

## **DECLARATION OF INTEREST**

One of the most common complaints levelled at members of Trust Port Boards and their Executives by members of the public are that they are not acting in an independent and impartial manner. Trust Port Board Members have an absolute duty to act with integrity and in accord with the basic principles of the Trust. All candidates short listed for Board Appointment will be asked to complete a screening questionnaire disclosing their business interests and answering questions about their fitness to serve.

In accordance with Government best practice, Fowey Harbour Commissioners (FHC) maintain a register of interest for its Board. The information provided by appointees in their screening questionnaire will form the basis of their entry. This is freely open to inspection by the public on request. It is the responsibility of the Chairman, Executive and individual members to ensure that it is kept up to date. In addition FHC, through the Chairman and Chief Executive, provide members with guidance and help them to identify and register what may constitute a conflict of interest and what action would be appropriate to resolve it.

### **Registers of interest should include:**

Pecuniary and non pecuniary interests of members, their close family and associates which relate closely to the port's activities (i.e. employment, proprietorship, directorships, controlling interests, ownership or title to land and property within the ports sphere of activities, membership or office in another organisation, membership of political parties, non profit making organisations such as housing associations, clubs and closed societies such as the Masons.

Hospitality or gifts that could not be considered *de minimis* accepted by the Board Member or close family from third parties associated with the port and its operations.

Key elements of the register must be published in the annual business strategy plan and accounts prepared by the port. Failure to disclose an interest otherwise discovered could be a matter for formal censure by the Board supported by a written warning from the Chairman or Chief Executive in the first instance. Further lapses (depending on seriousness) could be considered as grounds for termination.

In an effort to ensure that Fowey Harbour Commissioners are beyond criticism and can be seen to be fully accountable, such a register is in being and all Commissioners are being encouraged to voluntarily register their interests. The questionnaire will provide all the necessary information and will be updated annually.

### **Conflicts of interest**

It is essential in the interests of openness and accountability that Board Members are perceived not to be influenced or motivated by private interests in the discharge of their duties. It is beholden on all Board Members to declare any personal or business

interests which might be construed by any reasonable person to influence their judgement. As a minimum this should include personal, direct and other pecuniary interest in the matter under discussion or its outcome, involvement or association with a third party having personal, direct and other pecuniary interest in the matter under discussion or its outcome.

Board Members should declare such conflicts of interest either before or at the Board meeting in advance of any discussion of the item concerned. The Chairman, in consultation with the Board, will decide whether the member should withdraw from the meeting for the item or if they are to be allowed to contribute to the discussion on a purely factual basis. In any event the member should be required to leave the meeting whilst the Board's decision is made. The fact that a member has declared an interest and the way in which this is handled should be recorded in the minutes.

If it is subsequently discovered that a participating Board Member failed to declare a relevant interest, the Chairman should consult with the Executive to decide what action is merited in the interests of accountability and probity. As above, such action should, at the very least, result in a formal censure of the offending member by the Board. Further lapses (depending on seriousness) should be considered as grounds for termination.