

WESTMORLAND AND FURNESS JOINT COMMITTEE

Minutes of the proceedings at a meeting of the Westmorland and Furness Joint Committee held in the District Council Chamber, South Lakeland House, Kendal, on Tuesday, 29 March 2022, at 10.00 a.m.

Present
Councillors

Patricia Bell	Derek Brook	Jonathan Brook
Anne Burns	Hazel Edwards	John Holmes
Andrew Jarvis	Mary Robinson	Virginia Taylor
Ann Thomson	Peter Thornton	Debra Wicks

Officers

Inge Booth	Legal, Governance and Democracy Specialist
Pam Duke	Section 151 Officer and Programme Finance Lead (Cumbria County Council)
Linda Fisher	Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
Ian Frost	Chief Executive (Eden District Council)
Nicola Houwayek	Technical Lead OD and HR
Richard Machin	Communications Specialist
Adam Moffatt	Legal, Governance and Democracy Specialist
Sam Plum	Chief Executive and Senior Responsible Officer (Barrow Borough Council)
Kim Rennie	Programme Director
Dawn Roberts	Executive Director - Corporate, Customer and Community Services and Acting Deputy Chief Executive (Cumbria County Council)
Debbie Storr	Monitoring Officer (Barrow Borough Council)
David Sykes	Director of Strategy, Innovation and Resources
Lisa Tremble	Monitoring Officer (Eden District Council)
Kate Turner	Acting Head of Legal and Democratic Services (Cumbria County Council)

W&F/1**INTRODUCTION**

The Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) introduced herself and welcomed everyone to the first meeting of the Westmorland and Furness Joint Committee. She asked other officers present to introduce themselves when presenting their reports. She further advised all present on housekeeping matters. She also took the opportunity to update the Joint Committee on the replacement of Councillor Hazel Edwards from Barrow Borough Council with Councillor Les Hall and explained that this was in accordance with Section 16 of the Local Government and Housing Act 1989 and this had been assessed with due regard to the requirement for political balance. She asked Councillor Hall to confirm whether, having received less than five days' notice of the meeting, he felt that he had had sufficient time to consider all relevant information necessary to make decisions. Councillor Hall confirmed that this was the case.

W&F/2 APPOINTMENT OF CHAIR

RESOLVED – That Councillor Jonathan Brook be appointed Chair of the Westmorland and Furness Joint Committee for the remainder of 2021/22.

On taking the Chair, Councillor Jonathan Brook thanked Members for the opportunity and referred to the small but important part to be played by the Joint Committee in the journey towards the new Unitary Authority. He looked forward to working with the Joint Committee as it worked towards the next chapter. Councillor Jonathan Brook thanked officers and Members who had already been working hard to get to this point and who would continue to do so moving forward in to the future.

W&F/3 APOLOGIES

All Members were present, no apologies for absence having been received.

W&F/4 APPOINTMENT OF VICE-CHAIR

RESOLVED – That Councillor Ann Thomson be appointed Vice-Chair of the Westmorland and Furness Joint Committee for the remainder of 2021/22.

W&F/5 DECLARATIONS OF INTEREST

No declarations of interest were raised.

W&F/6 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

There were no excluded items on the Agenda, however, the Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) advised that, should Members wish at any stage to move into Part II, the usual rules applied.

W&F/7 TERMS OF REFERENCE AND PROCEDURAL RULES

The Head of Legal and Governance – Monitoring Officer (Barrow Borough Council) presented a report to which was attached Procedural Rules, incorporating the Terms of Reference, in relation to the operation of the Westmorland and Furness Joint Committee. The Terms of Reference had already been agreed by the sovereign Councils. The purpose of these was to ensure that there were clear rules around the operation and conduct of the Joint Committee so that Members were able to consider and determine matters in an effective way. The key elements included in the document reflected those proposed for the Cumberland Joint Committee. In the event that a decision was taken to hold meetings of the Joint Committee in different Council areas, the Procedural Rules would be updated accordingly.

RESOLVED - That the Procedural Rules, which incorporate the Terms of Reference as agreed by sovereign Councils, for the Westmorland and Furness Joint Committee, be endorsed.

W&F/8 FUTURE MEETINGS AND WORK PROGRAMME

The Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) presented a report which set out the proposed meeting dates and venues for the newly-formed Westmorland and Furness Joint Committee which was due to meet approximately three times commencing in March 2022. The meetings were scheduled to take place in the District Council Chamber at Kendal Town Hall unless Members expressed a wish to rotate the venue.

The report further detailed the Membership of the Joint Committee and its key roles. The Committee would comprise twelve elected Members: this would include three County Council seats and nine District Council seats. The Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) reminded Members that Councillor Hazel Edwards (Barrow Borough Council) had been replaced by Councillor Les Hall. The report referred to the Joint Committee's Procedural Rules, including Terms of Reference, details of which had been outlined under Minute W&F/7 above. The report further referred to the Joint Committee's Work Programme of proposed business which was attached as Appendix 1 to the report and which had been published on all relevant Councils' websites. The Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) informed Members that there was a possibility that the report on the Scheme of Members' Allowances may be ready in time for the second meeting and so would be brought forward if finalised in time.

It was moved to hold the third meeting of the Joint Committee in Eden in the spirit of inclusivity for residents. Whilst some Members expressed support for this, particularly with regard to ensuring that all meetings were rotated from the outset and avoidance of a precedent being set by holding all three in Kendal, others raised concerns around travelling distances in light of Climate Change and also the cost to the Council Taxpayer. A new proposal was then moved and, on agreement of the meeting, it was decided that all three meetings would remain in Kendal.

Members were keen for the Implementation Plan and Programme Governance item be brought back before the Committee at its meeting on 10 May in order to see how this was evolving.

RESOLVED – That

- (1) the Joint Committee meeting dates, as set out in Section 3.5 of the report, be agreed;
- (2) the Joint Committee's Work Programme, as attached at Appendix 1 to the report, be approved; and
- (3) the Implementation Plan and Programme Governance item be brought back before the Joint Committee at its meeting on 10 May 2022.

W&F/9 FORMATION OF THE IMPLEMENTATION TEAM

The Programme Director presented a report informing the Joint Committee about “the Implementation Team,” a single team of officers as required by Article 26 of the Cumbria (Structural Changes) Order 2022 (SCO).

The members of the Implementation Team were to be officers of the sovereign Councils, with the members of that Team appointing a leader of the Team, and the deputy leaders of the Implementation Team being an officer of one of the Cumberland Councils and an officer of one of the Westmorland and Furness Councils. There was a duty placed within the Order on sovereign Councils to co-operate in the formation of the Implementation Team and to release the officers concerned from their normal duties to assist in the work as reasonably required by Joint Committees or Shadow Authorities, as well as a general duty to consult and co-operate with one another and the Shadow Authorities.

Since the announcement in July 2021, and prior to this Joint Committee having been stood up, preparations had commenced to enable the smooth operation of the two new Councils from Vesting Day, key details of which were provided within the report.

Diagrams illustrating the officer programme structure and governance that had been established to deliver the Local Government Reorganisation (LGR) Programme were set out at Appendix 2 to the report. Work to move to the two new Councils had been organised into six thematic areas: People; Place; Corporate/Enabling Services; ICT; Customer and Digital; and Finance.

The design and delivery of the LGR Programme was being overseen by a Chief Executive/senior officer Board (the LGR Programme Board), chaired by the Senior Responsible Officer(s). LGR Programme Board membership included all Chief Executives of the sovereign authorities, the Chairs of the thematic groups (where these were not Chief Executives); the Programme Finance Lead (and Section 151 Officer); and the Programme Director. In due course, once Interim Heads of Paid Service had been appointed by the Shadow Authorities, it was intended that they would also join the Board.

In terms of meeting the requirements of the SCO, the LGR Programme Board, described above would be “the Implementation Team”. They would be supported in this role by the Programme Management Team and Programme Management Office that had been established, together with the officers of all seven sovereign Councils involved in the arrangements described above and supplemented by the capacity available via the Strategic Partner arrangement where appropriate.

In terms of the (Senior Responsible Officer) SRO arrangements, the programme had operated a three-way joint SRO approach since December 2021 which had served the programme well. For continuity in the next phase of the programme, this arrangement was to be extended, and the SCO leadership requirements, (for a team leader and two deputies, one from the Cumberland

Councils and one from the Westmorland and Furness Councils), would be discharged by the three SROs continuing to work together. This arrangement would operate until such time as it was reviewed; following the appointment of the two Interim Heads of Paid Service, and the Chief Executive of the County Council would also be in post. It would be appropriate to reflect the roles of Interim Head of Paid Service (and subsequently the Heads of Paid Service) in the leadership of the Implementation Team, and it was the intention to bring a report to the first meeting of the Shadow Authorities in this regard.

RESOLVED – That the arrangements for the formation of a single team of officers (“the Implementation Team”) as required by Article 26 of the Cumbria (Structural Changes) Order 2022, as set out at paragraphs 3.6-3.8 of the report and above, be agreed.

W&F/10 IMPLEMENTATION PLAN AND PROGRAMME GOVERNANCE

The Programme Director presented a report informing Members about the Implementation Plan and Programme Governance that had been developed by officers of the County Council, the Cumberland councils and the Westmorland and Furness councils, to ensure an effective transition to the new unitary councils for Cumberland and Westmorland and Furness on Vesting Day, 1 April 2023.

The high level approach to implementation was set out in Appendix 1 to the report and set out the Vision for Cumbria and the Ambition and Values to guide the implementation approach. This included Organisational Design principles and these would underpin the work ongoing around the future design of services. It was proposed that this be adopted as the Implementation Plan as it was now, noting that it would develop over time, particularly on the establishment of the shadow authorities and the appointment of the Interim Heads of Paid Service. A summary of the Implementation Plan, as now, and programme governance (including funding for the delivery of the Implementation Plan) was provided within the report.

Since the announcement in July, and prior to this Committee having been stood up, preparations had commenced to enable the smooth operation of the two new Councils from Vesting day. This had included the establishment of a joint LGR Implementation Reserve that was being hosted by the County Council.

Democratic and programme governance arrangements were in place to oversee the transition to the two new Councils on 1 April 2023 and to ensure that they could operate safe and legally from Day 1.

In respect of officer level programme governance, the LGR programme was being overseen by an LGR Programme Board, with membership from the most senior levels of representation from sovereign councils. In addition, six thematic boards had been established with a series of workstreams/work packages in each. They involve senior representatives and subject matter experts to oversee the work involved in setting up the two new Councils.

In respect of Cumbria Fire and Rescue service, the Government's intention was that the Fire Service should continue on a county basis, with two potential options to achieve this. The first was for the functions to be transferred to the Police and Crime Commissioner for Cumbria by Order made under Section 4A of the Fire and Rescue services Act 2004, should the Secretary of State be satisfied that the relevant statutory tests were met. The second option was for the Secretary of State to create a new combined fire and rescue service. The second option would be developed through the Cumbria Fire and Rescue Service Board, in a piece of work that was aligned to the LGR Programme.

The organisational design principles outlined in the Implementation Plan and design process would be used to develop the blueprints for service delivery with the starting point of disaggregation and integration into two separate Councils, unless there was a compelling reason not to do so.

As part of the Implementation Plan, a high level timeline and critical path had been established and this would be kept under review and would develop further as the programme progressed.

In addition to the Implementation Plan, Appendix 2 to the report presented the approach to facilitate the transition to the respective new single tiers of local government and the Cumbria Fire and Rescue Service the transfer of the District and County Councils' functions, property, rights and liabilities. These would facilitate the economic, effective, efficient and timely transfer to the Westmorland and Furness and Cumberland Council of such of its functions, property, rights and liabilities as related to those Councils and their inhabitants. It would also enable Shadow authorities to prepare revenue and capital budgets, Medium Term Financial Plans and associated Policies and procedures.

Appendix 2 to the report also presented the high level principles for the disaggregation and aggregation of the balance sheet and revenue accounts of the sovereign Councils and the governance for approval of the principles to ensure two financially sustainable Unitary Councils and the Cumbria Fire and Rescue service were established. Statutory and accounting regulations would be primary to delivering the transfer of property, rights and liabilities to ensure delivery of the blueprint options for service delivery along with the general matching principle for assets and liabilities.

The Director of Finance (Section 151 Officer), Cumbria County Council (Programme Finance Lead) provided further details on the financial aspects of the Programme.

The majority of functions, assets and liabilities would be identified and disaggregated or aggregated to the Unitary Authorities by 31 March 2023. There could be some liabilities that could only be fully quantified as at 31 March 2023. The process of preparation and audit of the 2022/23 accounts for each authority after 1 April 2023 would identify these final balances. Statute allows for a caretaking authority approach to manage residual matters if required.

The funding available to the two new Unitary Councils and the Cumbria Fire and Rescue Service was constrained by the existing funding received by the predecessor authorities uplifted only for changes in National Funding allocations and local decision making on Council Tax, Business rates and fees and charges.

A single LGR Implementation Reserve had been created with Cumbria County Council acting as the host authority. A Memorandum of Understanding had been agreed by all Councils in respect of the use of and governance for decision making for the reserve. The purpose of the Reserve was to support delivery of the Implementation Plan, including the Implementation Team. The Reserve would not be used to support Transformation and Investment costs nor any redundancy costs associated with LGR in Cumbria. Contributions to the Reserve had been made by all seven Councils at the same time to an initial total value of £18,920,000. Initial allocations from the Reserve to the different activities for the Implementation Programme had been approved by the Programme Board, including an allowance for contingencies. If any balances remained in the Reserve once the Implementation Plan had been delivered, the balance would be shared 50/50 with the two new Unitary Councils.

Further clarity was sought on the role and process around the blueprints and the need for Member involvement in agreeing these was raised. A query was raised with regard to the involvement of members in the selection of options for each service, and as to how the blueprints would be approved and by whom. It was further queried as to how Members would be kept up to speed, particularly as some Members did not have experience of all services. The timeline referred to decisions in May and to blueprints being adopted in July, however, there was no Shadow Authority meeting planned between May and August, which led to the question of who would be approving those plans. Reassurance was sought that the Programme Director would bring this item back to the next meeting of the Joint Committee with an update on these issues.

The Programme Director explained that, in terms of the process around blueprints, there had been involvement of Members through the Cumbria Leaders Oversight Forum, and that the timeline involved the preparation of draft blueprints by May for discussion and consideration in Shadow Authorities once established over the summer period. She would clarify the possible dates for consideration/adoption of blueprints by the Shadow Authority with Monitoring Officers and pointed out that, subject to the Constitutions adopted, this could be a matter for the Executive, Scrutiny and Full Council consideration. The blueprint was envisaged as a working document at a high level and that there would need to be an ability to set a point at which further planning and delivery could be undertaken. This piece of work would then go into the budget cycle because one of the requirements was to establish opening balance sheet positions for day one and there needed to be some agreed assumptions about what services would look like in broad terms. In terms of member training, there was appreciation of the issues for Members, many of whom would be coming into this new in terms of unitary responsibilities, and there was a programme of

work in terms of induction and training. In terms of a report back to a future meeting, this could be provided by circulation, orally or via the report to the Joint Committee's May meeting. The Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) added that the Shadow Authority had responsibility to keep under review the implementation plan and that the blueprints were part of that plan and directly linked. She pointed out that there was flexibility within the draft schedule of meetings if required. Concern remained regarding an apparent lack of Member involvement and the importance of providing improved services for residents and either a verbal or written update was sought. The Chairman agreed that it was critical that Members of the Shadow Authority had an opportunity to shape and sign off blue prints for future service delivery and needed to be sure that they had appropriate oversight for that. The Programme Director fully envisaged that, in terms of oversight, Members would be involved over the summer period in considering the draft blueprint and deciding upon that as a working document and reassured them that this would be a matter for them when the Shadow Authorities took up their roles.

Reference was made to the Government's intention that the Cumbria Fire and Rescue Service should continue on a county basis with two potential options to achieve this. Concern was expressed in this regard as it was felt that the options were closed down already. Reassurance was sought that all of the options for the Fire Service would be considered and the need to retain the excellent service currently provided in Cumbria was stressed. The Programme Director explained that, because of the timescales and other factors surrounding the LGR Programme, the Structural Changes Order and explanatory notes made it clear that the Government's preference was for transfer of the service to the Police and Crime Commissioner (PCC) or for a combined fire and rescue service. This was a complicated process and she stressed the need at the end of the process for two sustainable unitary authorities, as well as a fire and rescue service. The Executive Director – Corporate, Customer and Community Services and Acting Deputy Chief Executive, Cumbria County Council added that the fire service was very important to the County and very well integrated into county functions. She informed Members that there had been a programme for some time in anticipation of the PCC progressing with consultation on a Business Case, and that the outcome of the PCC consultation was awaited. Given the timescale with LGR, the County had been preparing for the potential for other options, as Members had highlighted. As an aligned programme, that work would continue and would evolve as and when there was clarity on the PCC position and when the options that had been outlined were considered. That work would take place alongside the LGR programme and there were key dependencies because of the level of integration with the CCC functions. Members acknowledged the Government's preferred option, however, drew attention to the fact that this did not have to happen, explaining that the decision that may be taken could be unaffordable, and they stressed the need to keep a watch on this particular aspect of LGR, which was of great importance to residents. The Programme Director undertook to ensure that the issue was reflected within the next iteration of the Implementation Plan. In response to a query, the Executive

Director – Corporate, Customer and Community Services and Acting Deputy Chief Executive, Cumbria County Council informed Members that if the PCC decided to submit a business case, then this would be a matter for the Home Secretary, with the expectation that there would be a decision in this summer. She added that there would need to be consideration of the consultation responses and that the County Council's response was critical in this regard. She confirmed that she would provide written clarification on this process to all Members of the Joint Committee.

The commitment within the Implementation Approach and Values to using principles of co-design and production and, again, the need for Member involvement was stressed.

An update was sought on how the £18.92m contributed by sovereign councils to the LGR programme was being spent. The Director of Finance (Section 151 Officer), Cumbria County Council (Programme Finance Lead) explained that, in terms of the commitment to date, £3.2m had been committed. A monitoring report was taken to the Programme Board on a monthly basis and it was proposed to share this report with Members of the Joint Committee. Actual spend was currently £340,000. All contributions had been received and Cumbria County Council was hosting the reserve. Details on how the money was going to be spent would be included within the monitoring report, and there would be a separate piece of work around benefits realisation. As regards who administered requests for the funding and reimbursement of sovereign councils, she explained that, working with Monitoring Officers and Chief Finance Officers from across the County a Memorandum of Understanding had been agreed that set out the levels of delegated authority required to approve spend. She suggested that this could be shared with Members.

RESOLVED - That

(1) the Implementation Plan attached at Appendix 1 to the report be adopted, pending the establishment of the two Shadow Authorities in May 2022; and

(2) the programme governance and associated funding for the Implementation Plan be noted.

W&F/11

MEMBERS' ALLOWANCES - UPDATE AND PROGRESS

The Monitoring Officer (Eden District Council) presented a report which provided an update on the work which had been undertaken in relation to the preparation of a Scheme of Members' Allowances for the Shadow Authority for Westmorland and Furness, including the setting up of an Independent Remuneration Panel (IRP). It was one of the functions of the Joint Committee to recommend a scheme of allowances to the first meeting of the Shadow Authority for Westmorland and Furness.

In order to ensure that the IRP could complete its work in a comprehensive and timely manner with the outcome of producing recommendations prior to the first meeting of the Shadow Authorities, a number of pragmatic steps using the inherent authority contained with the Cumbria (Structure Changes) Order 2022 had been proposed and were being followed.

An IRP for Local Government Reorganisation (LGR) purposes had been formed with six members drawn from the IRPs representing the seven authorities. This IRP had been asked to prepare recommendations for both the Shadow Authority for Cumberland and the Shadow Authority for Westmorland and Furness and had been provided with a briefing pack. The first meeting of the IRP had taken place on 23 February 2022 and a schedule of further meetings had been agreed, with finalisation of a proposed Scheme due to take place on 28 March 2022. A report with the recommendations of the IRP and proposals for the Members' Allowance Scheme for the Shadow Authorities would then be prepared for the Joint Committees to assist them in making recommendations to the first meetings of the Shadow Authorities. It was anticipated that this report would be presented to third meeting of the Joint Committee, however, the Monitoring Officer (Eden District Council) explained that it was likely that the report may be ready for inclusion on the Agenda for the second meeting.

The Joint Committee was further informed of proposals for members of the IRP to be paid expenses and attention drawn to the fact that there would, in due course, be a reconvening of an LGR IRP for consideration and formulation of proposals for payment of allowances to Members of the new unitary authorities.

In response to a query, the Monitoring Officer (Eden District Council) explained that this Panel was currently preparing a Scheme of Members' Allowances for the Shadow Authorities only, however, that it was anticipated that the Panel would be asked to reconvene in order to prepare a Scheme of Members' Allowances for the new Unitary Authorities, to commence on Vesting Day.

RESOLVED – That the contents of the report be noted and the proposals in relation to the formation and work of the Independent Remuneration Panel be endorsed.

**W&F/12 POTENTIAL SHADOW MEETINGS DATES 2022/23 FOR THE SHADOW
AUTHORITY FOR WESTMORLAND AND FURNESS**

The Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) presented a report to which was attached a calendar identifying potential dates for meetings of the Shadow Authority from May 2022 to April 2023 which would not clash with scheduled meetings of the sovereign authorities in the Westmorland and Furness locality or those proposed for the Cumberland Shadow Authority or Executive.

In presenting the report, the Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) acknowledged the conversation at Minute W&F/10 above and the need for flexibility as the

blueprints for the new Authority progressed. She also drew attention to proposals to rotate the shadow meetings across all areas where possible. She thanked the Cumbrian Democratic Services Officers for their work in producing this draft schedule which had been aligned with their sovereign council calendars.

Concern was expressed regarding the high level timeline relating to the delivery of the unitary authorities in which the date for adoption of draft blueprints was shown in July and the fact that there was no Shadow Authority meeting shown in the draft calendar in that month. The Programme Director indicated that the blueprints could be presented to the 1 August meeting. There remained, however, concern regarding the amount of involvement that Members would have in the development of the blueprints bearing in mind the tight timescales. The Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) suggested that these comments be taken away from the meeting, pointing out that officers were due to examine the Forward Plan for the Shadow Executive and that if the need to alter the calendar became apparent then the draft Schedule of Meetings could be brought back to a future meeting of the Joint Committee.

The need for the implementation plan to be clearly mapped out onto the draft Schedule of Meetings was also raised. The Chairman explained that it was his understanding that the Forward Plan would include this information. It was further felt to be of importance that clarity was provided on the decision making process and the Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) explained that the draft Constitution was due to be presented to the next meeting of the Joint Committee and would help provide clarification on this. The Director of Finance (Section 151 Officer), Cumbria County Council (Programme Finance Lead) provided reassurance, referring to the high level timeline and pointing out that decisions would be taken not only by Council, but also by Cabinet and some potentially by task and finish groups. The usual strategic planning cycle would be followed, officers working with Members to develop priorities and options. She stressed that a lot of work was being carried out in order to bring everything together.

Concern was raised at meetings being held during a peak holiday period when attendance by Members was likely to be low due to pressure on families for childcare and taking holidays. The need for inclusivity and ensuring that Members with families could participate was stressed.

The Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) responded to a query regarding what was going to be devolved down to local committees, informing Members that the focus was currently on the Shadow Authority Constitution, however, that once this was finalised, work would be carried out by Monitoring Officers in terms of the shape of delegations for the new authorities and how services were delivered in communities. Members questioned where discussion on the overall structure was taking place and the Chief Executive, Barrow Borough Council

(SRO-Westmorland and Furness Councils) explained that although this was a Member-driven process, they would not become involved until 5 May 2022. Their current role as Members of their sovereign authorities was to ensure that the services that they delivered, including their assets and liabilities, were delivered into the new authorities. Once Members were elected to the Shadow Authorities, they would examine the operating model and service centres and how these could be improved for residents. In the meantime, work in this regard was being carried out by the Implementation Team, with oversight from the Cumbria Leader Oversight Forum (CLOF). She pointed out that the Shadow Authorities had a statutory duty to deliver all services and would make the decisions regarding the model. The Chairman suggested that consideration of this matter should take place at a future meeting of CLOF so that further reassurance could be provided to Members. The need for early consideration of the blueprint was again stressed and it was suggested that the Leaders of the sovereign councils were included in discussions.

RESOLVED – That the Westmorland and Furness Shadow Authority be recommended to:-

- (1) agree the Schedule of Meetings for 2022/2023 for the Shadow Authority for Westmorland and Furness, attached as Appendix 1 to the report;
- (2) note that the inaugural meeting of the Shadow Authority is 2.30 p.m. on 17 May 2022 and agree that the start time for subsequent Shadow Authority for Westmorland and Furness meetings is 10.00 a.m. (1 August 2022, 17 October 2022 and 15 February 2023);
- (3) agree that, where practicable, the meetings are rotated across the area; and
- (4) consider whether any additional meetings may be required that may have been overlooked.

W&F/13 INTERIM STATUTORY OFFICER RECRUITMENT

Note – Due to potential conflicts of interest, incumbent Chief Executives, Monitoring Officers, Chief Finance Officers, Senior Responsible Officers and the Executive Director - Corporate, Customer and Community Services and Acting Deputy Chief Executive (Cumbria County Council) left the Chamber for the remainder of the meeting. Those officers who remained in the Chamber were the Technical Lead OD&HR Work Stream, LGR Programme Director, the Acting Head of Legal and Democratic Services (Cumbria County Council) and the two Legal, Governance and Democracy Specialists supporting the meeting.

Members having raised a wish to move into Part II to consider this item, the Chairman suggested the need for transparency where possible. He suggested, therefore, that the presentation be initially made and to see how discussion moved forward and to move into Part II only if necessary.

The Technical Lead OD&HR Work Stream, LGR Programme, tabled revised recommendations to the report which were contained in a note which had been circulated to Members prior to the meeting and which was presented to Members at the meeting.

The revised recommendation to the report was at 2.2 which proposed an amendment in the following terms:-

2.2 The Joint Committee to accept one nomination from each of the member councils to act as interview panel Members and agree that membership of the Panel, with the other two Members of each member council being named substitutes in the event that the main nominee is unable to attend.

The Technical Lead OD&HR Work Stream, LGR Programme, presented the report which outlined the approach to the recruitment of interim statutory roles for the Westmorland and Furness Joint Committee.

The Technical Lead OD&HR provided clarification on a number of issues which had been raised at Member briefings which were set out in her note to Members. She explained that the Structural Changes Order was clear that the Shadow Authorities must agree the designations to the Interim Statutory roles of Head of Paid Service, Monitoring Officer and Chief Finance Officer at their first meetings and that not to do so would be a breach of that requirement. This process was the same as would apply to recommendations being made by a Senior Appointments Committee to Full Council. She further advised that the Joint Committee had to accept one nomination from each of the member councils to act as interview panel members and agree that membership of the panel, with the other two members of each member council being named substitutes in the event that the main nominee was unable to attend. She responded to two aspects of the Job Description for the Head of Paid Service which had been queried. Firstly, clarification had been sought as regards to what a "relevant degree" would be and she suggested that Members could agree for this to be changed to "a degree or relevant professional qualification". Secondly, it had been queried whether experience as a Returning Officer was essential. She informed Members that the Structural Changes Order stated that where, during the shadow period, a casual vacancy occurred in the office of councillor for Cumberland area and an election was required to be held in accordance with Section 89 of the 1972 Act, (the Interim Head of Paid Service) to be the returning officer in accordance with Article 21(12)(c) of the Cumbria Structural Changes Order 2022. However, she explained that the functions of Returning Officer could be delegated, and the Returning Officer could appoint one or more deputies to discharge all or any functions. The Structural Changes Order did not change this position which was set out in primary legislation under the Representation of the People Act (Section 35 (4)). On this basis, she advised that Members had the option to change this to a desirable, rather than essential, criteria on the person specification and the assessment criteria. A revised draft description reflecting these proposed changes was appended to the document which had been circulated prior to the meeting.

The Joint Committee had in the remit of its Terms of Reference the authority to agree and undertake the recruitment process for the Statutory Interim roles for the Shadow Authority of Head of Paid Service, Monitoring Officer and Chief Finance Officer. This was to enable the Shadow Council to make a decision on the appointment of the recommended designations at its first meeting in May and was a requirement of the Structural Changes Order. The Structural Changes Order also stated that appointees had to be an existing officer of the County Council or an officer of one of the District Councils in the Westmorland and Furness area. The statutory roles were described as designations because in statute they were a set of responsibilities, rather than a full role, to be discharged by the designated officer.

The report included detailed information on the selection process, options regarding the field of selection, principles for appointments and a proposed timeline. Proposed job descriptions for the three roles were attached to the report.

The Technical Lead OD&HR Work Stream, LGR Programme and the Acting Head of Legal and Democratic Services (Cumbria County Council) responded to queries raised by Members. There was a requirement for the three substantive Statutory Officers to be appointed by 31 December 2022 although it was recommended that they be appointed prior to that time. Funding had been put aside for these roles. The interim roles would cease when the substantive Statutory Officers had been appointed to. Reference having been made to Recommendation 2.2 and mention of a casting vote, it was pointed out that the clarification provided and referred to above amended this recommendation. Concern was expressed around the substantive roles of the Interim Statutory Officers and it was explained that this would be addressed as part of the process, potentially through backfilling using financial support or sharing responsibilities.

At this stage in the proceedings, whilst having been advised by the Acting Head of Legal and Democratic Services (Cumbria County Council) that the intention of the report was to focus on procedure only and not on individuals, some Members feeling that there was a risk of inadvertent mention of specific individuals and a need to seek legal advice, the Joint Committee voted to move into Part II.

W&F/14 PRESS AND PUBLIC

RESOLVED – That, under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12 A of the Act as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the Paragraphs indicated.

W&F/15 INTERIM STATUTORY OFFICER RECRUITMENT

- *Paragraph 2 - Information which is likely to reveal the identity of an individual.*
- *Paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

Members discussed the options regarding the field of selection and voted on Recommendation 2.3 of the report.

RESOLVED – The options in relation to the field of selection for candidates for the Interim Statutory roles as outlined in Appendix 1 to the report having been considered, it be agreed that Option 2 is the Joint Committee’s preferred option, namely:-

“To widen the field of selection, so that the opportunities are open to all officers of the Council who have the required experience, skills and qualification.”

At this stage in the proceedings, Members voted to move back into Part I.

W&F/16 RE-ADMISSION OF PRESS AND PUBLIC

RESOLVED – That the press and public be re-admitted to the meeting.

W&F/17 INTERIM STATUTORY OFFICER RECRUITMENT

Members expressed content with regard to the changes proposed within the note to Members circulated prior to the meeting and outlined at Minute W&F/13 above and the following Councillors were nominated to act as interview panel Members, with the other two Members of each member Council being named substitutes in the event that the main nominee was unable to attend:-

- Councillor Jonathan Brook (South Lakeland District Council)
- Councillor Virginia Taylor (Eden District Council)
- Councillor Ann Thomson (Barrow Borough Council)
- Councillor Peter Thornton (Cumbria County Council)

RESOLVED - That

(1) the selection process, as outlined in paragraphs 3.5 – 3.8 to the report be agreed;

(2) the nominations from members of the Joint Committee, namely Councillors Jonathan Brook, Virginia Taylor, Ann Thomson and Peter Thornton to act as interview panel members be agreed, with the other two Members of each member Council being named substitutes in the event that the main nominee is unable to attend;

(3) the principles for the appointments outlined in paragraphs 3.14 – 3.17 to the report be agreed; and

(4) the draft job descriptions for the roles of Interim Head of Paid Service (revised version attached to the document circulated prior to the meeting), Interim Monitoring Officer (Appendix 4 to the report) and Interim Chief Finance Officer (Appendix 3 to the report) be agreed.

The meeting ended at 12.21 p.m.