

FOWEY HARBOUR COMMISSIONERS

Note For Guidance of Board Members on the Disclosure of Financial and Other Interests.

1. You are requested to disclose to the Authority particulars of;
 - a) any trade or business you are or propose to become directly or indirectly engaged, or from which you may receive remuneration, whether directly or indirectly:
 - b) any appointment as a director or officer of any body corporate which you hold or may be proposing to take up;
 - c) any securities (including stock, shares, mortgages, debentures and debenture stock) or other interest, held by or for you, that might have a prejudicial effect upon the discharge by you of your function as a Member of the Authority, or might prima facie appear to be likely to have such an effect:
 - d) *any land in which you have interest, if that land is near any of the Authority's land or part of the Port or is likely to have its value affected by development on or near the Port, or by the policy or operation of the Authority.*
2. The Authority must necessarily rely upon your discretion and judgement in the provision of all the relevant particulars and the disclosure of all relevant matters. In considering what particulars to provide and what matters to disclose, you should be guided by the premise that the Authority would wish to be made aware of any interest or connection that might raise in the mind of a reasonable person the question whether your duty to promote the interests of the Authority was in conflict with the obligations imposed by your other interests.
3. Should you acquire, during the course of your appointment, any new interest or connection that could be constructed as liable to lead to possible conflict with your duties as a Member of the Authority, the Authority should be notified as soon as possible in accordance with the declaration made by you on becoming a Member of the Authority.
4. *Should you change address during the course of your appointment the Chief Executive should be notified.*

Duties of Members

Members should appreciate that, having signed the declaration prescribed by the Commissioners Clauses Act 1847, they are under a duty to act in the interests of the Authority as a whole and not as representatives or delegates of the body of whom they are appointed. Members must not use their position except for the benefit of the Authority.

The Authority moreover has been advised that the duties and responsibilities of Members are analogous to those of directors of companies, who owe a fiduciary duty to the company and must exercise independent judgement.

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.

Declaration of Interests

One of the commonest complaints levelled at members of trust port boards and their Executives by members of the public is that they are not acting in an independent and impartial manner. Trust port board members have an absolute duty to be seen as acting with integrity and in accord with the basic principles of the trust. All candidates short listed for board appointment should be asked to complete a screening questionnaire disclosing their business interests and answering questions about their fitness to serve. A model questionnaire is provided at annex 6.

In accord with Government best practise, all trust ports should maintain a register of interests for its board. The information provided by appointees in their screening questionnaire should form the basis of their entry. This should be 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 all trusts should, 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 minimus 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 being started and all Commissioners are being encouraged to voluntarily register their interests. The questionnaire will provide all the necessary information.

FOWEY HARBOUR COMMISSIONERS

DECLARATION OF INTERESTS

Screening Questionnaire.

All commissioners are requested to complete the following declaration.

All answers will be treated in confidence except those marked * which will be included in the register of interests and open to public inspection if you are appointed.

Personal details

Name*

Previous Name*

DoB*

Private address

Telephone

Fax

E.Mail

Business address

Telephone

Fax

E.Mail

Other relevant Information

Any appointee to the trust could find that matters or incidents which previously attracted no attention could become matters of public interest once the person concerned holds public office.

If the answer to any of the following questions is 'yes' please provide details on a separate sheet.

Have you ?

Ever been convicted of any offence (other than minor motoring) which are not spent in accordance with the Rehabilitation of Offenders Act 1974. | YES NO

Any charges outstanding YES NO

Become bankrupt in the past 10 years YES NO

Been dismissed from any office or employment in the past ten years. YES NO

Ever been disqualified from either acting as a company director or in the management of a company. YES NO

Ever been a director, partner or manager of a company which has gone into liquidation, receivership or administration. YES NO

Any other facts to declare which you feel might be raised in public in future in relation to your suitability to hold the appointment for which you are being considered, for example because they could be presented as a conflict of interest.

Other business interests*

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Current employment details.

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Please state whether there are any companies or partnerships:

of which you are or have been a director or partner in the last 10 years.

of which you own more than 50% whether or not you are a director or partner.

Other appointments* past/present e.g. Councillor, officer of clubs.