

Guidance to members – partnership working

General

Partnership working should be a positive venture, undertaken with the backing of Waverley to achieve the Council's priorities. Partnerships should be conducted in such a way to mutually help and support the various partners, and to improve service to the public. If that is Waverley's approach, then the Council cannot fail! This will be achieved if the basic "ground rules" are understood and applied, and this guidance sets out those "rules".

The Council has a "partnership governance framework" which officers will ensure is used when setting up, running, reviewing and winding-up a partnership. It covers a wide range of matters, which are procedural. This guidance is designed to assist members understand the conduct and standards issues associated with partnership working.

When meeting with officers, partner organisations, the public and anyone else involved in a partnership, a member is acting on Waverley business. As such, the Council's Code of Conduct will apply. Members should therefore apply the requirements of the Code in full in the same way they would if they were attending a meeting of the Council – whether informal or formal.

Failure to abide by the Code would leave them open to the risk of a complaint about their conduct, which would then be referred to the Standards Committee for assessment. The ten principles of public life apply, as do the Code requirements regarding:

- treating others with respect
- compliance with equality laws
- bullying
- compromising the impartiality of officers
- disclosure of confidential information
- prevention of access to information
- bringing the Council into disrepute
- using one's position improperly
- misuse of Council resources
- considering advice received.

It is therefore important to understand that the rules regarding declaration of interests also apply. If a matter of business being considered in a partnership situation affects a councillor's interests, they must consider the appropriate declaration. As with all other similar situations, the interest can either be personal or personal and prejudicial. If the latter, members would need to absent themselves from the meeting. If at all possible, it would be in the interests of the partnership if conflicts of interests could be avoided at the outset.

If, for example, partnership working involved working with another organisation in which a member were already involved in a personal capacity, there would need to be a declaration of a personal interest. The standard test as to whether it was also a personal and prejudicial interest would also have to be considered if it appeared that the general well-being or finances of that other organisation might be affected.

As representative in a partnership, members' rôle is to further the achievement of Waverley's corporate priorities. Unless the partnership's work affects just the member's ward, the interests of the whole borough must be placed foremost (in the context of the partnership's terms of reference). Members may need, therefore, to set ward considerations to one side.

Equally important is the need to present a united and cohesive message to our partners. Any uncertainties between members and members and officers should be resolved either before or after the meeting with the partners. It will create uncertainty and potentially suggest a lack of commitment on the part of the Council if messages become contradictory or otherwise confused. The future of the partnership could be drawn into question as a result.

There are limits that have to be placed upon a partnership, and therefore on the ability of members to make commitment regarding resources. The partnership will have terms of reference, and all parties to a partnership should adhere to these. If a member, or officer, has uncertainty as to whether they have the budget or other authority to make a commitment, then this should be explained and the answer sought and then communicated.

Acting as Waverley's representative on an organisation

Waverley is invited annually to nominate a member to serve as the Council's representative on the committee/board of a number of other organisations. This is common practice across the country, and a special provision is made regarding declarations of interests. It represents an important and specific form of partnership working.

Being the Council's representative on an organisation's management committee (or board) is an interest that must be included in the member's register of interests. As such, it can give rise to the need to declare an interest when attending a Council meeting if that discusses matters that affect that organisation. In short, if there is a personal interest, this only needs to be declared if the member wishes to speak on the matter. However, this does not apply if their interest is personal and prejudicial.

To be personal and prejudicial, the following three-part test must be applied:

1. It is not an item of business that falls into an exempt category
2. The item of business affects a member's financial interests (which includes the financial interests of anyone or any organisation through whom they have a personal interest) or is a regulatory or licensing matter that affects the member's interests
3. Consideration as to whether "a member of the public, who knows the relevant facts, would reasonably think that the member's personal interest is so significant that it is likely to prejudice their judgement of the public interest".

This is set out in the Standards for England guidance to members.

At the heart of this test in the situation where a member is nominated as Waverley's representative is what role the member actually plays on the organisation's committee.

Nomination to the organisation's committee is intended to be more as a link between the organisation and the Council rather than to be the advocate for the organisation when at Council meetings. Being a link involves explaining Council policies, advising on how to seek assistance in anyway from the Council and generally giving advice. The member is also a channel for communication between the organisation and the Council.

That is a "neutral" role. By maintaining such a neutral role the member is less likely to begin to consider that they have become an advocate on behalf of the organisation. By moving beyond that neutral position there is an impact on the third part of the test of a prejudicial interest. Knowing all the facts, would a member of the public have cause to think that the member regards themselves as part of the organisation and therefore likely to be influenced in their debating and voting by the interests of the organisation.

A typical situation would be at the annual allocation of community grants, and a member might be minded to argue and vote for an increase in funding for the organisation. That could be to the detriment of another organisation.

By taking an active role on the organisation's committee is a clearer move away from the neutral role. With the consequent responsibilities to ensure the furtherance of the organisation's interests, there is an even clearer likelihood that a member of the public would have reason to think that a member's judgement of the public interest is prejudiced.

Members are therefore advised that it is in keeping with the original nomination to an organisation's committee/board to maintain a neutral position. By moving away from such a stance may have implications for them regarding declaration of interests.

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