

## **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.

#### 10.5 Corporate Joint Committees

The Council may, with one or more other principal councils, make an application to the Welsh Ministers asking them to consider establishing, by regulations made under section 72 of the Local Government and Elections (Wales) Act 2021, a corporate joint committee to exercise a function or functions of those councils in relation to their areas if they consider there would be advantages in collaboratively exercising their function/s through a corporate body. A corporate joint committee may also be established by regulations issued by the Welsh Government without an application from the Council. The procedure and conditions which apply in each case are set out in Chapters 3, 4 and 5 of Part 5 of the Local Government and Elections (Wales) Act 2021 and regulations made thereunder.

OR

#### 1.1 Introduction

Corporate joint committees may be established: -

1.1.1 at the instigation of the Welsh Ministers, to undertake the Council's transport, strategic planning, economic development and/or improving education functions; or

1.1.2 at the instigation of the Council, to undertake any of the Council's functions.

#### 1.2 Corporate Joint Committees

1.2.1 The Council may, jointly with one or more other local authorities make a joint committee application to the Welsh Ministers, asking them to consider making regulations under section 72 of the Local Government

and Elections (Wales) Act 2021 establishing a corporate joint committee to exercise a function of those authorities or the economic wellbeing function in relation to the principal areas of those authorities.

1.2.2 The Council shall not make such an application unless and until it has consulted: -

(a) local people in the Council's area;

(b) [community councils in the Council's area;]

(c) [the National Park authority for a National Park, any part of which is in the Council's area;]

(d) the Public Services Board;

(e) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992) by the Council; and

(f) such other persons as the Council considers appropriate.

1.2.3 The Council may, jointly with all other local authorities for the principal areas in a corporate joint committee's area, make an application to the Welsh Ministers asking them to consider making regulations under section 80 of the Local Government and Elections (Wales) Act 2021 to amend or revoke joint committee regulations which establish a corporate joint committee of which the Council is a member.

1.2.4 The Council may not exercise the power in section 11.2.3 to ask the Welsh Ministers to amend corporate joint committee regulations so as to omit or modify a function which relates to the Council's transport, strategic planning, economic development or improving education functions.

1.2.5 [insert any other specific requirements]

**Commented [AK1]:** Davina, this is the text used in the model constitution, setting out the legislative provisions in more detail. Would you prefer to include this more detailed provision or are you happy with my summary above?