

## Article 9 – Joint Arrangements

(References: Sections 9EA, Local Government Act 2000 S101, Local Government Act 1972, The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000)

### 9.01 Arrangements to promote well-being

The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may:

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

### 9.02 Joint arrangements

**The Council** may establish joint arrangements with one or more local authorities to (a) exercise functions which are not executive functions in any of the participating authorities or (b) advise the Council. Such arrangements may involve the appointment of a joint committee with those other local authorities.

**The Cabinet** 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 those local authorities.

Except as set out in paragraph 12 of the Local Authorities (Arrangements for the Discharge of functions) (England) Regulations 2012, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political balance of the Local Authority as a whole.

Details of any joint arrangements including any delegations to joint committees will be set out in Part 3 of this Constitution.

### 9.03 Access to information

The Standing Orders in relation to Access to Information set out in Part 4 of this Constitution apply to joint committees.

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.

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.

### 9.04 Delegation to and from other local authorities

**The Council** may delegate non-executive functions to another local authority where the relevant function is also a function of the other authority.

**The Cabinet** may delegate executive functions to another local authority where the relevant function is also a function of the other authority.

The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council, where all or any of such functions are the responsibility of the Council and reserved to the Leader of the Council where they are the responsibility of the Cabinet.

#### **9.05 Contracting out**

The Council (for functions which are not executive functions) or the Cabinet (for 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.