

Report to: Governance Committee
Date of meeting: 7 March 2017
By: Assistant Chief Executive
Title: Amendment to the Constitution: Joint Arrangements
Purpose: To consider proposals to amend the Council's Constitution.

RECOMMENDATION: The Governance Committee is recommended to recommend the County Council to agree to the Constitution being amended as set out in paragraph 1.2 below.

Supporting Information

1 Joint Arrangements.

1.1 The Council's Constitution provides for the Council to establish joint arrangements with other local authorities and/or their executives to exercise executive or non executive functions. In view of the continuing collaboration with health, it is proposed that the Article regarding Joint Arrangements in the Constitution be amended to provide for such arrangements to be established with bodies other than local authorities eg Health bodies.

1.2 It is proposed that Articles 11.02 and 11.04 of the Constitution be amended as follows:

Article 11 - Joint Arrangements

11.01 Arrangements to promote well being

The Council and/or the Cabinet, 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.

11.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives, or other organisations such as (but not limited to) NHS bodies, to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local-authorities bodies.
- (b) The Leader may establish joint arrangements with one or more local authorities or other organisations such as (but not limited to) NHS bodies, to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local-authorities bodies.

- (c) Except as set out below, the Leader may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Leader may appoint members to a joint committee from outside the executive in the following circumstances:
- the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Leader 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;
 - the joint committee is with a single district or borough council and relates to executive functions of the County Council. In such cases, the Leader 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.
 - where the joint committee is established under the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 (as amended) or such superceding legislation
- In ~~both~~ each of these cases the political balance requirements do not apply to such appointments.
- (e) 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.

11.03 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 VA of the Local Government Act 1972 will apply.

11.04 Delegation to and from other local authorities

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

2. Conclusion and reasons for recommendations

2.1 The Committee is asked to recommend the County Council to agree the proposed changes to the Constitution set out in paragraph 1.2 above to reflect the developments in public sector collaboration and partnerships.

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