



Protocol on Member and Officer Relations in the Broads Authority

May 2017

**Version 2.0
Review date: May 2020**

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1 Overview

- 1.1 The purpose of this protocol is to clarify and assist in the development of good working relationships between members and officers of the Broads Authority to ensure the effective operation of the Authority. The principles of this protocol will also apply to co-opted and independent members of the Navigation Committee, and to externally engaged officers when acting on behalf of the Authority.
- 1.2 The Authority aims to be transparent and inclusive in its relations between members and officers and as between the members themselves.
- 1.3 For convenience, reference throughout this protocol to members includes co-opted members.

2 Core values

- 2.1 In carrying out their roles, both members and officers should uphold and promote the Authority's core values. The core values assist the Authority in maintaining high ethical standards. The core values are:

Sustainable – We consider the environmental and financial implications in everything we do

Exemplary – We strive for excellence in all we do

Commitment – We are committed to making a difference for the Broads for the benefit of everyone

Caring – We are considerate and respectful of each other

Open and Honest – We are open, honest and inclusive in all our decisions and communications

3 Roles and Responsibilities of Members and Officers

- 3.1 Mutual respect and courtesy between Officers and Members is essential to all local government authorities and this affects the efficient administration of the Authority's functions and the reputation of the Authority itself.
- 3.2 Members and Officers need to be clear about their respective roles in the Authority and about less clear-cut areas. This can only be achieved if there is mutual understanding and good communications.

- 3.2 The primary role and key functions of members are detailed in the 'Job Description for Members of National Park Authorities' at Attachment 1. To provide clarity for the additional characteristic of the Broads Authority, the Job Description for Appointed Members of the Broads Authority Navigation Committee is at Attachment 2.
- 3.3 For the Authority to work effectively it requires a high degree of trust and common understanding between officers and members of the Authority. Both need to respect each other's roles and officers may from time to time have to give advice which the members might not agree with and members may from time to time take decisions contrary to the advice of officers. Those instances should be accepted as unusual but not unacceptable. Where officers do have to give advice that a certain course of action cannot be carried out, they should seek to give suggestions as to how members might achieve some or all of their objectives in other ways.
- 3.4 Members should leave the day-to-day implementation of policies, including management, to officers. Members have a right to ensure that their decisions for which they are statutorily responsible and accountable are implemented by officers in a timely and efficient manner.
- 3.5 Members should recognise that officers are required to be politically neutral and to serve all members equally.
- 3.6 The key role of members is to define the policy priorities, monitor implementation and to provide strategic leadership and direction in partnership with the executive.
- 3.7 Members and officers together must establish the best way to put the values of the Authority, its statutory purposes and policies into effect.

4 Expectations

- 4.1 Members and officers can expect the following from each other:
- A commitment to the Authority as a whole and not only to any part of it.
 - Respect and courtesy.
 - The highest standards of integrity.
 - A working partnership.
 - An understanding of and support for respective roles, workloads, pressures and aspirations.
 - Appropriate confidentiality.
 - Not to be subject to bullying or to be put under undue pressure.
 - That they will not use their position or relationship with each other to seek to advance their personal interests, or those of others, or to influence decisions improperly.
 - Compliance with the Members' Code of Conduct or Employee Code of Conduct, as appropriate, at all times.

4.2 In addition, members can expect from officers:

- Timely response to enquiries and complaints.
- Pro-active and re-active professional advice, not influenced by political views or personal preference, which does not compromise the political neutrality of officers.
- Regular up to date information that can be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions they hold.
- Awareness and sensitivity to the political environment.
- Training and development in order to carry out their role effectively.
- Support for the role of members within the arrangements made by the Authority.

4.3 In addition, officers can expect from members:

- Leadership.
- That they take responsibility for decisions made by the Authority and for defending them publicly.

5 Working Relationships

5.1 Both members and officers should take care not to give the impression that their distinct roles have become blurred in some way. Maintaining confidence in the separation of these roles necessarily imposes limitations on behaviour. Members and officers should exercise caution in forming close personal friendships between each other. This can confuse their separate roles and affect the proper discharge of the Authority's functions. The perception could be in others that a particular member or officer may be able to secure advantageous treatment as a result of such a friendship. This should not preclude organised or public social opportunities for officers and members to mix to aid understanding and empathy. Where a relative or close personal friend of an employee becomes a member of the Authority the employee should make the circumstances known to the Chief Executive.

5.2 Any act against an individual officer may be regarded as a form of bullying, intimidation or harassment if it is intended to influence unfairly that person's actions, thoughts or deeds. Whilst no policy statement can give guidance on every instance where such behaviour may occur, the Authority is committed to promoting standards of behaviour which reflect the proper, professional working relationship which should exist between members and officers at all times and to ensure normal standards of courtesy and behaviour between individuals. If an individual considers that they have been the subject of bullying, then there is a presumption that this will be investigated as bullying.

5.3 All dealings between members and officers should therefore observe reasonable standards of courtesy and neither party should seek to take advantage of their position. Members' concerns about the conduct or performance of an officer should be made to the Chief Executive or in his absence a Director or the Monitoring Officer. It is particularly important that

such concerns are made in this way and are not made in public such as at a meeting of the Authority, or its committees, sub-committees or other external bodies, as officers cannot respond in public

- 5.4 The corollary to the member's concern about an officer's performance is a concern by an officer in relation to a member's conduct. All such concerns should be brought to the attention of the Chief Executive who, if appropriate, may discuss the matter with the Chair of the Authority and, where appropriate, the Monitoring Officer.
- 5.5 Members should recognise and have regard to the Authority's role as an employer and the potential liability of the Authority for actions of members in relation to officers' employment rights.

6 Conduct of Meetings

- 6.1 Agendas for meetings of the Authority, its committees, sub-committees and other bodies shall be prepared by the Chief Executive in consultation with the appropriate Chair (and/or Vice-Chair). Any member may ask the Chief Executive or Chair to include an item of business on the relevant agenda and where appropriate arrange for a report on the matter to be prepared. As a matter of courtesy, members should consult with the Chair before making such a request.
- 6.2 The meetings are an opportunity for an open debate, within a healthy, collegiate and respectful environment, and supported by officers, who can supply information and advise on the merits or otherwise of courses of action. Members should always provide the opportunity for the presenting officer to introduce the subject and to emphasise or summarise the key issues or questions to be addressed. In the case of a report considered by a Committee, the Broads Forum or a Working Group, the relevant Chair should be asked to present the views of the relevant body.
- 6.3 The Chair (or the Vice Chair) should then invite an open debate about the issues in which members may:
- Seek further information.
 - Question officers about the proposals.
 - State their agreement or opposition to the recommendations or proposals, with their reasons.
 - Put forward alternative proposals.
 - Exercise their proper right to scrutinise the Authority's work.
- 6.4 As good practice, members should keep to the point of the discussion as outlined in the paper before them. If members wish to raise significant questions, or have identified key points of difference of view with the papers presented, they should where possible and practicable give advance notice to the officer presenting the paper, thus giving officers an opportunity to come to the meeting prepared to respond to specific supplementary questions.

However, members should not feel impeded in raising any issue or matter that they believe is relevant to the discussion should it subsequently arise.

6. Members contributions to the Authority should primarily be through the committees of which they are members. Should members wish to raise an issue for consideration by a committee of which they are not a member, this should be raised at the full Broads Authority for consideration in accordance with paragraph 6.1 above. Members' comments on reports and issues should also be raised in the appropriate committee of which they are a member; members should not direct comments to committees they are not a member of, unless these have been invited through a committee decision.

7 Consultation with Monitoring Officer or Chief Financial Officer

- 7.1 If members have any issues of legality, maladministration, financial impropriety or probity, or if members have are in any doubt as to whether decisions are or likely to be contrary to the Authority's policy, budget or law, members are required to consult with the Monitoring Officer or Chief Financial Officer as appropriate.
- 7.2 Whilst it is members' responsibility to ensure that they comply with the requirements of the Localism Act 2011 in relation to Disclosable Pecuniary Interests, they should seek guidance from the Monitoring Officer or if in any doubt as to whether to declare an interest or gift.

8 Communications

- 8.1 Members and officers have an important role in promoting the work of the Broads Authority and ensuring that the Authority is correctly represented in media communications. Full guidance for members and officers on how to respond to media contacts is clearly laid out in the Authority's Communication Strategy.
- 8.2 The Chair of the Authority and Chief Executive should normally speak on behalf of the Authority, though from time to time other committee chairs or lead members might be asked by the Authority to speak to the media on specific issues¹. Members should discuss all media contacts with the Chair and Chief Executive (and/or in due course the Head of Communications) in the first instance, to ensure that the Authority is correctly represented. This principle will also apply to any letters or other types of correspondence written for publication (including on websites), though this does not cover matters unrelated to the work of the Authority.
- 8.3 Where members run a private blog or social networking site or otherwise use social media they may inadvertently give the impression that they are acting in an official capacity. In such situations, members should make clear to readers that they are writing in a private capacity (or the capacity in which

¹ This does not preclude local authority members from speaking on behalf of their constituent local authority.

they are writing) and that it is not in their capacity as member of the Authority. The relationship between members and officers and this protocol will potentially be engaged by the use of social media. Members should follow the Authority's protocol on the use of social media, once developed.

- 8.4 Members commenting on Authority business or the actions of other members on private blogs or in social media risk that such comments will be taken as being within their capacity as a member. In those circumstances members must abide by the Members' Code of Conduct and the Authority's protocol on social media, once developed.
- 8.5 Members are reminded that special rules apply to the Authority's publicity during an election period. The rules are contained in the Code of Recommended Practice on Local Authority Publicity. Members should be vigilant not to breach this code and to take advice from the Head of Communications.

9 Provision of Information

- 9.1 The Chief Executive and the Directors (within their area of responsibility) have a responsibility to ensure that chairs, vice chairs and all members are kept informed of relevant matters.
- 9.2 Members have a statutory right to see documents which contain information relating to meetings of the Authority and its committees. However, this statutory right does not extend to certain categories of exempt and confidential information.
- 9.3 Members have a common law right to inspect any Authority documents *if access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the Authority*. This principle is commonly referred to as the "need to know" principle and the exercise of this right depends upon the member's ability to demonstrate a "need to know". In this respect, a member does not have a "roving commission" to go and examine all documents of the Authority. A mere curiosity is not sufficient. The crucial question is whether there is a "need to know".
- 9.4 It is, however, important that requests for information are directed at the right level within the Authority. Though members have the right to make requests for information under the Freedom of Information Act, this should not be the normal course of action, and members should use less formal methods for requesting information. The purpose of the process set out below is to indicate how such requests for information should be made and dealt with. Although primarily concerned with the provision of information (both written and oral) it also applies to requests for briefings and similar meetings.
- 9.5 Where routine and straightforward information is easily provided with minimal officer time, information may be best dealt with in a timely manner by a request to the officer responsible. Where the information requested is extensive or involves significant officer time, the initial request for information

should be made to the Chief Executive or relevant Director. The request should preferably be made in writing (either by letter or email) and should:

- Identify the information required by the member.
- State the reasons for wishing to obtain it.
- Make it clear whether the member has a personal interest in the matter (as defined in the Members Code of Conduct) and, if so, what it is.

9.6 The officer receiving such a request is entitled to ask the member to make the request in writing if there is any doubt about any of these matters.

9.7 An officer receiving a request for information will arrange for it to be provided expeditiously and in good time for the member to be able to use it as part of their responsibilities as a member. Any officer who is in any reasonable doubt regarding the release of the information will consult the Monitoring Officer for advice. If, after receiving this advice, it is not considered appropriate to release the information either because the member has not established a need to see it, or because the officer has other concerns (for example the member has a personal interest in the matter, the information is commercially or otherwise sensitive, or the amount of work involved in identifying and producing the information is considered to be excessive), and the member takes a different view, then the matter will be referred to the Chief Executive/Chair before making a decision.

9.8 Data protection legislation restricts the processing of information relating to individuals. As a result, any such information cannot be shared without the agreement of that individual or unless one of the legal exemptions applies.

10 Disclosure of Information

10.1 Confidential papers (pink papers) are to be treated as confidential information unless the Authority or committee resolves not to exclude press or public. Members are reminded that the author of the report makes the initial decision as to whether the paper is to be treated as confidential. The decision as to whether they remain confidential is taken at the Authority or committee meeting to which they are presented.

10.2 For other information a member must not disclose information given to them in confidence, or information which they believe or ought reasonably to be aware is of a confidential nature. There are various exceptions to confidentiality, such as where there is an obligation in law to make a disclosure or it, or if there is a public interest which outweighs other considerations and disclosure is made in good faith. There are other examples of situations which may apply.

10.3 A member who is unsure whether particular information is confidential shall take advice from the Chief Executive, or the Solicitor and Monitoring Officer.

10.4 For the purposes of this protocol information may be confidential for a number of reasons e.g.:

- It is commercially sensitive.
- It concerns an Individual or their private business or business affairs.
- It relates to enforcement action to be taken by the Authority

10.5 The Authority has previously agreed the following in relation to the disclosure of information:

10.6 A member wishing to disclose (to the press or otherwise) information which he or she has reason to believe may be confidential or ought to know is confidential, must first notify either the Chief Executive or the Authority's Solicitor and Monitoring Officer, giving full written details of the information which it is proposed to disclose. This will then create the opportunity for the Authority, together with the member, to consider whether it is, in fact, confidential and, if it is, the extent to which any of it can appropriately be disclosed.

10.7 In some cases, it will necessarily be that these issues cannot be resolved immediately. Therefore unless the Authority (through one of the officers named above) agrees in writing that the information can be released earlier, the member will not release it for 72 hours following the written contact referred to in paragraph 10.6 above

11 **Roles of Specific Officers as set out by law.**

11.1 There are three officers that have specific roles defined by statute that members should note:

Head of Paid Service

This role is carried out by the Chief Executive. The Head of Paid Service is under a duty where he or she considers it appropriate to report to the Authority and members on

- The manner in which the discharge by the Authority of its different functions is co-ordinated
- The number and grades of staff required by the Authority for the discharge of its functions
- The organisation of the Authority's staff; and
- The appointment and proper management of the Authority's staff

Section 17 Chief Financial Officer

This role is carried out by the Chief Financial Officer and is responsible for the proper administration of the Authority's financial affairs. He or she is under a duty to report any decision involving unlawful expenditure by the Authority; any unlawful

course of action likely to cause loss or deficiency on the part of the Authority; or an unlawful entry of an item of account.

Monitoring Officer

This role is carried out by the Solicitor and Monitoring Officer. He or she has a duty to put a formal report to the Authority where it appears that the Authority, its committees or officers are involved in any proposal decision or omission which is likely to be illegal or give rise to maladministration or injustice. The Monitoring Officer also has specific legal duties and powers in relation to the Members' Code of Conduct and the Financial, Scrutiny and Audit Committee when dealing with members' standards issues.

Attachment 1 – Job Description for Members of National Park Authorities

Attachment 2 – Job Description for Appointed Members of the Broads Authority
Navigation Committee

Job Description for Members of National Park Authorities²

National Park Purposes

Each National Park exists to conserve the natural beauty, wildlife, and cultural heritage of its area, to promote wide public understanding and enjoyment of them and, with others, to seek to foster the economic and social well being of communities in the Park.

Purpose of the Role

The overall purpose of the Chair and Members is to ensure that the National Park Authority fulfils the National Park purposes to the full and does so in the way that best suits the special characteristics of the Park. They have a duty to achieve the efficient, effective and accountable governance of the Authority in the best interests of the National Park and to provide leadership, scrutiny and direction for the organisation as a whole in pursuing the aim of sustainable development – balancing and integrating the environment, social and economic considerations. The primary purpose of the role of the Member is to work with the Chair, Chief Executive³ and other Members to discharge the functions of the Authority and to steer and champion the management of the Authority so that it delivers benefits to the nation and its local communities in accordance with National Park purposes⁴.

Key Functions

- act with independent judgement;
- use your skills experience, local, regional and national knowledge for the benefit of the Authority;
- collectively participate in the development of policy direction, strategic thinking and innovation within the Authority, through the development of management policy, business plans and participation in the activities of the Authority's Working Groups⁵;
- independently scrutinise the workings and policies of the Authority;
- be committed to working in the best interests of the National Park;
- influence the Authority to help it come to informed and balanced decisions;

² Reference to National Park Authority includes for this purpose the Broads Authority which was established under its own Act of Parliament and has a third duty to protect the interests of navigation.

³ National Park Officer in some parks and Chief Executive in others.

⁴ In the case of the Broads Authority this includes the third purpose: to protect the interests of navigation

⁵ Note: A Members role is not to micro-manage the Authority, staff are employed to run the business of the Authority, but performance information needs to be available so that Members could be certain that Authority is delivering against its approved plans.

- seek clarification of policy and action proposals if appropriate;
- challenge proposals that exceed or go against the statutory purposes of the Authority;
- accept collective responsibility for the decisions of the Authority;
- approve and monitor programmes to implement the Authority's policies;
- contribute opinions and advice from local, regional and national perspective;
- work with Members, staff and stakeholders to apply the principles of sustainable development and the principles of National Parks⁶ to all decision-making;
- be an ambassador for the National Park;
- Help to promote the profile and effectiveness of the Family of National Parks both through the work of your own Authority, cooperative action such as peer support and peer review and cooperation with the work of Defra, Natural England and the Association of National Park Authorities/English National Park Authorities Association.

In order to achieve this, Members will be expected to:

- attend and contribute to regular meetings of the Authority, its committees and working groups and raise issues of concern through the established procedures and mechanisms adopted by the Authority;
- read and understand, and seek clarification where necessary from Lead Officers, of briefing material provided for meetings so that you will be properly prepared for any debate on issues across the full range of the Authority's responsibilities ;
- champion and represent the Authority as an effective mechanism for promoting conservation of the Park's natural beauty, wildlife and cultural heritage, increasing public understanding and enjoyment of its special qualities and maintaining the social and economic well being of local communities; and in the case of the Broads Authority, protecting the interests of navigation;
- attend appropriate training courses, briefing sessions and events arranged or sponsored by the Authority and the Association of National Park Authorities;⁷

⁶ Note: the Sandford Principle does not apply to the Broads Authority which has three duties under the Norfolk and Suffolk Broads Act 1988

⁷ In the case of the Broads Authority this will include training in relation to the Authority's role as a navigation authority.

- adhere to the Standards of Conduct, Accountability and Openness of the National Park Authority;
- embrace the Government's programme for Implementing Electronic Government.

There will be opportunities to:

- serve on committees and working groups dealing with particular issues affecting the National Park;
- champion or lead a specific area of the Authority's work;
- talk about the work of the Authority to local community groups;
- learn about the National Park and other protected landscape matters on field visits and fact finding tours;
- meet other people responsible for National Park matters.

Performance Measurement

The Government, with the English National Park Authorities Association, is working up ideas for measuring the effectiveness of Authorities and their individual members. In the meantime, the following proxy measures provide a starting point for members and others to gauge the contribution which they are making to the life of the Authority

- Attendance at main Authority meetings

The measure being the % of full Authority meetings and approved duties actually attended which that member could have attended.

Target: at least 75% and 75% of each specific meeting

Purpose: to monitor participation and commitment.
- Representation of the Authority at approved external meetings and events.

Purpose: to ensure an even distribution of workload, and to monitor this workload in line with 'reasonable expectations' of time commitment.

Job Description for Appointed Members of the Broads Authority Navigation Committee

Role of the Navigation Committee

The Broads Authority's Navigation Committee has an important role, recently reinforced and agreed with the national boating organisations as:

“to act as a scrutiny and advisory committee in relation to the navigation, consulted in advance on all matters of significance to navigation and with the facility to have delegated to it navigation functions but with no obligation for this to happen. This leaves the Authority and, so far as functions are delegated to them, its officers, with the full executive function but with improved accountability, recognising that the Navigation Committee has an important role in advising upon, facilitating and scrutinising the activities of the Authority in relation to its role as a navigation authority.”⁸

Membership of the Navigation Committee

The Navigation Committee consists of thirteen members, five appointed from among members of the Authority, and eight others (for details see Annex 1). This job description and person specification is for the eight members of the Navigation Committee, who are not members of the Authority. The Authority members already have a job description prescribed by the Secretary of State.

Key Functions of the Appointed Members to the Navigation Committee

- provide advice to the Authority in relation to its navigation functions so that it can come to informed and balanced decisions;
- scrutinise the workings and policies of the Authority in relation to its navigation functions;
- represent the interests of users of the navigation at meetings of the Navigation Committee;
- act with independent judgement;
- use your skills, experience, and knowledge for the benefit of the Authority; and,
- be committed to working in the best interests of the Broads;

In order to achieve this, appointed Members of the Navigation Committee will be expected to:

- attend and contribute to at least 75% of the meetings of the Navigation Committee and raise issues of concern through the established procedures and mechanisms adopted by the Authority;
- read and understand, and seek clarification where necessary from Lead Officers, of briefing material provided for meetings so that you will be properly prepared for any debate on issues across the full range of the Authority's navigation responsibilities;
- adhere to the authority's Code of Conduct and the general standards expected from those in public office.

⁸ (Appendix 3, paragraphs 1.6 and 1.7 of the agreement with RYA & BMF)

Person Specification

Essential Qualifications

Successful candidates will:

- have a good knowledge of the Broads and its special qualities;
- have a good knowledge of the navigation area and current relevant issues;
- have a good knowledge of the varied recreational uses of the Broads;
- have a good knowledge of the boating industry and the current issues the companies face;
- an ability to think independently;
- be able to see more than one side to every argument and take a balanced view;
- have excellent interpersonal and communication skills;
- be ready to contribute to discussions on how the Broads is managed for the benefit of local people, visitors who come to enjoy it, and for the nation as a whole;
- have some understanding of how committees work together to reach decisions, or be prepared to undergo basic training in this kind of activity;
- be able to take on board briefing material relating to issues affecting the Broads and its communities, draw conclusions from it, and use it effectively in discussion;
- be able to attend the meetings of the Navigation Committee and occasionally other events associated with the management of the Broads.

Desirable Qualifications

It is desirable though not essential that successful candidates will:

- be a current toll payer;
- be able and willing to exercise a representative role on behalf of users of the navigation area; and,
- be able to contribute on specific area (s) of competence and expertise such as: navigation safety, accountancy, business management and maintenance of the navigation.

Term of Office

Appointments and re-appointments to the Committee will be made for four years with a maximum aggregated term of ten years.

Annex 1– Membership of the Navigation Committee

Appointments to the Navigation Committee are made by the Authority, either directly from its own membership or after consultation with other bodies.

Section 9 of the Act sets out the framework for the Navigation Committee.

(2) The Navigation Committee shall consist of thirteen members appointed by the Authority.

(3) Five⁹ of the members of the Navigation Committee shall be appointed by the Authority from among the members of the Authority.

(5) Of the other eight¹⁰ members of the Navigation Committee, all of whom shall be appointed from among persons who are not members of the Authority—

(a) two shall be appointed after consultation with such bodies appearing to the Authority to represent the owners of pleasure craft available for hire or reward as it considers appropriate;

(b) one shall be appointed after consultation with such bodies appearing to it to represent nationally the owners of private pleasure craft as it considers appropriate;

(c) one shall be appointed after consultation with such bodies appearing to it to represent the owners of private pleasure craft which use any part of the Broads as it considers appropriate;

(d) two shall be appointed after consultation with such bodies appearing to it to represent persons who are likely to be required to pay ship, passenger or goods dues imposed by it as it considers appropriate;

(e) one shall be appointed after consultation with such bodies appearing to it to represent other users of the navigation area as it considers appropriate; and

(f) one shall be appointed after consultation with the Great Yarmouth Port Authority.

⁹ Note six in the 1988 Act but subsequently amended when the Authority reduced its membership in 2005

¹⁰ Similarly seven in the 1988 act now eight.