

## **PART 2 – ARTICLES OF THE CONSTITUTION**

### **Article 10 – Joint Arrangements**

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#### **10.1 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 Executive Functions in any of the participating authorities. 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 Executive Functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) The Cabinet may appoint Cabinet Members to a joint committee. The Cabinet may also appoint non-Cabinet Members to represent the Cabinet and in doing so the non-Cabinet Members shall report to the Cabinet not the Council. Such Members need not reflect the political composition of the local authority as a whole.
- (d) Details of any joint arrangements under Articles 10.1(a) and (b) including any delegations to joint committees will be found in the scheme of delegations in Part 3 of this Constitution.

#### **10.2 Access to information**

- (a) The Access to Information Procedure Rules apply.
- (b) If all the members of a joint committee are members of the executive 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 executive of any participating authority then the Access to Information Procedure Rules in Part V (A) of the Local Government Act 1972 will apply.

#### **10.3 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 local authority.
- (b) The Cabinet may delegate Executive 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.

#### 10.4 **Contracting out**

The Council or Cabinet may arrange for the Council to contract out to another body or organisation functions which may be exercised by an officer. Contracting out to another local authority can be arranged under S 101 of the Local Government Act 1972. Special statutory provisions permit joint arrangements with Health Bodies, but otherwise there may be a need for order under Section 70 of the Deregulation and Contracting Out Act 1994, unless the contracting arrangements provide that the contractor acts as the Council's agent under usual contracting principles, and provided there is no delegation of the Authority's discretionary decision making.