

Part One: Chapter 12 - Joint arrangements

Arrangements to promote well-being

- 12.1 The Council or the Executive, in order to promote the economic, social or environmental well-being of the local 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;
 - c) exercise on behalf of the person or body any functions of that person or body.

Joint arrangements

- 12.2 The Council may establish joint arrangements with one or more local authorities and/or their Executive to exercise, or advise the Council on, functions that are not Executive functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 12.3 The Executive may establish joint arrangements with one or more local authorities to exercise functions that are Executive functions. Such arrangements may involve the appointment of joint committees with those other local authorities. Except as set out below, the Executive may only appoint Executive members to a joint committee to exercise such functions and those members need not reflect the political composition of the local authority as a whole.
- (See Part Two - Chapters 10 and 11 for current formal joint working arrangements).
- 12.4 The Executive may appoint members to a joint committee from outside the Executive 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 authority's area by size or population. In such cases, the Executive may appoint to the joint committee any councillor who is a member for a ward that is wholly or partly contained within the area. For this purpose, the need for political balance will not apply.
- 12.5 The details of any joint arrangements, including any delegations to joint committees, will be as set out in the Council's scheme of delegations in Part Two of this Constitution.

Access to information

- 12.6 The Access to Information Rules set out in Part Three of this Constitution will apply. If all members of a joint committee are members of the Executive in each of the participating authorities, then the access to information regime of the committee will be the same as that applied to those Executives. If the joint committee contains members

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who are not on the Executive of any participating authority, then the access to information rules set out in part V(A) of the Local Government Act 1972 will apply.

Delegation to and from other local authorities

- 12.7 The Council may delegate non-Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- 12.8 The Executive may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.
- 12.9 The Council may also accept the delegation of powers from another local authority. The decision whether or not to accept such delegation arrangements will be a matter for the Council to take.

Contracting out

- 12.10 The Council and the Executive may contract out to another body or organisation their respective 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.

Existing arrangements

- 12.11 The following arrangements will apply to the joint arrangements that were in being prior to May 2002:
- a) subject to any recommendations from the Portchester Joint Crematorium Committee, the Council's representation on that joint committee will be two members of the Executive;
 - b) the Council's representation on the joint governing bodies of community schools will be treated as being under the School Standards and Framework Act 1998. These bodies will therefore operate not as joint committees but as committees of the Governing Bodies and the limitation of Council representatives to members of the Executive will not apply;
 - c) the licensing of pleasure boats and vessels under Section 94 of the Public Health Acts Amendment Act 1907 is a non-executive function and therefore the licensing of pleasure boats and vessels in the Council's area will be discharged on behalf of the Council by Eastleigh Borough Council;
 - d) the River Hamble Management Sub-Committee is not a joint committee but is a statutory committee established in line with requirements of the River Hamble Harbour Revision Order 1969 and therefore the Council's representation will not be limited to members of the Executive.

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(Note: formal joint working arrangements have been established; see Part Two Chapters 10 and 11 for current arrangements).

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