

## ARTICLE 11 – JOINT ARRANGEMENTS AND JOINT COMMITTEES

### 11.1 Arrangements to Promote Well Being General Power of Competence

The council or the Cabinet, ~~may subject to restrictions and limitations, exercise its general power of competence<sup>1</sup> to make joint arrangements in order to promote the economic, social or environmental wellbeing 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.~~

In particular, the Cabinet may enter into a **Local Strategic Partnership** with other persons and bodies within Kirklees for the purposes of bringing together the public, private, business, community and voluntary sectors so that different initiatives and services support each other and work together. As at May 2008 this consists of the **Kirklees Partnership Board** and four **Local Public Service Boards** covering Safer Stronger Communities; Children and Young People; Adults and Healthier Communities; and Regeneration and Sustainable Development. Subject to the oversight of and decision making by the Cabinet they also work together on and monitor progress on the Local Area Agreement for Kirklees.

Cabinet may vary these arrangements at any time in agreement with the partners concerned.

### 11.2 Joint Committees Arrangements<sup>2</sup>

- a. The council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions, or to advise the council on such functions. Such arrangements may involve the appointment of a joint committee with those other local authorities.
- b. The council may also establish such arrangements in respect of a mixture of executive and non-executive functions, but will require the agreement of the Cabinet before doing so. Where the council appoints more than one member to such a joint committee, at least one of those members must be a member of the Cabinet.

<sup>1</sup> In accordance with Section 1 Localism Act 2011

<sup>2</sup> The Police Reform and Social Responsibility Act 2011 also requires the local authorities for the West Yorkshire Police Area to establish a Police and Crime Panel for the police area. City of Wakefield Metropolitan District Council is the support services authority for the Panel

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- c. The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions<sup>3</sup>. Such arrangements may involve the appointment of joint committees with those other local authorities.
  - d. Except as set out below, the 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.
  - e. The Cabinet may appoint members to a joint committee from outside the Cabinet where:-
    - (i) The joint committee relates to five or more local authorities;
    - (ii) The function concerned is required by statute to be exercised by a joint committee; or
    - (iii) 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 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 political balance requirements do not apply to such appointments. The Cabinet may not appoint to joint committees anyone who is not a member of the council.
- f. Details of any joint such arrangements, including any delegations to joint committees will be found in the council's scheme of delegations in Part 3 of this Constitution.

### **11.3 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 executives by or under the Local Government Act 2000.
- 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.

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

- a. The council may delegate non-executive functions to another local authority or, where those functions are the responsibility of the executive of another local authority, to that executive.
- b. The Cabinet may delegate executive functions to another local authority or the executive of another local authority.

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<sup>3</sup> [Arrangements are established in accordance with the Local Authorities \(Arrangements for the Discharge of Functions\) \(England\) Regulations 2012](#)

- c. The decision whether or not to accept such a delegation from another local authority to this local authority (but not to the Cabinet) shall be reserved to the council meeting unless otherwise specified in Part 3 of this Constitution.

### **11.5 Contracting out**

The council, for functions which are not executive functions, and the Cabinet, 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.

### **11.6 General**

The council or the Cabinet may enter into any other joint arrangements for any purpose for which they may lawfully do so.