

Name of meeting: Cabinet

Date: 8th March 2022

Title of report: Proposed changes to West Yorkshire Joint Services (WYJS) Agreement

Purpose of report

To brief Cabinet on the proposed changes to the WYJS Legal Agreement and to seek agreement for their adoption.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall - 10 th February 2022
Is it also signed off by the Service Director for Finance	Eamonn Croston – 9 th February 2022
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft – 28 th February 2022
Cabinet member portfolio	Cllr Shabir Pandor

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Summary

- 1.1 This report seeks approval for governance changes at West Yorkshire Joint Services and for changes to the underpinning legal agreement.
- 1.2 In recent years the non-statutory activity of Joint Services has contracted.

1.3 The Committee are recommending the adoption of a slimmed down model of governance which will still deliver the statutory functions of the 5 councils whilst minimising bureaucracy and increasing accountability and visibility of the service to and in each council.

2. **Information required to take a decision**

2.1 WYJS is governed by a Joint Committee to which each Council currently appoints 3 members plus the Leader of each council. Wakefield MDC acts as the lead authority for WYJS and provides services to it. The Council's Chief Finance Officer and Chief Legal Officer act as s151 Officer and Monitoring Officer of WYJS respectively.

2.2 Some of the services provided through WYJS fulfil statutory duties for all 5 councils such as Trading Standards, Weights and Measures, Archives and Archaeology Advisory Services whilst others, such as Archaeological Services are provided on a commercial basis. In 1986 many of the services that now form part of WYJS were part of the West Yorkshire County Council.

2.3 In January 2021 the Joint Services Committee considered a paper on governance arrangements. The report outlined the findings of a governance review that had been undertaken by the district legal officers group (WYLAW) in light of changes to the operation and closure of some of the non-statutory functions of the organisation. Members were advised that there were no fundamental legal issues with the current governance arrangements but it had been some time since the WYJS agreement was last reviewed. The arrangements had pre-dated the current Leader/Cabinet governance models in each council and this would be an opportune time to make updates alongside any desired governance changes.

2.4 The report confirmed that if Members were minded to approve a refresh of the WYJS agreement, each council would need to agree any changes to ensure that adequate oversight is maintained; particularly in relation to performance and finance across all five councils.

2.5 Members considered the outcome of the review and options available and resolved to ask Officers to refresh the Joint Services Agreement and accompanying Memorandum of Understanding on the basis of a slimmed down Committee and asked that these documents be brought back to the Committee for approval.

2.6 Following that resolution, the WYJS Monitoring Officer worked with Heads of Legal and/or Monitoring Officers in each Council through WYLAW to give effect to it. The draft revised Joint Services agreement and Memorandum of Understanding is attached at Appendices A and B.

2.7 The principal amendment is to reduce the number of members from each Council on the Committee from 4 including the Leader to 2. The Leaders rarely if ever attend the meetings. The provision predates the five councils adopting Leader/Cabinet governance models when the role of Leader was very different to the current role. Reducing from 3 to 2 other councillors encourages continuity of attendance and thereby understanding of the contribution of WYJS to each Council's functions. Some of the language has been modernised and a clear explanation of the role of the Committee in agreeing a service plan and in monitoring performance and spend (value for money) has been included. Once the Committee has considered a quarterly report on performance and budget it will be sent to each constituent Council for information and scrutiny if required.

- 2.8 The WYJS Committee considered the revised draft in January 2022 and directed the Monitoring Officer to send it to each Council with a recommendation from the Committee that it be approved. In making this decision the Committee noted that there is a further ongoing review of the accommodation at Morley but considered that this governance part of the review of WYJS should proceed at this time and not to wait until the accommodation review completed.

3. **Implications for the Council**

3.1 **Working with People**

N/A

3.2 **Working with Partners**

It is essential that governance arrangements for WYJS are up to date so that partnership working across the five West Yorkshire councils is as effective as possible, both in terms of outcomes and value for money.

3.3 **Place Based Working**

N/A

3.4 **Climate Change and Air Quality**

N/A

3.5 **Improving outcomes for children**

N/A

3.6 **Other (eg Legal/Financial or Human Resources)**

N/A

4. **Consultees and their opinions**

- 4.1 The following have been consulted on the contents of this report and have approved them:

4.1.1 The Service Director – Legal, Governance and Commissioning, as WYLAW representative

4.1.2 Current Kirklees Councillors who are appointed to WYJS

5. **Next steps and timelines**

- 5.1 All five West Yorkshire Councils will be seeking Cabinet approval of the proposed changes.
- 5.2 The changes can only be adopted with unanimous agreement of the five councils.

6. Officer recommendations and reasons

- 6.1 That members approve the proposed changes outlined in this report and the amended Joint Services Agreement and authorise the Service Director legal Governance and Commissioning to enter into the revised Joint Services Agreement.

7. Cabinet portfolio holder's recommendations

- 7.1 That members approve the proposed changes outlined in this report and the amended Joint Services Agreement. and authorise the Service Director legal Governance and Commissioning to enter into the revised Joint Services Agreement

8. Contact officers

David Stickley david.stickley@kirklees.gov.uk
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9. Background Papers and History of Decisions

Draft Joint Services Agreement – Appendix A
Memorandum of Understanding – Appendix B

10. Service Director responsible

Julie Muscroft
Service Director – Legal, Governance and Commissioning
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