

**Westmorland and Furness Shadow Authority Meeting**  
**17 May 2022**  
**Proposed Shadow Authority Constitution**  
**(Addendum Report)**

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**Report from:** Linda Fisher, Technical Lead, Legal and Democratic Workstream and Monitoring Officer (South Lakeland District Council)

**Report Author:** Debbie Storr, Monitoring Officer (Barrow Borough Council)

**Wards:** All

**Key Decision:** N

## **1.0 Purpose/Summary of report**

1.1 This report is an addendum to the report on the Council agenda with regards to adoption of the Constitution and provides a revised set of recommendations for Members to consider.

## **2.0 Recommendation**

**2.1 It is recommended that the Shadow Authority for Westmorland and Furness:**

- (1) approve that the seats on Overview and Scrutiny Committee be established as 14, rather than 12 as shown in the original report;**
- (2) agree that each group may appoint substitutes to the other committees and that the Chairs/Vice-Chairs of committees be confirmed by full Council and note that a future report on the agenda makes provision for this;**
- (3) agree the additional amendments to the Constitution with regards to Dispensations and the responsibilities of the Monitoring Officer as set out in paragraph 3.5 of the report.**
- (4) agree the additional amendments to the Constitution with regards to the Employment Procedure Rules Officer as set out in paragraph 3.6 of the report.**

- (5) with the additions proposed at (1), (2), (3) and (4) above approve and adopt the proposed Constitution and therefore, amongst other things, create a Leader and Cabinet Executive within the meaning of Part 1A of the Local Government Act 2000;
- (6) should Members have any amendments to the Constitution which they resolve should be made or considered further, that they instruct their Officers to report back to the next meeting of the Shadow Authority, accordingly; and
- (7) Establish a cross-party Constitution Review Group of 7 Members as set out in paragraph 3.7 of the report to contribute towards the review of the Shadow Authority constitution and the preparation of the required post vesting day Westmorland and Furness Council Constitution.

### 3.0 Background and Proposals

**3.1** This report is an addendum to the report issued with the agenda and provides some additional recommendations as shown at (1) and (2) which reflects changes proposed following discussions with the political groups following the elections held on 5 May 2022.

**3.2** Consequently it is proposed that the size of Overview and Scrutiny Committee be increased from 12 Members to 14 Members and to allow for substitute members. If this is agreed then **Article 6 (3.1)** will be revised to show Overview and Scrutiny as comprising fourteen members and **Article 8** be revised to show the table of other committees as follows:

Committee	Shadow Members
Shadow Overview and Scrutiny Committee	Fourteen
Senior Appointments Committee	Seven
Standards Committee	Seven

And for an additional paragraph 1.5 as follows.

Substitute members may sit on the other committees subject to the substitutes being confirmed by the shadow authority and where

substitutes attend for those to be confirmed to the Monitoring Officer in advance of the meeting.

### **3.3 Part 3 - Responsibility for Functions of the Shadow Authority**

3.4 To avoid delays in establishing Chairs of Committee it is proposed that the Shadow Authority appoint the Chairs and Vice-Chairs of Committees at the first meeting. It is therefore proposed to amend 4.1( c)(iii) outlining the functions of the Shadow Authority with regards to appointments as shown in bold as follows:

(iii) Chair and Vice-Chair of Committees (except the Executive Committee), Sub-Committees and Special Committees, Panels and Working Groups I the relevant Committee, Sub-Committee, Special Committee, Panel or working group fails to elect a chair of vice-chair **and where the shadow authority has not confirmed those appointments at its first meeting.**

Likewise under the heading **Chair of Meeting and Appointment of Chairs of Committee** 6.2 of the Shadow Authority Procedural Rules an amendment will be made to reflect this amendment to read

**6.2 Unless appointed by the Shadow Authority,** every committee, sub-committee, panel or working group shall at its first meeting before proceeding to any other business elect a chair and may at any time elect a vice-chair.

### **3.5 Dispensations**

To reflect that dispensations for members may be required during this shadow year an additional amendment is proposed with regards to responsibility of the Standards Committee to include an additional 8.3 as follows

8.3 "to determine any request for a dispensation under s.33 of the Localism Act 2011 – with delegation to the MO as set out in the constitution

And for the Monitoring Officer responsibilities to include:

"the power to grant dispensations under s.33 of the Localism Act 2011 up to a maximum of 4 years in the following circumstances:

- (1) that they consider that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body

transacting the business as to impede the transition of the business;

- (2) that, without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business
- (3) that, without a dispensation, no member of the Executive would be able to participate on this matter.
- (4) that the authority considers that the dispensation is in the interests of persons living in the authority's area;
- (5) that the authority considers that it is otherwise appropriate to grant a dispensation.

### 3.6 **Part F – OFFICER EMPLOYMENT PROCEDURE RULES, page 202.**

6. Appointment of Monitoring Officer and section 151 Officer

Replace:

6.2 Where, following the above procedure, there are no objections to the proposed appointment or any objections are not upheld, the Committee will make a formal offer of appointment.

With:

6.2 Where, following the above procedure, there are no objections to the proposed appointment or any objections are not upheld, the Committee will recommend that person for appointment at the next meeting of the Shadow Authority or at a specially convened meeting of the Shadow Authority. If the Shadow Authority approve the recommendation, then a formal offer of appointment can be made.

### 3.7 **Constitution Working Group**

The Joint Committee recommended a cross party working group to contribute to the review of the Constitution post vesting day. It is proposed that this be 7 Members based on political balance of 4 Liberal Democrats, 2 Labour, 1 Conservative and 1 Independent/Green Member.

3.8 Subject to the above amendments the constitution is as circulated with the agenda.

## **4.0 Consultation**

- 4.1 The draft Constitution has been consulted upon with all of the various workstreams working on local government reorganisation, including the Chief Executives' Programme Board. The Constitution was reported to the Westmorland and Furness Joint Committee which recommended the document to the Shadow Authority for consideration at its inaugural meeting.
- 4.2 The amendments the subject of this addendum have been discussed with the elected Group Leaders.

## **5.0 Alternative Options**

- 5.1 The Shadow Authority must adopt a Constitution at its first meeting and, as catered for in the recommendations, amendments may be made easily and in due course.

## **6.0 Implications and risks**

- 6.1 The implications and risks are as set out in the main cover report.

### **Contact Officers**

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