



PROTOCOL OF MEMBER OFFICER RELATIONSHIPS

Approved by the Board 17 February 2020

1.0 INTRODUCTION

- 1.1 The purpose of this document is to provide a guide to good working relationships between Members and Offices of the Harbour Board. It will clearly define the respective roles of Members and Officers and provide some principles governing conduct.

2.0 THE RESPECTIVE ROLES OF MEMBERS AND OFFICERS

- 2.1 Members are either elected or appointed to represent the stakeholders of the harbour. Under the arrangements for the Harbour Board, Members may perform roles on Committees in addition to sitting as Members of the full Board. Some Members, mainly the Chairman, represent the Board upon outside bodies.
- 2.2 Officers are employed by and serve the Harbour Board. They advise the Harbour Board and any of its approved Committees. They implement decisions of the Harbour Board and make decisions under powers delegated to them.
- 2.3 Officers are responsible to their Line Manager. Some have statutory responsibilities including the Harbour Manager, Clerk and the Treasurer.

3.0 OFFICERS' ADVICE

- 3.1 Officer advice and support will be provided at formal Harbour Board meetings at which business is transacted, including:
- Board meetings;
 - Meetings of the Chairmen/Vice-Chairmen of the Board or its Committees;
 - Briefings for Chairmen/Vice-Chairmen prior to Board or Committee Meetings.
- 3.2 Officers will also provide advice and assistance to individual Members of the Board in respect of Harbour Board business.
- 3.3 Officer advice and support must relate only to Board business. Officers must not be requested to advise upon matters of a third party's business.
- 3.4 All Officers must treat all individual Members in a fair and even-handed manner and not give advice on issues that are not Harbour Board business. All such advice shall be impartial. Board Members must respect this.

4.0 PERSONAL RELATIONSHIPS

- 4.1 Close personal familiarity between individual Board Members and Officers can damage working relationships and prove embarrassing to other Members and Officers.
- 4.2 it is recognised that there may be occasions where personal familiarity is unavoidable, particularly where family relationships arise.
- 4.3 A Board Member must promptly declare to both the Clerk and Chairman any relationship with an Officer which might be seen as influencing his/her work as a Board Member. This includes a family relationship. Similarly, the Officer concerned should notify the Harbour Master or, in the case of the Harbour Master, the Clerk and Chairman. The Clerk will arrange for the relationship to be included in the formal Declaration of Interest provided by the Officer and in the Register of Members' Interests.

5.0 APPOINTMENT OF OFFICERS

- 5.1 Board Members must not take any part in the appointment of anyone to whom they are:
- married
 - a partner
 - otherwise related
 - a friend.
- 5.2 Board Members must ensure that Officers are appointed only on merit, with a view to their best serving the whole Harbour Board.

6.0 UNDUE PRESSURE

- 6.1 A Board Member should not apply undue pressure on an Officer either to do anything which he is not empowered to do or to undertake work outside normal duties or normal hours. Particular care needs to be taken in connection with the use of Harbour Board property and services.
- 6.2 Similarly, an Officer must not seek to influence an individual Member to make a decision in his/her favour nor raise personal matters to do with his/her job nor make claims or allegations about other employees. The Harbour Board has formal procedures for consultation, grievance and discipline dealing with these matters.

7.0 OFFICERS' REPORTS AND ADVICE

- 7.1 The named author of a report to the Harbour Board or any part of its formal structure will always be fully responsible for the contents of it. The Chairman of the Board or relevant Committee will be consulted as part of the process of drawing up the agenda for a forthcoming meeting and may comment upon a proposed report. The Officer concerned will give due consideration to such comments, consulting other appropriate officers as necessary. A report will only be amended where the amendment reflects the professional judgment of the author of the report.
- 7.2 Occasionally, Officers will need to express a professional view on a matter which may not

support the view of the Harbour Board and/or relevant Senior Officers of the Harbour Board.

- 7.3 Members should not elicit any criticism from an Officer in respect of his/her Line Manager or other officers of the Harbour Board.

8.0 OFFICER DECISIONS MADE UNDER DELEGATED POWERS

- 8.1 Officers may make decisions under powers delegated to them in accordance with the Scheme of Delegation or by specific formal Board or Committee decisions.

9.0 OFFICER RELATIONSHIP WITH THE CHAIRMAN OF THE BOARD OR COMMITTEES

- 9.1 The working relationship between senior Officers and the Chairman of the Board, or Committee Chairmen will be particularly close. Officers may provide briefing notes, advice and information to the relevant Chairman in respect of reports or questions at formal Committee and Harbour Board meetings and other external meetings, e.g. meetings with Ministers/MPs, other Local Authorities and outside bodies. This relationship, however, must not:

- compromise Officers' duties to all Members of the Harbour Board;
- be so close as to give the appearance of partiality on the part of the Officer;
- undermine the confidentiality of any discussions within the Harbour Board or between Senior Officers and other Board Members;
- compromise Officers' professional responsibility to advise Members that a particular course of action should not be pursued

10.0 THE PROCEDURE FOR CRITICISM/COMPLAINTS

- 10.1 It is important that there should be mutual courtesy and respect between Members and Officers. It is important that there are reasonable standards of courtesy and no Member or Officer should seek to take unfair advantage of their position.
- 10.2 Members and Officers should not criticise or undermine respect for the other at Harbour Board meetings or in any public forum.
- 10.3 Members should not raise matters relating to the conduct or capability of an individual Harbour Board Officer or Officers collectively at any meeting held in public (i.e. the Annual Stakeholders meeting). Officers should observe the same rule in respect of Members.
- 10.4 If a Member believes that he has not been treated with proper courtesy or has a concern about the conduct or capability of an Officer, then he should raise the matter confidentially with the Harbour Master, Clerk or Treasurer as appropriate. If the Board Member is still not satisfied with the action that has been taken in response to this, then he may raise the matter confidentially with another Member of the Harbour Senior Management Team who will look into the matter afresh. If the alternative Senior Manager believes that there is a case to answer, then he may utilise the Harbour Board's formal disciplinary procedures. If the Senior Manager suggests no action, he will inform the Board Member. They may then refer the matter to the Full Harbour Board but must do so within the terms of the disciplinary procedure applying to the post in question.

- 10.5 If an Officer feels that he has not been treated with respect or is concerned about any action or statement relating to him/herself or a colleague by a Board Member, or conduct of a Board Member, he should raise the matter with his/her Line Manager. If he is not satisfied with any action that has been taken as a result, he should raise the matter with the Chairman. If there is a serious case to answer the matter will be investigated through the Harbour Board's agreed grievance procedures.
- 10.6 Where a Board Member or Officer is concerned about potential unlawful conduct of a Board Member or Officer, the Harbour Board's Whistle-blowing Policy and the Public Interest Disclosure Act 1998 are also relevant. Nevertheless, the procedure outlined in this protocol should be the first point of reference where possible.

11.0 MEMBERS' ACCESS TO INFORMATION AND HARBOUR BOARD DOCUMENTS

- 11.1 Each Member has the right to inspect and have copies of the reports, Minutes and background papers relating to the public part of any Harbour Board or Committee Party agenda. However, Members do not have an automatic right of access to documents relating to confidential items on the agenda. These might include, for instance, information relating to employees, occupiers of Harbour Board property, applications for grants, contracts, industrial relations negotiations, legal advice and criminal investigations.
- 11.2 In respect of such confidential information, a Member may have access to the documentation insofar as it is reasonably necessary to enable him/her to properly perform his/her duties as a Member of the Harbour Board. The relevant question asked is whether he needs to know the information to perform such duties.
- 11.3 A Board Member or Member of a Committee will have a need to know of the documentation and information relating to that body. In other circumstances, a Member will normally be expected to justify the request in specific terms and the motive for requesting the information will be relevant. The relevant question asked is whether he needs to know the information to perform his/her duties as a Member. The question as to access to the documentation will be determined initially by the Harbour Master but, in the event of a continuing disagreement as to access, then the matter may be referred to the Clerk. Where a Member has a private, personal or pecuniary interest in a matter, the Member will only be entitled to the same rights of access to documentation as would apply for stakeholders generally. Thus, he would have access to the reports, Minutes and background papers relating to the public part of any Harbour Board or Committee agenda but not to any relevant confidential items.
- 11.4 Any Harbour Board information provided to a Board Member must only be used by the Member in connection with the proper performance of the Members' duties as a Member of the Harbour Board. Confidential information should not be disclosed, discussed with, or released to any other persons unless it reasonably relates to a qualified disclosure, i.e. it relates to an alleged criminal offence, a failure to comply with a legal obligation, maladministration where a breach of administrative law has occurred, a miscarriage of justice, a danger to health or life, damage to the environment or concealment of information tending to show any of these matters.
- 11.5 Any confidential information provided to Members should be clearly marked as such prior to its provision.

12.0 MEMBERS' ACCESS TO MEETINGS

12.1 The same principles as set out at 11 above and in particular paras. 11.2 to 11.4 shall apply to Members' rights of access and attendance at Committees

13.0 UNRESOLVED ISSUES AND AMENDMENTS TO THIS PROTOCOL

13.1 If there are any issues of concern which are not dealt with by this protocol, then the relevant Member or Officer may discuss the matter with the Clerk, with a view to advice being provided. If the issue remains unresolved, then it shall be referred to the Full Harbour Board for consideration.

13.2 Should any Member or Officer wish to suggest an amendment to this protocol then he is asked to contact the Clerk to the Board.

13.3 Any amendment of this protocol will require the approval of the Full Harbour Board.