

# ARTICLE 11 - JOINT ARRANGEMENTS

## 11.01 Arrangements to promote well being

The Council, 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 Cabinet 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]
- (b) 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) Except as set out below, Cabinet 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) Cabinet may appoint members to a joint committee from outside Cabinet 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, Cabinet may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area;
  - the joint committee is between a county council and a single district council and relates to functions of the Cabinet of the County Council. In such cases, the Cabinet 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.

In both 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.

- (f) Warwick District Council has joined a Joint Committee across the Coventry & Warwickshire Area, the Sub Regional Economic Prosperity Board, to drive and provide sub-regional governance, to the economic development and prosperity agendas. (Minute 84 Executive 13 November 2013). The terms of reference for this are appended to the Constitution.
- (g) Warwick District Council has formed a Joint Cabinet with Stratford-on-Avon District Council under sections 101 and 102 of the Local Government Act 1972, section 9EB of the Local Government Act 2000 and all other relevant legal powers, following decisions taken by the respective Cabinet of each council in February 2021. The purpose of the Joint Committee is to enable the two Council's to work more closely in developing a combined Local Development Plan for South Warwickshire and ensuring that decisions are taken collectively and in a timely manner. The Joint Committee will not at present undertake any other function than those defined within the terms of reference below and, as defined by law, and as such the adoption of the South Warwickshire Local Development Plan Document / Local Plan will remain with the individual Council's for final approval. The Constitution for the Joint Committee, appended to this Constitution, includes a set of standing orders that takes precedence over the respective constitutional documents of each of the two councils. However, where the Constitution for the Joint Committee is silent on an issue, the Constitution of each respective Council will take precedence.
- (h) The Council has appointed a Joint Appointments Committee with Stratford-on-Avon under sections 101 and 102 of the Local Government Act 1972 and all other relevant legal powers, following decisions taken by the respective Council in February 2022.  
The purpose of the Joint Committee at present is to enable the two Council's to undertake joint recruitment process for Chief Officers of the Council's.  
The Joint Committee will not at present undertake any other function than those defined within the terms of reference below and as defined by law.  
The Constitution for the Joint Committee includes a set of standing orders that takes precedence over the respective constitutional documents of each of the two councils. However, where the Constitution for the Joint Committee is silent on an issue, the Constitution of each respective Council will take precedence.  
The purpose and functions of the Joint Appointments Committee are :  
- To agree the procedures for the appointment to any roles listed in  
- To appoint Chief Executive, Deputy Chief Executive's, Programme Director for Climate Change and Heads of Service ("Chief Officers") in line with adopted procedures; and  
- To recommend to Council the appointment of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in line with adopted procedures.
- (i)

### 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 Cabinet in each of the participating authorities then its access to information regime

is the same as that applied to 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.

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

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

#### **11.05 Contracting out**

Cabinet 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.