

## **ARTICLE 12 - JOINT ARRANGEMENTS**

This Article deals formally with arrangements which the Council may make with other Authorities or bodies with a view to acting jointly/together in the carrying out of any functions.

The legislation relevant to this article is Sections 2, 19 and 20 of the Local Government Act 2000.

### **12.01 Arrangements to promote well being**

The Cabinet, 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.

### **12.02 Joint arrangements**

- a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not Cabinet functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- b) The 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 these other local authorities.
- c) 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) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

### **12.03 Access to information**

- a) The Access to Information Rules in Article 3 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 in Part VA of the Local Government Act 1972 will apply.

### **12.04 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.

### **12.05 Contracting out**

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