



# Friends of Mill Road Cemetery

## FRIENDS OF MILL ROAD CEMETERY

### Conflicts of Interest Policy

#### 1. **Introduction**

1.1 This paper sets out the policy agreed by the Friends of Mill Road Cemetery Committee ('FOMRC Committee') to advise on how conflicts of interest will be considered and dealt with. It is intended to offer advice but it does not override or supersede any part of the Constitution. This policy will be sent to the Chair of each Sub-Committee, who will be asked to ensure that the procedures are followed.

1.2 Each member of the FOMRC Committee undertakes to act in support of the Friends of Mill Road Cemetery ('FOMRC') in accordance with its 'objects'. Each is required to ensure that their duties do not appear to be in conflict with other interests and/or other duties. Decisions should be based solely on the interests of FOMRC and its 'objects'.

#### 2. **Register of Interests**

2.1 Interests that need to be recorded are:

- a. Financial interests in companies and/or organisations from whom the FOMRC may purchase goods or services, and/or to whom the FOMRC may offer goods or services; and/or
- b. Employment by, and/or membership of, organisations that may seek to influence decisions by the FOMRC Committee.

#### 3. **Recording Declarations of Interests at Meetings**

3.1 All FOMRC Committee members have promised to uphold the interests of the FOMRC and its 'objects'. Therefore, whenever they are members of the FOMRC Committee or a Sub-Group, they must determine the interests of the FOMRC and its 'objects' and act

to further those interests. A material interest is any matter which may influence the judgement of the person possessing it, or may reasonably appear as capable of influencing that person's judgement, so that the judgement may not be, or may not appear to be, exercised wholly and exclusively in the interests of the FOMRC and its 'objects'.

3.2 Any person present at a meeting of the FOMRC Committee or a Sub-Group should declare any potential material interest in the matters to be discussed as soon as possible. They should explain the nature of the conflict and whether or not they wish to make representation to the committee on the item concerned.

3.3 At the start of each meeting, the Chair will ask if any of those present need to declare a conflict of interest. Any such conflicts of interest, whether declared then or in advance, will be notified to all present and recorded in the minutes. If the Chair considers that any member present has a material interest in an item to be discussed, then the Chair may refer the matter to the committee who will consider the member's views and, in their absence, determine the matter.

3.4 There are three sorts of conflict of interest that may arise:

- a. Where someone has a pecuniary interest in a decision; and/or
- b. Where someone will be directly affected by a decision; and/or
- c. Where someone's interests make it doubtful whether they can properly act in the interests of the FOMRC and its 'objects'.

(ii)

3.5 In the first case, the person concerned must withdraw from that part of the meeting and take no part in any discussion and/or vote. In all other cases, the person would be expected to withdraw from the meeting while the matter is discussed. They should be allowed to make representations to the meeting either orally or in writing.

3.6 A particular difficulty might arise if a member of a committee felt bound by agreements with other persons to vote in a particular way. It should be clear that all members of committees bear a personal and individual responsibility and are not representative of others. This does not, of course, prevent the views of others and their

arguments being reported. However, all members of committees need to argue and decide in terms of the interests of the FOMRC and its 'objects'.

- 3.7 If any member of a committee is uncertain as to whether they do face a conflict of interest, they should raise the issue with the Chair of the relevant committee. If there is any doubt, they should consult the Chair of the Friends of Mill Road Cemetery Committee without delay.

#### 4. **Special Decisions**

- 4.1 A special decision of a committee is one in which a majority of the decision-makers have a material interest in the matter being considered. In such circumstances the committee must consider carefully the circumstances of the matter and determine whether the committee is nonetheless able fairly and reasonably to take that decision or whether it needs to seek advice and/or determination by another body. The determination must be based on whether a reasonable observer would judge that the decision might be affected by the conflict of interests. The result of that consideration, and the arguments considered, should be recorded in the minutes.
- 4.2 Where a committee considers that it is unable to make a special decision fairly and reasonably, it should refer that matter to the FOMRC Committee. Where the FOMRC Committee is unable to make a special decision fairly and reasonably, it should refer that matter to [who?].

**Emma Easterbrook**  
**14 July 2016**