

# Operational Guidance

## Clyde Marine Planning Partnership

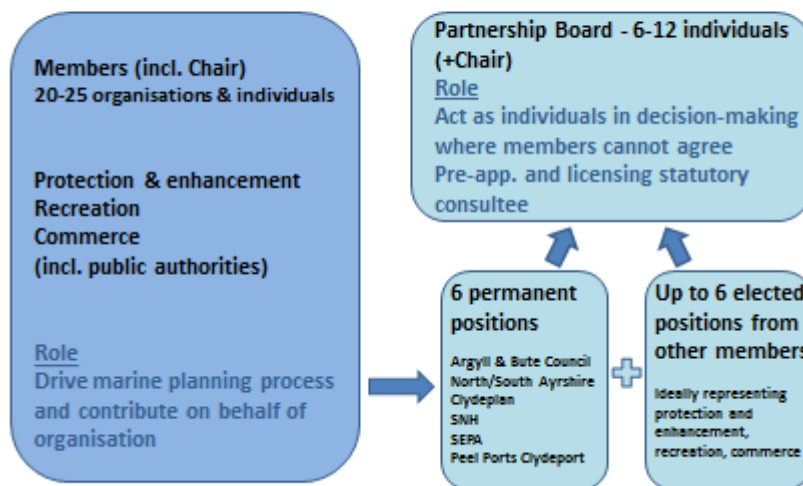


This document sets out

- A) Roles and responsibilities of the Chair, Members and Board
- B) Procedures to be followed at meetings

### A) Roles and responsibilities of the Chair, Members and Board

#### CMPP Structure



#### Chair

- Ensure a minimum of 3 Members' meetings are called each year.
- Ensure that agenda and papers are circulated to Members at least 14 calendar days in advance of Members' meetings and that the final agreed minutes are issued within one calendar month.
- Call a Board meeting as soon as possible after an issue arises from a Membership meeting that requires a Board decision.
- Represent the CMPP at events/meetings/workshops as appropriate and support delivery of Partnership objectives.
- Generally support the staff in delivery of the work plan and initiatives/activities of the Partnership. Help the Board/Partnership to reach decisions.

#### Board

- Make decisions based on the objectives of the Partnership where Members cannot agree (see procedures at meetings). Members of the Board act as individuals and not as representatives of any particular business, industry body, interest group or authority.
- Query any decision taken by the Members which the Board considers to be contrary to CMPP objectives.
- Attend Board meetings which will be convened as soon as possible after an issue arises that requires a Board decision.

- Using their knowledge of the CMR and considering the CMPP objectives, review briefing papers prior to the meeting on the issues to be discussed and decided on.
- On behalf of the CMPP as a whole, respond as a statutory consultee to pre-application and marine licensing consultations, either by discussion at Board meetings or by email if appropriate.
- Approve, monitor and amend the Terms of Reference of any sub-committee including timescales, levels of delegated responsibility and reporting mechanisms as proposed by the Members.

### **Members**

- Draft and amend the Regional Marine Plan.
- Ensure that Regional Marine Plan development is delivered in accordance with the Direction from Scottish Ministers.
- Attend Members' meetings.
- Review meeting papers and whenever possible represent their organisation's view on content at Members' meetings.
- Circulate documents as appropriate within (and without) their respective organisations in order to inform and obtain views/expertise on the issues/policies/proposals discussed at Members' meetings and in any communications from staff of the CMPP as resource allows. Any papers marked as confidential will be treated as such and will not be discussed with or circulated to any other organisation or individual outside the Partnership.
- Request/amend/approve any work plan in order to deliver the objectives of the Partnership including development of a Regional Marine Plan as delegated by Scottish Ministers. Monitor progress against work plans.
- Provide professional expertise on matters both during meetings and where appropriate directly to staff as necessary and as resource allows.
- Engage with initiatives/activities of the Partnership in order to support delivery of the objectives.
- Inform their respective organisations of the role of the Partnership and the relevance of any Regional Marine Plan including its statutory nature.
- Encourage wide engagement with development of the Regional Marine Plan and with initiatives/activities of the Partnership from among their members. Members are encouraged to engage widely with colleagues and contacts outside their organisation.
- Chair a meeting if elected to do so in the absence of the Chair of the CMPP per the constitution.

Members of the CMPP will not act in such a way as to bring the organisation into disrepute, in particular with reference to press releases or articles on social media. Members will not speak on behalf of the CMPP unless delegated to do so either by the Partnership Board or, in an emergency, the Chair.

Note – staff are currently employed by SNH and roles are included in job descriptions. Members should discuss any issues related to staff performance with the SNH Member in the first instance.

## **B) Procedures at meetings**

These procedures add further detail and clarity to the constitution in order to ensure that meetings run efficiently. They should be read together with the constitution (the constitution takes precedence).

### **Annual Members' meetings**

- There will be a Chair's report on activities of the Partnership against work plan and budget.
- Members will send any proposals for changes to the list of Members with permanent Board positions to the Chair at least 21 calendar days in advance of the meeting. Any changes to the list of Members with a permanent Board position will be made following a majority vote by Members at the meeting.
- Election/re-election of Members without a Permanent Board position:
  - Any Member without a permanent Board position may nominate an individual from within their organisation, or in the case of a person may nominate themselves for election to the Board. Nominations should be advised to the Chair at least 21 calendar days in advance of the meeting to allow circulation of nominations with meeting papers. The individual's agreement should be obtained in advance.
  - Where there are 6 or fewer nominations the Chair will advise the Members that have nominated someone of that fact and the Member should seek support for the nomination from 2 separate Member organisations, which can include those with a permanent Board position and/or those who are individual person Members. (Members can only support 1 nomination each). The support can be in the form of written support provided to the Chair in advance of the meeting or verbal confirmation at the meeting.
  - Where there are more than 6 nominations all Members other than those with a permanent Board position will have 1 vote each at the meeting to elect their preferred nominees. Those 6 nominees with the highest number of votes (and at least two votes) will assume a position as a Board member. The Chair has an additional casting vote if required.

### **Members meetings**

- The business of the Partnership will proceed as far as possible, following discussion, with consensus from Members. If there appears to be a difference of opinion, the Chair will ask for a show of hands from those Members who would like to put the issue to the Board and where at least 5 members or 30% (rounded up to the nearest whole person), whichever is lower, agree, this issue will be put to the Board for consideration and a majority vote by the Board.
- Otherwise, only new membership applications (and changes to the Board at annual Members' meetings) will usually be voted on.
- Only one representative per Member organisation should attend Members' meetings (although any additional speakers may be invited by the Board but will have no vote. Board members are able to attend Members' meetings but will have no vote unless they are attending the meeting as a Member).
- Minutes will be issued within one calendar month of the meeting and will be published on the Partnership website.

### **Voting for new members**

- Notice will be given via the agenda (issued at least 14 calendar days in advance of the meeting) of any new applications for consideration by Members at a Members' meeting.

- Decision shall be through a majority vote at a quorate (8 Members inclusive of Chair) members meeting.
- Members should consider whether the applicant meets the criteria set out in Clause 7 of the Constitution
  - a ‘corporate body which is a Public Body with coastal and marine duties in the Firth of Clyde or an organisation with relevant statutory duties’, or
  - a ‘national corporate body with relevant marine or coastal interests’, meaning a legally incorporated national (at least Scotland-wide) organisation active in the Clyde Marine Region for at least 5 years, or
  - a ‘corporate body or person who can provide significant additional relevant skills or expertise in delivering the objectives of the association at a Clyde-wide level’, meaning a legally incorporated organisation, or any person with skills or expertise in delivering the Partnership’s objectives that are not otherwise available or accessible to the Partnership or staff, or any person representing a body for *inter alia* marine and coastal interests that are not otherwise represented in the Partnership. Where the body in question is unincorporated the representative will be an ‘individual person’ Member.
- It would be desirable to keep membership to a maximum of 25 members.

#### Board meetings

- Once the Clyde Regional Marine Plan has been adopted by Scottish Ministers and becomes statutory, where Board Members are specifically discussing and voting on pre-application consultations (under The Marine Licensing (Pre-application Consultation)(Scotland) Regulations 2013), or marine licensing applications (under The Marine Licensing (Consultees) (Scotland) Order 2011,) any Board Member nominated by an organisation or any individual person must declare if there is a conflict of interest and withdraw from both the discussions and the vote.
- Minutes will be issued within one calendar month of the meeting and will be published on the Partnership website.
- Members of the Board, whilst acting on their own personal expertise, will, nevertheless, be encouraged to explain the views of different sectors or interest groups in order to aid decision-making. A conflict of interest may occur when a Board member might not be able to do what is best for the CMPP because of a duty to another organisation or person or because of a personal interest. Whenever in doubt, a Board member should declare any interest in the issue being discussed. The Chair will have the final decision on the level of involvement which that individual should have in the discussion and the decision on that particular issue. The conflict of interest matrix below will aid in this decision. It should be noted that where there is any potential gain on a personal level, the Board members should not discuss the issue with other Board members prior to the meeting.

Risk Matrix – Conflict of Interest		
Description	Level of risk	Action to mitigate risk
	Low/Med/High	
The issue has the potential to impact the sector to which the Board member’s organisation belongs.	Low	The Board member does not have a conflict of interest and can take part in the discussion and decision.
The Board member’s organisation delivers a statutory and/or discretionary service regarding the issue to be discussed. The Board member does not sit within the team/directorate that delivers the service.	Med	The Board member can participate in the general discussion but cannot take part in the decision.

Risk Matrix – Conflict of Interest		
Description	Level of risk	Action to mitigate risk
	Low/Med/High	
The Board member's organisation delivers a statutory and/or discretionary service regarding the issue to be discussed. The Board member sits within the team/directorate that directly delivers a statutory and/or discretionary service regarding the issue.	High	The Board member must not participate in the discussion, should leave the meeting room, and must not take part in the decision.
In the case of pre-application and licensing consultee issues, the Board member's organisation or any other limited company of which he/she is a substantial shareholder, director or employee could directly benefit.	High	The Board member must not participate in the discussion, should leave the meeting room, and must not take part in the decision.
On a personal level, the Board member, their partner or another close relative/s could gain financially.	High	The relevant Board member must not participate in any discussion with fellow Board members, both prior to and during the meeting, and should leave the room. They must not take part in the decision.

### **Ethical Standards and behaviour at meetings**

When going about any Partnership business, all members should generally act in accordance with the Ethical Standards in Public Life etc. (Scotland) Act 2000 which has an associated 'Councillor's Code' including the following Key Principles (adapted for the Partnership):

#### Duty

You have a duty to uphold the law and act in accordance with the law.

#### Selflessness

You must not act in order to gain financial or other material benefit for yourself, family or friends.

#### Integrity

You must not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

#### Objectivity

You must make decisions solely on merit and in a way that is consistent with the functions of the public body when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

#### Accountability and Stewardship

You have a duty to consider issues on their merits, taking account of the views of others and must ensure that the Partnership uses its resources prudently and in accordance with the law.

#### Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

#### Honesty

You have a duty to act honestly.

### Respect

You must respect fellow members of the Partnership and employees of the Partnership and the role they play, treating them with courtesy at all times. Similarly you must respect members of the public when performing duties as a member of the Partnership.

### Conduct at Meetings

You must respect the chair, your colleagues and anyone else attending the meetings. You must comply with rulings from the chair in the conduct of the business of these meetings.