

# Part 2

## Articles of the Constitution



### Article 9: Joint Arrangements

#### 9.1 Arrangements to promote well being

The Council or the Executive, 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) cooperate with, or facilitate or coordinate the activities of, any person or body;  
and
- (c) exercise on behalf of that person or body any functions of that person or body.

#### 9.2 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities or their Executives to exercise functions (which are not Executive functions) in any of the participating authorities or to advise the Council and may appoint Members to a joint committee with these other local authorities.
- (b) Details of any joint arrangements including any delegations to joint committees will be found in the Council's Delegation Scheme in Part 3 of this Constitution.

#### 9.3 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 also Members of the Executive in each of the participating authorities, then its access to information regime is the same as that applied to the Executive.
- (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.

## 9.4 Delegation to and from other local authorities

- (a) The Council may delegate non-executive functions to another local authority or, in circumstances defined in law, the executive of another local authority.
- (b) The Executive may delegate executive functions to another local authority or the executive of another local authority in circumstances defined in law.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council.

## 9.5 Contracting out

The Council, for functions which are not Executive functions, and the Executive 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.

## 9.6 Shared Services

- (a) The Council currently shares its services with West Devon Borough Council and has a Collaboration Agreement governing this arrangement. This may include further authorities as approved by the Council from time to time.
- (b) The Council may, from time to time, appoint one or more Joint Steering Groups (JSG) comprising members from both South Hams District Council and West Devon Borough Council to consider crosscouncil issues. Any JSG will not be a formal committee arrangement and the JSG may only make recommendations to Council or other council bodies.