

SHADOW AUTHORITY FOR WESTMORLAND AND FURNESS COUNCIL

Minutes of a Meeting of the Shadow Authority for Westmorland and Furness Council held on Friday, 22 July 2022 at 2.30 pm at County Hall, Kendal Cumbria

PRESENT:

Cllr A Jama (Vice-Chair, in the Chair)

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|--------------------|--------------------|
| Cllr T Assouad | Cllr K Hamilton |
| Cllr C Atkinson | Cllr M Hanley |
| Cllr L Baker | Cllr E Hennessy |
| Cllr J Batty | Cllr H Hodgson |
| Cllr S Bavin | Cllr A Husband |
| Cllr P Bell | Cllr H Irving |
| Cllr T Biggins | Cllr A Jarvis |
| Cllr J Boak | Cllr D Jones |
| Cllr M Brereton | Cllr N McCall |
| Cllr D Brook | Cllr B McEwan |
| Cllr J Brook | Cllr I Mitchell |
| Cllr A Burns | Cllr B Morgan |
| Cllr T Callister | Cllr J Murphy |
| Cllr H Carrick | Cllr J Murray |
| Cllr F Cassidy | Cllr S Pender |
| Cllr H Chaffey | Cllr N Phillips |
| Cllr W Clark | Cllr D Rathbone |
| Cllr A Coles | Cllr M Robinson |
| Cllr A Connell | Cllr M Rudhall |
| Cllr B Cooper | Cllr S Sanderson |
| Cllr J Cornthwaite | Cllr B Shirley |
| Cllr J Derbyshire | Cllr G Simpkins |
| Cllr P Dew | Cllr D Taylor |
| Cllr J Drake | Cllr V Taylor |
| Cllr D Edwards | Cllr A Thomson |
| Cllr P Endsor | Cllr P Thornton |
| Cllr S Evans | Cllr R Worthington |
| Cllr J Filmore | |
| Cllr L Hall | |

Officers in Attendance:

| | |
|--------------|---|
| Mrs J Currie | Democratic Services |
| Ms L Fisher | Interim Monitoring Officer |
| Ms S Plum | Interim Chief Executive |
| Ms L Robb | Senior Manager – Workforce & Organisational Development |
| Ms H Smith | Interim Section 151 Officer |

At the start of the meeting the Chair informed members that he had agreed to take an item of urgent business today on the Recruitment of an Interim Monitoring Officer.

Although this item had not been in the public domain for 5 clear days before the meeting there was an urgent need to appoint an interim monitoring officer, as the current interim Monitoring Officer would be leaving the Council before the next scheduled meeting. The Structural Changes Order required this as a matter of law. This was AGREED and would be dealt with under Urgent Items.

18 ROLL CALL AND APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Archibald, Audland, Dixon, Eyles, N Hughes, V Hughes, Ladhams, and Severn.

19 DECLARATIONS OF INTEREST/DISPENSATIONS

There were no disclosures of interest made at this meeting.

20 EXCLUSION OF PRESS AND PUBLIC

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

21 MINUTES OF PREVIOUS MEETING

RESOLVED, that the minutes of the previous meeting held on 10 June 2002 be agreed with the following amendments:-

Minute No 7 – Proposed Shadow Constitution, in the 5th paragraph, at the end of the first sentence change the word Barrow to Furness.

Minute No 9 – Election of Leader, in the paragraph after the resolution change the word 'my' to 'his' so it now read 'do his utmost'.

Minute No 13 – Calendar of Meetings 2022-23 in the 1st paragraph add the letter s after 'meeting' so it now read 'Calendar of Meetings'.

Minute No 16 – Members Allowances and Appointment of Independent Remuneration Panel in the last sentence of the 4th paragraph, change the words 'backdated to the beginning of the year' to read 'backdated to 9 May 2022'.

Members also asked that in future Council minutes the specific name of the members asking questions or making comments be included. This was **AGREED**.

22 PUBLIC PARTICIPATION

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

23 CHIEF OFFICERS PAY POLICY

Ms S Plum left the meeting at this point.

The Leader of the Council presented a report which informed members that the Structural Changes Order required that each Shadow Authority must appoint a person to become the Westmorland and Furness Council's Head of Paid Service, on and after 31 December 2022. To enable this appointment to be made in line with this requirement, the report detailed proposals and recommendations on the Pay Policy for this role only.

Members noted that the Pay Policy Statement would be amended and come back to the full Shadow Authority at a later date, containing details for all Senior Leadership posts.

The Leader said that following a review of benchmarking data and advice received from the external recruitment partner and the LGA, the Senior Appointments Committee agreed an indicative salary in the region of £170,000 for the role of Chief Executive, and that a maximum of £8,000 be offered towards relocation costs.

The post of Chief Executive was the first role to be created for the new Unitary Council and would be used as a template for other senior roles in the new authority. The design principles for the new council reflected its significant ambition and of valuing the workforce as its greatest asset. The proposed reward principles to support this were the pay arrangements for the Chief Executive and subsequently other senior leaders.

The scale and scope of this and other senior roles would be significant, and in order to attract and retain high-quality senior leaders it was recommended that the new Council set its salaries by reference to sector benchmarking information along with current market forces.

Cllr Shirley had concerns about the level of salary being offered for this post, which appeared to be up to £30,000 more than the median data sets used by the Local Government Association (LGA). He wondered whether the council should have had a more flexible pay scale.

The Leader responded to say that the median data Cllr Shirley referred to was from 2018, and there were now a number of different data sets available.

In relation to the spot salary the Senior Manager – Workforce & Organisational Development at Cumbria County Council, said the rationale was a more modern approach to salaries, and the council wished to be known as a modern employer. She added that there were a number of

different ways of interpreting the data and the salary data from unitary councils was the most comparable set used to determine this salary.

Cllr Coles said he felt the salary had been set correctly and he would not want Westmorland and Furness Council to pitch the Chief Executive's salary lower than other unitary councils.

The recommendation was then proposed and seconded and put to a vote. With 45 voting for, 10 against and 1 abstention, it was

RESOLVED, that the Shadow Authority adopts the Pay Policy Statement as it relates to the Statutory Post of Chief Executive (Head of Paid Service).

24 **APPOINTMENT OF CHIEF EXECUTIVE (HEAD OF PAID SERVICE)**

The Vice Chair of the Senior Appointments Committee presented a report which informed members that at its meeting of 13 June the Senior Appointments Committee agreed the process and timeline for the recruitment of the substantive Chief Executive for Westmorland and Furness Council. This report provided details on the process to appoint to this role.

Following a competitive selection process, Gatenby Sanderson were appointed to work with Westmorland and Furness Shadow Council members on the Chief Executive recruitment and selection process.

The process involved longlisting and shortlisting of all the potential candidates, followed by final interviews held on 18 July 2022.

Following the final assessment and stakeholder involvement stage of the process for all shortlisted candidates on 18 July 2022 the **RECOMMENDATION** to full Council from the Senior Appointments Committee was that Samantha Plum be appointed to the post of Chief Executive of Westmorland and Furness Council.

Members asked a number of questions about the process for the interviews and the calibre of candidates that applied. All of the questions were answered and members of the cross party Senior Appointments Committee reassured all members that the process had been robust and rigorous. Cllr Filmore was disappointed to note that there were no representatives from the Anti-Racist Cumbria organisation on the interview panel. She understood the organisation had approached the council and volunteered to take part.

The Vice Chair of the Senior Appointments Committee apologised for the omission but said although Anti-Racist Cumbria were not part of the panel she was a committee member for Cumbria Race Equity Network (CREN) and she hoped this reassured Cllr Filmore.

The Cabinet Member for Customer and Environmental Services informed Council that she had spoken to Anti-Racist Cumbria recently and this would be the subject of member conversations before vesting day.

The recommendation was then put to a vote. With 46 for, 0 against and 10 abstentions, it was

RESOLVED, that the Shadow Authority

- (1) agrees that Samantha Plum be confirmed as the Chief Executive for Westmorland and Furness Council from 31 December 2022.
- (2) agrees the recommended spot salary and terms and conditions, as proposed by the Senior Appointments Committee, for the nominated candidate for this role.

Ms Plum returned to the meeting at this point.

25 STRATEGIC FINANCIAL PLANNING

The Cabinet Member for Finance presented a report which set out the proposed financial disaggregation and aggregation process from a funding, revenue cost and balance sheet perspective to give initial potential funding envelopes for the Unitary Councils and Cumbria Fire and Rescue Service.

The report provided clarity on the decisions required by each Unitary Council and Cumbria Fire and Rescue Service to deliver the strategic planning process to enable the development of their 2023/24 revenue and capital budgets and Medium Term Financial Plans, along with the timeline for the strategic planning approach required to support the establishment of two financial sustainable Unitary authorities and a financially sustainable Cumbria Fire and Rescue service (CFRS).

The Cabinet Member acknowledged that the members may have been expecting that at this stage in the planning cycle to be looking at a draft budget, but there were a significant number of issues that needed to be resolved before that could be done. In particular, there needed to be clarity on the shape of service delivery from 1st April 2023.

The Cabinet Member felt that the approval of the service baseline blueprints would provide greater clarity on this, but there was still a great deal of work to be done on splitting and aggregating services. This in turn would have significant consequences in terms of budgets, as well as the asset portfolios of the new councils and the shape of their balance sheets.

The Cabinet Member then took members through the very detailed report, highlighting the following:

- Financial Planning Process
- Process and Principles
- Council Tax
- Business Rates
- Balance Sheet Disaggregation
- Shared and Hosted Services

Cllr Hanley left the meeting at this point.

The Cabinet Members asked Council to note that at the meeting this morning, Cabinet agreed to note the proposed disaggregation principles and delegated to the Cabinet Member for Finance, in consultation with officers, the approval of the disaggregation principles, allowing these to be adopted as quickly as possible, without the need for a further Cabinet meeting.

As a result of this, the Cabinet Member for Finance proposed an amendment to recommendation 2, as follows:

'That the Shadow Council notes Shadow Cabinet decisions regarding the proposed disaggregation principles for allocation of the Funding for all three organisations as set out in the report.' This was agreed.

He then moved the recommendations which were proposed and seconded.

Cllr Phillips said there was not enough time to produce a zero based budget so the new authority was going to be left with the deficits of the sovereign councils. He asked whether the residents of Westmorland and Furness Council should expect council tax to rise in order to pay for the deficit.

The Cabinet Member responded to say that although the current predictions for deficit was £32m across all seven Cumbrian councils this may not be the case by February, and the level of council tax to be set would be dependent on the proposals from Government.

Cllr Carrick asked what the implications would be of the audited statement of accounts being used to influence budget planning, when these had to be prepared by the statutory deadline of 31 December 2022.

She also asked about the mechanism to be applied for the indicative baseline budget, and the reference in the final bullet point in 3.39 to checks and challenges. Who would be carrying out the checks and challenges and whether this would be prior to consultation.

The Cabinet Member said every year the council's budgets were impacted by balance sheets, and the final outcome would not be known before the end of the year. Budget setting was an iterative process and would be an ongoing to ensure that both new unitary councils began with sustainable budgets.

Cllr Callister asked a question about the future of the Cumbria Fire and Rescue Service (CFRS). The Cabinet Member for Finance responded to say

he was not the Cabinet Member responsible for the CFRS, so he suggested the relevant Cabinet Member provided a written response.

Cllr Shirley asked whether the Cabinet Member could rule out the possibility of increases in council tax next year.

The Cabinet Member reiterated that the level of council tax to be levied would be dependent on the levels set by the Government, so he was unable to rule out increases.

Cllr Dew said it would be difficult to balance the need to produce a baseline budget against the need to aggregate and disaggregate services, and this had to be achieved by October. He wondered whether this would be achievable whilst also having to produce a Council Plan.

The Cabinet Member responded to say that unfortunately the timetable had been set by Government, not by the Council, but in October a proposed budget would be presented for consultation. However, further down the line there may be a need to revisit the proposals. Transformation plans would not be a 'Day 1' requirement but would be prepared further down the line.

Cllr Pender was concerned to see the comments in the report from HR and equality. The reports stated that there were no direct implications for either of these, which was obviously not the case.

The Interim Monitoring Officer reassured all members that all of the reports before members had been assessed by legal, finance, HR and equality before they were published. She also said she felt it was too soon to know the direct implications for HR.

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

RESOLVED, that Shadow Council

- (1) Note the progress to date;
- (2) Notes Shadow Cabinet decisions regarding the proposed disaggregation principles for allocation of the Funding for all three organisations as set out in the report; and
- (3) Note the next steps in preparing budgets for 2023/24.

26 **AMENDMENT OF THE MEMBER CODE OF CONDUCT**

This item was taken before item 6 at the meeting.

The Shadow Council considered a report from the Leader of the Council which proposed amendments to the agreed Member Code of Conduct to address the matter of declaration of interests for members who served on more than one local authority.

The report clarified that participation in discussion and decision making at one local authority would not by itself normally prevent members from taking part in discussion and decision making on the same matter at another local authority. This would remove the need for members to receive dispensations for being a member of another authority.

The Leader moved the recommendations which were proposed and seconded and put to a vote, which was unanimous.

RESOLVED, that Shadow Council

- (1) agrees the amendments to the Member Code of Conduct outlined in 3.5; and
- (2) notes that the Interim Monitoring Officer will make the necessary changes to the Westmorland and Furness Constitution and Member Code of Conduct.

27 **SUBSTITUTES**

RESOLVED, that Shadow Council notes the following substitutes for the Shadow Authority committees:

| Committee | Reserve Member | Party |
|-------------------------------|-----------------------|--------------|
| Overview & Scrutiny Committee | Colin Atkinson | Conservative |
| | Helen Irving | Conservative |
| | Judy Filmore | Ind/Green |
| | Theresa Assouad | Labour |
| | Frank Cassidy | Labour |
| | Andy Coles | Labour |
| | Doug Rathbone | Lib Dem |
| | John Murray | Lib Dem |
| | | |
| Senior Appointments Committee | Matt Brereton | Conservative |
| | Anne Burns | Labour |
| | Anita Husband | Labour |
| | Patricia Bell | Lib Dem |
| | Andrew Jarvis | Lib Dem |
| | | |
| Standards Committee | Colin Atkinson | Conservative |
| | Matt Brereton | Conservative |
| | Trevor Higgins | Labour |
| | Matt Severn | Lib Dem |
| | | |

28 **URGENT ITEMS - APPOINTMENT OF INTERIM STATUTORY
MONITORING OFFICER**

Members considered a report from Leader of the Council and Chair of the Senior Appointment Committee, which informed them that the current Interim Statutory Monitoring Officer, was moving to another role and her last formal working day would be 9 September. The Leader said there was therefore a requirement for the Shadow Authority to designate a new interim Monitoring Officer for Westmorland and Furness Shadow Authority.

At its meeting on 18 July, the Senior Appointments Committee agreed the process to recruit an external interim officer to undertake the role of Interim Monitoring Officer. This process concluded on 21 July.

Given the existing workloads and pressures, and the fact that the recruitment process for the permanent Monitoring Officer was imminent, the Senior Appointments Committee agreed that an external interim officer be recruited to one of the sovereign councils in the Westmorland and Furness area or the County Council for 3 days a week, until a substantive appointment was made to the role of Monitoring Officer, which would be from 31 December 2022. This would give additional capacity into the programme at a time of high demand, without disrupting existing capability.

It had been agreed that Barrow Borough Council would be the recruitment authority for these purposes, and had undertaken the process. Members were asked to confirm the appointment of Caroline Elwood to this role.

Cllr Carrick commented that the report was received by members very late and she hoped in future this practice would be avoided.

The Leader of the Council responded to say that although he accepted the report was late it was unavoidable.

Upon conclusion of the discussions the recommendations were proposed and seconded and put to a vote, which was unanimous.

RESOLVED, that the Shadow Authority

- (1) Notes the recruitment process undertaken on the 21 July;
- (2) Confirms to the Interim Head of Paid Service that they agree the designation of Caroline Elwood as Interim Monitoring Officer with effect from 1 August 2022.
- (3) Notes the use of the implementation reserve to fund this post.

The meeting ended at 4.10 pm