

## **ALEXANDRA PARK AND PALACE** **CHARITABLE TRUST BOARD** **19 JULY 2018**

**Report Title:** Register of Trustees Interests

**Report of:** Louise Stewart, Chief Executive Officer

Contact Officer: Natalie Layton, Executive Assistant

Email: [Natalie.layton@alexandrapalace.com](mailto:Natalie.layton@alexandrapalace.com) , Telephone: 020 8365 4335

**Purpose:** The appendix to this report collates all declared personal interests of Trustees and identifies any conflicts that may arise.

### **Local Government (Access to Information) Act 1985**

This report contains exempt information as defined in Schedule 12a of the Local Government Act 1972; Paragraph 1 – information relating to any individual

#### **1. Recommendations**

- 1.1 To review the attached register of declarations of interests and update as required, or confirm as a correct record and working document;
- 1.2 To consider whether any of the interests are likely to give rise to a serious conflict of interest, which will affect the Board's decision making.

#### **2. Introduction**

- 2.1 Charity Trustees have a legal duty to identify and manage conflicts of interest and any perceived conflicts of interest. This ensures public trust and confidence that charity trustees are taking decisions only in the best interests of their charities and are not influenced by their other interests.
- 2.2 Charities have a legal obligation to maintain a register of trustees' interests (financial and personal) to enable effective management of identified conflicts. This register is available for inspection by the Charity Commission and will be made available to members of the public on request.
- 2.3 The Register of Interests is maintained by the Charity Secretary and will be presented to the Trust Board annually to ensure it is up to date.

- 2.4 Trustees are annually required to sign the Conflict of Interests Policy and complete a declaration of interest form and to make known, to the whole board, any interests that arise during the year as soon as possible after they are identified. The forms require Trustees to declare any direct and indirect (connected persons) interests.
- 2.5 Trustees are also expected to identify any current or new interests at each meeting. If any of the listed interests at Appendix 1 change, including changes of employment, trustees should make this known as soon as possible.
- 2.6 Where a conflict of interest has not been dealt with properly and is subsequently identified, the Charity Commission expects charities to act promptly to put matters right and prevent the same issue from arising again.
- 2.7 Conflicts cannot be avoided (and are not seen to affect the integrity of a trustee) but they must be managed correctly. Trustees may be required to remove themselves from discussions where a conflict of interest or loyalty may put the Charity at risk.
- 2.8 Where a Trustee's interest is regularly preventing them from taking part in decision making the interested Trustee may need to consider stepping down from the Board.

### **3. Register of Interests**

- 3.1 The 2018 Trustees Register of Interests is attached at Appendix 1.
- 3.2 Inherently, as they are appointed by the Corporate Trustee, all voting trustees have a potential conflict of loyalty. In order to fulfil their duty to act only in the best interests of the Charity, Trustee's primary duty should be with the Charity.
- 3.3 Trustees should also ensure that any confidential information that they have access to in their roles remains confidential.
- 3.4 Where a declaration of interest is made, Trustees must decide whether the interest will affect the Board's decision making and how to manage that interest for example: a trustee withdrawing from the meeting during discussion of the matter, the Board not pursuing a course of action, a trustee stepping down).

### **4. Risks**

- 4.1 The Charity's reputation and public trust and confidence in charities in general can be seriously affected if conflicts of interests are not identified and properly managed.
- 4.2 Any transactions, contracts and agreements could be void if a declaration of interest is not made at the appropriate time, which could result in financial loss to the Charity and reduced impact/ activities for beneficiaries.
- 4.3 The Charity could also be subject to legal challenge.

## **5. Legal Implications**

- 5.1. The Council's Assistant Director of Corporate Governance has been consulted in the preparation of this report, and confirms the legal duty on Board Members to avoid conflicts of interest and act only in the best interests of the charity. That duty arises under Charity Commission guidance, and section 175 of the Companies Act 2006. Accordingly, Members must not put themselves in any position where their duties as trustee may conflict – or give the impression of so doing - with any personal interest or loyalty they may have. The compilation of a Register of Interests – which needs to be treated as a living document, and as such kept under review, with amendments made promptly - will assist in delivering on the duty.
- 5.2. Confirmation is also given of the risk of challenge by either the Charity Commission itself, or a third party affected by a decision made by the Board, where a Member participates in the decision making process, but fails to disclose a conflict in the matter to be decided.

## **6.1 Financial Implications**

- 6,1 The Council's Chief Financial Officer has been consulted in the preparation of this report, and has no comments.

## **7. Use of Appendices**

Appendix 1 – Trustee Register of Declarations of Interests