

# Section 8

## Joint Arrangements

### 8.1 Arrangements to Promote Wellbeing

The Cabinet, in order to promote the economic, social or environmental well-being of its area, and subject to statutory requirements, 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.

### 8.2 Joint Arrangements

- (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 in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The 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, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the joint authority as a whole.
- (d) Cabinet 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, 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.
  - (ii) 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 authorities in Part 3 of this Constitution.

### **8.3 Access to Information**

- (a) The Access to Information Procedure Rules set out 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 the Access to Information Procedure Rules as applied to the executive will apply.
- (c) If the joint committee contains members who are not on the executive of any participating authority the Access to Information rules in Part VA of the Local Government Act 1972 will apply.

### **8.4 Delegation To and From Other Local Authorities**

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

### **8.5 Contracting Out**

The Council, in respect of non-executive functions, and Cabinet, in respect of executive functions, may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to specific legislative provisions, 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.

### **8.6 Joint Health Scrutiny Arrangements**

8.6.1 The Council has agreed a Code of Joint Working between the District Council and Staffordshire County Council in relation to Overview and Scrutiny of health matters.

8.6.2 In accordance with the Code:

- (a) The County Council shall discharge the overview and scrutiny function under the Health and Social Care Act 2001 and subsequent guidance including the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- (b) The Chair of the Health, Wellbeing and the Community Scrutiny Committee will be appointed to Staffordshire County Council's Health and Care Overview & Scrutiny Committee.
- (c) The County Council is entitled to appoint one of its members to the Health, Wellbeing and the Community Scrutiny Committee in relation to health matters.

## **8.7 Shared Services with Stafford Borough Council**

- 8.7.1 In April 2023, the Council approved a Framework Agreement with Stafford Borough Council to enable the sharing of staffing resource across both authorities (“shared services”).
- 8.7.2 Under section 101 of the Local Government Act 1972, and section 9EA of the Local Government Act 2000, a local authority may arrange for the discharge of any of its functions by any other local authority. Cabinet and Council agreed to delegate authority to Stafford Borough Council to discharge the Council’s functions in respect of Economic Development and Planning, Operations, Transformation and Assurance (Human Resources and Technology) and Law and Governance. The Council also agreed to accept delegated authority from Stafford Borough Council to discharge that Council’s functions in respect of Regulatory Services, Wellbeing, Housing and Corporate Asset Management, Finance and Transformation and Assurance. It was also agreed that those functions would be delegated to officers in accordance with the Council’s scheme of delegation to officers.
- 8.7.3 Under section 113 of the Local Government Act 1972, a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter authority the services of staff employed by the former authority. In April 2023, both Councils agreed to place its officers at the disposal of the other Council for the purpose of delivering any services shared between them.
- 8.7.4 By virtue of the above, the functions delegated to the Council by Stafford Borough Council can be carried out by officers under the Council’s scheme of delegation regardless of whether the officer is employed by the Council or by Stafford Borough Council.