

# Article 11

## Joint Arrangements

### Introduction

**This Article explains the arrangements for those functions that are administered jointly with other local authorities**

#### 11.01 Arrangements to promote well-being

The Council or the Executive, in order to promote the economic, social or environmental well-being of its area, 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.

#### 11.02 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities 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 joint committees with those other local authorities.
- (b) The Executive may establish joint arrangements with one or more local authorities to exercise functions, which are Executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) If a joint committee is established which exercises both Executive and non-Executive functions, appointments will be made by the Council after the Executive has also agreed them.
- (d) The Executive may only appoint Executive members to a joint committee exercising wholly or partly Executive functions except:
  - (i) where 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 this case the members

appointed need not reflect the political composition of the local authority as a whole;

- (ii) where the joint committee is required by statute; or
  - (iii) where the joint committee has five or more constituent councils.
- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's Allocation of Responsibilities in Part 3 of this Constitution.

### **11.03 Access to Information**

- (a) The Access to Information Procedure Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the Executive in each of the participating authorities then the Access to Information regime is the same as that applied to the Executive.
- (c) If the joint committee contains members who are not on the Executive of any participating authority then the Access to Information Rules in Part VA of the Local Government Act 1972 will apply.

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

- (a) The Council may delegate non-Executive functions to another local authority or, in certain circumstances, the Executive of another authority.
- (b) The Executive may delegate functions to another local authority or the Executive 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.

### **11.05 Contracting Out**

The Council, for those functions that are not Executive functions, and the Executive, in respect of Executive functions, 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.