, predetermining his or her decision based on his or her membership of the outside body? Members should always be aware that should the issue of bias arise their conduct would be questioned in this way.

The other key issue is the type of outside body:

- For example, if a Member is appointed as the Council's representative on a **Trust** that Member should not sit as a Member of any licensing

committee determining an application by the Trust or by any rival nor should they in any way attempt to influence the decision.

- If the outside body is simply a **discussion forum** it is very unlikely that issues of bias would arise for the representative.
- If the body is an **advisory or consultative body** a Court will not assume bias and therefore it would possibly be legitimate for the Member to decide they have no prejudicial interest. However, once that body has a 'line' which is being advocated by the Member, it is likely that the Court would find bias.

In summary, the duties of a Councillor as a Director, or a trustee or a Member of a Management Committee may well give rise to a legitimate fear of lack of impartiality.

**Contact names for further advice**

**Constitutional issues** – Deborah Upton, Assistant Director, Housing and Corporate Services

Email: [deborah.upton@medway.gov.uk](mailto:deborah.upton@medway.gov.uk)

Telephone: 01634 332133

**Legal issues** – Deborah Upton, Assistant Director, Housing and Corporate Services

Email: [deborah.upton@medway.gov.uk](mailto:deborah.upton@medway.gov.uk)

Telephone: 01634 332133

**School governor issues** – Governor Services

Email: [governor.services@medway.gov.uk](mailto:governor.services@medway.gov.uk)

Telephone: 01634 331027

**Financial issues** – Mick Hayward, Chief Finance Officer

Email: [mick.hayward@medway.gov.uk](mailto:mick.hayward@medway.gov.uk)

Telephone: 01634 332220

### List of bodies to which Medway Council appoints or nominates representatives

#### Joint committees and other joint bodies

- [CaRe \(Casualty Reduction Road Safety Forum\)](#)
- [Kent and Essex Inshore Fisheries and Conservation Authority](#)
- [Kent and Essex Sea Fisheries Committee](#)
- [Kent and Medway Towns Fire Authority](#)
- [Kent Police Authority](#)
- [Kent Police Authority - Joint Appointments Committee](#)
- [Kent Rural Board](#)
- [Kent Transport Board](#)
- [Parking Adjudication Joint Committee](#)
- [South Thames Gateway Building Control Joint Committee](#)
- [Southern Regional Flood Defence Committee](#)
- [Superannuation Fund Committee \(with KCC\)](#)

#### Other bodies required by statute

- [Admiralty Court](#)
- [Adoption Panel](#)
- [Complaints Review Panel \(Adult and Children's Social Care\)](#)
- [Fostering Panel](#)
- [Local Access Forum](#)
- [Local Strategic Partnership Board](#)
- [Medway Admissions Forum](#)
- [Rochester Airport Consultative Committee](#)
- [Standing Advisory Council on Religious Education](#)

#### Outside bodies

- [Action with Communities in Rural Kent](#)
- [Art for Life Project](#)
- [Association for Port Health Authorities](#)
- [Chatham Historic Dockyard Trust](#)
- [Chatham Maritime Charitable Trust Ltd](#)
- [Chatham World Heritage Partnership](#)
- [Court of the University of Kent at Canterbury](#)
- [Ethnic Minority Forum](#)
- [Fort Amherst Heritage Trust](#)
- [Friends of Medway Archives](#)
- [Groundwork Kent and Medway](#)
- [Halling Association](#)
- [HANDS Gillingham Volunteer Bureau](#)
- [HANDS Rochester Volunteer Bureau](#)
- [Hoo Partnership](#)
- [Kent Committee South East Reserve Forces and Cadet Association](#)
- [Kent County Playing Fields Association](#)

- [Kent Downs Area of Outstanding Natural Beauty Joint Advisory Committee](#)
- [Kent People's Trust](#)
- [Kent Valuation Panel](#)
- [Kent Waste Forum](#)
- [LA21/Environment Partnership Board](#)
- [Local Government Association - General Assembly](#)
- [Local Government Association - Rural Commission](#)
- [Local Government Association - Urban Commission](#)
- [Lower Lines Trust](#)
- [Lower Medway Internal Drainage Board](#)
- [Medway Adult Community Learning Steering Group](#)
- [Medway Housing Improvement Agency](#)
- [Medway Human Rights and Equality Council \(Executive Committee\)](#)
- [Medway Maritime Hospital Foundation Trust - Council of Governors](#)
- [Medway Queen Preservation Society](#)
- [Medway Residents Group \(MeRGe\)](#)
- [Medway Tourism Association](#)
- [Medway Towns Sea Cadets](#)
- [MHS Homes Community Charity Ltd](#)
- [National Association of Councillors AGM Representatives](#)
- [North Kent Chamber of Commerce](#)
- [RELATE \(Medway and Gravesham\)](#)
- [Rochester Bridge Trust](#)
- [Rochester Cathedral Council](#)
- [Rochester Diocesan Board of Education](#)
- [Rochester Heritage Interpretation Partnership](#)
- [Royal Engineers Museum Foundation](#)
- [South East Coast Ambulance Trust](#)
- [South East Employers](#)
- [South East England Health Scrutiny Network](#)
- [Strategic Partnering Board \(NHS Medway\)](#)
- [Thames Gateway Kent Partnership Board](#)
- [Thames Gateway Strategic Partnership](#)
- [Tourism South East](#)
- [Valley of Visions Landscape Liaison Board](#)

## **Charities**

- [All Saints Frindsbury Charities](#)
- [Chatham Charities Trustees](#)
- [Gillingham United Charities](#)
- [Gunsley Charity](#)
- [Hundred of Hoo Trust](#)
- [John Baynard's Charity](#)
- [Mayor of Medway's Welfare Fund](#)
- [Rochester Grammar School for Girls Charity](#)
- [Sir Joseph Williamson's Mathematical School Scheme](#)



## **Other bodies set up by Medway**

- [2012 Consultative Partnership](#)
- [Chatham Centre Forum](#)
- [Darland Banks Management Committee](#)
- [Gillingham Town Centre Forum](#)
- [Informal Working Party on Polling Districts and Polling Places](#)
- [Medway Lifelong Learning Forum](#)
- [Medway Park Development Project Board](#)
- [Medway Renaissance Partnership](#)
- [Member Development Advisory Group](#)
- [Older Persons' Plan Programme Board](#)
- [Rochester City Centre Forum](#)
- [Rochester Conservation Area Advisory Group](#)
- [Rochester Riverside Project Board](#)
- [Rural Liaison Committee](#)
- [South Wood Management Committee](#)
- [Strood Town Centre Forum](#)
- [Transport for Medway Board](#)
- [Valuing Medway People Partnership Board](#)
- [Youth Centre Management Committee - Information Shop](#)
- [Youth Centre Management Committee - Parkwood](#)
- [Youth Centre Management Committee - Strood](#)
- [Youth Centre Management Committee - Woodies](#)
- [Youth Centre Management Committee - Woodlands](#)

## **Bodies established by Cabinet**

- [Chatham Board](#)
- [Corporate Parenting Group](#)
- [Local Development Framework Advisory Group](#)
- [Local Transport Plan Advisory Group](#)
- [Medway Regeneration Advisory Group](#)
- [Procurement Board](#)
- [Strood Regeneration Cabinet Advisory Group](#)

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## Appendix B

### MEDWAY COUNCIL

#### CHECKLIST FOR MEMBERS – OUTSIDE BODIES AND ORGANISATIONS

This checklist is intended to help you in your role if you have been appointed as a representative of the Council on any outside bodies. I hope you will find it useful. Asking these questions should help you to get to know the organisation and work effectively with it. You may wish to meet with either or a senior officer from the outside body/organisation or a Council lead officer (where identified) to discuss your role.

You should also have received the Members Guide “Appointees to outside bodies and organisations – Legal Obligations”. If you have not please speak to the Head of Democratic Services who will send you a copy. It is likely that your new body will be listed at the back of the Guide. Please take time to familiarise yourself with it.

1.	Officer contact at the Council (where identified).	
2.	What is the legal status of the organisation?  Is it a company, an unincorporated body, for example a management committee, or is it simply an advisory body?	
3.	Do you have a decision-making role or are you simply an observer?	
4.	How often does the organisation meet?  What percentage of meetings will you be expected to attend?	
5.	What are the links with the Council? <i>In particular does the organisation have any contracts or other legal relations with the Council?</i>	
6.	How should you report back to the Council?  To whom and in what form?	
7.	Is the organisation aware of why you are there and your role in reporting matters back to the Council?	
8.	Does the organisation employ any staff?	
9.	Does the organisation own or have any rights in any property?	

10.	Does the organisation have any contractual commitments?	
11.	What insurance does the organisation hold?  <i>In particular if it employs staff does it carry employee liability cover (which it must as a matter of law), does it have third party cover and does it insure you in your capacity?</i>	
12.	Does the organisation understand that you may have to withdraw from decision-making processes if there is a conflict of interest with the Council?	
13.	What does the organisation want from you?  What does it perceive as your role?	
14.	For how long is your appointment and how will you pass over to your successor?	
15.	How will you be kept up to date with regard to the organisation's financial position?	
16.	How are decisions made in the organisation and what is the level of your personal authority to make decisions etc.?	
17.	Apart from your obligations to the organisation what other bodies do you owe duties to?  <i>For example if the organisation is a company, to the Registrar of Companies, if a charity, the Charity Commission or for Housing Association, the Housing Corporation – how are these obligations fulfilled?</i>	
18.	What are the steps to be taken when you leave the organisation?	

**MEDWAY COUNCIL – QUESTIONNAIRE FOR COMPLETION BY ALL OUTSIDE BODIES, CHARITIES AND OTHER GROUPS TO WHICH MEDWAY COUNCIL NOMINATES OR APPOINTS REPRESENTATIVES**

Please answer all questions listed below (if further space is required then please supply additional sheets). Once finished please return the form, together with requested documents where appropriate to:-

Ellen Wright  
 Democratic Services Officer  
 Democratic Services  
 Medway Council  
 Gun Wharf  
 Chatham  
 Kent ME7 4TR

1.	Name of organisation/group/charity etc	
2.	Purpose of organisation	
3.	Type of organisation i.e. a) Are you a Company (including Company by Guarantee? b) Are you a Registered Charity, if so please supply Registered Charity number? c) If neither of the above – please specify	
4.	Address of Registered Office	
5.	Name, address, telephone number and email address of the contact person for correspondence	
6.	Details of any funding or other financial assistance (i.e. guarantees) received from the Council in the past 12 months	

7.	<p>In what capacity do individuals appointed or nominated by the Council serve on your organisation i.e. are they advisory, do they become Directors, are they members of your Management Committee or Board, are they Trustees?</p>	
8.	<p>Are individuals appointed/nominated by Medway Council entitled to voting rights?</p>	
9.	<p>Please provide brief details of duties and liabilities of the individuals nominated or appointed by the Council.</p>	
10.	<p>Does your organisation/charity/group have insurance cover to indemnify persons who serve on the group/organisation?</p> <p><b>If yes</b>, please supply a copy along with details of any possible financial liability.</p> <p><b>If no</b>, please confirm whether or not Council appointed representatives have any personal liability in respect of their involvement in your organisation/group and what such liabilities are.</p>	
11.	<p>Are representatives nominated or appointed by Medway Council required to be elected members of Medway Council?</p> <p>Please note that if you indicate this is a requirement, in the event of a nominated/appointed representative ceasing to be an elected member prior to the expiry of their term of office as a representative on your organisation, it will be assumed that a new representative will be required.</p>	
13.	<p>How often are meetings held to which the Council nominee or representative will be expected to attend?</p>	

14.	What is the usual start time of these meetings?																																																										
15.	Where are your meetings held?																																																										
16	<p>If not previously supplied, please provide the following information:-</p> <p>A copy of your Certificate of Incorporation</p> <p>A copy of the Constitution of your organisation (i.e. the Memorandum and Articles of Association or Rules)</p>	<p>Tick below to confirm these are enclosed:-</p> <p>[ ]</p> <p>[ ]</p>																																																									
17	<p>Please specify the length of term for each Council appointed/nominated representative(s) and date of expiry of current term (if already appointed):</p> <table border="1" data-bbox="280 797 1404 1408"> <thead> <tr> <th data-bbox="280 797 655 875">Name</th> <th data-bbox="655 797 1031 875">Term of office</th> <th data-bbox="1031 797 1404 875">Date of expiry of current term</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		Name	Term of office	Date of expiry of current term																																																						
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**IF MEDWAY COUNCIL’S NOMINATED INDIVIDUALS ACT IN THE CAPACITY AS A COUNCIL REPRESENTATIVE, PLEASE ALSO COMPLETE THE SHEET OVERLEAF CONFIRMING ATTENDANCES AT MEETINGS OF YOUR BODY/CHARITY/GROUP**

**Thank you very much for your co-operation in completing this questionnaire.**

