

Article 12 – Joint Arrangements

12.1 Arrangements to Promote Well Being

The Council or the Leader (if it is an Executive Function), in order to promote the economic, social or environmental wellbeing of the Borough, may:

12.1.1 enter into arrangements or agreements with any person or body;

12.1.2 co-operate with, or facilitate or co-ordinate the activities of, any person or body; and

12.1.3 exercise on behalf of that person or body any functions of that person or body.

12.2 Joint Arrangements

12.2.1 Details of any joint arrangements including any delegations to Joint Committees will be set out in Table 3 (Responsibility for Executive Functions) of Part 3a of this Constitution.

Non-Executive Functions

12.2.2 The Council may establish joint arrangements with one or more Local Authorities to exercise functions that not executive functions in any of the participating authorities, or advise the Council.

12.2.3 Such arrangements may involve the appointment of a Joint Committee with these other local authorities.

Executive Functions

12.2.4 The Leader may establish joint arrangements with one or more local authorities to exercise functions that are executive functions

12.2.5 Such arrangements may involve the appointment of Joint Committees with these other local authorities

12.2.6 If the functions to be discharged involve Key Decisions that legal requirements associated with determining and publicising Key Decisions will apply.

12.2.7 Except as set out below, the Leader may only appoint Executive Members to a Joint Committee and those Members need not reflect the political composition of the local authority as a whole.

12.2. 8 The leader may appoint Members to a Joint Committee from outside the Executive in the following circumstances:

- i. 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 a Ward which is wholly or partly contained within the area;
- ii. The Joint Committee is between Surrey County Council and Reigate and Banstead Borough Council and relates to functions of the Leader of Surrey County Council. In such

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cases, the Leader 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.

12.2.9 In both cases (i) and (ii) the political balance requirements do not apply to such appointments.

12.3 Access to Information

12.3.1 Procedure Rule 1 – Access to Information, in Part 4 of this Constitution, applies.

12.3.2 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 will be the same as that applied to the Executive.

12.3.3 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.

12.4 Delegation to and from other Local Authorities

12.4.1 The Council may delegate non-Executive and/or local choice functions to another local authority or, in certain circumstances, the Leader of another local authority

12.4.2 The Leader may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.

12.4.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council (non-Executive functions) and the Leader (Executive functions).

12.5 Contracting Out

12.5.1 The Council (for functions which are not Executive functions) and the Leader (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.