

## **APPENDIX 5**

[Text shown struck through is for deletion and text shown in italics and underlined is for insertion or addition.]

### **PART 2 - ARTICLES**

#### **Article 11 - Joint Arrangements**

##### **11.01 Arrangements to promote well being**

*The Leader or the Cabinet with the Leader's agreement*, 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 that 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 or board within these other local authorities. The Council may, where the legislation allows, also establish other joint arrangements with, for example, health service organisations. These other arrangements are called "boards" in this Constitution.
- (b) The Council may establish joint arrangements with one or more local authorities and their Executives to exercise functions that are partly Executive and partly Non-Executive (*"mixed functions"*). Such arrangements may involve the appointment of a joint committee or board with these other local authorities or bodies. Where the Council appoints only one Member to such a joint committee, that Member may be, but need not be, a Cabinet Member. Where the Council appoints more than one Member to such a joint committee, at least one of them shall be a Cabinet Member.
- (c) *The Leader or the Cabinet with the Leader's agreement* may ~~through the Cabinet Meeting,~~ establish joint arrangements with the Executives of one or more local authorities or other organisations to exercise functions that are Executive functions

or to advise the Cabinet. Such arrangements may involve the appointment of joint committees or boards with these other local authorities or bodies. The Leader or the Cabinet with the Leader's agreement may, where the legislation allows, also establish other joint arrangements with, for example, health service organisations.

- (d) Except as set out below, the Leader or the Cabinet may only appoint Cabinet Members to a joint committee or board and those members need not reflect the political composition of the local authority as a whole.
- (e) The Leader or the Cabinet with the Leader's agreement may appoint Members to a joint committee or board from outside the Cabinet in the circumstances where 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 Cabinet may appoint to the joint committee any councillor who is a member for a ward that is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.
- (f) Details of any existing joint arrangements including any delegations to joint committees will be found at the end of this Article.

### **11.03 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 or board are members of the Cabinet in each of the participating authorities then the access to information rules relating to the Executive in the Local Government Act 2000 will apply.
- (c) If the joint committee or board contains members who are not on the Cabinet 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 Leader or the Cabinet with the Leader's agreement 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 in the case of non-executive or mixed functions and to the Leader, or the Cabinet with the Leader's agreement, in the case of executive functions.

#### **11.05 Delegation to and from other organisations**

- (a) The Council may delegate non-Executive functions to other organisations or boards where legislation allows.
- (b) The Leader or the Cabinet with the Leader's agreement may delegate Executive functions to other organisations or boards where legislation allows.
- (c) The decision whether or not to accept such a delegation from another organisation or board shall be reserved to the Council in the case of non-executive or mixed functions and to the Leader, or the Cabinet with the Leader's agreement, in the case of executive functions.
- (d) The Leader, or the Cabinet with the Leader's agreement, may appoint other Cabinet Members to act as the Leader's representatives and to exercise Executive functions at meetings of the Haringey Strategic Partnership (HSP) and its subordinate bodies. Decisions taken by a Cabinet Member or Members in this way will have immediate effect. For the avoidance of doubt the same will apply where the Leader sits in person as a member of the HSP or its subordinate bodies.

#### **11.06 Contracting out**

The Council for non-Executive functions, and the Leader, or the Cabinet with the Leader's agreement, 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 Delegation 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.

#### **11.08 Outside Bodies**

- (a) Introduction

- (i) The Council has nomination rights to a large number of different external bodies (referred to as "organisations"). The practice of making nominations to organisations is a benefit to the Council and the links created contribute to the social well-being of the Borough. Some of these arrangements involve the formal delegation of the Council's powers to organisations but this is not true in most cases.
- (ii) These organisations can be categorised as follows:
  - (A) "Association bodies" e.g. Local Government Association or Association of London Government joint committees and panels,
  - (B) "Statutory bodies" i.e. where Haringey needs to be represented by law, for example, the Alexandra Park & Palace Advisory Committee,
  - (C) "Partnership bodies" which usually involve the Council working with other agencies on local issues or projects, for example, the Haringey Strategic Partnership,
  - (D) "Trusts and Foundations" which generally have more specific and prescribed objectives, for example, the Tottenham Grammar School Foundation, and
  - (E) "Voluntary/Community bodies" which cover a very wide spectrum of organisations serving the community, or community groups, in various ways.
  - (F) "School Governing bodies" are independent organisations but the precise relationship to the Council varies according to the type of School.
- (b) Nominations Procedure
  - (i) Nominations to all organisations will be made or confirmed at each Annual General Meeting (AGM) of the Council. In the case of "Association" and "Partnership" bodies, which mainly exercise "executive" functions at present, nominations of Cabinet Members will be made by The Cabinet with the Leader's agreement and merely recorded in the complete list approved at the AGM.
  - (ii) The capacity in which Members are nominated, the duration of the appointment and any other relevant terms and conditions will be set out in the report to the AGM and recorded in the minutes. Nominations will be stated as being made "at the request of the Council".