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| Report To: | Inverclyde Council | Date: | 2 December 2021 |
| Report By: | Interim Head of Legal & Democratic Services | Report No: | LS/099/21 |
| Contact Officer: | Anne Sinclair | Contact No: | 01475 712710 |
| Subject: | Update Report Regarding the Shared Services Joint Committee | | |

1.0 PURPOSE

- 1.1 The purpose of this report is to provide the Council with an update in relation to the Shared Services Joint Committee.

2.0 SUMMARY

- 2.1 The Council at its meeting of 30 June 2016 approved the establishment of a Shared Services Joint Committee with two partner Councils, East Dunbartonshire Council and West Dunbartonshire Council to work together in developing opportunities for the sharing of roads and transportation services across the three Councils.
- 2.2 At its meeting of 29 September 2016 the Council approved a Minute of Agreement as agreed by the Heads of Legal Services of each of the three Councils approving the governance structure and appointing four Elected Members from each Council to sit on the Joint Committee.
- 2.3 The inaugural meeting of the Shared Services Joint Committee was held in December 2016 and the Shared Services Joint Committee last met on 11 December 2020.
- 2.4 Efforts by Inverclyde Council to arrange further meetings of the Shared Services Joint Committee involving all three Councils have been unsuccessful.
- 2.5 At its Council meeting on 23 September 2021 East Dunbartonshire Council approved a report agreeing to withdraw from the Shared Services Joint Committee. Accordingly it is appropriate for arrangements to be made between Inverclyde Council and West Dunbartonshire Council with regards to variation of the existing Minute of Agreement and amendment of the existing Standing Orders to enable further meetings of the Shared Services Joint Committee to be held.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Council:-

(1) note the terms of this report;

(2) agree to the request of East Dunbartonshire Council and waive the 18 month notice period for withdrawal as stipulated in the Minute of Agreement;

(3) authorise the Interim Head of Legal & Democratic Services to liaise with West Dunbartonshire Council, and East Dunbartonshire Council if necessary, regarding any variation of the relevant Minute of Agreement and Standing Orders in advance of the next meeting of the Shared Services Joint Committee on 19 January 2021, or on such other date as shall be agreed.

Anne Sinclair
Interim Head of Legal & Democratic Services

4.0 BACKGROUND

- 4.1 The Council at its meeting of 30 June 2016 approved the establishment of a Shared Services Joint Committee with partner Councils; remitted it to the Chief Executive, in conjunction with colleagues within East Dunbartonshire Council and West Dunbartonshire Council to finalise a Minute of Agreement for the establishment of the Joint Committee, for consideration and approval at a future meeting of the Council.
- 4.2 In terms of the approved Minute of Agreement entered into between the three Councils the Shared Services Joint Committee required to meet at least twice in each financial year or more. Meetings of the Shared Services Joint Committee are convened by the Secretariat Authority, that is, the authority which chairs the Joint Committee and provides administrative services in support of the Joint Committee's operation and decision-making.
- 4.3 In terms of the Standing Orders the position of Chair is held for a period of two years. The first Chair was appointed from East Dunbartonshire Council with a Vice-Chair from West Dunbartonshire Council. In terms of the existing Standing orders Inverclyde Council is currently the Secretariat Authority and Chair of the Shared Services Joint Committee.
- 4.4 The inaugural meeting of the Shared Services Joint Committee was held in Kirkintilloch on 16 December 2016 with East Dunbartonshire Council as the Secretariat Authority. Thereafter meetings of the Shared Services Joint Committee were held by East Dunbartonshire Council on 24 March and 18 August 2017 and by West Dunbartonshire on 11 January, 21 May and 2 October 2019 and 11 December 2020.
- 4.5 Officers of Inverclyde Council have until recently attempted to arrange a meeting of the Shared Services Joint Committee in 2021 without success. A meeting has now been arranged for 19 September 2022.

5.0 WITHDRAWAL OF EAST DUNBARTONSHIRE COUNCIL

- 5.1 At its Council meeting on 23 September 2021 East Dunbartonshire Council approved the recommendation of a report by officers agreeing to withdraw from the East Dunbartonshire, West Dunbartonshire and Inverclyde Council Shared Services Joint Committee. Specifically, East Dunbartonshire Council agreed the following:-
 - a) to withdraw from the East Dunbartonshire, West Dunbartonshire and Inverclyde Councils Shared Services Joint Committee;
 - b) to instruct the Chief Solicitor & Monitoring Officer to write to the Clerk of the Shared Services Joint Committee to intimate the Council's intention to withdraw; and
 - c) to instruct the Chief Solicitor & Monitoring Officer to write to both West Dunbartonshire and Inverclyde Councils with a view to agreeing a reduction in the notice period required by the Minute of Agreement governing the Shared Services Joint Committee.
- 5.2 In support of the proposal that East Dunbartonshire Council should withdraw from the Shared Services Joint Committee the report to their Council outlined that they considered there were limited benefits in the proposed Operating Model and hence they did not pursue participation in the Shared Service. The report states that West Dunbartonshire and Inverclyde Councils were operating from a different baseline position and so went on to establish a Roads Shared Service independently of East Dunbartonshire Council. East Dunbartonshire Council is not party to any shared service with West Dunbartonshire and Inverclyde Councils.
- 5.3 In terms of Clause 12 of the existing Minute of Agreement it states:

“If any authority wishes to withdraw from this Agreement it may do so with effect from the end of the Joint Committee's next financial year subject to giving to the Clerk not less than 18 months' notice in writing to that effect.”

- 5.4 The Interim Head of Legal & Democratic Services, Clerk of the Secretariat Authority, has received a letter dated 24 November 2021 from the Chief Solicitor & Monitoring Officer of East Dunbartonshire's Legal & Democratic Service intimating the intention to withdraw from the Shared Services Joint Committee and seeking agreement of the Council to the waiving of the notice period outlined in the Minute of Agreement at paragraph 12 in order to quickly remove a commitment for the relevant Members of East Dunbartonshire Council. It is recommended that Inverclyde Council agree to this request which will enable West Dunbartonshire and Inverclyde Councils to develop amendments to the Standing Orders and Minute of Agreement, if deemed necessary, without delay and for consideration at the meeting of the Joint Shared Committee meeting on 19 January 2022. A copy of the letter dated 24 November 2021 is set out in **Appendix 1**.

6.0 PROPOSALS

- 6.1 In light of the decision of East Dunbartonshire Council to withdraw from the Shared Service Joint Committee it is appropriate that discussions take place with the Head of Legal Services at West Dunbartonshire Council with regard to agreeing to a variation of the Standing Orders, and the Minute of Agreement if deemed necessary, to allow the Shared Services Joint Committee to continue with only two members.
- 6.2 A meeting of the Shared Services Joint Committee has been scheduled to take place on 19 January 2021 at which time it proposed that Members of the Committee be asked to approve any variation of the Standing Orders and Minute of Agreement, if deemed appropriate, following discussions between the Interim Head of Legal & Democratic Services for Inverclyde and the Head of Legal Services at West Dunbartonshire Council.

7.0 IMPLICATIONS

Finance

- 7.1 There are no immediate financial implications in connection with this report or proposal.

Financial Implications:

One off Costs

| Cost Centre | Budget Heading | Budget Years | Proposed Spend this Report | Virement From | Other Comments |
|-------------|----------------|--------------|----------------------------|---------------|----------------|
| N/A | | | | | |

Annually Recurring Costs/ (Savings)

| Cost Centre | Budget Heading | With Effect from | Annual Net Impact | | |
|-------------|----------------|------------------|-------------------|--|--|
| N/A | | | | | |

Legal

- 7.2 The legal issues are addressed in this report.

Human Resources

- 7.3 None.

Equalities

7.4 Equalities

(a) Has an Equality Impact Assessment been carried out?

| | |
|---|---|
| | YES |
| X | NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required. |

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

| | |
|---|--|
| | YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed. |
| X | NO |

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

| | |
|---|---|
| | YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals. |
| X | NO |

Repopulation

7.5 None.

8.0 BACKGROUND PAPERS

8.1 None.



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24th November 2021

Anne Sinclair
Inverclyde Council
Municipal Buildings
Clyde Square
GREENOCK
PA15 1LY

Dear ##

East Dunbartonshire, West Dunbartonshire and Inverclyde Councils Shared Services Joint Committee

At a recent meeting, East Dunbartonshire Council unanimously agreed to formally withdraw from the East Dunbartonshire, West Dunbartonshire and Inverclyde Councils Shared Services Joint Committee ("Shared Services Joint Committee").

Specifically, the Council agreed the following:-

- a) to withdraw from the East Dunbartonshire, West Dunbartonshire and Inverclyde Councils Shared Services Joint Committee;
- b) to instruct the Chief Solicitor & Monitoring Officer to write to the Clerk of the Shared Services Joint Committee to intimate the Council's intention to withdraw; and
- c) to instruct the Chief Solicitor & Monitoring Officer to write to both West Dunbartonshire and Inverclyde Councils with a view to agreeing a reduction in the notice period required by the Minute of Agreement governing the Shared Services Joint Committee.

As instructed I give intimation of the Council's intention to withdraw from the Shared Services Joint Committee.

Furthermore, as instructed by Council, I am seeking the agreement of your Council to the waiving of the notice period outlined in the Minute of Agreement, para 12.

This will quickly remove a commitment for the relevant Members of this Council. More importantly, it will enable West Dunbartonshire and Inverclyde Councils to develop the Shared Services Joint Committee and its Standing Orders in a way which suits operating models and strategic plans without delay or the requirement to include East Dunbartonshire Council members to be factored into the quorum of the Shared Services Joint Committee. Further, as East Dunbartonshire Council is not party to any shared service, the provisions of para 12.2 of the Minute of Agreement do not apply.

I realise that you may require to place this matter before a meeting of your Council for consideration and so look forward to hearing from you in due course.

Yours sincerely

Karen M Donnelly

Karen Donnelly
Chief Solicitor & Monitoring Officer
Executive Officer – Legal & Democratic Services

Cc West Dunbartonshire Council