

Article 6 – Working with Other Organisations

Working in partnership with other organisations is an important way that the Council tries to carry out its aims.

This article sets out how the Council can enter into joint arrangements with partners to provide a range of services.

The article sets out arrangements for joint committees. It gives details of who can appoint members of joint committees and how rules dealing with access to information apply to the committees.

The article also sets out arrangements for contracting out work.

6.1 Arrangements to promote well-being

The Council may work with other councils, public bodies, commercial and voluntary organisations to promote the economic, social or environmental well-being of the District.

6.2 Joint arrangements

(a) Joint arrangements for Council Functions

The Council may establish joint arrangements with one or more local authorities and/or their *Executives* to exercise *Council Functions* in any of the participating authorities, or advise the Council on any matter. These arrangements may involve the appointment of a joint committee with these other local authorities and will reflect the political balance requirements set out in the Local Government and Housing Act 1989.

(b) Joint arrangements for Executive Functions

The *Cabinet* may establish joint arrangements with one or more local authorities to exercise functions which are *Executive Functions*. These arrangements may involve the appointment of joint committees with these other local authorities. Except as set out below, the *Cabinet* may only appoint *Cabinet* Members to a joint committee and those Councillors need not reflect the political composition of the local authority as a whole.

The *Cabinet* may appoint members to a joint committee from outside the *Cabinet* if the joint committee has functions for only part of the area of the Council, and that part area is smaller than two-fifths of the Council 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. In this case the political balance requirements do not apply to such appointments.

- (c) The Council and the Executive must maintain a list and details of the joint arrangements they have established.

6.3 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply to joint committees.
- (b) If all the members of any joint committee are members of the *Executive* in each of the participating authorities then the same rules on access to information will apply as those that apply to the *Cabinet*.
- (c) If the joint committee contains members who are not on the *Executive* of any participating authority, then the same rules on access to information will apply as those that apply to *Council Meetings*.

6.4 Delegation to and from other Local Authorities

- (a) The *Council Meeting* or the *Cabinet* may delegate their powers and functions to another local authority or, in certain circumstances, the *Executive* of another local authority.
- (b) The decision whether or not to accept such delegation from another local authority will only be taken by the *Council Meeting*.
- (c) All functions can be delegated in this way unless prevented by law.

6.5 Contracting Out

- (a) Functions which the *Cabinet* can decide to contract out

The *Cabinet* may contract out to another body or organisation functions which may be carried out by an *Officer* and which are:-

- (i) subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or
- (ii) under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles,

providing there is no delegation of the Council's discretionary decision making.

- (b) Rykneld Homes

The Council has delegated housing management and maintenance functions, housing appeals and the management of some of its anti-social behaviour functions to Rykneld Homes as set out in the *Functions Scheme*.

6.6 Strategic Alliance with Bolsover District Council

- (a) The Council has formed a Strategic Alliance with Bolsover District Council, in place since 2011. A shared management team lead the transformation programme covering both councils.

- (b) To assist in the development of the transformation programme and to provide oversight, both councils have established a politically balanced Strategic Alliance Joint Committee, comprising nine members from each council and chairmanship will rotate annually between both councils. The Committee has no decision-making powers but may make recommendations back to the respective councils. The Functions of the Joint Committee are contained in Part 3 – The Functions Scheme.
- (c) Membership of the Committee comprises of 9 Councillors from each Council including the Leader and Deputy Leader of each Council. Each block of 9 seats per Council will be assigned on the political proportionality of that Council
- (d) The Committee shall be quorate if 4 or more Members from each Council are in attendance at the meeting
- (e) Unless determined otherwise by both Councils the Alliance Joint Committee will not be a decision-making body save where specific delegations have been made to it by the Councils. At present, the Council have delegated to the Alliance Joint Committee the power to form panels for the interview and appointment of Joint Directors.
- (f) Either Leader of the Council will Chair the Committee. Chairmanship will normally rotate annually. In the event of the absence of both Leaders the Committee will elect a Chairman for that meeting alone by a majority show of hands.
- (g) Voting will be by a simple majority of those present on a show of hands. The Chair of the Committee will not have a casting vote on any matter. In the event of an equality of votes, the matter will be referred to each Council
- (h) The frequency and scheduling of meetings will be as determined by the Committee