

St Edmundsbury Borough Council

Article 10 - Joint Arrangements and Working Groups

10.1 Arrangements to Promote Wellbeing

10.1.1 The Council or the Cabinet, in order to promote the economic, social or environmental wellbeing of its area or to carry out activities under the general power of competence 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;

subject in all cases to compliance with statutory requirements.

10.2 Joint Arrangements

10.2.1 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with such other local authorities.

10.2.2 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 such other local authorities.

10.2.3 Except as set out in 10.2.4 below, the Cabinet may only appoint Cabinet Members to a joint committee and those Members need not reflect the political balance of the Council as a whole.

10.2.4 The Cabinet may appoint Members to a joint committee from outside the Cabinet in any of the following cases:

1. Where the joint committee has functions for only part of the area of the Council, and that area is smaller than two-fifths of the Council by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a Member for a Ward which is wholly or partly contained within that part of the area of the Council.

2. The joint committee is discharging a function in relation to five or more authorities;
3. The function which the joint committee is discharging is one which is required by statute to be discharged by a joint committee.

The political balance requirements do not apply to such appointments.

- 10.2.5 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.

10.3 Working Groups

- 10.3.1 The Council, Cabinet or Committees may appoint from time to time such working groups as they think fit, including joint working groups with Forest Heath District Council. The working groups which have been appointed are identified in Part 3 of this constitution.
- 10.3.2 The Code of Conduct for Members will apply to councillors participating in a working group.

10.4 Access to Information

- 10.4.1 The Access to Information Rules in Part 4 of this Constitution apply to any joint arrangements.
- 10.4.2 If all the members of a joint committee are members of the Cabinet in each of the participating authorities then the Access to Information regime of the joint committee will be the same as that applied to executives.
- 10.4.3 If the joint committee contains members who are not on the Cabinet in any participating authority, then the Access to Information Rules in Part VA of the Local Government Act 1972 (as amended) will apply.

10.5 Delegation to and from Other Local Authorities

- 10.5.1 The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.
- 10.5.2 The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

- 10.5.3 The decision whether or not to accept similar delegations from another local authority shall be reserved to the full Council.

10.6 Contracting Out

- 10.6.1 The Council (in respect of functions which are not the responsibility of the Cabinet) and the Cabinet (in respect of executive functions) may contract out to another body or organisation any 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.