

Review of West Yorkshire Joint Services Agreement

Date: 21 September 2022

Report of: Director of Resources

Report to: Executive Board

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

This report seeks approval for governance changes at West Yorkshire Joint Services (WYJS) and for changes to the underpinning legal agreement. The WYJS Joint Committee are recommending a slimmed down model of governance which will deliver the statutory functions of the five Councils whilst minimising bureaucracy and increasing accountability and visibility of the services provided.

Recommendations

Executive Board is asked to approve the Refreshed Joint Agreement (Appendix A) and Addendum (Appendix B).

What is this report about?

1. WYJS was established in 1986 as a shared service on behalf of five West Yorkshire District Councils (Bradford, Calderdale, Kirklees, Wakefield and Leeds). Some of the services fulfil a statutory role such as Trading Standards, Weights and Measures, Archives and Archaeology whilst others, such as Calibration Services provide a commercial resource.
2. WYJS operates as a Joint Committee and is governed through a Joint Agreement last updated in 2004. The Joint Services Committee is empowered on behalf of the five councils to discharge its functions. The Committee consists of 20 Elected Members, with each council represented by its Leader and three other members. Wakefield MDC acts as the lead authority for WYJS and provides the three statutory officers (Chief Executive, Monitoring Officer and s.151 Officer).
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. 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 and this would be an opportune time to make updates alongside any desired governance changes. The report advised that if Members were minded to approve a refresh of the WYJS Joint Agreement each Council would need to agree any changes to ensure that adequate oversight is maintained, particularly in relation to performance and finance.
4. Members considered the outcome of the review and options available and resolved to ask Officers to refresh the Joint Services Agreement and accompanying Addendum on the basis of a slimmed down Committee and asked that these documents be brought back to the Committee for approval.
5. Following that resolution, the Monitoring Officer worked with Heads of Legal in each Council through WYLAW to give effect to it. In January 2022, the Joint Committee Members considered and approved the revised documentation and directed the Monitoring Officer to invite each constituent Council to formally approve and adopt the revision during 2022/23 municipal year.
6. The draft revised Joint Services Agreement and Addendum are attached in Appendix A and B.
7. The principal amendment is to:
 - a) reduce the number of members from each Council on the Committee from four (one of which is the Leader) to two. The provision for four members predates the five Councils adopting Leader/Executive governance models when the role of Leader was different to the current role. Reducing to two Councillors should encourage continuity of attendance and thereby understanding of the contribution of WYJS to each Council's functions. Pursuant to the regulations it will be for the Executive to appoint the two Leeds members from the next municipal year onwards.
 - b) 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 as required.

8. Should all the constituent Councils approve the refreshed Joint Agreement, it is expected to be implemented on or around 1 December 2022.

What impact will this proposal have?

9. West Yorkshire Joint Services (WYJS) delivers important statutory functions on behalf of Leeds 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 and high performing WYJS benefits and protects residents in the city and across the West Yorkshire region. The refreshed governance agreements will minimise bureaucracy and increase accountability and visibility of the services provided, and aid the smooth and efficient running of WYJS.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

10. The adoption of the refreshed Agreement will support WYJS in the effective delivery of a range of services that contribute towards the Council's statutory obligations and the delivery of its Best City Ambitions.

What consultation and engagement has taken place?

Wards affected: All

Have ward members been consulted?

Yes

No

11. The Leeds Members of the Joint Committee and the Deputy Leader and Executive Member for Resources have all been engaged in the development of the refreshed Agreement. The Council's Legal Officers have also reviewed the content of the Agreement and Addendum.

What are the resource implications?

12. There are no direct financial and human resource implications.

What are the key risks and how are they being managed?

13. There are believed to be no significant risks associated with the proposed Agreement.
14. The amendments to the governance arrangements and legal agreement require the unanimous consent of the five constituent Councils. If any Council does not consent following their consideration of a similar report, the current arrangements and agreement will continue. These existing arrangements do not present any fundamental legal issues or risks.

What are the legal implications?

15. Save for the above, there are no significant legal implications. Although WYJS is a shared service involving delegated functions, WYLAW have agreed that all are executive functions, meaning it is a decision to be made by Executive Board rather than Council, save for Bradford where the constitution requires full Council approval.

Options, timescales and measuring success

What other options were considered?

16. The Leeds members of the Joint Committee sought a number of further minor amendments to be made to the refreshed Agreement. These included specific reference to the role that the Joint Services Committee should play in the appointment, line management and appraisal of the WYJS Director. It was agreed that these minor additions would be covered through a separate Memorandum of Understanding to be considered and agreed by the Joint Committee during 2022/23.

How will success be measured?

17. A high performing WYJS protects the public. WYJS provides help, support and regulation for businesses, and protects the public, for example, by tackling the sale of age restricted products to children and young people. The refreshed governance arrangements will minimise extant bureaucracy and increase accountability and visibility of the services provided. Success of WYJS will be evident through the Three-Year Business Plan and the quarterly performance monitoring framework.

What is the timetable and who will be responsible for implementation?

18. Once all constituent Councils have sought local approval of the refreshed Agreement and Addendum, the Joint Committee will be able to enact the changes. It is expected that this process will satisfactorily conclude by the end of the 2022 calendar year.

Appendices

Appendix A: Revised Agreement

Appendix B: Draft Addendum

Background papers

None.