

# **Article 11 - Joint Arrangements**

## **11.1 Arrangements to promote well being**

In order to promote the economic, social or environmental well-being of Spelthorne, the Council or the Leader (if it is an executive function) may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, 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.

## **11.2 Joint arrangements**

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

## **11.3 Appointments to a Joint Committee**

- (a) The Council may appoint members to a joint committee and those members need not reflect the political composition of the Council as a whole where such joint committee was established under the Local Government Act 1972.
- (b) The Leader may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the Council as a whole where such joint committee was established other than under the Local Government Act 1972 except in circumstances where:
  - i) the joint committee has functions for only part of the area of Spelthorne; and
  - ii) that area is smaller than two-fifths of Spelthorne by area or population.

In such cases, the Leader may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area and the political balance requirements do not apply to such appointments.

Details of any joint arrangements which have been made, including any delegations to joint committees, are in the Council's scheme of delegations in Part 3 of this Constitution.

#### **11.4 Access to information**

- (a) The Access to Information Rules in Part 4 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.

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

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

#### **11.6 Contracting out**

Provided there is no delegation of the Council's discretionary decision making:

the Council - for functions which are not Cabinet functions; or  
the Leader – for Cabinet functions;

may contract out to another body or organisation, functions:-

- which may be exercised by a staff member 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.