

Eden District Council

Cabinet

22 February 2022

Council

24 February 2022

**Establishment of a Westmorland and Furness Joint Committee**

<b>Portfolio:</b>	Resources
<b>Report from:</b>	Chief Executive
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM</b>	

**1 Purpose**

- 1.1 The purpose of this report is to recommend that as one of the Councils making up the area which will be covered by the forthcoming Westmorland and Furness Council that a Westmorland and Furness Joint Committee is established.

**2 Recommendation**

**It is recommended that Cabinet:**

1. Agree to the establishment of the Westmorland and Furness Joint Committee as detailed in the report and to the terms of reference attached at Appendix 1; and
2. Delegates the executive functions within the Terms of Reference to the Westmorland and Furness Joint Committee.

**It is recommended that Council:**

3. Agree to the establishment of the Westmorland and Furness Joint Committee as detailed in the report and to the terms of reference attached at Appendix 1;
4. Delegates the non-executive functions within the Terms of Reference to the Westmorland and Furness Joint Committee;
5. Delegates to the Assistant Director Legal and Democratic Services, in consultation with the Leader and Chair of Full Council the making of any minor changes to the terms of reference following consideration by other councils making up the Joint Committee;
6. Authorise the Assistant Director Legal and Democratic Services to make the necessary amendments to the Council's constitution and to update the Council's scheme of delegation in Part 2 of the Constitution;

7. To receive nominations and make appointments to the positions on the Westmorland and Furness Joint Committee in accordance with the political representation/balance calculation;
8. Agree to delegate authority to the Chief Executive in consultation with the Leader to agree the host authority; and
9. Agrees that this Joint Committee will be/is the Westmorland and Furness Joint Committee for the purposes of the Cumbria (Structural Changes) Order 2022.

### **3 Report Details**

#### **Background and Proposals**

- 3.1 The Secretary of State (SoS) has made a decision to implement the proposal for two unitary councils on an East-West geography, and, subject to Parliamentary approval, this proposal is to be implemented.
- 3.2 The SoS now intends to seek Parliamentary approval for the necessary secondary legislation to implement the Cumberland and Westmorland and Furness two Unitary Council proposal.
- 3.3 All Councils have received details of the draft Cumbria Structural Changes Order 2022 and this includes specific provisions relating to the Cumberland and Westmorland and Furness Joint Committees.
- 3.4 We are required within 14 days of the coming into force of the Order to establish a Westmorland and Furness Joint Committee. It is intended that this Joint Committee is the Joint Committee for the purposes of the Cumbria (Structural Changes) Order 2022 and in accordance with the Order will be dissolved on the day following that on which the shadow authority for Westmorland and Furness Council holds its first meeting.
- 3.5 The Monitoring Officers recommend that there is one Host Authority and if there are to be different Council venues for the respective meetings that the Host Authority organises the meetings. The Host Authorities are required to be agreed for Cumberland and Westmorland and Furness.

#### **Terms of Reference and Membership**

- 3.6 Suggested terms of reference are attached at Appendix 1 based on the content of the draft structural changes order. As with any matter going through different Councils' approval processes, there may be changes to this as required by the individual authorities. It is therefore recommended that delegated authority be given to the Assistant Director Legal and Democratic Services to make any minor amendments following consultation with the Leader and Chair of Full Council.

#### **Membership of the Joint Committee**

- 3.7 The order requires the establishment of 2 Joint Committees and the membership will comprise of 3 persons nominated by the County Council for each of the Joint Committees and nine persons nominated by the relevant District Councils (with each of the Cumberland and Westmorland and Furness Councils nominating three persons).

- 3.8 Since the proposed arrangements include the discharge of non- executive and executive functions it is necessary to consider the application of political balance.
- 3.9 For District Councils operating with Executive arrangements the appointments are the responsibility of the Council with the agreement of the Executive. At least one of the members appointed to the Joint Committee must be a member of the Executive. For Eden District Council the political balance of appointments being 1 Liberal Democrat Member, 1 Independent Alliance Member and 1 Conservative Member.
- 3.10 For the County Council political balance requirements do not apply to the appointment of those representatives and the representatives must be members elected for the electoral divisions or wards which are within the relevant areas. This means for the County Council they will appoint members from within the wards for the areas covered by the Joint Committees and political balance rules would not apply.

## **4 Policy Framework**

- 4.1 The Council has four corporate priorities which are:
- Sustainable;
  - Healthy, safe and secure;
  - Connected; and
  - Creative
- 4.2 This report meets all of our corporate priorities.

## **5 Consultation**

- 5.1 Consultation has taken place between the Councils making up the Joint Committee and the forming of Joint Committees has been discussed through the LGR Programme Board.

## **6 Implications**

### **6.1 Financial and Resources**

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2019-2023 as agreed at Council on 7 November 2019.
- 6.1.2 There will be resources required to support the meetings. The Host Authority will need to be resourced appropriately. Appointed members attendance at formal meetings will be an approved duty and as such some additional travel expenses may be incurred. Expenses of a Joint Committee are defrayed by authorities in such proportions as they may agree – so this needs to be covered in the Terms of Reference.

### **6.2 Legal**

- 6.2.1 By s101 and 102 of the Local Government Act a local authority may arrange for the discharge of any of its functions by a committee and may appoint a Joint Committee for that purpose. Similar provisions are contained in Part IA Chapter II of the Local Government Act 2000 in respect of Executive functions.

- 6.2.2 The Host Authority will be responsible for arranging the meetings of the Westmorland and Furness Joint Committee.
- 6.2.3 There will be a requirement to ensure that agendas are published and that we have a suitable platform on which to host the Westmorland and Furness Joint Committee and any Scrutiny Committee should it be established.

### 6.3 Human Resources

- 6.3.1 There will be a call on staff time to support the meetings and will involve joint working with officers on strategy, programme and work programme tasks.

### 6.4 Environmental

- 6.4.1 There may be negative impacts on carbon emissions because of the greater distances Councillors and officers may have to travel to attend meetings. This can be mitigated by holding virtual meetings where possible, and carsharing when not.

### 6.5 Statutory Considerations

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	None
Health, Social Environmental and Economic Impact	None
Crime and Disorder	None
Children and Safeguarding	None

### 6.6 Risk Management

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
Challenge to the Council's decision making process.	Challenge to the Council's decision making process.	That the Committee is properly constituted.

## 7 Other Options Considered

- 7.1 Members could decide not to proceed with a Joint Committee until the Order is made. However, speed is of the essence and it is considered that this will be more transparent and provide clarity on decision making and ensure that the Council is ready for Local Government Reorganisation

## 8 Reasons for the Decision/Recommendation

- 8.1 The Cabinet and Council are recommended to agree to the establishment of the Westmorland and Furness Joint Committee to comply with the statutory requirement of the forthcoming changes order and to facilitate as efficiently as possible, the ongoing Local Government Reorganisation.

### Tracking Information

<b>Governance Check</b>	<b>Date Considered</b>
<b>Chief Finance Officer (or Deputy)</b>	10/02/2022
<b>Monitoring Officer (or Deputy)</b>	26/01/2022

**Background Papers:**        **None**

**Appendices:**                **Appendix 1 – Joint Committee Terms of Reference**

**Contact Officer:**         **Lisa Tremble, Assistant Director Legal and  
Democratic Services**

### **Westmorland and Furness Joint Committee – Terms of Reference**

1. The formation of an Implementation Team to assist the Joint Committee and if required the Shadow Authority in the discharge of its functions.
2. To prepare, keep under review, receive updates on progress and revise as necessary the Implementation Plan.
  - (i) This to include such plans and timetables as are in the opinion of the Joint Committee necessary to secure the effective, efficient and timely discharge of such of its functions, property, rights and liabilities as relate to Westmorland and Furness and its inhabitants.
  - (ii) To agree budgets and plans as are considered necessary or desirable to facilitate the economic, effective, efficient and timely discharge on and after the 1st April 2023 of the functions of the Westmorland and Furness Councils.
3. Preparing for and facilitating the economic, effective, efficient and timely transfer to the new Councils of functions, property, rights and liabilities.
4. To consider and recommend a Members Code of Conduct to be adopted by the Shadow Authority at its inaugural Full Council meeting.
5. To agree the process for an independent review of a scheme of Members Allowances for the Shadow Authority, including the setting up of an Independent Remuneration Panel and to recommend to the Shadow Authority a scheme of Members Allowances for adoption at its inaugural meeting.
6. To consider and recommend a Constitution and schemes of delegation to be adopted by the Shadow Authority at its inaugural full Council meeting.
7. To agree and undertake the recruitment process for the selection of the posts of Interim Head of Paid Service, Interim Chief Finance Officer (section 151 Officer) and Interim Monitoring Officer for the Shadow Authority and recommend to the Shadow Authority at its inaugural meeting nominations for the three interim statutory Officers
8. To establish and propose a Calendar of Meetings for the Shadow Council for adoption at its inaugural meeting
9. To Manage the transition to the Shadow Authority under the Structural Changes Order
10. To oversee the smooth transition of all matters Civic and Ceremonial
11. The Joint Committee must have regard to:
  - (a) The information supplied to the Secretary of State
  - (b) have regard to sections 27 and 28 of the Localism Act 2011 in formulating proposals for the codes of conduct to be adopted by the Shadow Authorities