

Calderdale MBC

**Wards Affected
ALL**

**Cabinet 10th
October 2022**



TITLE WEST YORKSHIRE JOINT SERVICES – GOVERNANCE CHANGES

Report of Head of Legal and Democratic Services

1. Purpose of Report

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

- 2.1 West Yorkshire Joint Services (WYJS) was established in 1986 as a shared service between the five West Yorkshire Metropolitan District Councils. It delivers certain important statutory functions on behalf of this council such as food safety and tackling the sale of age restricted products such as alcohol and tobacco along with doorstep crime and financial exploitation. A well-functioning WYJS benefits and protects residents in Calderdale and across the West Yorkshire region.

3. Recommendation

- 3.1 That Cabinet note the discussions at the Joint Services Committee and its recommendation for a slimmed down governance model and delegate authority to the Head of Legal & Democratic Services to sign the revised agreement.

4. Background and/or details

- 4.1 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. That Council's Chief Finance Officer and Chief Legal Officer act as s151 Officer and Monitoring Officer of WYJS respectively.
- 4.2 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 and in the case of Trading Standards were already operating out of the current headquarters based in Morley, Leeds.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 Following that resolution, Wakefield's Monitoring Officer worked with Heads of Legal in each Council through WYLAW to give effect to it. The draft revised Joint Services Agreement and memorandum/addendum is attached at Appendix A and B.
- 4.7 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.

- 4.8 The WYJS Committee considered the revised draft in January 2022 and directed Wakefield's 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.

5. Options considered

- 5.1 To approve the revised documents as recommended by the WYJS Committee. This option is RECOMMENDED. This option is considered by that Committee to best meet the needs of the shared service and ensure delivery of benefits to Calderdale.
- 5.2 Not to approve the revised documents. If members are inclined to select this option they should note that the change requires the unanimous approval of all five member councils and therefore the rejection of changes will impact on the entire governance structure and will result in the continuation of the existing arrangements

6. Financial implications

- 6.1 No direct financial implications.

7. Legal Implications

- 7.1 The amendments to governance and the legal agreement require the unanimous consent of the 5 councils. The other 4 Councils have already approved the proposed changes.
- 7.2 Although this is a shared service to which functions are delegated all those functions are executive functions therefore this is a decision to be made by cabinet rather than council.

8. Human Resources and Organisation Development Implications

- 8.1** None

9. Environment, Health and Economic Implications

- 9.1 No direct impacts although WYJS does provide environmental and bio-diversity assessment services

10. Equality and Diversity

- 10.1 No direct implications

11. Summary and Recommendations

11.1 To give effect to the WYJS Committee's recommendation

For further information on this report, contact:

Ian Hughes	Head of Legal & Democratic Services, Chief Executive's Office
Telephone:	07900 240 387
E-mail:	ian.hughes@calderdale.gov.uk

The documents used in the preparation of this report are:

1. Revised Agreement and Memorandum attached as appendices