

ARTICLE 10 - JOINT ARRANGEMENTS

10.1 Arrangements to promote well being

The Council or the Executive 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.

10.2 Joint arrangements

- (a). The Council and the Executive have the power under the Local Government Act 2000 (“the Act”) and other legislation to work jointly with other local authorities and bodies, and to delegate their functions to other local authorities. They also have the power to contract out certain functions and services. This Section sets out the general powers of the Council and the Executive in these respects. Details of any joint arrangements, including any delegations to joint committees, are given in Part 3 of this Constitution (Responsibility for Functions).
- (b). The Council also has a general power of competence under the Localism Act 2011 which empowers the Council to do anything an individual can do unless specifically prohibited.
- (c). The Council may establish joint arrangements with other local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. These arrangements may involve the appointment of a joint committee with other local authorities.
- (d). The Executive 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.
- (e). Except as set out below, the Executive may only appoint Executive members to a joint committee established by it, and those members need not reflect the political composition of the local authority as a whole.

- (f). The Executive may appoint one or more non-Executive members to a joint committee where the joint committee is between Somerset County Council and the District Council and relates to functions of the Executive of the county council. In such cases, the Executive of the county council may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area.
- (g). 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 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 Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- (c). If the joint committee contains members who are not on the Executive of any participating authority then the access to information rules in Part 12A of the Local Government Act 1972 (as amended) will apply.

10.4 Delegation to and from other local authorities

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, to the executive of another local authority.
- (b) The Executive may delegate executive functions to the executive of another local authority or, in certain circumstances, to another local authority.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Full Council

10.5 Contracting Out

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