

# Article 19 – Joint Arrangements

## 18.1 Arrangements to promote well-being

The Council (in respect of matters which are not Cabinet functions), or the Leader or the Cabinet (in respect of matters which are Cabinet functions or otherwise the responsibility of the Cabinet, in order to promote the economic, social or environmental well-being of its area or in pursuance of any statutory functions, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

## 18.2 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Cabinet to exercise functions which are not Executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with those other local authorities.
- (b) The Leader or Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with those other local authorities.
- (c) Except as set out below, the Cabinet may only appoint Cabinet Members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:
  - (i) the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area;

(ii) the joint committee is between the Council and a single district council and relates to functions of the Cabinet of the Council. In such cases, the Cabinet of the Council may appoint to the joint committee any Councillor who is a member for an electoral division which is wholly or partly contained within the area.

In both of these cases, the political balance requirements do not apply to such appointments.

### **18.3 Access to Information**

- (a) The Access to Information Rules in Appendix 6 of this Constitution apply.
- (b) If all the Members of a joint committee are Members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- (c) If the joint committee contains Members who are not on the Cabinet of any participating authority, then the Access to Information rules contained within the Local Government Act 1972 will apply.

### **18.4 Delegation to and from other local authorities**

- (a) The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- (b) The Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

### **18.5 Contracting Out**

The Council and the Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.