

## REGISTER OF INTERESTS - GUIDANCE NOTES

1. Any interest, financial or otherwise, which is likely or would, if publicly known, be perceived as being likely to interfere with the exercise of a Member's independent judgement should be disclosed to the Corporation. The interest will then be recorded in a Register which will be maintained by the Clerk to the Corporation. This Register enables Members to disclose relevant business interests in a manner which is open and transparent and demonstrates to the public that such interests have not influenced the Corporation's decision-taking process. Members are reminded the Register is open to public inspection.
2. Individual Members/Post-holders are in the best position to decide what business interests are relevant and should be disclosed. However, they may find it helpful to consider whether any particular interest should be disclosed by reference to the following headings, which are set out as general guidelines.

<b>Category of Interest</b>	<b>Information to be Disclosed</b>
Paid employment	Name of employer, office, profession or other activity
Self employment	Names of significant customers/clients accounting for more than, say, 10% of income of individual or firm
Consultancies (whether or not paid)	List of consultancies
Directorships of commercial companies	Names of companies
Partnership in a business or professional partnership	Name of business
Significant share-holdings	Name of companies in which the Corporation Member owns, say, 5% or more of the issued share capital
Elected office	Name of authority
Trusteeships or participation in the management of charities and other voluntary bodies	Name of body
Public appointments (paid or unpaid) eg local authority, health authority, NHS Trust, school or college governing body, Skills Funding Agency	Name of body
Membership of professional bodies and trade or other associations	Name of body
Gifts or hospitality offered by outside bodies and arising from your position as a Member of the Corporation	List of hospitality or gifts received
Unremunerated posts, honorary positions and other positions that might give rise to a conflict of interest or of trust.	List of positions

3. Members are invited to provide the same information, if known to him or her, in respect of his or her spouse or partner, children or other close relatives (eg living in the same household or a dependant). A Member should ask him/herself whether members of the public, knowing such information, would reasonably conclude that the relevant interest might influence his or her judgement.

## REGISTER OF INTERESTS - ADDITIONAL GUIDANCE NOTES

The Corporation at its meeting on 2 December 1994 approved the introduction of a Register of Members' Interests.

The purpose of this paper is an attempt to offer further guidance on the subject of interests to that which accompanies the Register. The issue of Interests is one that is covered in great detail in the public sector and much of the detail provided in this paper is drawn from the National Code of Local Government Conduct and has been tailored to the circumstances of the College.

The underlying theme of the Code of Conduct is that it is not sufficient for a member of a governing body to avoid actual impropriety, as a member should at all times avoid any occasion for suspicion and any appearance of improper conduct. This same theme is behind the emphasis being paid to the Nolan Report.

In completing the Register of Interests, Members/Post-holders will be attempting to assess what does and does not constitute an Interest, and action to be taken in order to ensure that your Interest is recorded at a Corporation meeting. Paid Officers of the College should refer to the Corporation's Standing Orders on this issue.

There are in essence two types of Interest, those that are of a financial nature and those that are not. Financial Interests are 'pecuniary' interests, with the opposite being 'non-pecuniary'.

### **Pecuniary Interests**

A member of the governing body should disclose any pecuniary interest which he/she has in any matter coming before the Corporation. A member declaring such an Interest in a committee meeting should not speak or vote on the matter being discussed. In order to avoid any argument of impropriety, it is advised that, in such circumstances, the member withdraws from the meeting during consideration of that item of business.

Failure to declare a pecuniary interest would, if discovered, automatically lead to a finding of mal-administration against the Corporation, but may also render the member concerned liable to criminal proceedings.

Pecuniary interests relate to the governor and his/her spouse or partner. Matters relating to other family members or friends should be declared as a non-pecuniary interest.

### **Non-Pecuniary Interests**

Any private or personal interest in a matter under consideration should be disclosed, in fact only if the matter is insignificant should a governor not declare it.

If a non-pecuniary interest is declared at a meeting then the course of action to be taken is reliant upon whether or not the Interest is clear and substantial.

If the answer to this is:-

**Yes** - then the member should withdraw from the meeting

**No** - then the member may take part in the discussion and vote

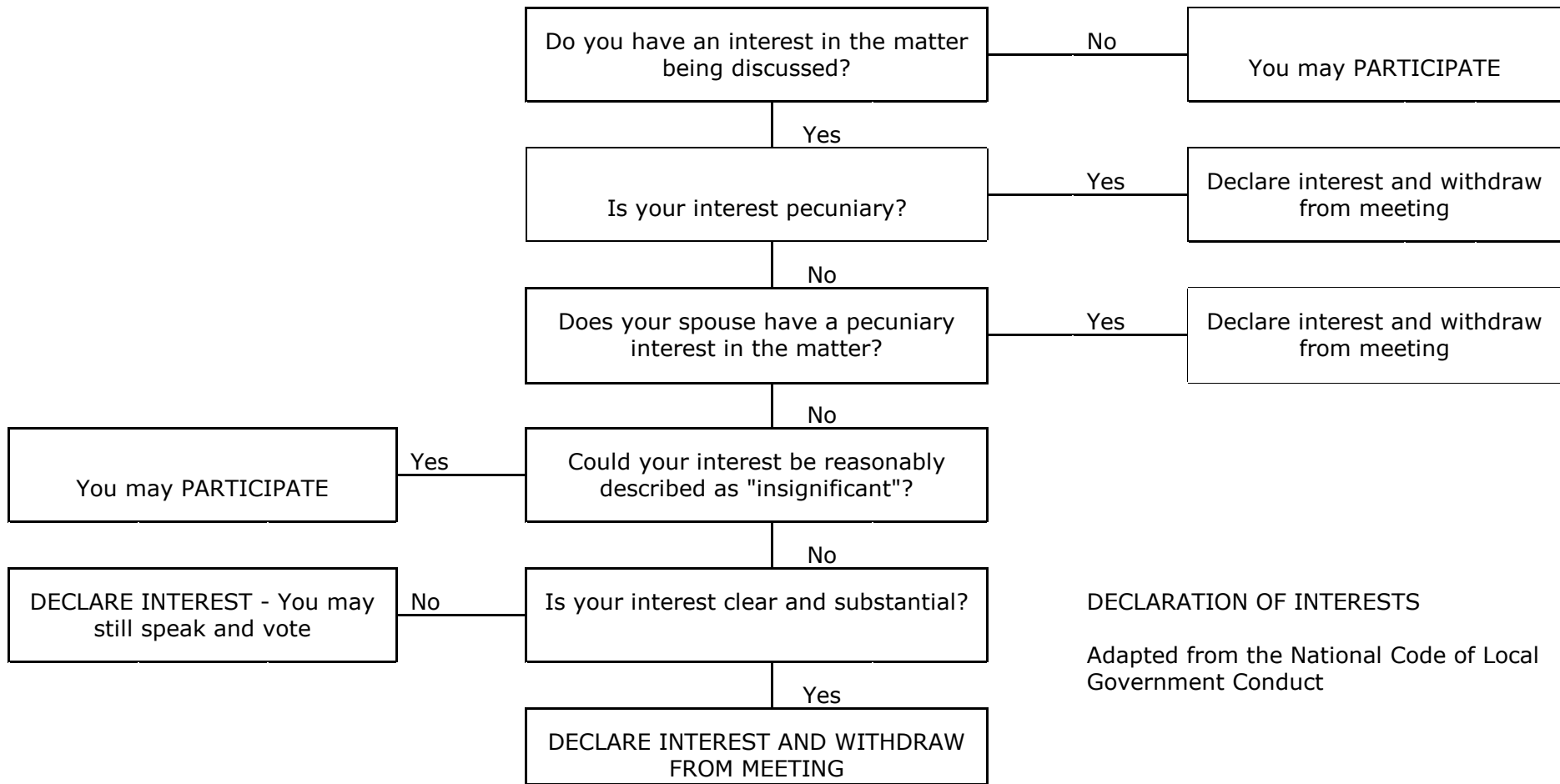
The test which should be applied of a clear and substantial Interest is whether members of the public, knowing the facts of the situation, would reasonably think that a governor might be interested by them.

A flow diagram that may make this subject of Members' Interests a little easier to explain is attached.

## Examples of Types of Interests

<b>Circumstances</b>	<b>Course of Action</b>
Ownership of land/financial interest in it	Pecuniary Interest - withdraw from meeting
Spouses'/partners' employment	Pecuniary Interest - withdraw from meeting
Business dealings with applicant	Pecuniary/Non-Pecuniary Interest - withdraw from meeting
Paid or voluntary employment with an organisation seeking some form of commercial or partnership arrangement	Pecuniary/Non-Pecuniary Interest - withdraw from meeting
Matters involving friends or relatives	Non-Pecuniary Interest - withdraw from meeting
Ordinary member of club/charity (item not on financial/property matter)	Non-Pecuniary Interest (Optional) - speak and vote





DECLARATION OF INTERESTS

Adapted from the National Code of Local Government Conduct

## EXTRACT FROM INSTRUMENT OF GOVERNMENT SECTION 8 (2-08)

### **8. Persons who are ineligible to be members**

- 8.1 No one under the age of 18 years may be a member, except as a student member.
- 8.2 The Clerk may not be a member.
- 8.3 A person who is a member of staff of the institution may not be, or continue as, a member, except as a staff member or in the capacity of Principal.
- 8.4 Paragraph (3) does not apply to a student who is employed by the Corporation in connection with the student's role as an officer of a students' union.
- 8.5 Subject to paragraphs (6) and (7), a person shall be disqualified from holding, or from continuing to hold, office as a member, if that person has been adjudged bankrupt or is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order or a bankruptcy restrictions undertaking within the meaning of the Insolvency Act 1986, or if that person has made a composition or arrangement with creditors, including an individual voluntary arrangement.
- 8.6 Where a person is disqualified by reason of having been adjudged bankrupt or by reason of being the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order or a bankruptcy restrictions undertaking, that disqualification shall cease:
- a) on that person's discharge from bankruptcy, unless the bankruptcy order has before then been annulled; or
  - b) if the bankruptcy order is annulled, at the date of that annulment; or
  - c) if the bankruptcy restrictions order is rescinded as a result of an application under section 375 of the Insolvency Act 1986, on the date so ordered by the court; or
  - d) if the interim bankruptcy restrictions order is discharged by the court, on the date of that discharge; or
  - e) if the bankruptcy restrictions undertaking is annulled, at the date of that annulment.
- 8.7 Where a person is disqualified by reason of having made a composition or arrangement with creditors, including an individual voluntary arrangement, and then pays the debts in full, the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiration of three years from the date on which the terms of the deed of composition, arrangement or individual voluntary arrangement are fulfilled.
- 8.8 Subject to paragraph (9), a person shall be disqualified from holding, or from continuing to hold, office as a member if:
- a) within the previous five years that person has been convicted, whether in the United Kingdom or elsewhere, of any offence and has received a sentence of imprisonment, whether suspended or not, for a period of three months or more, without the option of a fine; or
  - b) within the previous twenty years that person has been convicted as set out in sub-paragraph (a) and has received a sentence of imprisonment, whether suspended or not, for a period of more than two and a half years; or
  - c) that person has at any time been convicted as set out in sub-paragraph (a) and has received a sentence of imprisonment, whether suspended or not, of more than five years.
- 8.9 For the purpose of this regulation there shall be disregarded any conviction by or before a court outside the United Kingdom for an offence in respect of conduct which, if it had taken place in the United Kingdom, would not have constituted an offence under the law then in force anywhere in the United Kingdom.
- 8.10 Upon a member of the Corporation becoming disqualified from continuing to hold office under paragraphs (5) or (8), the member shall immediately give notice of that fact to the Clerk.