

SHADOW AUTHORITY FOR WESTMORLAND AND FURNESS **COUNCIL**

Minutes of a Meeting of the Shadow Authority for Westmorland and Furness Council held on Tuesday, 7 March 2023 at 10.30 am at Council Chamber, County Hall, Kendal

PRESENT:

Cllr M Severn (Chair)

Cllr G Archibald	Cllr L Hall
Cllr T Assouad	Cllr K Hamilton
Cllr C Atkinson	Cllr M Hanley
Cllr R Audland	Cllr E Hennessy
Cllr L Baker	Cllr H Hodgson
Cllr J Battye	Cllr N Hughes
Cllr S Bavin	Cllr V Hughes
Cllr P Bell	Cllr A Husband
Cllr J Boak	Cllr H Irving
Cllr M Brereton	Cllr A Jama (Vice-Chair)
Cllr D Brook	Cllr A Jarvis
Cllr J Brook	Cllr D Jones
Cllr A Burns	Cllr H Ladhams
Cllr T Callister	Cllr N McCall
Cllr H Carrick	Cllr B McEwan
Cllr F Cassidy	Cllr I Mitchell
Cllr H Chaffey	Cllr B Morgan
Cllr A Coles	Cllr J Murphy
Cllr A Connell	Cllr J Murray
Cllr B Cooper	Cllr S Pender
Cllr J Cornthwaite	Cllr N Phillips
Cllr J Derbyshire	Cllr D Rathbone
Cllr P Dew	Cllr M Robinson
Cllr P Dixon	Cllr M Rudhall
Cllr J Drake	Cllr S Sanderson
Cllr D Edwards	Cllr D Taylor
Cllr P Endsor	Cllr V Taylor
Cllr S Evans	Cllr P Thornton
Cllr M Eyles	Cllr R Worthington
Cllr J Filmore	

Also in Attendance:

Mrs J Currie	Democratic Services
Ms P Duke	Director of Resources (Section 151 Officer)
Ms L Jones	Chief Legal Officer (Monitoring Officer)
Ms S Plum	Chief Executive

Minute's Silence – Cllr Ann Thomson

The Chairman began the meeting with the news of the sad passing of Councillor Ann Thomson. Councillor Thomson was the Leader of the Labour Group on Westmorland and Furness Council and the ward member for Old Barrow and Hindpool. She died suddenly on Tuesday 31 January 2023 following a period of illness.

The Chairman, and the Leader and Deputy Leader of the Labour Group, followed by the leaders of the Liberal Democrat Group, Conservative and Independent/Green Group expressed their condolences to Councillor Thomson's family and spoke about her character, her contribution to the Westmorland and Furness Shadow Council and of their sadness at her death.

76 ROLL CALL AND APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Biggins, Clark, and Shirley.

77 DECLARATIONS OF INTEREST/DISPENSATIONS

There were no declaration of interest made on this occasion.

The Monitoring Officer reminded members that in May 2022 a dispensation was granted to all Councillors so that they could take part in all meetings on the Members' Allowances, and that this would be in place until 31 March 2023.

78 EXCLUSION OF PRESS AND PUBLIC

RESOLVED, that the press and public be not excluded during discussion of any items on the agenda today.

79 MINUTES OF PREVIOUS MEETING

RESOLVED, that the minutes of the previous meeting held on 23 January 2023 be agreed with the following amendments:

Minute 63 Roll Call is duplicated, remove the additional copy.

Minute 73 – Paragraph 2 – Reference to the levelling up bid going through Parliament should say, 'the Levelling-up (and Regeneration) Bill currently going through Parliament'.

80 **PUBLIC PARTICIPATION**

There were no public questions or representations made on this occasion.

81 **ANNOUNCEMENTS**

The Chairman welcomed everyone to this, the first Westmorland and Furness Budget Council meeting.

The Leader reminded member that at the last Council meeting he was asked whether Westmorland and Furness Council was going to sign up to Armed Forces covenant, be an armed forces employer and have any Armed Forces Champions.

As Leader of the Council he agreed to ensure that together with partners, the Council would sign the Armed Forces covenant to show its commitment and passion to support those who sacrificed so much for us on a daily basis.

He confirmed that Westmorland and Furness Council was committed to supporting our serving personnel, veterans, war widows, our Armed Forces families, our reservists and our cadet forces, and that he wanted to embed this approach across the new Council.

In relation to the question about Armed Forces Champion the Leader was proposing that there would be Armed Forces Champions for each locality, and a member of the Senior Management Team, Linda Jones would be the Lead Officer.

Westmorland and Furness Council would introduce a guaranteed interview scheme for our Armed Forces, and would ensure that our armed forces community were not unfairly disadvantaged as part of our recruitment and selection processes.

Westmorland and Furness Council would value the transferrable skills of our veterans and seek to ensure that the transition to civilian life was smooth for those who had served our country.

82 **COUNCIL TAXBASE, PREMIUMS AND DISCOUNTS, DISCRETIONARY RATE RELIEFS AND WAR PENSION DISREGARDS**

The Cabinet Member for Finance presented a report which asked members to note the Council Tax Base for the setting of the Westmorland and Furness Council Tax for 2023/24, and to approve Council Tax premiums and discounts, business rate reliefs and war pension disregards that feed in to the budget report.

The Cabinet Member took members through the report in detail, highlighting 4 specific areas:-

- Council Tax base

As part of the Council Tax setting process each year there is a requirement to calculate, set and approve a Council Taxbase from which Council Tax was set.

For 2023/24 Westmorland and Furness would set Council Tax using a combined taxbase calculated from the three current billing authorities. The taxbase does not require formal approval but was required ahead of the setting of the budget and approval of the Council Tax.

- Council Tax Premiums and Discounts

Whilst a large part of the Council Tax legislation was mandatory such as Single Person Discounts and Disregards and Exemptions, there were a number of areas where Councils may determine, the type and levels of discount or charges to be made.

The schemes currently operated by the sovereign district councils were very similar and alignment was, in the main, straightforward. In the majority of the areas, the proposal would be to make 'no significant change' to the existing provisions adopted.

The impact of premiums on empty properties and potential changes to 2nd homes discounts did however have a greater impact.

Premiums for Empty Homes were introduced by Government in 2013 with a view to encouraging homeowners to occupy homes and not leave them vacant in the long term.

Initially premiums could only be charged at 50% but legislation had now changed to allow a progressive charge:

- 2 years or more, up to 100%
- 5 years or more, up to 200%
- 10 years or more, up to 300%

It was proposed that the premium for an empty property over 5 years is 200% and over 10 years is 200% for 23/24 increasing to 300% in 2024/25.

The Cabinet Member then informed members that Cumbria Care Leavers Council Tax Exemption Policy was agreed in 2018 to support care leavers up to the age of 25 by granting up to 100% discretionary relief from Council Tax. This will be continued.

- Business Rates Reliefs

Non-Domestic Rating had a large number of reliefs divided into mandatory and discretionary.

Mandatory reliefs were set by legislation and the new Westmorland & Furness Council would implement those in full.

Discretionary reliefs are in some cases fully defined and funded by Government through sct 31 grants. In addition it is proposed that discretionary reliefs to top up the mandatory charity relief of 80% is continued and 100% relief for non profit making organisations and 100% rural rate relief continues (as defined in para 3.26 of the report).

- War Pensions Disregard

On the 23 January 2023 Council agreed the 100% voluntary disregard any of incomes prescribed within the Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007 under the provision contained within Section 134(8) and 139(6) of the Social Security Administration Act 1992 for the purposes of determining Council Tax Support entitlement from 1 April 2023.

Cllr Jarvis, as the Cabinet Member for Finance moved the recommendations and these were seconded by Cllr J Brook.

Cllr McEwan spoke to say he welcomed the proposals, especially the offer of discretionary support and he was pleased to hear that the Government had announced plans to stop second home owners claiming discounts for second homes and business rate discounts.

Cllr Carrick pointed out an anomaly in the table on page 23 in relation to figures quoted for the proposed discretionary relief for non profit making organisations whereby 90% relief is available for an RV between 30,000 and 50,001. The table in para 3.26 did not clarify this position sufficiently.

The recommendations were then put to a vote, which was unanimous. It was therefore,

RESOLVED, that the Shadow Authority

- (1) notes the Council Taxbase used for the setting of the Westmorland and Furness Council Tax for 2023/24;
- (2) approves the harmonisation of premiums and discounts as set out at 3.7 and 3.18 of the report;
- (3) approves the discretionary rate reliefs and exclusions set out at 3.26 and 3.27.

- (4) approves the 100% voluntary disregard of any incomes prescribed within the Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007 under the provision contained within Section 134(8) and 139(6) of the Social Security Administration Act 1992 for the purposes of determining Housing Benefit entitlement from 1 April 2023.

83 DRAFT REVENUE BUDGET 2023/24 AND MEDIUM TERM FINANCIAL PLAN 2023-2028 AND DRAFT CAPITAL PROGRAMME 2023-2028

The Cabinet Member for Finance presented a report which set out the spending plans for the Council in its first draft Revenue Budget 2023/24 and Medium Term Financial Plan (2023 -2028) for Westmorland and Furness Council, and included the proposed Capital Programme 2023-2028.

The budget proposals set out the financial considerations and estimates on the different elements of Local Government funding (including the Council Tax requirement for 2023/24), national and local financial pressures and proposed savings as well as plans for the future to invest and transform the Council to achieve its Council Plan priorities.

The Cabinet Member took members through the report including some of the key elements presented.

He informed members that the proposals included protection of frontline services in recognition that there was a need to stabilise, harmonise and integrate services as the Local Government reorganisation process continued.

The Council's financial plans had been prepared at a time of significant global and national uncertainty both economically and fiscally. The war in the Ukraine had contributed to a surge in energy prices, driving high inflation across the world. Impacting on the cost not only of energy but also on goods and services. The Bank of England was increasing interest rates to as part of a wider fiscal policy to manage inflation however this had pushed up the cost of borrowing for families and businesses as well as government. Economic growth had slowed and a recession was still forecast for 2023

The cost of living crisis was continuing and this was affecting all residents in different ways and this was resulting in increased demand for support services including welfare support and advice and guidance, increased uptake of free school meals and increased request for hardship support. Partly this was provided through the Government Household Support grant and partly funded direct by the Council.

The Cabinet Member detailed the considerations for proposed council tax increases and council tax harmonisation, and business rates and grants.

With reference to the Medium Term Financial Plan 2023-28 and revenue spending plans the Cabinet Member felt this presented a broadly reassuring picture. In November Cabinet Members were updated on the estimated Budget Gap position for 2023/24. This reflected the work that had been done to aggregate the District Council major funding streams and expenditure plans and included the disaggregated County Council position. The potential budget gap reported to Cabinet in November was £19m.

Since then further work had been done to finalise the funding and expenditure disaggregation figures. Based on the Q2 forecast outturn position for 22/23 all sovereign councils had identified any material recurring pressures for 23/24 and had also reviewed the planned savings built into their MTFP's to establish if these remained deliverable in the new Unitary Councils.

There were inevitable LGR implementation pressures both permanent and temporary that would be incurred in 2023/24. Some of this was due to the disaggregation of County Council services and the need for duplication of staff across a number of services and another factor was the complexity of the ICT systems resulting in a number of legacy systems needing to be maintained in the short term and the system architecture needing to be developed to enable and facilitate transition to new systems.

Westmorland and Furness Council needed to identify savings of just under £10m for 2024/5 rising to £15m in 2026/7. The Cabinet Member felt these gaps to be relatively small given the size of the authority, and he was confident that these savings could be found as long as work started immediately on transformation of the Council.

However, the Cabinet Member said the short term outlook was more challenging. On top of the impact of inflation and the immediate impact of double running costs from LGR the Council needed to include that significant investment to ensure savings and improvements were delivered in coming years.

Overall the deficit would be circa £26m this year, and Westmorland and Furness Council was required to deliver a balanced budget and this amount was unable to be delivered from reserves.

As a consequence the Council had requested additional support from Government in the form of a Capitalisation Direction. This would give the Council the flexibility to use capital financing to fund revenue costs in exceptional circumstances.

The Cabinet Member informed members that this was similar to an overdraft facility to be used if required, and was an approach adopted by other councils that had been through LGR. He felt this was the right thing to do to give the Council some breathing space to allow time to get the new Council up and running and identify the savings needed in the medium term.

The Cabinet Member for Finance then moved the recommendations.

Cllr J Brook thanked the Cabinet Member for presenting the budget and acknowledged the time and effort that had been taken by both members and officers to produce this historic budget.

The budget clearly set out the foundations which would allow the journey of Westmorland and Furness Council to begin. The intention was that Westmorland and Furness would be a great place to live and work. He seconded the recommendations.

The Chair then opened the meeting up to debate.

Cllr D Brook spoke to say that he recognised what a challenging year this had been for everyone, and he was pleased to see this, the first budget for the new council. He would be supporting the budget as proposed.

Cllr Carrick rose to acknowledge that the delivery of the council's first ever budget was a critical stage in the process for the new Westmorland and Furness Council, and represented a key milestone in the countdown to Vesting day, but also gave an insight into what the future would hold.

She congratulate the officers on the creation of this balanced budget, which skilfully incorporated the operational funding needed to run the council, alongside the additional money required to pay for the extensive transformational changes that would need to take place, to produce the savings promised.

From 1 April, Locality Boards would be established on broadly the historic District council boundaries and would be able to carry out activities delegated to them by the Cabinet or Council. Cllr Carrick said that although it was proposed that a small level of funding would be allocated to these Boards, there was widespread concern that rather than delivering devolution at a very local level, the reform proposals were merely replacing the previously centralised decision making that took place at Carlisle, with centralised decision making from Kendal.

Cllr Carrick commented that she thought there would be opportunities for the new Westmorland and Furness Council to do things differently in future but felt the budget as presented, offered very little clarity about what residents could expect to see this next year other than how much it would cost them. She would not be supporting this budget.

Cllr Dew reminded members that the increase of 4.99% for Council tax was not a Government policy, instruction or requirement. He does not think the increase is justified. He was disappointed that the Council had requested additional support from Government in the form of a Capitalisation Direction with the intention of using £16m to create savings. He had hoped the money received from the Capitalisation

Direction would have been enough to allow Council tax increases to be kept to a minimum instead of 4.99%.

Cllr Callister thanked all the officers that had worked to get the Council to the stage of being able to produce a sustainable budget. What a journey this had been and what a fantastic achievement.

Cllr Brereton also thanked the officers for the draft budget but was disappointed as he felt it was light on detail and showed little of the promises for devolution of decision making. He felt locality boards were being shaped so that there would be no local democracy, and the lack of available funding would mean all members would suffer from a severe reduction in the ability to influence decisions made on highway work in localities. Local knowledge would be crucial to the success of this going forward.

The Cabinet Member for Transport would be supporting the budget and did not agree with Cllr Brereton's view on Locality Boards. He reminded all members that the current budget had been produced on the basis of the Council being safe and legal on Day 1.

Budgets had been planned for Transformation projects which would see changes to the way in which services were provided in future and in due course funding would be passed down to locality boards along with the opportunity to influence local services.

Cllr Drake was disappointed to see that phases 2 and 3 of Ulverston Leisure Centre had not yet been approved for inclusion into the Capital Programme, although she did understand why. The Scheme would provide valuable health benefits to the town and the residents in Ulverston and she hoped to receive more positive news on this in the near future.

Cllr Philips felt there was still uncertainty had the realisation of risks around the budget for the financial 2023/24. His concern was about the balance and utilisation of the reserves. He felt, with such a high level of risk that the high level of reserves should be reduced, and that the Council should not be asking Government for additional Capitalisation Direction when the reserves were so high.

Cllr Cooper also asked this same question.

Cllr Dixon referred to the recommendation on page 29 of the pack and the intention to introduce the 100% council tax premium on second homes. He was encouraged to see this especially given the large number of second homes in the area, which meant that young locals struggled to get on the property ladder.

Cllr Edwards asked for clarification on which areas would have to pay for bin collections. He mentioned specifically Lindal -in-Furness which was spread between two of the current sovereign councils, with different charging policies.

Cllr Burns spoke in support of the budget, recognising what a challenging year this had been for a number of reasons. She felt the recruitment and retention of staff would be an issue going forward and she would also like the Council to consider a further aspiration of 'no child goes hungry' in Westmorland and Furness. Cllr Burns would like the Council to lobby the Government to provide additional funds for free school meals.

Cllr Archibald thanked those members that supported the draft budget. The vision for this Council was ambitious and aspirational and it would endeavour to help communities where possible. The Cabinet was very concerned about areas of poverty and deprivation and the link between this and suicide rates. The number of residents using foodbanks was on the increase and inflation costs were rising. He looked forward to working with all members to try to bring about the changes needed to tackle this.

He then spoke about climate change and biodiversity and the threats to be faced in relation to these. The Council would have the opportunity to accelerate biodiversity enhancement going forward.

Cllr Hamilton mentioned the housing stock in Barrow in Furness and the work that had been done there to ensure rents were reduced for renters during the past year.

Cllr Murray commented that he was delighted to see the values stated in the Council plan were reflected in many of the budget decisions/recommendations.

The Cabinet Member exercised his right of reply and started by saying that the budget figures in front of members were nothing like the figures quoted in the business case for Local Government Reorganisation, but this draft budget had been produced based on real figures. It had been a challenging time for all concerned.

He referred to the comments made about locality boards and the level of decision making, and reassured all members that funding had been made available to all locality boards, and that Cabinet would be looking again at devolving decisions to these in the near future.

With reference to the high level of reserves the Cabinet Member said this would be reviewed during the year, however, he reminded all members that Westmorland and Furness would be a significant council and would need significant reserves.

The Cabinet Member responded to the question asked by Cllr Edwards re: waste collection services in Lindal-in-Furness to say that there were 3 different systems currently in operation for the collection of fees for waste and these would be harmonised over time. Currently there was no best practice and for Day 1 this would not change.

He ended by saying Westmorland and Furness Council recognised that child poverty was real and on the increase and Cabinet would be looking at measures to try to resolve this.

Upon conclusion of the debate and in line with regulations a recorded vote took place.

Name	For	Against	Abstain	Absent
Cllr G Archibald	✓			
Cllr T Assouad	✓			
Cllr C Atkinson		✓		
Cllr R Audland	✓			
Cllr L Baker	✓			
Cllr J Battye	✓			
Cllr S Bavin	✓			
Cllr P Bell	✓			
Cllr T Biggins				✓
Cllr J Boak	✓			
Cllr M Brereton		✓		
Cllr D Brook	✓			
Cllr J Brook	✓			
Cllr A Burns	✓			
Cllr T Callister	✓			
Cllr HF Carrick		✓		
Cllr F Cassidy	✓			
Cllr H Chaffey	✓			
Cllr W Clark				✓
Cllr A Coles	✓			
Cllr A Connell	✓			
Cllr B Cooper		✓		
Cllr J Cornthwaite	✓			
Cllr J Derbyshire	✓			
Cllr P Dew		✓		
Cllr PJ Dixon	✓			
Cllr J Drake	✓			
Cllr D Edwards		✓		
Cllr P Endsor	✓			
Cllr S Evans	✓			
Cllr M Eyles	✓			
Cllr J Filmore	✓			
Cllr L Hall		✓		
Cllr KR Hamilton	✓			
Cllr M Hanley	✓			
Cllr EM Hennessy	✓			
Cllr HM Hodgson	✓			
Cllr N Hughes	✓			
Cllr V Hughes	✓			
Cllr A Husband	✓			

Cllr H Irving		✓		
Cllr A Jama	✓			
Cllr A Jarvis	✓			
Cllr D Jones	✓			
Cllr H Ladhams	✓			
Cllr N McCall	✓			
Cllr W McEwan	✓			
Cllr I Mitchell	✓			
Cllr B Morgan	✓			
Cllr J Murphy	✓			
Cllr J Murray	✓			
Cllr S Pender	✓			
Cllr N Phillips		✓		
Cllr D Rathbone	✓			
Cllr M Robinson	✓			
Cllr M Rudhall	✓			
Cllr S Sanderson	✓			
Cllr M Severn	✓			
Cllr B Shirley				✓
Cllr G Simpkins	✓			
Cllr D Taylor		✓		
Cllr V Taylor	✓			
Cllr P Thornton	✓			
Cllr R Worthington		✓		
TOTAL	50	11	0	3

RESOLVED, that the Shadow Authority

- (1) notes the responses to the budget consultation;
- (2) notes the Director of Resources/(Section 151 officer) Section 25 Report as at Section 5 including her review of the robustness of the estimates and the adequacy of the reserves;
- (3) agrees to a 2.99% increase in general council tax and an additional 2% increase for the Adult Social Care precept for 23/24 resulting in an overall increase of 4.99%;
- (4) agrees to Harmonise Council Tax levels for Westmorland and Furness in the first year, as contained in paragraphs 3.28 to 3.33 of the report;
- (5) agrees to the intention to introduce a 100% Council tax premium on second homes from 1 April 2024, *subject to the Levelling Up Bill achieving royal assent*;
- (6) agrees subject to the approval of 2.2 and 2.3 to a Council Tax requirement of £152.700m which results in a Band D Council Tax of £1,740.89 for Westmorland and Furness Council, noting

the two separate reports to Shadow Authority on Calculating and setting the 2023/24 Council Tax Base;

- (7) agrees to a Net Revenue Budget Requirement of £268.478m:
 - a) a five-year Medium Term Financial Plan 2023/24 - 2027/28 (see Appendix A).
 - b) The schools budget for 2023/24 of £155.5m including £71.1m for academies and free schools and other providers
 - c) The use of reserves and levels of forecast reserves contained in the MTFP (See Appendix A)
 - d) The Fees and Charges Policy for 2023/24 (see Appendix C)
 - e) The Senior Leadership Pay Policy Statement for 2023/24 (see Appendix F)
 - f) Housing Revenue Account - balanced budget including the use of £0.770m earmarked reserves and a 3.5% increase on dwelling and garage rents.
 - g) Treasury Management Strategy for 2023/24 (Appendix D)
 - h) Capital Programme for 2023/24 of £104.164m (set within a five-year programme 2023-2028 of £252.786m.
 - i) Equality Impact Assessment (EIA) for Council Tax changes, Fees and charges increases and the Housing Revenue Account rent increases. (See Appendix G)
- (8) agrees that the slippage or accelerated spend position on the District Council and disaggregated County Council 2022/23 capital programmes at 31 March 2023 is included within the 2023/24 Westmorland and Furness capital programme and reviewed as part of Q1 budget monitoring;
- (9) delegates to the Director of Resources (Section 151 officer) in consultation with the Finance portfolio holder and Asset portfolio holder to approve the capital strategy for 2023/24. This will be then reported back to Council at the earliest opportunity;
- (10) delegates to the Director of Resources (Section 151 officer) in consultation with the Finance portfolio holder to finalise the fees and charges schedule (2023/24) in accordance with the approved Fees and Charges policy;
- (11) delegates to the Director of Resources (Section 151 officer) the full range of powers including taking all decisions, implementing decisions and acting as the authorised signatory for the Council to ensure the safe transfer of the Cumbria Pension Fund assets from Cumbria County Council to Westmorland and Furness on the 1 April 2023.

The meeting then broke at 12.30 and reconvened at 12.45pm.

Cllrs Audland and Mitchell left the meeting at this point.

84 CALCULATING AND SETTING THE COUNCIL TAX 2023/24

The Cabinet Member for Finance introduced a report which sought approval to enable the Council to calculate and set the Council tax for 2023/24 as required by the Local Government Finance Act 1992 (as amended).

If the recommendation was approved then Council tax bills would be issued to each household in Westmorland and Furness during March 2023 in accordance with the amounts set, subject to any reductions for discounts, exemptions or reliefs.

The resolution set out in this report was based on the assumption that the Council Tax taxbase and budget set out in reports elsewhere on this agenda were approved with no amendment.

Cllr Jarvis moved the recommendation and this was seconded by Cllr J Brook.

The Chair then opened the meeting to debate.

Cllr Dew mentioned that in paragraph 5.1 of the report it stated that there was no alternative option to setting the Council Tax. However, the Council does have discretion over how much the increase to residents would be. He was not convinced the 4.99% was necessary and he would not be supporting the recommendation.

Cllr Thornton asked for clarification on the consequences of not setting the Council tax especially given the fact that the draft budget had now been set.

The Director of Resources (Section 151 Offices) responded to say that the Council does not have the ability to stop collecting council tax on behalf of the Town and Parish Councils and also the Cumbria Commissioner Fire and Rescue Authority and the Police and Crime Commissioner for Cumbria.

Upon conclusion of the debate and in line with regulations a recorded vote took place.

Name	For	Abstain	Against	Absent
Cllr G Archibald	✓			
Cllr T Assouad	✓			
Cllr C Atkinson		✓		
Cllr R Audland				✓
Cllr L Baker	✓			
Cllr J Battye	✓			
Cllr S Bavin	✓			

Cllr P Bell	✓			
Cllr T Biggins				✓
Cllr J Boak	✓			
Cllr M Brereton		✓		
Cllr D Brook	✓			
Cllr J Brook	✓			
Cllr A Burns	✓			
Cllr T Callister	✓			
Cllr HF Carrick		✓		
Cllr F Cassidy	✓			
Cllr H Chaffey	✓			
Cllr W Clark				✓
Cllr A Coles	✓			
Cllr A Connell	✓			
Cllr B Cooper		✓		
Cllr J Cornthwaite	✓			
Cllr J Derbyshire	✓			
Cllr P Dew		✓		
Cllr PJ Dixon	✓			
Cllr J Drake	✓			
Cllr D Edwards		✓		
Cllr P Endsor	✓			
Cllr S Evans	✓			
Cllr M Eyles	✓			
Cllr J Filmore	✓			
Cllr L Hall		✓		
Cllr KR Hamilton	✓			
Cllr M Hanley	✓			
Cllr EM Hennessy	✓			
Cllr HM Hodgson	✓			
Cllr N Hughes	✓			
Cllr V Hughes	✓			
Cllr A Husband	✓			
Cllr H Irving		✓		
Cllr A Jama	✓			
Cllr A Jarvis	✓			
Cllr D Jones	✓			
Cllr H Ladhams	✓			
Cllr N McCall	✓			
Cllr W McEwan	✓			
Cllr I Mitchell				✓
Cllr B Morgan	✓			
Cllr J Murphy	✓			
Cllr J Murray	✓			
Cllr S Pender	✓			
Cllr N Phillips		✓		
Cllr D Rathbone	✓			

Cllr M Robinson	✓			
Cllr M Rudhall	✓			
Cllr S Sanderson	✓			
Cllr M Severn	✓			
Cllr B Shirley				✓
Cllr G Simpkins	✓			
Cllr D Taylor		✓		
Cllr V Taylor	✓			
Cllr P Thornton	✓			
Cllr R Worthington		✓		
TOTAL	48	11	0	5

RESOLVED, that the Shadow Authority approves the Council tax resolution at Appendix 1.

85 **UPDATE ON THE WESTMORLAND AND FURNESS CONSTITUTION**

The Chief Legal and Monitoring Officer reminded members that at the meeting of the Shadow Authority on the 23 January 2023 members agreed to note and refer matters raised by political groups on the Constitution to the cross party Constitution Review Working Group (CRWG) for further review and to report back to Council. This report set out their recommendations on those matters referred to them and dealt with updates to the Constitution in respect of Local Choice Functions and the Statutory and Proper Officer Scheme.

The Working Group met on the 15 February 2023 and had made a number of recommendations including outstanding matters relating to the allocation of Local Choice Functions and the designation of roles within the Statutory and Proper Officer Scheme.

The Chief Legal and Monitoring Officer took members through the detail relating to Local Choice Functions, and the meeting of the working group held on 15 February. The working group was now making a recommendation for approval

Members of the CRWG had also reviewed the provisional allocation made by officers for the Statutory Officer and Proper Officer appointments and Appendix 2 to the report was now recommend for approval. However, members noted this would be kept under review by the working group, and that since the review of the Appendix the role of Caldicott Guardian had been added for completeness.

The CRWG had been asked to consider a proposal on further development of the element of the constitution in relation to the allocation of Chair and Vice-Chair roles, particularly the Scrutiny ones and others that attracted SRAs. This was on the basis of the current arrangements used by Cumbria County Council.

The view of the CRWG was that, in view of the specific requirements in the Westmorland and Furness Constitution which does safeguard the position of opposition political parties, it was not considered necessary to introduce a weighting scheme at this point. However, it is suggested that the position should be kept under review.

The CRWG had been asked to consider a challenge from members about the element of the constitution that awarded power to the Cabinet to oversee the Revenue and Capital Budgets for Housing, plus the Tenants Forum Budget. The suggestion from some members was that powers over all Revenue and Capital Budget setting should be reserved to Council and not Cabinet.

This was reviewed by the CRWG with advice provided by the Council's external solicitors. The Working Group requested a briefing on the HRA account for members which would be made available shortly.

The CRWG considered a suggestion that minutes of the Cabinet should be included on the agenda for all Council meetings and the working group agreed this should be adopted.

The Chief Legal and Monitoring Officer drew members' attention to the suggestion that a Member Development Steering Group be established to deal with member development issues including induction, IT support, and ongoing briefings and development opportunities for all elected members. This group would have no formal decision making powers.

Cllr Connell moved the recommendations, which were seconded by Cllr J Brook.

Cllr Dew asked the Chief Legal and Monitoring Officer a couple of points of clarification.

Firstly, whether members would be able to ask questions about the Cabinet minutes on the day or if they would need to be submitted in advance of the Council meeting, and secondly whether there would be any possibility of amending the constitution in future if needed.

The Chief Legal and Monitoring Officer said the Overview and Scrutiny Committee had asked if it would be possible to keep the Constitution under review, and she informed members this would be effected.

The Chief Legal and Monitoring Officer agreed to provide a written response to the question about Cabinet minutes.

The recommendations were then put to a vote, which was unanimous. It was,

RESOLVED, that the Shadow Authority:

- (1) approves the list of Local Choice Functions at Appendix 1 to the Report;

- (2) approves the list of Statutory Officers and Proper Officers at Appendix 2 to the Report;
- (3) agrees not to implement a politically proportionate points system for the appointment of Chairs and Vice Chairs of Scrutiny, in view of the specific requirement to appoint an opposition group member as Chair or Vice Chair of standing Overview and Scrutiny Committees, but to agree to keep the matter under review;
- (4) agrees to amend the current wording in the Constitution in relation to the appointment of Chairs and Vice Chairs of Overview & Scrutiny Committees to;

The Chairs and Vice Chairs will be appointed by Council annually. Whenever practicable, the Chair of the Corporate Overview and Scrutiny Committee and either the Chair or Vice Chair of other Scrutiny Committees shall be from a political group other than those members forming the Cabinet or shall be an independent Member.

- (5) notes the position in relation to the HRA account;
- (6) agrees the recommendations in relation to other matters raised in respect of the Constitution as set out at paragraph 8.2 and 8.3 of this report;
- (7) agrees to establish an informal Member Development Steering Group on a cross party basis to deal with Member Development and Training issues.

86 URGENT ITEMS

There were no items of urgent business.

The meeting ended at 1.10 pm