

WESTMORLAND AND FURNESS JOINT COMMITTEE

Date:- Tuesday, 10th May, 2022

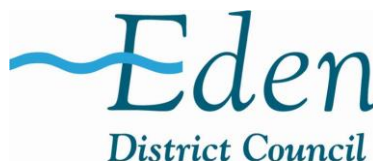
Time:- 10.00 am.

Location:- District Council Chamber, South Lakeland House, Kendal

A G E N D A

1. Agenda - 10th May 2022 (Pages 3 - 62)

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You are requested to attend a meeting of the
**Westmorland and Furness Joint
Committee**

on Tuesday, 10 May 2022, at 10.00 a.m.

in the District Council Chamber, South Lakeland House,
Kendal

Committee Membership

Councillors

Patricia Bell, Cumbria County Council
Derek Brook, Barrow Borough Council
Jonathan Brook, South Lakeland District Council (Chairman)
Anne Burns, Cumbria County Council
Les Hall, Barrow Borough Council
John Holmes, South Lakeland District Council
Andrew Jarvis, South Lakeland District Council
Mary Robinson, Eden District Council
Virginia Taylor, Eden District Council
Ann Thomson, Barrow Borough Council (Vice-Chairman)
Peter Thornton, Cumbria County Council
Debra Wicks, Eden District Council

Note – Where relevant, agendas for Members are labelled “Private Document Pack” and contain exempt information within the papers. Any relevant pages are marked as restricted within Agendas labelled “Public Document Pack”.

Friday, 29 April 2022

Linda Fisher, Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
South Lakeland District Council, South Lakeland House, Kendal, Cumbria LA9 4UQ
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AGENDA

Page 4

*Page Nos.***PART I****1 APOLOGIES**

To receive apologies for absence, if any.

2 MINUTES

To authorise the Chairman to sign, as a correct record, the minutes of the meeting of the Joint Committee held on 11 April 2022.

5 - 10**3 DECLARATIONS OF INTEREST**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Members may, however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the Monitoring Officer at least 24 hours in advance of the meeting.

4 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

To consider whether the items, if any, in Part II of the Agenda should be considered in the presence of the press and public.

5 MEMBERS' ALLOWANCES - INDEPENDENT REMUNERATION PANEL RECOMMENDATIONS

To consider the report of the Independent Remuneration Panel for recommendation to the Shadow Authority for Westmorland and Furness.

11 - 26**6 IMPLEMENTATION PLAN**

To receive an update on the Implementation Plan, further to Minute No. W&F/10.

27 - 54**7 INTERIM STATUTORY OFFICER RECRUITMENT**

To consider the outcome of 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 and to recommend the proposed appointments to the Shadow Authority.

55 - 60

PART II

Private Section (exempt reasons under Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, specified by way of paragraph number)

There are no items in this part of the agenda.

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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 Monday, 11 April 2022, at 10.00 a.m.

Present

Councillors

Jonathan Brook (Chairman)
Ann Thomson (Vice-Chairman)

Patricia Bell
John Holmes
Peter Thornton

Derek Brook
Andrew Jarvis

Anne Burns
Virginia Taylor

Apologies for absence were received from Councillors Les Hall, Mary Robinson and 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)
Rachel Ireland	Trainee Solicitor
Julia Krier	Legal, Governance and Democracy Specialist
Richard Machin	Communications Specialist
Adam Moffatt	Legal, Governance and Democracy Specialist
Catherine Parkinson	Monitoring Officer (Cumbria County Council)
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

W&F/18 APOLOGIES

Apologies for absence were received from Councillors Mary Robinson and Debra Wicks.

W&F/19 MINUTES

With regard to Minute No.W&F/10 and an undertaking by the Executive Director – Corporate, Customer and Community Services and Acting Deputy Chief Executive, Cumbria County Council to provide written clarification, a written statement on Fire Governance from John Beard, Chief Fire Officer, had been circulated to Members prior to the meeting.

In response to a query, the Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) informed Members that the Programme Director had at Minute No.W&F/10 undertaken to bring an update on issues around development of the Implementation Plan back to the May meeting of the Joint Committee. She explained that the Monitoring Officers were currently working on the Forward Plan which would include clarity around governance and decision-making and that these details would be included within that report.

In response to a further request for information under Minute No./W&F/10, the Section 151 Officer and Programme Finance Lead (Cumbria County Council) indicated her intention to share with Members the monthly monitoring report on Local Government Reorganisation Programme expenditure this week.

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Westmorland and Furness Joint Committee held on 29 March 2022.

W&F/20 DECLARATIONS OF INTEREST

No declarations of interest were raised.

W&F/21 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

There were no excluded items on the Agenda.

W&F/22 MEMBERS' CODE OF CONDUCT

The Head of Legal and Governance – Monitoring Officer (Barrow Borough Council) presented a report informing Members that the Joint Committee was required to formulate proposals for the Code of Conduct to be adopted by the Shadow Authority for Westmorland and Furness and to present those proposals to the first meeting of that Shadow Authority. The report recommended an appropriate Code of Conduct; arrangements for dealing with Code of Conduct matters; and guidance, to fulfil this obligation. The report further sought authority for the Monitoring Officer to start recruitment of the Independent Person(s).

Attention was drawn to the fact that the local authorities across Cumbria had adopted, subject to minor local variations, a consistent Code of Conduct, arrangements and guidance. This Code had only recently been updated across the authorities (or was in the process of being updated) following the publication of a model template by the Local Government Association (LGA) which had been designed to incorporate the best practice recommendations made by the Committee on Standards in Public Life which had been published in 2019.

The recommended Code was based on the LGA Model Code of Conduct and collaborative work undertaken by the Cumbrian Monitoring Officers.

The Head of Legal and Governance – Monitoring Officer (Barrow Borough Council) referred to a number of minor grammatical errors within Appendix 2 to the report which would be corrected prior to presentation of the document to the Shadow Authority meeting.

It was queried as to whether there was to be any Member oversight of the recruitment process for the appointment of the Independent Person(s) and the Head of Legal and Governance – Monitoring Officer (Barrow Borough Council) explained that this would be a full Shadow Authority appointment, with the recruitment process being started by the Monitoring Officers, however, suggested that this matter could be taken back to the Constitution Group.

Officers were thanked for their work on the Code of Conduct.

RESOLVED – That

- (1) the Shadow Authority for Westmorland and Furness be recommended to adopt from the date of its first meeting the Code of Conduct, the Arrangements for Dealing with Standards Matters and the Code of Conduct Guidance and Register of Interests Form, as set out in the report; and
- (2) the Monitoring Officers be authorised to initiate a recruitment process to enable the Shadow Authority Westmorland and Furness to appoint an Independent Person(s) at the earliest opportunity.

W&F/23

CIVIC AND CEREMONIAL

The Head of Legal and Governance – Monitoring Officer (Barrow Borough Council) presented a detailed report informing Members about the work currently being undertaken in respect of civic and ceremonial matters and updates on the timetable for the Consequential Order to implement the establishment of Charter Trustees to preserve the Civic and Ceremonial Rights of the existing councils. She explained to Members that there were many matters relating to Civic and Ceremonial affairs arising from the closure of the sovereign councils, some of which were dealt with in the Structural Changes Order and others which would require further attention, including, in some cases, further legislative provision known as “mopping up” or Consequential Orders. During the summer, civil servants would be working with officers to agree what should be in the Order.

Attention was drawn to paragraph 3.3.1 of the report and to the fact that there should only be one High Sherriff. The Head of Legal and Governance – Monitoring Officer (Barrow Borough Council), in response to a query, explained that, details around Charter Trustees were currently being worked up, but that these would be representatives of the relevant areas.

RESOLVED – That the work being undertaken and timings provided by the Department of Levelling Up, Housing and Communities in respect of the Consequential Order be noted.

W&F/24 CONSTITUTION AND SCHEMES OF DELEGATION

The Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) presented a report recommending a Constitution for adoption by the Shadow Authority for Westmorland and Furness Council at its first meeting on 17 May 2022. The report drew attention to the fact that the Shadow Authority Constitution was a different document to the Unitary Council Constitution which would be required post vesting day, with the latter document having to cover all functions and services delivered by the new councils. The Monitoring Officer Constitution Workstream had reviewed several examples of previous shadow authority constitutions with a view to identifying best practice. The proposed Shadow Authority Constitution was attached as Appendix 1 to the report and was intended to be a living document and that could be easily amended to cater for and changes as the Shadow Authority became established.

The Executive was to be the Leader plus between two and nine appointed persons. The Shadow Authority would have three committees and the Constitution provided that the Overview and Scrutiny Committee would have twelve Members, whilst the Senior Appointments Committee and the Standards Committee would each have seven Members. The Overview and Scrutiny Workstream preference was for one Scrutiny Panel which then utilised task and finish groups. The Chair of the Shadow Authority included the remit of attending such civic events as were appropriate. Any such events would continue to be organised by the relevant existing authorities.

If Members of the Shadow Authority wished their Constitution to have different provisions then the recommended course of actions was for them to approve the proposed Constitution and instruct officers to report to the next meeting of the Shadow Authority appropriate revisions to the said Constitution.

The views of the Joint Committee were sought, as well as delegated authority for the Monitoring Officers to make such further amendments to the document as may be felt to be beneficial, following consultation with the Chair and Vice-Chair, any such changes to be reported to the May meeting of the Joint Committee.

In presenting the report, the Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) drew Members' attention to the fact that this was not a static document and that it could be amended throughout the year. She referred to Section 24 of the Public Involvement in Health Act 2007 and said that a detailed report would be brought to the Shadow Authority Executive on how the consents would work and that it was likely that there would be a need for a delegation to Section 151 Officers and Members about general consents so as not to stifle business as usual for sovereign councils. She further informed Members that, since the draft had been sent out, additional information had been received about responsibility for Implementation Plan decision-making which would be the responsibility of the Shadow Authority Executive. Article 15 would therefore be amended and this would be removed from the Budget and Policy Framework list. In addition, feedback had been

received from officers for reference to the Housing Revenue Account and so it was intended to include details to reflect Finance Officers' responsibility for this. Members had indicated a preference for five minutes for speeches instead of ten and for the requirement to stand when speaking to be for Shadow Authority meetings only.

Although recognising that sovereign councils would continue to consider planning applications, a Member referred to the lack of mention about the future for Planning within the document and raised the need for the Shadow Authority to address this. The Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) explained that decisions on development plan documents, local plans, etc., would fall within the remit of the Shadow Authority if required. The finer detail around the shape of local decision-making on Planning, for example delegations and area committees, would be addressed within the next Constitution for the new Unitary Authority. In terms of Planning, service design and how that was developed, it was envisaged that this would be part of the Implementation Plan and blueprint, which would come forward as part of the corporate planning exercise, which was part of the Budget and Policy Framework. The Section 151 Officer and Programme Finance Lead (Cumbria County Council) added that the statutory responsibility remained with the sovereign authorities until 31 March 2023 and stressed that the need for consultation with the Shadow Authorities was recognised. In response to a further query, the Section 151 Officer and Programme Finance Lead (Cumbria County Council) agreed that this might be something for a Shadow Authority Task and Finish Group to examine. The Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) drew attention to Article 15 of the draft Shadow Authority Constitution and the Policy Framework which included the Development Plan Documents, explaining that there would be a role for the Shadow Authority if required. Some Development Plan Documents required council authority and some executive, and details would be included within the Forward Plan.

A Member referred to disabilities and equalities legislation and drew attention to the draft Shadow Authority Procedure Rules, 18.1 – Standing to Speak. He sought modification to caveat the requirement to stand when speaking, pointing out that there may be Members who were wheelchair users. It was further suggested that officers might consider if there were any other parts of the document that needed to address any similar issues around equalities, for example where Members who required carers to be present and how this would be dealt with, for example when discussing exempt information. The Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) undertook, with the agreement of Members, to take the matter away and ensure that the Constitution reflected this.

It was queried as to how the newly-elected Members would be able to have input into the Constitution if it had to be adopted at the first meeting of the Shadow Authority. The Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) advised that the Agenda for the first meeting including the draft Constitution would be sent to Shadow

Authority Members on 9 May, and that Members could provide feedback between now and the meeting on 17 May. Although a Constitution would have to be adopted at the first meeting, she reminded the Joint Committee that this was an agile document and could be amended as required. In response to a further query, she referred to Article 14 and explained that any Member could request the Monitoring Officer to consider changes to the Constitution and, if the suggested change was compliant with statute, a report would accordingly be submitted to the Shadow Authority. Also included in Article 14 was wording to allow the Monitoring Officer to make minor amendments in consultation with the Chief Finance Officer, the Leader and the Chair. Any proposed changes to Executive Arrangements had to comply with necessary statute. She informed Members that the Monitoring Officers' Group had a workstream which would be examining a Constitution for the new Unitary Authority which would include elements of the Shadow Authority's Constitution but would include more relating to service delivery, functions, delegations to officers, etc.

The need for a Constitution Review Group was raised, with the main aim of ensuring the correct balance of powers between Council and Cabinet. The Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) agreed that it was important that everyone understood the lines of decision-making and said that this was something that the Joint Committee could suggest as a recommendation. To this end, a proposal was made and seconded for the establishment of a cross-party Constitution Review Group.

RESOLVED – That

- (1) subject to the amendments raised at the meeting and outlined above, the said Constitution be recommended for adoption by the Westmorland and Furness Shadow Authority at its inaugural meeting on 17 May 2022 and thereby, amongst other things, creates a Leader and Cabinet Executive within the meaning of Part 1A of the Local Government Act 2000;
- (2) the Monitoring Officer for South Lakeland District Council be delegated authority, following consultation with the Chair and Vice-Chair of the Joint Committee, to make further amendments which may be beneficial between the date of today's Joint Committee meeting and the publication of the relevant report for the Westmorland and Furness Shadow Authority; and
- (3) the Westmorland and Furness Shadow Authority be recommended to establish a cross-party Constitution Review Group.

The meeting ended at 10.35 a.m.

WESTMORLAND AND FURNESS JOINT COMMITTEE

Meeting date: 10 May 2022

Report of: LGR Independent Remuneration Panel

Subject: Members' Allowances - IRP Recommendations

1.0 SUMMARY:

1.1 The Member Allowances Working Group were tasked with convening an LGR Independent Remuneration Panel (IRP) and facilitating the Panel in order to support and assist in their deliberations to propose recommendations for a Scheme of Member Allowances for the Cumberland Shadow Authority and the Westmorland and Furness Shadow Authority.

1.2 It was agreed that one scheme would be produced for both Cumberland and Westmorland and Furness Joint Committees for recommendation to, and separate adoption by, the two Shadow Authorities.

2.0 RECOMMENDATIONS:

2.1 It is recommended that the Westmorland and Furness Joint Committee:-

- 1. Note the attached report;**
- 2. Consider the recommendations of the Independent Remuneration Panel and the Scheme of Member Allowances which it has proposed (Appendix 1) to be adopted for the shadow year with effect from the 9 May 2022;**
- 3. Recommend to the Westmorland and Furness Shadow Authority at its inaugural meeting that the proposed Scheme for the Shadow Period be adopted; and**
- 4. Recommend that the Shadow Authority authorises the Interim Monitoring Officer advertises the recruitment of an Independent Remuneration Panel of 5 members for the Council to consider a scheme of members allowances to be adopted by Westmorland and Furness Council post vesting day 1st April 2023.**

3.0 BACKGROUND, INTRODUCTION AND CONSIDERATIONS:

3.1 The Cumbria (Structural Changes) Order 2022 provides that the Westmorland and Furness Council Shadow Authority must prepare and adopt a scheme for the payment of allowances to its Members. It also provides that the Local Authorities (Members' Allowances) (England) Regulations 2003 apply in relation to the Shadow Authority.

3.2 The 2003 Regulations provide that before an authority makes a scheme for Members' allowances it shall have regard to the recommendations made by an Independent Remuneration Panel.

- 3.3** An experienced Independent Remuneration Panel, representing all 7 Cumbrian councils and consisting of six members who had previously taken on the role at the existing borough and county councils, have held a scheduled series of meetings to consider a Member Allowance scheme for the new Westmorland and Furness Council.
- 3.4** To assist with their deliberations, the IRP were sent a briefing pack in advance of their first meeting, and were supplied with details of the existing District and County members' allowance schemes and also the schemes of four Unitary Councils who have in recent years also been through an LGR process. The Panel was facilitated by two Democratic Services officers from the LGR Legal/Dem Services, Member Allowances working group
- 3.5** From the discussions the IRP members held, they were confident their approach of one Member Allowance scheme was appropriate and a good starting position for both new Shadow Authorities of Cumberland and Westmorland and Furness. The IRP were also aware that the Shadow Authorities would (during Q3 of 2022) be appointing their own IRP to review the allowances for 2023-24 in readiness for the two new unitary councils at vesting day, April 2023.
- 3.6** Having considered both the information made available and having regard for the number of newly elected Members forming the Westmorland and Furness Shadow Authority, the IRP decided and agreed that North Northamptonshire Council was of a comparable size in terms of Member ratio to constituents and therefore their Member Allowance scheme was used as a guide.
- 3.7** The Member Allowance Scheme (appendix 1) proposed and recommended to the Westmorland and Furness Joint Committee has also been proposed to the Cumberland Joint Committee in line with the IRP agreed principal of one scheme being drawn up to be put forward to each Shadow Authorities. At their meeting on the 14 April 2022 the Cumberland Joint Committee resolved to note the proposed scheme. Although the two Shadow Authorities may vary in Member size, the duties, responsibilities and work to be undertaken by both is the same as prescribed within section 3 of the Cumbria Structural Changes Order 2022, Part 3, Shadow Authorities.
- 3.8** The Panel also considered the prospective work and duties of the Shadow Authority in the period to 31 March 2023, in particular the non-delivery of council services, the lack of case work and the limited number of committees and panels which would be formed which in turn will reduce the number of meetings held for Members to attend. The IRP was also cognisant that during the "Shadow" year the newly elected Members of the Authority would still have County and District Councillors to respond to ward and constituent matters arising from 5 May 2022 to 31 March 2023.
- 3.9** It further reasoned that during this time (9th May 2022 to 31st March 2023) the Members' Basic and Special Responsibility Allowances should be paid at 50% of that which they would propose for the Westmorland and Furness Council post vesting day at which point full responsibilities from the

sovereign councils are transferred. It was noted that a similar was approach adopted by North Northants Shadow Authority.

- 3.10** Members of the Joint Committee should note that it is very likely that the Shadow Authority for Westmorland and Furness will establish its own Independent Remuneration Panel to work on a bespoke allowances scheme for post vesting day.
- 3.11** It is suggested that the Joint Committee recommend to the Shadow Authority to delegate to the Monitoring Officer authority to undertake the preparation of a recruitment pack and advertise for an Independent Remuneration Panel to consider allowances for the new Council from vesting day and that any such panel consist of 5 members, and a report would then be brought to a future shadow authority meeting to make appointments to the Panel.

4.0 OPTIONS, INCLUDING ALTERNATIVES (IF ANY)

- 4.1** Option 1 – The Committee could agree the Scheme of Members' Allowances and recommend approval by the Westmorland and Furness Shadow Authority.
- 4.2** Option 2 – The Committee could partially agree with aspects of the Member Allowances scheme and suggest amendments to other aspects for either changing / inclusion or recommendation to the Westmorland and Furness Shadow Authority alongside the IRP report.
- 4.3** Option 3 – The Committee could, having taken note of the IRP report, suggest an alternative scheme for the Westmorland and Furness Shadow Authority to consider.

5.0 IMPLICATIONS:

5.1 Financial and Procurement:

- 5.1.1** It is intended that allowances for newly elected Members of the Shadow Authority will be financed from the established LGR Implementation Reserve which is being centrally administered and controlled by Cumbria County Council.
- 5.1.2** Existing sovereign council Finance systems currently utilised for Member Allowances' payments will be utilised in the same way as a mechanism for Shadow Authority Member allowance payments in order to avoid incurring any unnecessary or additional processing costs, and to keep the process simplified.

5.2 Staffing:

- 5.2.1** Administration of the Members' Allowance Scheme will be supported by Democratic Service Officers from the District Councils within the Westmorland and Furness authority area.

5.2.2 It is agreed that each sovereign council, through their own Democratic Services as a point of contact, will be responsible for capturing and calculating the monthly allowance and permissible expenses of each Member elected by virtue of a seat allocated to the sovereign council: Barrow 19 Members, Eden 15 Members and South Lakeland District Council 31 Members.

5.3 Legal:

5.3.1 The Cumbria (Structural Changes) Order 2022 provides that the Westmorland and Furness Council Shadow Authority must prepare and adopt a scheme for the payment of allowances to its Members. It also provides that the Local Authorities (Members' Allowances) (England) Regulations 2003 apply in relation to the shadow authority.

5.3.2 The 2003 Regulations provide that before an authority makes a scheme for Members' allowances it shall have regard to the recommendations made by the IRP. The regulations provide that an IRP must consist of at least three members, none of whom are a Member of the authority in respect of which it makes recommendations or are disqualified from becoming a Member of such authority.

5.3.3 A scheme must make provision to ensure that where a member of an authority is also a member of another authority, that member may not receive allowances from more than one authority in respect of the same duties.

5.3.4 Under the Local Authorities (Members Allowances)(England) Regulations 2003, before making or amending its allowance scheme, the Council has a duty to have regard to the recommendations made in relation to it by the Independent Remuneration Panel. Once the report is received, the Council is also required to ensure that copies are available for inspection by the public, and a notice published in a local newspaper advising of the Council's receipt of the report from the IRP. This is to be done and a notice is due to be published on 13 May 2022

5.4 Information Governance:

5.4.1 There are no direct information governance implications associated with this report.

6.0 HEALTH AND SUSTAINABILITY IMPACT:

6.1 The proposals have no health and sustainability impacts and so no assessment of the health and sustainability impact of the proposal has been carried out.

6.2 EQUALITY AND DIVERSITY IMPACT:

6.3 No equality and diversity impact assessment of the proposal has been carried out.

7.0 RISKS:

- 7.1 Failure to endorse the IRP report may not enable the Joint Committee to make recommendations to the Shadow Authority at its first meeting.

8.0 CONCLUSION:

- 8.1 The Independent Remuneration Panel have proposed a Scheme of Members' Allowances for the Westmorland and Furness Joint Committee to consider before it is presented at the inaugural meeting of the Westmorland and Furness Shadow Authority.

Report Authors – Rachel Plant (Democratic Services Officer, Carlisle City Council), Sarah Pemberton (Deputy CEO, Copeland Borough Council) and Clive Willoughby (Democratic Services Officer, Copeland Borough Council)

APPENDICES

Appendix 1 – Independent Remuneration Panel's Proposed Scheme of Members' Allowances.

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Appendix 1

**Shadow Authority for
Westmorland and
Furness Council**

**Elected Members'
Allowances
Scheme**

2022/23

Shadow Authority for Westmorland and Furness Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following Scheme.

1. This Scheme may be cited as the Shadow Authority for Westmorland and Furness Council Members' Allowances Scheme and shall have effect for the period set out in ***Schedule 1 to this scheme, until amended or revoked.***
2. In this Scheme, 'Councillor' means a Member of the Shadow Authority of Westmorland and Furness Council who is a Councillor.
3. **Independent Remuneration Panel (IRP)**
 - The Shadow Authority for Westmorland and Furness Council is required by the Local Authorities (Members Allowances) (England) Regulations 2003 to establish and maintain an Independent Remuneration Panel (IRP), which will broadly have the functions of providing the Shadow Authority with advice on its scheme and the amounts to be paid.
 - The IRP will make recommendations about the level of basic allowance for all Councillors, a recommendation about the special responsibilities for which a special responsibility allowance should be paid and the levels of those allowances.
 - The IRP will make recommendations about childcare and dependent carer's allowance and the level of this allowance.
 - The IRP will make decisions regarding Pension arrangements for Elected Members.
 - The IRP will make recommendations regarding which aspects of a Members Remuneration i.e. Basic & Special Responsibility Allowances are subject to Pension contributions.
 - The IRP will make recommendations about the rates of travel & subsistence allowances which Members can claim when undertaking Official Shadow Authority business.
 - The IRP will make recommendations in respect of allowances to be paid to co-opted members of committees and the levels of those allowances.

Any decision of the Shadow Authority to amend, revoke or replace their scheme of allowances, and to make a new annual scheme must be taken having regard to the recommendations of the IRP. The function of agreeing and adopting a scheme is the function of the full Shadow Westmorland and Furness Authority.

The decision by the Shadow Authority to amend or revoke recommendations made by the IRP, does not extend to the issue of Pensions for Elected Members. The Council can only approve admission to the LGPS in respect of those Members explicitly recommended by the IRP.

4. Basic Allowance

Subject to paragraph 12, a Basic Allowance shall be paid to each Councillor **at the annual rate specified in Schedule 1 to this Scheme**. The allowance shall be paid in monthly instalments.

The IRP recommends a rate of 50% of the allowance be paid in the 'Shadow' period to 31 March 2023.

5. Special Responsibility Allowances

Subject to paragraph 12, a Special Responsibility Allowance shall be paid **at the annual rate specified in Schedule 1** to those Councillors who hold the special responsibilities in relation to the Shadow Westmorland and Furness Authority as are specified in that Schedule. The allowance shall be paid in monthly instalments.

No Councillor shall be entitled to be paid more than one Special Responsibility Allowance at any one time and in the event that a Councillor undertakes more than one Special Responsibility at a time, then the entitlement shall be to the Special Responsibility Allowance of that Councillor's choice.

SRA ceases to be payable as at the day immediately prior to the Annual Council meeting. Chair's re-elected at the Annual Council meeting will receive SRA payable effective from that date.

Where a Chair is not elected at the Annual Council meeting and the committee does not sit until some time after the Annual Council meeting, SRA will not be payable to the outgoing Chair after the day before the Annual Council meeting and will only be payable from the date the committee sits and the Chair is elected or re-elected.

6. Telephone Provision / Miscellaneous expenses

No separate provision shall be paid in respect of line rental, broadband, telephone calls or other miscellaneous expenses associated with being a Councillor except as provided within this scheme. All such costs are to be met from the annual amount of Basic Allowance identified *in Schedule 1*.

7. Dependant Carer's Allowances

A Dependant Carer's Allowance shall be payable based upon a reimbursement of actual receipted costs of **up to the rate per hour specified in Schedule 1** to any Councillor who incurs expenditure in respect of the care of their children or dependent relatives, whilst undertaking the qualifying duties specified in **Schedule 1**.

8. Subsistence Allowances

Subsistence Expenses shall be reimbursed in accordance with **the scales detailed in Schedule 1**, in respect of the qualifying duties specified in that Schedule by reference to the period of absence from home or place of work as appropriate

9. Travel Arrangements

Councillors should travel by Public Transport where reasonably possible. Where Members travel by rail, they shall be entitled to travel at Standard Class rates, and tickets for the journey can be organised through the Council's officers.

Where a Councillor undertakes a journey by car then reimbursement shall not exceed ***the mileage rates specified in Schedule 1.***

Travel by Air will only be authorised and paid on the conditions and rates set out ***in Schedule 1.***

10. Travel Abroad

When travelling beyond the United Kingdom, the Councillor in consultation with the organising department and the Democratic Services Manager should ensure as far as practical that the arrangements are made for accommodation to be provided on a fully inclusive basis as a direct charge to the Shadow Authority. Where this is not practical, the Democratic Services Manager will determine an appropriate scale of allowance having regard to the nature of the event, the location, and the published scales relating to Senior Civil Servants undertaking duties abroad in the location concerned.

11. Part Year Entitlements

- (i) The provisions of this paragraph regulate the entitlement of a Councillor to a Basic or Special Responsibility Allowance, where, in the course of a year, this Scheme is amended, or a Councillor becomes or ceases to be a Councillor, or accepts or relinquishes a Special Responsibility in respect of which a Special Responsibility Allowance is payable.
- (ii) If an amendment to this Scheme changes the amount to which a Councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance, or if a Councillor accepts or relinquishes a Special Responsibility Allowance, then the entitlement to the allowance shall be in proportion to the number of days entitlement to each allowance relative to the number of days in that year.
- (iii) If an amendment to this Scheme changes the amount payable by way of a Conference, Dependant Carer's or Subsistence Allowance or to the rates of travel entitlement, the entitlement to such an allowance or payment shall be to the amount under the scheme as it has effect when the duty was carried out.
- (iv) Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a Basic or Special Responsibility Allowance shall be in proportion to the number of days of his term of office, relative to the number of days in that year.

12. Renunciation

A Councillor may by notice, in writing given to the Democratic Services Manager forego any part of his/her entitlement to an allowance under this Scheme.

13. Annual Review of Allowances

The Basic Allowance, Special Responsibility Allowance and Dependent Carer's Allowance shall be reviewed annually by an Independent Remuneration Panel and submitted for approval by Council.

Travel and Subsistence rates will also be reviewed annually by an Independent Remuneration Panel and submitted for approval by Council.

14. Claims and Payments

- (a) A claim for Dependant Carer's or Subsistence Allowance or reimbursement of travel expenses under this Scheme shall be made in writing within **two months** of the date of the meeting in respect of which the entitlement arises.
- (b) A claim for Dependant Carer's or Subsistence Allowance or to reimbursement of any travel expenses, shall be on the form provided by the Democratic Services Manager and shall include a statement by the Councillor making the claim that he or she is not entitled to receive remuneration, reimbursement or any allowance claimable from another body in respect of the matter to which the claim relates, otherwise than under this Scheme.
- (c) Where a payment of the amount specified in this Scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in a Councillor receiving more than the amount to which he or she is entitled, the payment shall be restricted to such an amount as will ensure that no more is paid than the amount to which he or she is entitled. In the event of a Councillor no longer holding a Special Responsibility, or ceasing to be a Councillor, the amount of any allowance that has been overpaid will be recovered.

15. Elected Members' Pensions

The Local Authorities (Members' Allowances) (England) Regulations 2003, allow the Council to provide Pension arrangements for any Elected members explicitly recommended by the IRP.

The IRP has recommended that no Members should be entitled to currently participate in the Pension Scheme.

The IRP recommends this matter be considered at the next annual review.

16. **Co Opted Members Allowances**

The Local Authorities (Members' Allowances) Regulations 2003, allow the Council to pay Co-opted members of committees an annual allowance in respect of their attendance at meetings.

The IRP recommends that no allowance be set for the period of the 'Shadow Authority' and that this matter be considered at the next annual review.

SCHEDULE 1**1. Basic and Special Responsibility Allowances (SRA)**

The following are specified as the **Basic and Special Responsibility Allowances** which shall be payable at the **Annual** rates specified below *for the period commencing May 2022* until revoked or amended: -*

BASIC ALLOWANCE	£	Shadow Period
All Councillors	12,000.00	6,000.00
SPECIAL RESPONSIBILITY ALLOWANCES (SRA)		
Leader of the Council	21,000.00	10,500.00
Deputy Leader	11,229.00	5,614.50
Chair of Council	4,887.00	2,443.50
Executive Portfolio Holder	6,735.00	3,367.50
Chair of Overview and Scrutiny	1,000.00	500.00
Chair of Standards Committee	500.00	250.00
Chair of Personnel Committee	500.00	250.00
Group Leaders: - 2 nd biggest group - All other groups	4,500.00 1,128.00	2,250.00 564.00
(note: A group must be a minimum of five councillors)		
Co opted members	Nil	Nil

* The IRP recommends a rate of 50% of the allowance be paid in the 'Shadow' period.

Notes

- (i) No separate provision shall be paid in respect of line rental, broadband, telephone calls or other miscellaneous expenses associated with being a Councillor, except as provided within this scheme. All such costs are to be met from the annual amount of Basic Allowance identified above
- (ii) No Councillor shall receive more than one Special Responsibility Allowance.

2. Dependant Carer's Allowances

A carer's allowance of £9.50 per hour (alignment with the National Living Wage) and up to a maximum of £2,000 per annum will be paid for care of dependents whether children, elderly person's or people with disabilities, to those Members representing the Council on approved duties (see paragraph 5). The maximum period of the entitlement will be the duration of the approved duty and reasonable travelling time. The allowance will not be payable where the care is provided by a member of the claimant's own household or if a member already receives a carers' allowance.

3. Travel

Members should travel by Public Transport where reasonably possible.

Rail Travel – the amount of the ordinary Standard Class fare at the cheapest rate available for the journey wherever possible.

Taxi Cab - in cases of urgency or where no other form of public transport is reasonably available the amount of the actual fare and any reasonable gratuity paid - in any other cases the amount of the fare for travel by appropriate public transport.

Private Motor Vehicle – Travel allowances are payable to all members who necessarily incur expenditure in the performance of an approved duty. The mileage rates are the prevailing HM Revenue and Customs limits for tax allowance purposes. Currently these are as follows:

Cars and Vans:	First 10,000 miles: 45p per mile Over 10,000 miles: 25p per mile
Motorcycles:	First 10,000 miles: 24p per mile Over 10,000 miles: 24p per mile
Bicycles:	First 10,000 miles: 20p per mile Over 10,000 miles: 20 p per mile

Members who submit mileage claims for reimbursement must request and submit VAT receipts for the purchase of fuel to support their claim. This procedure is necessary to allow the Council to recover VAT from HM Revenue & Customs (HMRC).

Air - the rate for travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in subsistence allowance consequent on travel by air. Where the saving in time is so substantial as to justify payment of the fare for travel by air, the amount paid shall not exceed:

- a) The ordinary fare or any available cheap fare for travel by regular air service, or
- b) Where no such service is available or in the case of urgency, the fare actually paid by the member

Other Costs - The rates detailed above may be increased by not more than the amount of any necessary expenditure incurred on tolls, ferries or parking fees including overnight garaging, however receipts must be submitted with claims.

4. **Subsistence**

Where expenditure on subsistence is necessarily incurred in the performance of an 'approved duty' out with the Shadow Authority area, an allowance not exceeding the following maximum rates may be claimed upon the production of receipts, as set out below:

- (a) Breakfast allowance (more than 4 hours away from normal place of residence before 11 a.m.) **£7.00**
- (b) Lunch allowance (more than 4 hours away from normal place of residence including the period between 12 noon and 2 p.m.) **£9.00**
- (c) Evening meal allowance (more than 4 hours away from the normal place of residence ending after 6 p.m.) **£15.00**
- (d) In the case of an **absence overnight** from the usual place of residence,
Accommodation should be pre-arranged through Democratic Services. However, where a member **makes their own accommodation arrangements** reimbursement of hotel bills will be limited to the following maximum rates.

Non-London Hotel - **£130.00 plus VAT**

* London Hotels - **£150.00 plus VAT**

* For the purposes of this, London means the City of London and the London Boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and the City of Westminster.

5. **Conference Allowance**

There is no Conference Allowance payable.

6. **Submission of Claims**

Claims under this scheme for the payment of travel and subsistence and carers' allowances shall be submitted electronically on a monthly basis on a form prescribed for the purpose to the Monitoring Officer by the fourteenth day of the following month.

7. **Membership of Other Local Authorities**

Where a member is also a member of another local authority, that member may not receive allowances from more than one local authority in respect of the same duties.

8. Qualifying Approved Duties

(i) For payment of Travel and Subsistence and Dependent Carer's Allowance:

- Attendance at any meeting of the Council, Executive, Committee, Sub-Committee, Panel or Working Group to which the Member has been appointed in an official capacity.
- Attendance as the Council's appointed representative on any public body, charity, voluntary body or other organisation formed for a public purpose (and not for the benefit of the Member).
- Attendance by the Chair, Vice Chair or Executive Member for the purposes of a briefing prior to a meeting of any meeting of the Council, Executive, Committee, Sub-Committee, Panel or Working Group.

WESTMORLAND AND FURNESS JOINT COMMITTEE

Meeting date: 10 May 2022

Report of: Kim Rennie, LGR Programme Director

Subject: Implementation Plan

1.0 SUMMARY:

1.1 This report updates Members about the Implementation Plan and Programme Governance that has 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. This reflects the requirements in The Cumbria (Structural Changes) Order 2022.

2.0 RECOMMENDATIONS:

2.1 That the updated Implementation Plan (April 2022) attached at Appendix 1 be noted, pending the establishment of the two Shadow Authorities in May 2022.

3.0 BACKGROUND, INTRODUCTION AND CONSIDERATIONS:

3.1 Members will recall that in July 2021 the Secretary of State announced his decision, subject to Parliamentary approval, to implement a two unitary pattern of Local Government in Cumbria based on an East-West geography. The Cumbria (Structural Changes) Order 2022 (SCO) gives effect to that decision and came into force on 18 March 2022.

3.2 Under Article 24 of the Order, the Joint Committees must each prepare, keep under review, and revise as necessary, an Implementation Plan, including any plans and timetables that they consider necessary to secure the effective, efficient, and timely transfer of functions, property, rights, and liabilities to the successor Councils.

3.3 With the dissolution of the Joint Committees, (the day following that on which the Shadow Authorities for each area holds its first meeting), the Shadow Authorities then assume responsibility for keeping the Implementation Plan that has been prepared under review and revised as necessary.

3.4 At the meeting of this Committee on 29 March 2022 Members received a report on Implementation Plan and Programme Governance and resolved that the Plan be adopted pending the establishment of the two Shadow Authorities in May. Members at that meeting indicated a wish for further clarification and information on a number of matters, including in relation to the responsibility and process for agreeing Blueprints, the options for the Fire and Rescue Service, and spend in relation to the LGR Implementation Reserve, details of which were provided in the report. Officers have since provided further information on these matters, and this report provides additional updates where appropriate.

4.0 CURRENT POSITION

4.1 Progress has continued to be made in delivering the LGR Programme, and the Implementation Plan has subsequently been updated to reflect the progress made and in the light of comments made by the Joint Committees. The updated Implementation Plan is attached at Appendix 1 and will continue to be kept under review.

4.2 Since Members last considered the Implementation Plan progress has included:

- The embedding of the programme structure, and associated leadership and governance model together with agreed ways of working, developed as part of the Reset of arrangements in February
- Continuation of the three-way Senior Responsible Officer(s) (SROs) arrangement with accountability for programme delivery, and continuation of the Chief Executive level LGR Programme Board, as the Implementation Team, to oversee and direct the work being done
- The operation of thematic and cross cutting officer working groups, with the creation of new groups where appropriate, to provide service and technical expertise and deliver projects to support to the process
- The continued development of the Data-Hub, and analysis of the information it holds, providing a coordinated approach to data collection, analysis, and provision
- Use of internal resources has been supplemented by KPMG as the Strategic Partner to the Programme, adding capacity and expertise, and acting as advisors and critical friends to the programme. Most recently this has involved data analysis, support around day one readiness and identifying the “must have” deliverables, to ensure the councils can operate safely from Vesting Day in a consistent way. They have been helping to identifying the interfaces and tracking progress, helping to create generic guidance/training for/on the development of Blueprints, and providing some quality assurance to work that is being undertaken on assets, including how the recommendations as to future locations of Headquarters will be determined
- The further development of the overall Programme Timeline and the approach to the Implementation Phase of the Programme
- The selection process for the Interim Statutory Officers required to be designated at the first meetings of the Shadow Authorities
- On-going work to collate HR data and policies, and engage and consult with staff and unions
- The formal establishment of the Programme Management Team incorporating a Programme Management Office to coordinate the delivery of the programme, with Programme and Project Management, and Support staff formally seconded/transferred to the Programme from 1 April 2022, and a further recruitment process underway
- The continued operation of the LGR Implementation Reserve in line with the agreed Memorandum of Understanding governing the operation of this fund
- On-going work to support the Joint Committees and develop the work programmes/forward plans of the Shadow Authorities from May

- Continued work to evaluate the options for Day 1 delivery of services and to develop draft Blueprints for Shadow Authority consideration
- Representations made to Government on the draft Section 24 Direction that is proposed for all Councils/areas in this phase of Local Government Re-Organisation
- The continued delivery of communications plans for staff, Members, and key partners/stakeholders.

4.3 In terms of the development of draft Blueprints, the advice is now that these will be an Executive function of the Shadow Authorities, and it is anticipated that when established, Members of Shadow Authorities will want to have the benefit of and give early consideration to the work done to date. Members will be able to discuss and steer this through a range of informal and more formal mechanisms (e.g., task and finish groups, presentations, Committees etc.), to enable further development over the spring/summer, and beyond as part of the Strategic Planning process, (integrating the corporate planning (Council Plan), financial and service planning cycles).

4.4 For each Shadow Authority the draft Blueprint will pull together at a high level, the work done on baselining and options appraisal to date, also with that done on budget disaggregation/aggregation, (in line with the principles highlighted in the last report), to provide a baseline statement as to what services, staff and budget is envisaged each Authority is likely to have on Vesting Day. In a number of service areas transitional arrangements may be required/recommended pending any preferred option being deliverable. The focus of draft Blueprints will be on making the transition to the new Authorities a safe, legal, and smooth one, whilst paving the way for further transformation, and longer-term options development/consideration should Authorities so wish. The development of draft Blueprints is further described in the updated Implementation Plan attached at Appendix 1.

4.5 In respect of Cumbria Fire and Rescue service the Government's continued intention is that the fire service should be provided on a county basis with two potential options to achieve this. The first is 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 are met. The second option is for the Secretary of State to create a new combined fire and rescue authority. However, all options remain in scope at this time and discussions are on-going with Civil Servants in relation to these to enable effective planning in the context of the Structural Changes Order. Work as required is being developed through the Cumbria Fire and Rescue Service Transition Board.

5.0 OPTIONS, INCLUDING ALTERNATIVES (IF ANY)

5.1 It is recommended that Members note the updated Implementation Plan at Appendix 1, in line with the Structural Changes Order requirement to prepare, keep under review and revise this as necessary.

5.2 The Shadow Authorities will hold their first meetings on 17 May, and should the Committee so wish any agreed comments can be brought to the attention of the Members of the Authority.

6.0 IMPLICATIONS:

6.1 Financial and Procurement:

6.1.1 The funding available to deliver the Implementation Plan is through the LGR Implementation Reserve. This has been described in detail in a previous report.

6.1.2 Any funding required to support transformational change will need to be agreed as part of the budget setting processes for the two new Unitary Councils.

6.2 Staffing:

6.2.1 There are no direct implications associated with this report.

6.3 Legal:

6.3.1 To comply with the Cumbria (Structural Changes) Order 2022 the following Articles are relevant that relate to the Implementation Plan.

6.3.3 Article 22 provides that all Councils have an additional function, exercisable only in the transitional period beginning on the coming into force of the Order and ending on the fourteenth day after the 2022 election day, of preparing for and facilitating the economic, effective, efficient, and timely transfer to the, of such of its functions, property, rights, and liabilities as relate to the new Unitary Councils.

6.3.4 Article 24 further provides that the Joint Committees each prepare, keep under review, and revise as necessary, an Implementation Plan which must include—
(a) such plans and timetables as are in the opinion of each Joint Committee necessary to secure the effective, efficient, and timely discharge of the article 22 functions (referenced above); and
(b) such budgets and plans as it considers necessary or desirable to facilitate the economic, effective, efficient, and timely discharge, on and after 1st April 2023, of the functions that, before that date, are functions of the County Council, the Cumberland councils, or the Westmorland and Furness councils.

6.3.5 For the purposes of (a) preparing, reviewing, and revising the Implementation Plan, (b) discharging the article 22 functions, and (c) discharging such other functions as may be conferred on it, each Joint Committee must have regard to the information supplied to the Secretary of State in support of the proposal for single tier local government in Cumbria.

6.3.6 The report presents an updated Implementation Plan for noting by the Joint Committee. This will be kept under review and considered further by the Shadow Authorities.

6.3.7 The Terms of Reference reflect the above requirements.

6.4 Information Governance:

6.4.1 There are no direct Information Governance implications associated with this report.

7.0 HEALTH AND SUSTAINABILITY IMPACT:

7.1 There are no direct implications associated with this report.

8.0 EQUALITY AND DIVERSITY IMPACT:

8.1 There are no direct implications associated with this report.

9.0 RISKS:

9.1 There is a legal obligation to prepare, keep under review and revise as necessary an Implementation Plan as described at 6.3 above. Not doing so would be a contravention of the legal requirements of the SCO. Approval of the recommendations of the report will enable legal requirements to be met, in mitigation of this risk.

9.2 There is a risk of being unable to deliver the LGR process to meet the requirement to ensure that the two new Councils can operate safe and legally on day 1. The preparation and on-going review of the Implementation Plan, and creation of the Implementation Reserve to provide core funding for the Programme, together with the governance arrangements outlined in this report mitigate against this risk.

10.0 CONCLUSION:

10.1 This report provides details of the requirements of The Cumbria (Structural Changes) Order 2022 and advises Members of how Councils are meeting the requirements in relation to the Implementation Plan in order 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.

Report Author – Kim Rennie, LGR Programme Director

APPENDIX

Appendix 1 - The Implementation Plan (April 2022). (Ref: 20220222 LGR Programme Implementation Plan – April 22 v6.pptx).

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Delivering Two Unitary Councils for Cumbria

LGR Implementation Plan (April 2022)



Vision and Ambition for Cumbria



- We have a once-in-a-generation opportunity to shape the county's public services for the better.
- This implementation plan, which will develop overtime, will facilitate the development and the creation of two distinct councils focused on the specific communities they will serve.
- Vesting Day, on April 1, 2023 is a significant milestone and will be the start of the next stage of the journey, with the process of transformation continuing after this point.



Two New Councils for Cumbria

Our Vision for Cumbria is that in creating the two new Councils we will promote Cumbria with strong and fair representation for our communities and businesses. Our services will drive sustainable economic growth, enable safe and healthy lives and deliver value for money for everyone.

Our **Ambition** as we move through the LGR programme is that we create:

- Two new financially sustainable unitary authorities, that operate safely and legally from day one, whilst providing improved access to services, a seamless transition for our customers and stakeholders, and a great place to work for employees. We will ensure that on vesting day services operate to at least the standard they did before.
- Foundations to enable the new organisations to further transform and improve outcomes for residents, businesses, partners and the environment with Vesting Day being a milestone on a transformation journey which is likely to take 5-7 years.
- Governance structures that enable the two new councils to raise ambitions and become more successful in terms of place, so that the economy is transformed, and the opportunities and life chances of all residents are significantly improved.
- Ways of working that deliver local, responsive, accessible, high quality, services efficiently and in collaboration with our partners.
- Governance structures that realise the opportunities of creating two unitary authorities to reflect the distinctiveness of place, but also facilitate operating on a Cumbria wide basis when this will bring investment to the area or mean they function more effectively.
- Councils who share decisions and power with the communities of Cumbria.
- Councils who ensure staff are fully supported through the process and are able to see and benefit from the opportunities LGR presents.
- Councils who elect and induct Members to lead the new unitary authorities and provide community leadership.



Our Implementation Approach – Values

To achieve this, we have adopted a set of values to guide our work together, and a set of design principles to guide the transition of services to the two new Councils.

Underpinning this is a One team – One Programme – Two Plans approach.

Our **Core Values** are:

- Open and transparent
- Collaborative
- Supportive and strength based
- Put organisational boundaries aside
- Committed

....and we are committed to:

- Sharing resources (for the programme and to support service needs in the transition period)
- Using principles of co-design and production
- Being evidenced based and giving due consideration to professional expertise
- Once and together – a single hub model
- Remaining conscious of what is best for the communities of Cumbria, and the different needs and opportunities in Cumberland and Westmorland in Furness
- Acting and speaking collectively for the programme, whilst respecting the sovereignty of authorities



Our Implementation Approach – Design Principles

We have agreed to design our new Councils using the following Organisational Design Principles:

- **Creating Strong and Accountable Leadership** – at local and strategic level through effective member-led governance.
- **Outcome-focused** – a focus on delivering better outcomes and realising the benefits of local government reform.
- **Customer and community-focused** – ensuring that the needs and aspirations of customers and local communities are at the centre of the design of new structures.
- **Creating Sustainable Communities** – putting the creation and support of sustainable communities and sustainable development at the core –recognising the diversity of local communities, and the opportunities and challenges of the area’s rurality and unique geographies and landscapes.
- **Place-focused** – building on place-based approaches, local decision-making, co-production and community-based delivery mode.
- **Promoting Public Health approaches** – putting public health approaches at the centre of new models focusing on prevention and early intervention.
- **Climate and Environment-focused** – creating organisations and developing models of delivery with environmental sustainability, protecting and improving biodiversity, achieving net zero and the impacts of climate change at their core.
- **Promoting Inclusive Economy approaches** – focusing on both local and strategic approaches to build strong and inclusive economies, realising the benefits of collaboration to unlock inclusive economic growth.
- **Collaborative and Strength-based** – building on collaborative and strength-based approaches with individuals and families, with communities, and with local and strategic partners. Do with not do to.
- **Evidence-based** – informing decisions through a good understanding of the needs and aspirations of communities, and of best practice.
- **Modern, Innovative and Digitally-enabled** – unlocking innovation to modernise public services which are agile and adaptable. Ensuring digitally-enabled models fit for the 21st century.
- **Financial sustainability and Value for Money** – providing the best value for money through delivery of efficient and effective services and building long-term financially sustainable organisations.
- **Creating positive organisational cultures** – creating new organisations with cultures that promote positivity, creativity, flexibility, the building of positive relationships and emphasising the importance of being learning organisation
- **Valuing the Workforce** – valuing the skills, knowledge, capabilities and commitment of our greatest asset.

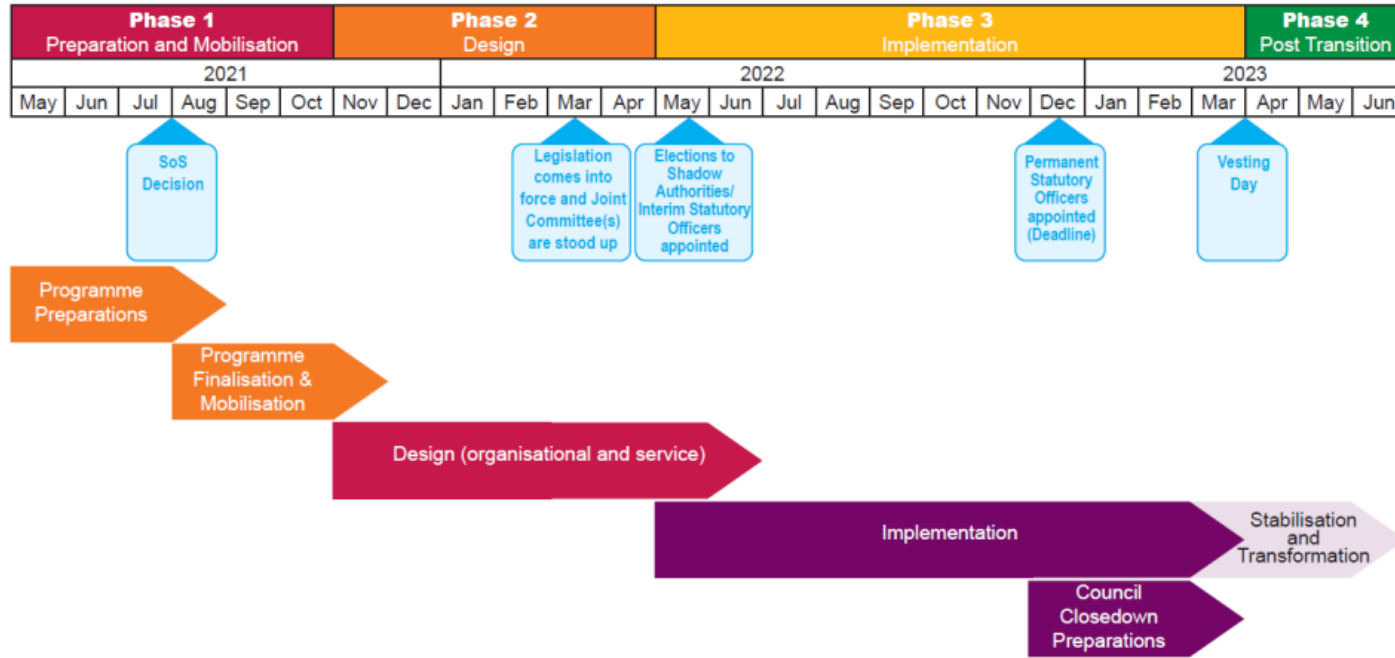


Timeline and Phasing

- The high level Programme timeline to deliver the unitary Councils of Cumberland and Westmorland and Furness is set out on the following slide.
- A Programme has been developed in a series of phases that will enable the two Councils to deliver improvements from day one (vesting day – the 1 April 2023), including in relation to ease of customer access. The Programme will ensure a smooth transition to the new arrangements, operation in a safe and legal fashion, and the building blocks for further transformation and delivery of benefits for local communities.



LGR Programme -Timeline and Phasing



Design Phase

- We have developed a design phase for the two new Councils and this involves a series of stages outlined on the following slide.
- At the time of writing, this phase of the Programme, involving developing officer recommendations for Shadow Authority consideration, is nearing completion. The work that has been done in this phase is being collated and assessed and will inform the development of draft Blueprints, describing the services, staff and budget each Council will have on vesting day.
- The development of these will be iterative as the detail will be developed through discussion with Members and incoming leadership teams and as part of the strategic planning process.



Design Phase

November	December	January	February	March	April	May
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Stage 1: Scope of Themes, Introduction to services

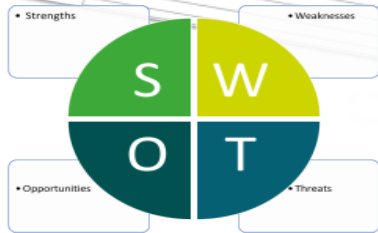
Stage 2: Service Profile/Baselining, SWOT, Options Identification

Stage 3: Options Appraisal Review

Stage 4: Draft Blueprints Developed

Stage 2-4: Day 1 Requirements and Interdependencies Identified

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Design Phase – Design Options, Day 1 Requirements and Initial Blueprints

- Over the last few months the process of considering the high level design options for services has followed the approach shown on the next slide.
- The starting point is to disaggregate, aggregate and integrate services into two separate Councils unless there is a compelling reason not to do so, to deliver the requirements of legislation.
- We continue to consider all options, evaluating these to arrive at a preferred option for each service on Day 1 to recommend to Members.
- Officer recommendations are being brought together in the draft Blueprints for how services in the new Councils will operate seamlessly from vesting day, so that they can be considered by the Members of Shadow Authorities once established.
- The design phase has also involved the identification of those critical elements without which services will not be able to function effectively on vesting day, (“Day 1 Requirements”), regardless of the design of the service.



Design Options

Working assumption
Programme is creating two new unitary councils, each with their own services

Other options may be considered where there is a strong case to do so (e.g. affordability)

Difference between Design (configuration of services) and Delivery vehicles (outsourcing, TECKAL etc.) which could be considered by the new authorities

Separate services

Each authority delivers its own service aligned to the geographical boundaries

Disaggregation

Split existing countywide service to unitary council (1 to 2)

Aggregation

Combine existing district services to unitary council (3 to 1)

Integration

Services currently provided by all councils' (mainly internal support/back office). Require disaggregation before integrating to unitary (7 to 2)

Joint provision

Shared services / collaboration

Shared service

Joint governance

Hosted

Led by one authority, each retains statutory duties

Strategic Sub-regional Governance Model

Provided by others

Alternate delivery model Separate entity, LATC, TECKAL

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In some service areas a hybrid of options may be appropriate, and transitional arrangements may be recommended for day 1

Local Government Reorganisation

Delivering Two New Councils for Cumbria

for Cumbria

Democratic and Programme Governance

- Democratic and programme governance arrangements are in place to oversee the transition to the two new Councils on 1 April 2023, and to ensure that they can operate safely and legally from day 1.
- The democratic governance structure involves the Joint Committees which had to be established no later than 14 days after the Structural Changes Order came into force, and which are stood down following the first meeting of Shadow Authorities on 17 May 2022.
- The Joint Committees with decision making powers (one for Cumberland and one for Westmorland and Furness) are/were charged with managing the transition to the two new Shadow Authorities, to be established in May 2022.
- Two Shadow Executives are to be appointed, and Interim Heads of Paid Service, Chief Finance and Monitoring Officers designated, within 14 days of the elections on 5 May 2022. Permanent Heads of Paid Service, Chief Finance Officers and Monitoring Officers are required to be appointed by 31.12.22. The two Shadow Authorities gain full powers on vesting day, 1.4.23.
- The next two slides describe the democratic governance structure, the first up to May 2022, the second to 1.4.23.



Democratic Governance to May 2022

March 2022

May 2022

Westmorland and Furness Joint Committee

Cumbria Leaders Oversight Forum (CLOF) For informal liaison

Cumberland Joint Committee

Structural change order (SCO)

Elections/Day Zero

Overview and Scrutiny Committee
Other committees as required

Member task and finish groups
As required – formed by the Shadow Executive and report back recommendations

Westmorland and Furness Shadow Authority / Shadow Executive

CLOF Reconstituted

Cumberland Shadow Authority / Shadow Executive

Member task and finish groups
As required – formed by the Shadow Executive and report back recommendations

Overview and Scrutiny Committee
Other committees as required

Democratic Governance to April 2023

April
2023

Overview and Scrutiny Committee

Other committees as required

Member task and finish groups

As required – formed by the Shadow Executive and report back recommendations

Westmorland and Furness
Shadow Authority / Shadow Executive

CLOF Reconstituted

Cumberland
Shadow Authority / Shadow Executive

Member task and finish groups

As required – formed by the Shadow Executive and report back recommendations

Overview and Scrutiny Committee

Other committees as required

Day
1

Westmorland and Furness
Unitary Council

Cumberland
Unitary Council

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Agenda Item 1



Programme Governance and Structure cont.

- In terms of officer level programme governance, the work to move to the two new Councils is currently organised in a series of themes, with representation from all Councils, complemented by individual pieces of cross cutting work, for example in relation to economy and devolution. There is also an aligned piece of change work in relation to the options for the future of the Cumbria Fire and Rescue Service.
- A series of thematic officer boards have been established, involving senior representatives of the County Council, and from the Cumberland and Westmorland and Furness Councils, together with subject matter experts to oversee the work involved in setting up the new councils. There are six boards currently, with a series of workstreams/work packages in each. The number and focus of the boards is reviewed periodically to ensure they remain fit for purpose.
- LGR Programme as a whole is overseen by an LGR Programme Board at the most senior level of representation from sovereign councils. The arrangements are shown diagrammatically on the next two slides.

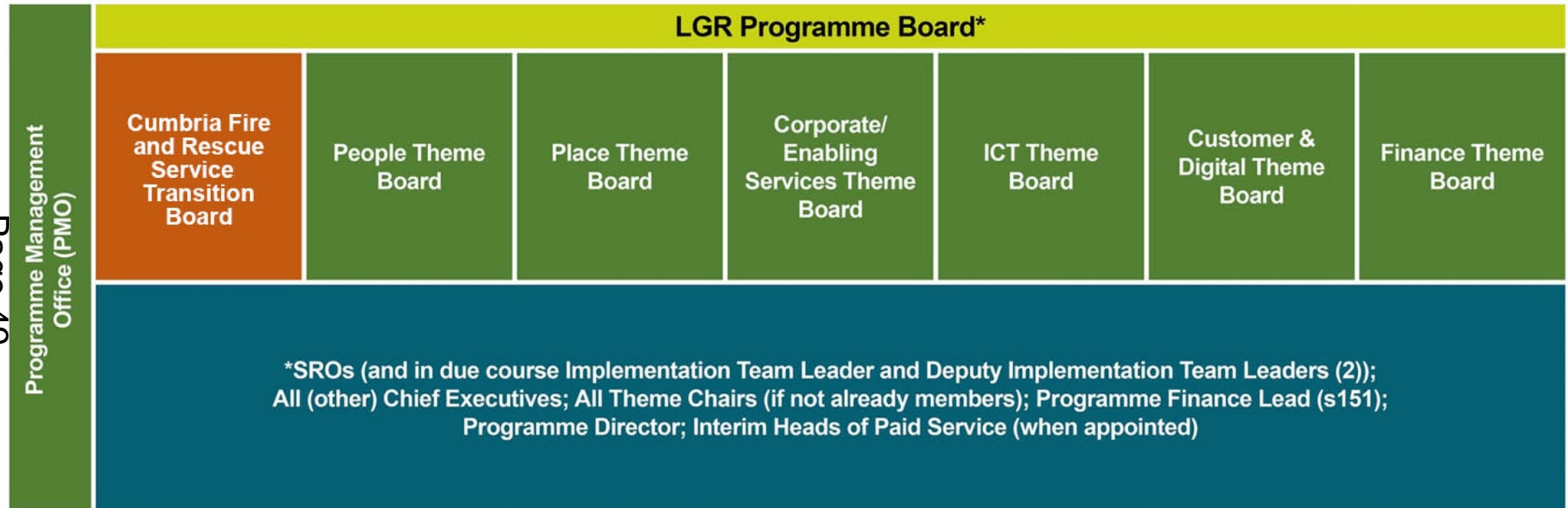


Programme Structure

CUMBRIA FIRE AND RESCUE SERVICE (Aligned programme)							THEMES					
PEOPLE		PLACE		CORPORATE/ ENABLING SERVICES		ICT		CUSTOMER & DIGITAL		FINANCE		
Adults / Children & Families / Public Health		Environment / Economy & Devolution / Community & Locality / Safety, Resilience and Public Protection		Strategic Core / Change Facilitators / Transactional Services		Infrastructure / Applications / Technical Architecture / Security / Service Continuity		Customer and Digital Strategy / Customer and Digital Service Functions / Website / On-line Services		Disaggregation of Budgets / Creation of balance sheets / Financial & Commercial Stability / Benefit Realisation		
Workstream(s)		Workstream(s)		Workstream(s)		Workstream(s)		Workstream(s)		Workstream(s)		



Programme Governance



Implementation Phase

- The next phase of the programme to be embarked upon is the Implementation Phase.
- The slide that follows describes the high level time line for this phase of the LGR programme.
- As described in preceding slides, Day 1 Readiness Planning involves identifying the must haves for day one, what achieving these relies on (interdependencies), and the order in which these need to be addressed. Detailed critical paths are also in place/under development for different workstreams/work-packages as part of Day 1 planning. This will enable more detailed reporting on the Programme over the coming months.
- In the design phase the draft Blueprints that are being developed (April to May), will contain the details of the resources available to each service based on 2022/23 budgets. Work over May/June, to look at budget disaggregation/aggregation, including savings proposals, will result in costed Blueprints, for consideration of Shadow Authorities for taking into the Strategic and Service Planning processes over the summer/early autumn period.

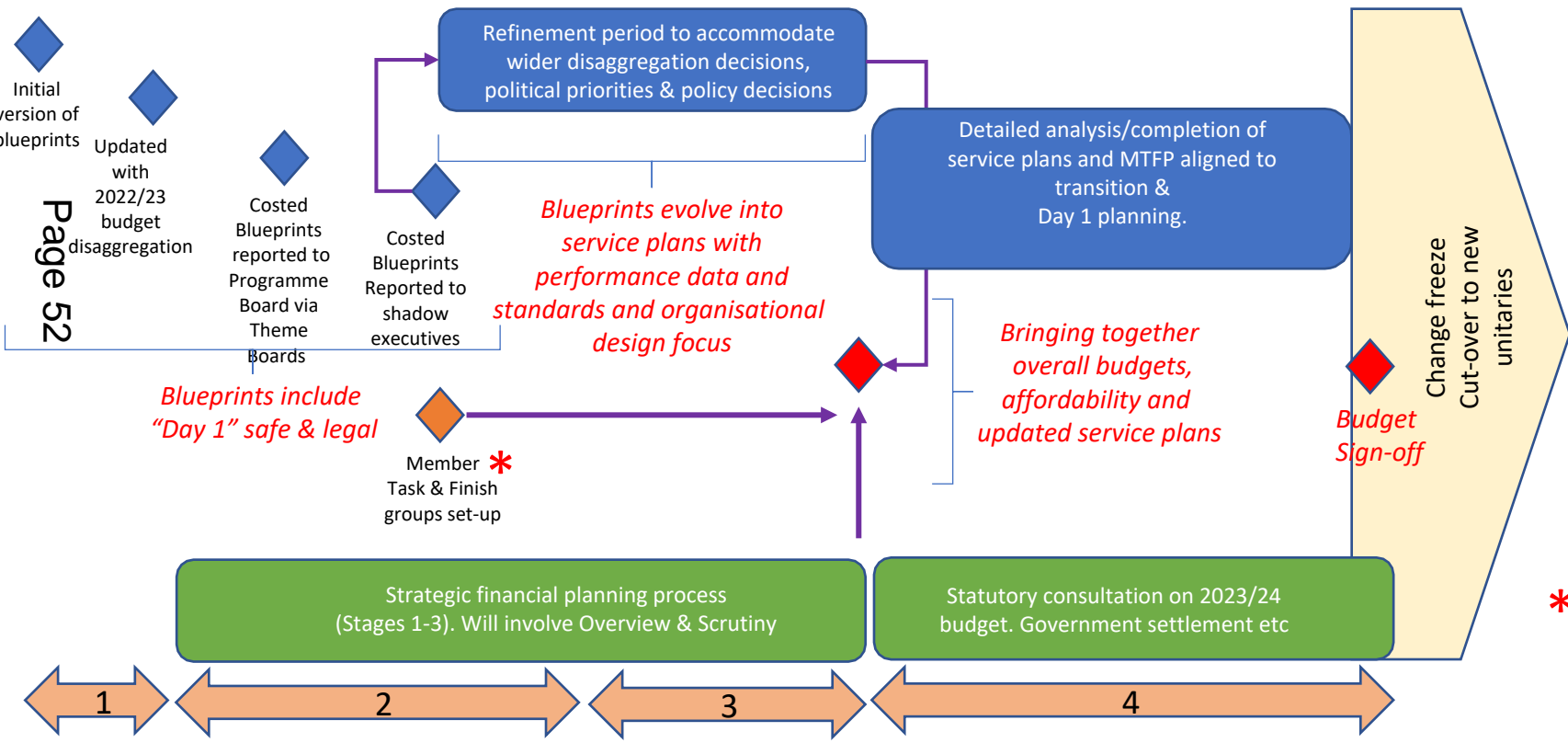


Implementation Phase – High Level Timeline

	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	
	2022								2023			
Day 1 Readiness	Day 1 plans for Cumberland, and Westmorland and Furness refined and delivered (two plans with some joint and some specific requirements)											
Blueprint / Service Planning	Draft blueprints considered, refined, and adopted by Shadow Authorities			Discussion of draft blueprints and refinement of service plans through budget process								
Corporate plans / policies	Development of Council Plan and required Day 1 policies and plans, in tandem with budget process											
Organisational structure	Interim statutory officers designated	Recruitment of Chief Executives/ Senior structure options developed			Consultation and filling of structures to meet statutory requirements and operational needs							
Strategic Planning (other)	See next slide											



Blueprints, service plans and strategic financial planning



Strategic financial planning stages

* Continues into Stage 4 of the strategic planning process



Next steps

- The next steps in the programme will be to refine Day 1 plans, finalise the officer recommendations on options for Day 1 operation, and the development of draft Blueprints for Shadow Authority consideration.
- Preparations for operation of Shadow Authorities (Day 0 work) and vesting day (Day 1 work) including laying the foundations for future transformation will continue.
- The Implementation Plan will be kept under review, and progress reported to the new Shadow Authorities.
- The One Programme approach will continue – with two sets of plans developing overtime.



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WESTMORLAND AND FURNESS JOINT COMMITTEE

Meeting date: 10 May 2022

Report of: Nicola Houwayek - LGR Technical Lead, OD&HR Workstream

Subject: Interim Statutory Officer Appointments

1.0 SUMMARY:

1.1 The Cumbria (Structural Changes) Order 2022 requires that at its first meeting, the Westmorland and Furness Shadow Authority must designate on an interim basis an officer to be responsible for performing the duties of the following statutory roles:

- Head of Paid Service
- Monitoring Officer
- Chief Finance Officer

1.2 At its meeting on 29th March 2022 the Westmorland and Furness Joint Committee agreed the process and principles for the appointments process to the designation of these roles, in order for recommendations to be made to the Shadow Authority. This report outlines the process that has been undertaken and the recommendations from the Joint Committee panel members of the Westmorland and Furness Joint Committee for those interim statutory roles.

2.0 RECOMMENDATIONS:

2.1 That the Joint Committee agree the officers named below, to be recommended to the Westmorland and Furness Shadow Authority, for appointment:-

- Interim Head of Paid Service – Sam Plum, Chief Executive Barrow Borough Council
- Interim Monitoring Officer – Linda Fisher, South Lakeland District Council
- Interim Chief Finance Officer - Helen Smith, South Lakeland District Council

2.2 That the Joint Committee agree that an honorarium payment will be recommended to the Shadow Authority as payable to those holding the designations of Interim Monitoring Officer and Interim Chief Finance Officer.

2.3 That the Joint Committee delegate the decision to the Chief Executive, Barrow Borough Council on the amount payable for the honorarium payment, which is to be put to the Shadow Authority for determination.

3.0 BACKGROUND, INTRODUCTION AND CONSIDERATIONS: Page 58

3.1 On 29th March the Westmorland and Furness Joint Committee received a report from the LGR Technical Lead of the OD&HR Workstream on the Interim Statutory Officer Recruitment. The agreed recommendations were:-

- i) the selection process, as outlined in paragraphs 3.5 – 3.8 to the report be agreed;
- ii) 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.”;

- iii) 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;
- iv) the principles for the appointments outlined in paragraphs 3.14 – 3.17 to the report be agreed; and
- v) 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.

3.2 Following the meeting, the Interim Statutory roles were advertised, with expressions of interest invited from the agreed field of selection. Three applications were received for the Head of Paid Service role, two for the Monitoring Officer role and one for the Chief Finance Officer role. Interviews took place between the 6th – 8th April.

3.3 The panel agreed a chair and were supported by Sharon Senior from NW Employers and Nicola Houwayek, LGR Technical Lead for the OD&HR Workstream. Candidates were asked to present an agreed presentation and a set of standard interview questions were agreed and asked by the panel members. A scoring system was used to support the decision-making process.

3.4 Following the interviews, the panel agreed that the following candidates should be recommended to the Joint Committee:-

- Interim Head of Paid Service – Sam Plum, Chief Executive Barrow Borough Council
- Interim Monitoring Officer – Linda Fisher, South Lakeland District Council
- Interim Chief Finance Officer - Helen Smith, South Lakeland District Council

3.5 The roles of Interim Monitoring Officer and Interim Chief Finance Officer for the Cumberland Shadow Authority remain unfilled at the time of writing this report. The interview panel of the Cumberland Joint Committee have made a recommendation to the Cumberland Joint Committee to offer an honorarium when re-advertising these roles. To ensure parity with the roles of the Cumberland Shadow Authority the same recommendation has been made by the Westmorland and Furness interview panel. This necessary change to the principles for appointment agreed at the Joint Committee meeting of 29 March, where members determined that no additional allowance be paid for undertaking these roles, has arisen due to a failure to appoint to these roles.

4.0 OPTIONS, INCLUDING ALTERNATIVES (IF ANY)

4.1 The Joint Committee could decide not to recommend the nominated candidates to the Shadow Authority. This is not advised as an agreed selection process has been followed.

4.2 The Joint Committee could recommend an alternative candidate for selection to the Shadow Authority. This is not advised as there would be human resources implications and it would not be in line with the process adopted for selection.

4.3 The Joint Committee could decide that the honorarium payment should not be recommended to the Shadow Authority as payable for the posts of Interim Monitoring Officer and Interim Chief Finance Officer. This is not advised due to the human resources implications of doing so.

5.0 IMPLICATIONS:

5.1 Financial:

5.1.1 The financial implications for the interim roles have been assumed as zero on the basis that there was to be no allowance payable for the interim roles and any backfilling required to enable the interim officers to take on the role will be covered by the sovereign councils as part of the duty to cooperate included in the SCO. Subsequently there has been a request that backfilling costs and, if agreed, an honorarium payment for the interim officers be funded from the LGR Implementation reserve. This would require a virement from the LGR reserve contingency allocation to the Shadow authority costs allocation and this would be a decision of the LGR Programme Board.

5.2 Staffing:

5.2.1 As the designated responsibilities of these roles are in addition to those of the nominated candidates' substantive positions, arrangements will be made to ensure that the responsibilities of both roles can be fulfilled through delegation and backfill as required within the relevant sovereign council.

5.3 Legal:

5.3.1 The Westmorland and Furness Shadow Authority is required to designate the statutory responsibilities of the roles against these interim statutory roles in order to meet the requirements outlined in the Structural Change Order.

- 5.3.2** The Cumbria (Structural Changes) Order 2022 requires that at its first meeting, the Shadow Authority for Westmorland and Furness must designate on an interim basis an officer to be responsible for performing the duties of each of the statutory roles listed in this report.
- 5.3.3** The officer designated to perform the duties must be an officer of the Councils that form the Westmorland and Furness Shadow Authority.
- 5.3.4** A fair process has been followed to ensure selection of the nominated candidates for appointment in accordance with legal requirements.
- 5.3.5** The legal obligation on the Shadow Authority to designate the officer responsible to perform the statutory roles may not be met if the current nominated individuals for Westmorland and Furness withdraw their consent to undertake these roles which the report envisages may be the case if the honorarium payment is not recommended for Westmorland and Furness but is for Cumberland.

5.4 Information Governance:

- 5.4.1** There are no information governance issues.

6.0 HEALTH AND SUSTAINABILITY IMPACT:

- 6.1** There are no direct health and sustainability implications from this report.

6.2 EQUALITY AND DIVERSITY IMPACT:

- 6.3** There are no direct equality and diversity impacts from this report.

7.0 RISKS:

- 7.1** If a candidate is not recommended to the Shadow Authority for appointment, then there is a risk that the requirements of the Structural Change Order are not met.
- 7.2** As the LGR Programme is being run jointly for both Shadow Authorities having pay disparity between Interim Statutory Officers in respect of the payment of an honorarium may lead to nominees withdrawing their consent and/or have other human resources implications.

8.0 CONCLUSION:

- 8.1** That members agree the recommendation outlined in paragraph 2.1.

Report Authors - Nicola Houwayek – LGR Technical Lead, OD&HR Workstream

Link to related papers:

[Westmorland & Furness Area Joint Committee papers 29th March 2022](#)

- Interim Statutory Appointments
- Minutes

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