

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, 10 May 2022, at 10.00 a.m.

Present**Councillors**

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

Patricia Bell	Derek Brook	Anne Burns
John Holmes	Andrew Jarvis	Mary Robinson
Virginia Taylor	Peter Thornton	

Officers

Inge Booth	Legal, Governance and Democracy Specialist
Lawrence Conway	Chief Executive
Linda Fisher	Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
Ian Frost	Chief Executive (Eden District Council)
Nicola Houwayek	Technical Lead OD and HR
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)
Sam Plum	Chief Executive and Senior Responsible Officer (Barrow Borough Council)
Kim Rennie	Programme Director
Helen Smith	Finance Lead Specialist (Section 151 Officer)
Debbie Storr	Monitoring Officer (Barrow Borough Council)
Lisa Tremble	Monitoring Officer (Eden District Council)

W&F/25 APOLOGIES

Apologies for absence were received from Councillors Les Hall (Barrow Borough Council) and Debra Wicks (Eden District Council).

W&F/26 MINUTES

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 11 April 2022.

W&F/27 DECLARATIONS OF INTEREST

The Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) noted that following the election of Members to the Westmorland and Furness Shadow Authority, a number of Joint Committee Members would have an other registerable interest recorded for transparency. The following Joint Committee Members had an other registerable interest recorded and would reserve their positions relating to all items on the agenda being considered by the Shadow Authority:-

Cllr Patricia Bell;
Cllr Derek Brook;
Cllr Jonathan Brook;
Cllr Anne Burns;
Cllr Les Hall;
Cllr Andrew Jarvis;
Cllr Mary Robinson;
Cllr Virginia Taylor;
Cllr Ann Thomson; and
Cllr Peter Thornton.

The Technical Lead Legal and Democratic Work Stream added that due to a conflict of interest, the Chief Executive (Barrow Borough Council), Technical Lead Legal and Democratic Work Stream and the Finance Lead Specialist (Section 151 Officer) (South Lakeland District Council) would leave the room before discussion on Agenda Item No. 7 (Interim Statutory Officer Recruitment) began.

W&F/28 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

There were no excluded items on the Agenda.

W&F/29 MEMBERS' ALLOWANCES - INDEPENDENT REMUNERATION PANEL RECOMMENDATIONS

Note - The following Joint Committee Members had an other registerable interest recorded and would reserve their positions relating to Agenda Item No. 5 (Members' Allowances – Independent Remuneration Panel Recommendations):-

***Cllr Patricia Bell;
Cllr Derek Brook;
Cllr Jonathan Brook;
Cllr Anne Burns;
Cllr Les Hall;
Cllr Andrew Jarvis;
Cllr Mary Robinson;
Cllr Virginia Taylor;
Cllr Ann Thomson; and
Cllr Peter Thornton.***

The report from the Members' Allowances Working Group, was produced by an experienced Independent Remuneration Panel (IRP), representing all seven Cumbrian councils, which had held a scheduled series of meetings to consider a Member Allowance Scheme for the new Westmorland and Furness Council.

The IRP was confident that its 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 was also aware that the Shadow Authorities would be appointing their own IRPs to review the allowances for 2023-24 in readiness for the two new unitary councils at vesting day, 1 April 2023. The IRP had decided and agreed that North Northamptonshire Council was of a comparable size in terms of Member ratio to constituents and their Member Allowance Scheme had, therefore, been used as a guide. The Member Allowance Scheme at Appendix 1 to the report had also been proposed to the Cumberland Joint Committee. At its meeting on 14 April 2022, the Cumberland Joint Committee had resolved to note the proposed scheme.

The Panel had 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, would reduce the number of meetings to be attended by Members. The IRP had also been cognisant of the fact 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 between 5 May 2022 and 31 March 2023. It further reasoned that, during this time, 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 sovereign councils would be transferred.

Members' attention was drawn to the fact that it was very likely that the Shadow Authority for Westmorland and Furness would establish its own IRP to work on a bespoke allowances scheme for post vesting day and it was, therefore suggested that the Shadow Authority be recommended to delegate to the Interim Monitoring Officer authority to undertake the preparation of a recruitment pack and advertisement for an Independent Remuneration Panel to consider allowances for the new Council from vesting day. A report would then be brought to a future Shadow Authority meeting in order for appointments to be made to the Panel.

Members discussed the report in detail noting that the IRP had not had much time to collect the significant level of evidence required and engage with Members before bringing the report to the Joint Committee. As a result, Members presented alternative recommendations to read as follows:-

- (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) In the light of the limited time that the Independent Remuneration Panel had to collect evidence for the scheme, the lack of opportunity for member engagement and given the significant disparity with comparator councils, the Joint Committee cannot recommend to the Westmorland and Furness Shadow Authority to adopt, in its entirety, the proposed Scheme at its inaugural meeting for the shadow year.
- (4) Recommend that the Shadow Authority immediately 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.
- (5) As an interim measure, that the Shadow Authority adopts the scheme to pay the basic allowance as proposed, subject to immediate review. Due to the points noted in (3) above, the scheme for payment of all Special Responsibility Allowances are set at zero, pending the immediate review. Allowances will be adjusted and back-dated as soon as the Westmorland and Furness Independent Remuneration Panel (as proposed in 4) has reported and recommendations adopted.

Members expressed reservations regarding altering the recommendations of the IRP but overall felt that the usual process of producing a report from the IRP had not been followed due to the time constraints for producing the report and noted significant discrepancies in the report. Further discussion highlighted the expectations of the public on newly elected Shadow Authority Members and the scale of the task ahead for Members who would be continuing in their roles at their respective sovereign Councils.

The Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) confirmed that the proposed recommendation would result in the adoption of the scheme to pay the basic allowance with the scheme being subject to immediate review by a new IRP for the Shadow Authority. She added that Special Responsibility Allowances would be set to zero pending the review and would be backdated to the beginning of the year, once a scheme had been agreed by the Shadow Authority. The new IRP would also be tasked with preparing a scheme from Vesting Day for the new Council.

RESOLVED – That

- (1) the report be noted;
- (2) 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 had been considered;

- (3) In the light of the limited time that the Independent Remuneration Panel had to collect evidence for the scheme, the lack of opportunity for member engagement and given the significant disparity with comparator councils, the Joint Committee cannot recommend to the Westmorland and Furness Shadow Authority to adopt, in its entirety, the proposed Scheme at its inaugural meeting for the shadow year;
- (4) the Shadow Authority is recommended to immediately authorise the Interim Monitoring Officer to advertise 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; and
- (5) the Shadow Authority as an interim measure, adopts the scheme to pay the basic allowance as proposed, subject to immediate review. Due to the points noted in (3) above, the scheme for payment of all Special Responsibility Allowances are set at zero, pending the immediate review. Allowances will be adjusted and back-dated as soon as the Westmorland and Furness Independent Remuneration Panel (as proposed in 4) has reported and recommendations adopted.

W&F/30 IMPLEMENTATION PLAN

At its meeting on 29 March 2022, the Joint Committee had received a report on the Implementation Plan and Programme Governance and had adopted the Plan pending the establishment of the two Shadow Authorities in May (Minute No.W&F/10 (2021/22) refers). The Joint Committee had 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. Officers had since provided further information on these matters. The LGR Programme Manager now presented an update.

Progress had continued to be made in delivering the LGR Programme and the Implementation Plan attached at Appendix 1 to the report had subsequently been updated to reflect the progress made and in light of comments made by the Joint Committees. The report provided details on progress made on the Implementation Plan since it had last been considered by the Joint Committee.

In terms of the development of draft Blueprints, the advice was now that these would be an Executive function of the Shadow Authorities, and it was anticipated that, when established, Members of Shadow Authorities would want to have the benefit of and give early consideration to the work carried out to date. Members would be able to discuss and steer this through a range of informal and more formal mechanisms to enable further development over the spring/summer and beyond as part of the Strategic Planning process.

For each Shadow Authority, the draft Blueprint would pull together at a high level, the work carried out on baselining and options appraisal to date, information relating to budget disaggregation/aggregation, provide a baseline statement as to what services, staff and budget each Authority was likely to have on Vesting Day. In a number of service areas, transitional arrangements might be required/recommended pending any preferred option being deliverable. The focus of draft Blueprints would 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 was further described in the updated Implementation Plan attached at Appendix 1 to the report.

Members sought confirmation that the task and finish groups and scrutiny would run independently of each other and queried how this would be resourced. The LGR Programme Manager confirmed that this was the case and added that the Leader and Executive Members would be considering the task and finish groups and that work had begun to assess the resource needs for the task and finish groups and supporting scrutiny.

A question was raised regarding how differences between the programme and Members' ambitions would be resolved and how decisions would be made if the Cumberland and Westmorland and Furness Councils had differing solutions. The LGR Programme Manager responded, that officers had given consideration to how Members would be supported in that process. She noted that many of the decisions would be interdependent, so one authority would be unable to decide on a shared service without the agreement of the other. As with all decisions, officers would look at the best recommendations and reasons for the decision which often had practical options and were provided to assist Members in making decisions. At the base was the need to be safe and legal and have a smooth transition into the new authority. The LGR Programme Manager highlighted that the report hinted at a member liaison group, which would discuss decisions with members once the executive had been established.

Members sought reassurance over the level of their involvement in discussions and refining blue prints between May and July and expressed concern over being presented with a fait accompli. Attention was drawn to the need for dialogue between the new Shadow Authority Members and the Implementation Team throughout the process. The Chief Executive and Senior Responsible Officer (Barrow Borough Council) responded, informing Members that work had begun to put together options to be presented to Members and that once the first Shadow Authority meeting had passed, officers would be working with Members to set up the task and finish groups.

Members felt it important to set out the timescales for Member involvement to ensure their involvement before decisions are made and that Shadow Authority Councillors should be providing guidance on acceptable outcomes to ensure that the new Council is able to arrive at the best possible solutions.

Further discussion raised a query regarding how much information would be available and which members would have access to this. The LGR Programme Manager responded, informing Members that the blue print focus was an iterative process with details currently being discussed with HR and Finance Officers. She added that the timing would, to, some extent depend on the mechanisms and timing for the new authorities but that there would be a principle of openness with Members and reassured members that the plans would evolve as members work through choices around budget service levels.

Members emphasised the importance of the Forward Plan and felt it was crucial for the Cabinet members to have a detailed understanding of their Portfolios and of the associated budgets. The Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) set out the training programme for Shadow Authority Members going forwards and added that beyond 15 June, there would be a clear programme with wide ranging training sessions covering the full range of services which Members would be invited to co-design.

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

W&F/31

INTERIM STATUTORY OFFICER RECRUITMENT

Note – due to potential conflicts of interest, the Chief Executive and Senior Responsible Officer (Barrow Borough Council), Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council) and Finance Lead Specialist (Section 151 Officer)(South Lakeland District Council) left the Chamber for the remainder of the meeting.

Further to Minutes Nos.W&F/13, W&F/15 and W&F/17 (2021/22), the LGR Technical Lead, OD&HR Work Stream reported that following the meeting, the Interim Statutory roles had been advertised, with expressions of interest invited from the agreed field of selection. Three applications had been received for the Head of Paid Service role, two for the Monitoring Officer role and one for the Chief Finance Officer role. Interviews had taken place between the 6 and 8 April.

The Panel had 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; and
- Interim Chief Finance Officer - Helen Smith, South Lakeland District Council.

The Chair of the Westmorland and Furness Joint Committee informed Members that due to the Cumberland Joint Committee considering the same item at the meeting scheduled for 12 May 2022, recommendations 2 and 3 to the report should be disregarded. The remaining recommendation was proposed and seconded and it was

RESOLVED – That the officers named below 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; and
- Interim Chief Finance Officer - Helen Smith, South Lakeland District Council.

W&F/32 ANNOUNCEMENT FROM THE JOINT COMMITTEE

Members expressed their thanks to officers at South Lakeland District Council for their time and hard work in facilitating the Westmorland and Furness Joint Committee meetings.

The meeting ended at 10.59 a.m.