

## **Article 11 - Joint Arrangements and Partnering**

### **11.01 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) 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.

### **11.02 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. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Council may also establish joint arrangements in respect of a mixture of executive and non-executive functions but will require the agreement of the Executive before doing so. Where the Council appoints more than one member to such joint committee, at least one of those members must be a member of the Executive.
- (c) The Executive 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.

- (d) Except as set out below, the Executive may appoint only executive members as voting members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (e) The Executive may appoint members to a joint committee from outside the Executive in the following circumstances:
  - 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 Executive 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.

- (f) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this constitution.

### 11.03 **Access to Information**

- (a) The Access to Information Procedure Rules 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 its access to information regime is the same as that applied to the Executive by or under the Local Government Act 2000 and associated legislation.
- (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.

#### **11.04 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 Executive 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.

#### **11.05 Contracting Out**

The Executive 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.

#### **11.06 Partnering and Service Delivery Arrangements**

The Council or the Executive may enter into partnering arrangements in order to promote the economic, social and environmental well-being of the Borough, referred to in 11.01 above.

The Council or the Executive may also enter into arrangements to secure the delivery of defined services. This may be achieved through entering into a partnership; by the establishment of arms-length organisations or charitable trusts; or by other legal arrangements available to local authorities.

The arrangements may provide for the delegation of operational executive decisions whilst reserving strategic policy direction to the Executive.

Currently the Council is increasingly delivering key services through a range of partnerships. The Council provides strategic leadership to all our partners and partnerships in the Borough. The ultimate aim is to deliver the shared priorities contained in the Sandwell Plan (or its equivalent).

The key partnerships fall within the following areas: the Sandwell Partnership and its family of thematic partnerships, service delivery partnerships, regeneration partnerships, voluntary/community sector partnerships and regional/sub regional partnerships.

The Sandwell Partnership is the key driver for identifying the priorities and objectives for the Sandwell Plan. It brings together a range of statutory and non-statutory organisations from the voluntary and community and private sector.

The Council has developed policy guidance and a practical toolkit for managing and monitoring partnerships.

The toolkit has been designed to assist members, officers and the partnerships themselves through the lifecycle of a partnership. It comprises practical steps for establishing a new partnership, reviewing the effectiveness of an existing partnership and the steps to take when closing a partnership.

Partnership Management Group oversees the performance of Sandwell's key partnerships. As well as undertaking its own focused work, the group also builds upon reviews that are already in progress (for example audit and scrutiny) and provides challenge, examining whether partnerships are healthy, fit for purpose and providing value for money.

Decisions taken by partners are subject to effective scrutiny by the Scrutiny Management Board and/or the relevant scrutiny board.

Guidance to members and officers sitting on outside bodies is set out in Part (5) and deals with conflict of interests and other areas of responsibility for members and officers working with outside bodies.

#### 11.07 **West Midlands Combined Authority**

On 8 March 2016, the Council gave consent to become a constituent member of the West Midlands Combined Authority (WMCA). The Council's membership of the WMCA will provide opportunities for the residents of Sandwell and contribute to the achievement of the Council's priorities. Overall the membership of the WMCA represents a major opportunity to have a strong, shared voice for the region and to make a step change in our collective efforts to drive the economic prosperity of the area. Effective engagement with the LEPs and the wider business community is critical to the delivery of this ambition. The Combined Authority's area shall be the whole of the following seven constituent authority areas:-

Birmingham City Council  
City of Wolverhampton Council  
Coventry City Council  
Dudley Metropolitan Borough Council  
Sandwell Metropolitan Borough Council  
Solihull Metropolitan Borough Council and  
Walsall Metropolitan Borough Council