



AGENDA

Cumberland Joint Committee

Wednesday, 30 March 2022 AT 10:00
In the Cathedral Room, Civic Centre, Carlisle, CA3 8QG

APPOINTMENT OF CHAIR

To appoint a Chair of the Cumberland Joint Committee.

APPOINTMENT OF VICE CHAIR

To appoint a Vice Chair of the Cumberland Joint Committee.

DECLARATIONS OF INTEREST

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, in accordance with their Council's Code of Conduct and the Localism Act 2011, relating to any items on the agenda at this stage.

PUBLIC AND PRESS

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

PART A

To be considered when the Public and Press are present

- A.1 JOINT COMMITTEE TERMS OF REFERENCE AND PROCEDURAL RULES** 5 - 12
- To endorse the Joint Committee's Procedural Rules which incorporate the Terms of Reference as agreed by sovereign Councils for the Cumberland Joint Committee.
- A.2 FUTURE MEETINGS AND WORK PROGRAMME** 13 - 18
- To note the two scheduled dates for the meetings of the Joint Committee on 14 April and 12 May 2022 and approve the Work Programme.
- A.3 FORMATION OF THE IMPLEMENTATION TEAM** 19 - 52
- To agree the arrangements for the formation of the Implementation Team as required by Article 26 of the Cumbria (Structural Changes) Order 2022.
- A.4 IMPLEMENTATION PLAN AND PROGRAMME GOVERNANCE** 53 - 86
- To adopt an Implementation Plan and note the Programme Governance and associated funding.
- A.5 MEMBERS' ALLOWANCES - UPDATE AND PROGRESS** 87 - 90
- To consider the process for an independent review of a scheme of Members' Allowances for the Shadow Authority for Cumberland, including the setting up of an Independent Remuneration Panel.
- A.6 POTENTIAL SHADOW MEETINGS DATES 2022-23 FOR THE SHADOW AUTHORITY FOR CUMBERLAND** 91 - 96
- To consider a draft Calendar of Meetings for the Shadow Authority for adoption at its inaugural meeting.
- A.7 INTERIM STATUTORY OFFICER RECRUITMENT** 97 - 112
- To consider 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 for the Shadow Authority.

PART B

To be considered when the Public and Press are excluded from the meeting

- NIL -

Members of the Cumberland Joint Committee:

Councillor M Johnson, Allerdale Borough Council
Councillor A Smith, Allerdale Borough Council
Councillor N Cockburn, Allerdale Borough Council
Councillor J Mallinson, Carlisle City Council
Councillor G Ellis, Carlisle City Council
Councillor L Brown, Carlisle City Council
Councillor D Moore, Copeland Borough Council
Councillor M Hawkins, Copeland Borough Council
Councillor L Jones-Bulman, Copeland Borough Council
Councillor S Young, Cumbria County Council
Councillor K Little, Cumbria County Council
Councillor C Tibble, Cumbria County Council

Enquiries, requests for reports, background papers etc to:
committeeservices@carlisle.gov.uk

CUMBERLAND JOINT COMMITTEE

Meeting date: 30 March 2022

Item
A.1

Report of: Linda Fisher –Technical Lead Legal and Democratic Work Stream
and Monitoring Officer (South Lakeland District Council)

Subject: Joint Committee Terms of Reference and Procedural Rules

1.0 SUMMARY:

- 1.1 This report attaches the Procedural Rules incorporating the agreed Terms of Reference in relation to the operation of the Cumberland Joint Committee.
- 1.2 The purpose of these is to ensure that there are clear rules around the operation and conduct of the Joint Committee so that Members are able to consider and determine matters in an effective way.
- 1.3 The key elements included in the documents reflect those proposed for the Westmorland and Furness Joint Committee.

2.0 RECOMMENDATION:

- 2.1 **That Members endorse the Procedural Rules which incorporate the Terms of Reference as agreed by sovereign Councils for the Cumberland Joint Committee.**

3.0 BACKGROUND, INTRODUCTION AND CONSIDERATIONS:

- 3.1 Members are aware that local government in Cumbria is being reorganised into two Unitary Councils.
- 3.2 The Cumbria (Structural Changes) Order 2022 came into force on 18 March 2022. This requires the establishment of two Joint Committee one for the Cumberland area and one for the Westmorland and Furness area.
- 3.3 Terms of Reference for the Joint Committees have been agreed by the sovereign Councils, based on the content of the Structural Changes Order, and are incorporated into the attached Procedural Rules which have been prepared by the Cumbrian Monitoring Officers.

4.0 OPTIONS, INCLUDING ALTERNATIVES (IF ANY)

- 4.1 Members are asked to note the Terms of Reference and endorse the Procedure Rules.
- 4.2 The Terms of Reference have already been agreed by the sovereign Councils and, as such, Members of the Joint Committee are only required to note the same.

5.0 IMPLICATIONS:

5.1 Financial and Procurement:

There are no direct financial implications in noting the procedures and terms of reference.

5.2 Staffing:

The Committee will be resourced through arrangements between the Cumberland Council district resources.

5.3 Legal:

The Joint Committee is the joint committee for the purposes of The Cumbria (Structural Changes) Order 2022 with terms of reference as agreed through the respective councils.

5.4 Information Governance:

There are no direct information governance implications in noting the procedures and terms of reference.

6.0 HEALTH AND SUSTAINABILITY IMPACT:

6.1 There are no direct health and sustainability implications associated with this report.

7.0 EQUALITY AND DIVERSITY IMPACT:

7.1 There are no direct equality and diversity implications associated with this report.

8.0 RISKS:

8.1 The risk of not approving the Procedure Rules is that the business which needs to be transacted by the Joint Committee is not carried out in time for the first meeting of the Shadow Authority for Cumberland Council.

9.0 CONCLUSION:

9.1 Members of the Cumberland Joint Committee are recommended to endorse the Procedural Rules which incorporate the Terms of Reference as agreed by sovereign councils.

**Report Authors - Debbie Storr – Head of Legal and Governance - Monitoring Officer (Barrow Borough Council)
Clare Liddle – Head of Legal and Democratic Services - Deputy Monitoring Officer (Carlisle City Council)**

APPENDICES

Appendix 1 - Procedural Rules including Terms of Reference for Cumberland Joint Committee

CUMBERLAND JOINT COMMITTEE – PROCEDURE RULES

1.0 Purpose

- 1.1 The purpose of the Joint Committee ('JC') is to bring together local authority partners in a robust, formally constituted arrangement for the purposes of duties in accordance with The Cumbria (Structural Changes) Order 2022 ("the 2022 Order").

2.0 Governance

- 2.1 The JC will be a Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000 and under the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012, and also for the purposes of The Cumbria (Structural Changes) Order 2022.
- 2.2 The JC will comprise of twelve persons in accordance with the 2022 Order. Any reference to 'executive', 'executive arrangements', 'executive function' or 'committee system' has the meaning given by Part 1A of the Local Government Act 2000.
- 2.3 The JC may establish sub-committees or advisory groups, to undertake elements of its work, if required.
- 2.4 Each constituent authority operating executive arrangements will be responsible for considering whether it is necessary [in order to comply with Access to Information legislation regarding the publication of agendas including Forward Plan requirements] to treat prospective decisions as 'key decisions' and/ or have them included in their Forward Plan.

3.0 Remit

- 3.1 The terms of reference of JC are:

Cumberland Joint Committee – Terms of Reference

1. The formation of an Implementation Team to assist the Joint Committee and if required the Shadow Authority in the discharge of its functions.
2. To prepare, keep under review, receive updates on progress and revise as necessary the Implementation Plan.
 - i. This to include such plans and timetables as are in the opinion of the Joint Committee necessary to secure the effective, efficient and timely discharge of such of its functions, property, rights and liabilities as relate to Westmorland and Furness and its inhabitants.
 - ii. To agree budgets and plans as are considered necessary or desirable to facilitate the economic, effective, efficient and timely discharge on and after the 1 April 2023 of the functions of the Westmorland and Furness Councils.
3. Preparing for and facilitating the economic, effective, efficient and timely transfer to the new Councils of functions, property, rights and liabilities.

4. To consider and recommend a Members Code of Conduct to be adopted by the Shadow Authority at its inaugural Full Council meeting.
5. To agree the process for an independent review of a scheme of Members Allowances for the Shadow Authority, including the setting up of an Independent Remuneration Panel and to recommend to the Shadow Authority a scheme of Members Allowances for adoption at its inaugural meeting.
6. To consider and recommend a Constitution and schemes of delegation to be adopted by the Shadow Authority at its inaugural full Council meeting.
7. To agree and undertake 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 for the Shadow Authority and recommend to the Shadow Authority at its inaugural meeting nominations for the three interim statutory Officers
8. To establish and propose a Calendar of Meetings for the Shadow Council for adoption at its inaugural meeting
9. To Manage the transition to the Shadow Authority under the Structural Changes Order.
10. To oversee the smooth transition of all matters Civic and Ceremonial
11. The Joint Committee must have regard to:
 - (a) The information supplied to the Secretary of State
 - (b) Sections 27 and 28 of the Localism Act 2011 in formulating proposals for the codes of conduct to be adopted by the Shadow Authorities.

4.0 Membership

- 4.1 Membership is as set out in the 2022 Order and consists of three persons nominated by the county council, each of whom is for the time being a member of that council for an electoral division whose area is within the Cumberland/Westmorland and Furness districts; and nine persons nominated by the Cumberland/Westmorland and Furness Councils (with each Cumberland/Westmorland and Furness council nominating three persons), each of whom is for the time being a member of the nominating council. ("Principal Members")
- 4.2 In the event of any principal member of the JC ceasing to be a member of the constituent authority which appointed them, the relevant constituent authority shall as soon as reasonably practicable appoint another principal member in their place.
- 4.3 Each constituent authority may remove its principal members and appoint different members as per that authority's rules and by providing twenty-four hours' notice to the Secretary.

5.0 Quorum

- 5.1 The quorum shall be four which shall not include any requirement that each of the principal authorities be represented. No business will be transacted at a meeting unless a quorum exists at the beginning of a meeting. If at the beginning of any meeting, the Chair or Secretary after counting the members present declares that a quorum is not present, the meeting shall stand adjourned.

6.0 Chair and Vice Chair

- 6.1 The chair of the JC will be appointed at the first meeting of the Joint Committee from amongst its members. The Chair or in their absence the Vice Chair (if one is appointed) shall preside at any meeting of the JC.
- 6.2 Where, at any meeting or part of a meeting of the JC both the Chair and Vice Chair (if appointed) are either absent or unable to act as Chair or Vice Chair, the JC shall elect one of the principal members of the JC present at the meeting to preside for the meeting or part of the meeting, as appropriate.

7.0 Voting

- 7.1 The JC's decision making will operate on the basis of mutual co-operation and consent. Where a formal vote is required it shall be one vote each made by the principal members for each constituent authority.
- 7.2 All questions shall be decided by a majority of the votes of the members present, the member presiding over the meeting having the casting vote in addition to their vote as a member of the Committee. Voting at meetings shall be by show of hands or by an electronic system of voting where available.
- 7.3 Where immediately after a vote is taken at a meeting, if any member so requests, there shall be recorded in the minutes of the proceedings of that meeting whether each person cast their vote for or against the matter or whether they abstained from voting.

8.0 Hosting, Administration and Lead Authority

- 8.1 The JC will be hosted by Carlisle City Council, with the host authority's Monitoring Officer being the Secretary to the Board ('the Secretary' which shall act as legal adviser to the JC (the position may be taken by a representative on their behalf). The Host Authority will also identify representatives to provide relevant financial, governance and legal advice to the JC. The historic official records of the JC will pass to each host authority. The administrative costs of supporting the JC will be met equally by the constituent authorities, with each authority being responsible for receiving and paying any travel or subsistence claims from its own members, or co-opted members representing that area.
- 8.2 For the avoidance of doubt, the Monitoring Officer of the host authority shall be 'Proper Officer' for the purposes of publishing the agendas, background papers and recording decisions and shall also perform the following functions as Secretary to the JC:-
- (a) to maintain a record of membership of the JC and any sub-committees or advisory groups appointed;
 - (b) to summon meetings of the JC or any sub-committees or advisory groups;

- (c) to prepare and send out the agenda for meetings of the JC or any subcommittees or advisory groups; in consultation with the Chairman and the Vice Chairman of the Board (or sub-committee/ advisory group);
- (d) to keep a record of the proceedings of the JC or any sub-committees or advisory groups, including those in attendance, declarations of interests and to publish the minutes;
- (e) to take such administrative action as may be necessary to give effect to decisions of the JC or any sub-committees or advisory groups, and;
- (f) to perform such other functions as may be determined by the JC from time to time.

9.0 Meetings

- 9.1 The JC will meet as required, with an outline schedule being agreed at its first meeting.
- 9.2 Meetings will be held at such times, dates and places as may be notified to the members of the JC by the Secretary, being such time, place and location as the JC shall from time to time resolve. Meeting papers will be circulated five clear working days in advance of any meeting.
- 9.3 The Secretary shall settle the agenda for any meeting of the JC after consulting, where practicable, the Chair or in their absence the Vice Chair (if one is appointed); and shall incorporate in the agenda any items of business and any reports submitted by:
- (a) the Chief Executive of any of the constituent authorities;
 - (b) the officers responsible for legal, governance, finance and economic development at any of the constituent authorities;
 - (c) any Member of the JC.
- 9.4 The JC shall, unless the person presiding at the meeting or the JC determines otherwise in respect of that meeting, conduct its business in accordance with these procedure rules.

10.0 Access to Information

- 10.1 Meetings of the JC will be held in public except where confidential or exempt information, as defined in the Local Government Act 1972, is being discussed. Only members of the JC and relevant advising officers from the constituent authorities and any person referred to in paragraph 11.2 below, will be permitted to be present for such items.
- 10.2 These rules do not affect any more specific rights to information contained elsewhere under the law.
- 10.3 The Secretary will ensure that the relevant legislation relating to access to information is complied with. Each constituent authority is to co-operate with the Secretary in fulfilling any requirements.
- 10.4 Any Freedom of Information Act requests received by the JC should be directed to the relevant constituent authority for that authority to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by two or more constituent authorities, they will liaise with each other before replying to the request.

11.0 Attendance at meetings

- 11.1 The Chair may invite any person, whether a member or officer of one of the constituent authorities or a third party, to attend the meeting and speak on any matter before the JC.
- 11.2 Where agenda items require independent experts or speakers, the officer or authority proposing the agenda item should indicate this to the Secretary and provide the Secretary with details of who is required to attend and in what capacity. The participation of independent experts or speakers in JC meetings will be subject to the discretion of the Chair.

12.0 Order of Business

- 12.1 Subject to paragraph 12.2, the order of business at each meeting of the JC will be:
- i. Apologies for absence
 - ii. Declarations of interests
 - iii. Approve as a correct record and sign the minutes of the last meeting
 - iv. Matters set out in the agenda for the meeting which will clearly indicate which are key decisions and which are not and which items are subject to 'call in'.
 - v. Matters on the agenda for the meeting which, in the opinion of the Secretary are likely to be considered in the absence of the press and public.
- 12.2 The person presiding at the meeting may vary the order of business at the meeting.

13.0 Codes of Conduct and Disclosable Pecuniary Interests

- 13.1 Principal members of the JC are governed by the provisions of their own Council's Codes and Protocols including the code of conduct for members and the rules on Disclosable Pecuniary Interests.

14.0 Minutes

- 14.1 There will be no discussion or motion made in respect of the minutes, except as to their accuracy. If no such question is raised or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.

15.0 Role of the Chair

- 15.1 A Member wishing to speak shall address the Chair and direct their comments to the question being discussed. The Chair shall decide the order in which to take representations from members wishing to speak and shall decide all questions of order. Their ruling upon all such questions or upon matters arising in debate shall be final and shall not be open to discussion.
- 15.2 The Chair shall have the discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting, including excluding members of the press and public in the event of a disturbance.

16.0 Motions / Amendments

- 16.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.

When a motion is under debate no other motion shall be moved except the following:

- i. To amend the motion
- ii. To adjourn the meeting
- iii. To adjourn the debate or consideration of the item.
- iv. To proceed to the next business
- v. That the question now be put
- vi. That a member be not further heard or do leave the meeting
- vii. To exclude the press and public under Section 100A of the Local Government Act 1972.

17.0 Application to Sub-Committees

17.1 These procedure rules shall apply to meetings of any sub-committees of the JC.

18.0 Dissolution of the JC

18.1 The JC will be dissolved on the day following that on which the Shadow Authority for Cumberland/Westmorland and Furness Council hosts its first meeting

19.0 Amendment of these Procedure Rules.

19.1 These Procedure Rules can only be amended by unanimous resolution of the JC, following the consideration of advice from the Monitoring Officers of each of the constituent authorities.

CUMBERLAND JOINT COMMITTEE

Item
A.2

Meeting date: 30 March 2022

Report of: Linda Fisher – Monitoring Officer and Technical Lead Legal and Democratic Work Stream

Subject: Future Meetings and Work Programme

1.0 SUMMARY:

- 1.1** This report sets out the proposed meeting dates and venues for the newly formed Cumberland Joint Committee. The Committee will meet approximately three times commencing in March 2022.
- 1.2** Meetings will be held in the Cathedral Room, Civic Centre, Carlisle, CA3 8QG, unless the Joint Committee wishes to rotate the venue.
- 1.3** The report further details the Committee's membership and key roles. The Committee will comprise twelve elected members; this will include three County Council seats and nine District Council seats.
- 1.4** The Committee has Procedure Rules including 'Terms of Reference' which set out the purpose, term, membership and voting, meeting arrangements and functions of the Committee. These are the subject of a separate report on this agenda.
- 1.5** The Committee has a 'Work Programme' of proposed business which is published on all relevant Councils' websites. Committee members are invited to review the Programme.

2.0 RECOMMENDATION:

2.1 That the Cumberland Joint Committee:-

- (1) agrees the Joint Committee meeting dates as set out in section 3.5 of this report; and**
- (2) approves the Work-Programme attached at Appendix 1 to the report.**

3.0 BACKGROUND, INTRODUCTION AND CONSIDERATIONS:

- 3.1** The Secretary of State (SoS) has made a decision to implement the proposal for two unitary councils on an East-West geography. The Cumbria (Structural Changes) Order 2022 creates two new Unitary Councils, Cumberland and Westmorland and Furness.
- 3.2** The Structural Change Order (SCO) will establish the implementation arrangements for the remainder of the transition period up until the unitary council is established on 1 April 2023.

3.3 This Joint Committee will create a collaborative democratic mechanism, which will establish a governance framework allowing the Constituent Councils (the County Council and three District Councils) to make effective and timely decisions in relation to the preparation for the establishment of the Cumberland Shadow Authority and the Cumberland Council. This will ensure that progress is made in the management of the implementation programme and that related decisions of the four councils are collaborative, open, transparent, and democratically accountable.

3.4 Cumberland Joint Committee Membership

3.4.1 The Committee membership is as follows:-

Cllr Mike Johnson, Leader – Allerdale Borough Council
Cllr Nicky Cockburn – Allerdale Borough Council;
Cllr Alan Smith – Allerdale Borough Council;
Cllr John Mallinson, Leader – Carlisle City Council
Cllr Gareth Ellis, Deputy Leader – Carlisle City Council;
Cllr Lisa Brown – Carlisle City Council
Cllr David Moore – Copeland Borough Council;
Cllr Mike Hawkins – Copeland Borough Council;
Cllr Linda Jones-Bulman – Copeland Borough Council;
Cllr Stewart Young, Leader – Cumbria County Council
Cllr Ceilia Tibble, Cabinet Member – Cumbria County Council; and
Cllr Keith Little, Cabinet Member – Cumbria County Council.

3.5 Meeting Dates for 2022

3.5.1 The Cumberland Joint Committee is requested to approve the following Committee meeting dates for 2022:-

10.00 a.m., 14 April 2022
10.00 a.m., 12 May 2022

4.0 OPTIONS, INCLUDING ALTERNATIVES (IF ANY)

4.1 None

5.0 IMPLICATIONS:

5.1 Financial and Procurement:

5.1.1 There are no direct financial and procurement implications associated with this report.

5.2 Staffing:

5.2.1 There are no direct staffing implications associated with this report.

5.3 Legal:

5.3.1 All four Councils were required to establish a Joint Committee no later than 14 days after the coming into force of the Cumbria (Structural Changes) Order 2022 (Article 23). This is for the purpose of discharging, until the first meeting of the Shadow Authority for Cumberland, the functions which are listed within the Terms of Reference of the Joint Committee. These are the functions listed in Articles 22, 24, 25 and 26 of the Order.

5.3.2 Further, within 21 days of the Structural Changes Order coming into force the Cumberland Joint Committee must form a single team of officers (“the Implementation Team”) for the purpose of assisting (a) the relevant Joint Committee in the discharge of functions and the Shadow Authority should it require. The Work Programme outlines the proposed dates for matters outlined within the Cumbria (Structural Changes) Order 2022 to come before the Joint Committee.

5.4 Information Governance:

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

6.0 HEALTH AND SUSTAINABILITY IMPACT:

6.0.1 There are no direct health and sustainability implications associated with this report.

6.1 EQUALITY AND DIVERSITY IMPACT:

6.1.1 There are no direct equality and diversity implications associated with this report.

7.0 RISKS:

7.1 There is a legal obligation to establish the Joint Committee and for the Joint Committee to consider reports within the agreed Terms of Reference to comply with the Cumbria (Structural Changes) Order 2022.

7.2 In the event that the Joint Committee does not agree the meeting dates and the Work Programme, all four Councils would find themselves in contravention of the legal requirements of the Order.

7.3 By receiving and approving this report the risks will be mitigated and compliance with the legal requirements of the Cumbria (Structural Changes) Order 2022 will be met.

8.0 CONCLUSION:

8.1 The report requests that the Cumberland Joint Committee agree the Work Programme and the future meeting dates for the Joint Committee meetings. This will ensure that all Councils meet the requirements of the Cumbria (Structural Changes) Order 2022.

Report Author - Linda Fisher – Monitoring Officer and Technical Lead Legal and Democratic Work stream (South Lakeland District Council)

APPENDICES

Appendix 1 – Cumberland Joint Committee Work Programme

<u>Report Title</u>	<u>30 March 2022</u>	<u>14 April 2022</u>	<u>12 May 2022</u>
Terms of Reference and Procedural Rules	X		
Future Meetings and Work Programme	X		
Formation of the Implementation Team	X		
Implementation Plan and Programme Governance	X		
Members' Code of Conduct		X	
Members' Allowances	X		X
Constitution and Schemes of Delegation		X	
Calendar of Meetings	X		
Civic and Ceremonial		X	
Interim Statutory Officer Recruitment	X		X

CUMBERLAND JOINT COMMITTEE

Item
A.3

Meeting date: 30 March 2022

Report of: Kim Rennie - Programme Director

Subject: Formation of the Implementation Team

1.0 SUMMARY:

1.1 This report informs Members about the Implementation Team. Other reports on the agenda will provide information regarding 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 a smooth transition to the new unitary Councils for Cumberland and Westmorland and Furness on Vesting Day, 1 April 2023.

1.2 This report provides the details of “the Implementation Team”, a single team of officers as required by the requirements of Article 26 of the Cumbria (Structural Changes) Order 2022.

2.0 RECOMMENDATIONS:

2.1 That the Cumberland Joint Committee agree the arrangements for the formation of a single team of officers (“the Implementation Team”) as required by Article 26 of the Cumbria (Structural Changes) Order 2022 (SCO), as set out at paragraphs 3.6-3.8 of this report.

3.0 BACKGROUND, INTRODUCTION AND CONSIDERATIONS:

3.1 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 gives effect to that decision and came into force on 18 March 2022. The draft Cumbria (Structural Changes) Order 2022 is attached at Appendix 1.

3.2 Articles 23 and 26 of the Order refer to the establishment of two Joint Committees, and the formation of a single team of officers (“the Implementation Team”) for the purposes of assisting:

- (i) the relevant Joint Committee in the discharge of its functions; and
- (ii) if, after the dissolution of the relevant Joint Committee, the relevant Shadow Authority so requires, that Shadow Authority.

3.3 The members of the Implementation Team are to be officers of the sovereign Councils, with the members of that team appointing a leader of that team, and the deputy leaders of the Implementation Team being an officer of one of the Cumberland Councils and an officer of one of the Westmorland and Furness Councils. There is a duty placed on sovereign Councils within the Order to co-operate in the formation of the

Implementation Team, and to release the officers concerned from their normal duties to assist in the work as reasonably required by Joint Committees or Shadow Authorities, as well as a general duty to consult and co-operate with one another and the Shadow Authorities, (Article 26 (5)).

- 3.4** Since the announcement in July, and prior to this Joint Committee being stood up, preparations have commenced to enable the smooth operation of the two new Councils from Vesting Day. Key in this regard have been:
- The development of an overall programme structure, and associated leadership and governance model together with agreed ways of working, subsequently reviewed as part of a reset of arrangements in February.
 - Identification of Senior Responsible Officer(s) (SROs) with accountability for programme delivery, and establishment of a Chief Executive level Board to oversee and direct the work being done.
 - The establishment of thematic and cross cutting officer working groups to provide service and technical expertise and deliver projects to support the process.
 - The creation of a Data-Hub, to provide a coordinated approach to data collection, analysis and provision.
 - Use of internal resources has been supplemented by external consultants to add capacity and expertise, and act as advisors and critical friends to the programme. Most recently this has involved the appointment of a Strategic Partner, KPMG, to work with the Programme through to Vesting Day and the initial period beyond.
 - The development of a range of processes and timelines including an overall Programme Timeline to inform the work being done. This includes the development of a set of design principles to underpin the creation of the new Councils, a stepped process to understand each of the sovereign Council's services and functions as is, to generate future options for delivery, evaluate these and develop draft blueprints for Shadow Authority consideration and development.
 - The shared appointment by the seven sovereign Councils of a Programme Director, to provide leadership to the programme and support the SRO(s) in their roles.
 - The provision of officer time to support the work being done, and work to establish a Programme Management Team incorporating a Programme Management Office to coordinate the delivery of the programme.
 - The agreement amongst Councils to fund the costs associated with the programme via a contribution from each Council, with a Memorandum of Understanding governing the operation of this fund.
 - Work to develop detailed action plans (on-going) to establish the Joint Committees and Shadow Authorities from May, and to identify the requirements for the two new Councils to be safe and legal on Day 1.
 - The development and delivery of communications plans for staff, Members and key partners/stakeholders.
- 3.5** Diagrams illustrating the officer programme structure and governance that has been established to deliver the LGR Programme are set out at Appendix 2. Work to move to the two new Councils has been organised in to six thematic areas: People; Place; Corporate/Enabling Services; ICT; Customer and Digital and Finance. Each theme is overseen by a Board chaired by a

Chief Executive/Senior Officer of one of the sovereign Councils and supported by a series of Workstream/Technical leads who co-ordinate working groups involving subject matter experts from each of the Councils.

3.6 The design and delivery of the LGR Programme is overseen by a Chief Executive/senior officer Board (the LGR Programme Board), chaired by the Senior Responsible Officer(s). LGR Programme Board membership includes all Chief Executives of the sovereign authorities, the Chairs of the thematic groups (where these are not Chief Executives); the Programme Finance Lead (and Section 151 Officer); and the Programme Director. In due course once Interim Heads of Paid Service have been appointed by the Shadow Authorities, it is intended they would also join the Board. In summary, the membership of the LGR Programme Board is currently:

- John Readman, Acting Chief Executive, Cumbria County Council (SRO and Chair of the People Board)
- John Metcalfe, Chief Executive, Cumbria County Council (starting April)
- Sam Plum, Chief Executive, Barrow Borough Council (SRO- Westmorland and Furness Councils)
- Andrew Seeking, Chief Executive, Allerdale Borough Council (SRO- Cumberland Councils)
- Pat Graham, Chief Executive, Copeland Borough Council (Chair of the Place Theme Board)
- Lawrence Conway, Chief Executive, South Lakeland District Council (Chair of the Corporate/Enabling Services Theme Board)
- Jason Gooding, Chief Executive, Carlisle City Council (Chair of the ICT Theme Board)
- Dawn Roberts, Executive Director – Corporate, Customer and Community Services, Cumbria County Council (Chair of the Customer and Digital Theme Board)
- Ian Frost, Interim Chief Executive, Eden District Council (Chair of the Finance Theme Board)
- Pam Duke, Director of Finance (Section 151 Officer), Cumbria County Council (Programme Finance Lead)
- Kim Rennie, Programme Director

3.7 In terms of meeting the requirements of the SCO, the LGR Programme Board, described at 3.6 above will be “the Implementation Team”. They will be supported in this role by the Programme Management Team and Programme Management Office that has been established, together with the officers of all seven sovereign Councils involved in the arrangements described above and supplemented by the capacity available via the Strategic Partner arrangement where appropriate.

3.8 In terms of the SRO arrangements, the programme has operated a three - way joint SRO approach since December 2021 which has served the programme well. For continuity in the next phase of the programme, this arrangement is to be extended, and the SCO leadership requirements, (for a team leader and two deputies, one from the Cumberland Councils and one from the Westmorland and Furness Councils), will be discharged by the three SROs continuing to work together. This arrangement would operate

until such time as it is reviewed; following the appointment of the two Interim Heads of Paid Service, and the Chief Executive of the County Council would also be in post. It would be appropriate to reflect the roles of Interim Head of Paid Service (and subsequently the Heads of Paid Service) in the leadership of the Implementation Team, and it is the intention to bring a report to the first meeting of the Shadow Authorities in this regard.

4.0 OPTIONS, INCLUDING ALTERNATIVES (IF ANY)

4.1 The proposals in this report respond to a statutory instrument, and whilst there is a choice about how to define “the Implementation Team”, the proposed approach is considered the most fitting to local circumstances.

5.0 IMPLICATIONS:

5.1 Financial and Procurement:

5.1.1 A single LGR implementation Reserve of £18.920m has been established through contributions from all District Councils (£1.577m each) and the County Council (£9.460m) and it is being hosted by the County Council.

5.1.2 The purpose of the Reserve is to fund capacity within the LGR Programme to ensure the two new unitary authorities can provide safe and legal services from 1 April 2023, and to develop the future structure of the two new authorities’ services. This will include funding the cost of existing council staff across all partners who are seconded into the programme, recruitment of additional external capacity and the procurement of consultant or specialist support.

5.1.3 Where staff within the Implementation Team/support arrangements are formally seconded or transferred to the programme their costs will be funded from the LGR Implementation Reserve. This includes any staff recruited directly into the Implementation Team/support arrangements. Where formal secondment or transfer is not in place then sovereign Councils will continue to fund the staff costs of individuals in the Implementation Team/support arrangements as part of the duty to co-operate.

5.2 Staffing:

5.2.1 There are no direct implications associated with this report.

5.3 Legal:

5.3.1 Article 26 of The Cumbria (Structural Changes) Order 2022. The Joint Committee is required not later than 21 days after the coming into force of The Cumbria (Structural Changes) Order 2022 to form a single Implementation Team. This is to assist the Joint Committee in the discharge of its functions set out in Articles 22, 24, 25 and 26. The Implementation Team may continue to assist the Shadow Authority if it so requires.

5.3.2 The requirements of the Order are as follows:

- The members of the Implementation Team must comprise officers from the County Council, the Cumberland councils and the Westmorland and Furness councils.
- The Implementation Team must appoint a member of that Team to be the Leader of that Team.
- The Deputy Leaders of the Implementation Team are to be an officer of one of the Cumberland Councils and the Cumberland Councils.

5.3.3 All Councils must co-operate in the formation of the Implementation Team, and release the officers concerned from their normal duties at such times or for such periods as the relevant Joint Committee or the relevant shadow authority may reasonably require.

5.4 Information governance:

5.4.1 There are no direct implications associated with this report.

6.0 HEALTH AND SUSTAINABILITY IMPACT:

6.1 There are no direct health and sustainability implications associated with this report.

6.2 EQUALITY AND DIVERSITY IMPACT:

6.3 There are no direct equality and diversity implications associated with this report.

7.0 RISKS:

7.1 There is a legal obligation to form a single team of officers, “the Implementation Team” as described at 5.3 above. Not forming a single team within 21 days of the SCO coming into force would contravene the legal requirements of the Order. Approval of the recommendations of the report will enable legal requirements to be met, in mitigation of this risk.

8.0 CONCLUSION:

8.1 This report details the requirements of The Cumbria (Structural Changes) Order 2022 and makes proposals to meet the requirements in relation to the Implementation Team.

Kim Rennie, Programme Director

APPENDICES

Appendix 1 - The Cumbria (Structural Changes) Order

Appendix 2 - Programme Structure and Governance

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

STATUTORY INSTRUMENTS

2022 No. 331

LOCAL GOVERNMENT, ENGLAND

The Cumbria (Structural Changes) Order 2022

Made - - - - *17th March 2022*

Coming into force - - *18th March 2022*

The Secretary of State for Levelling Up, Housing and Communities makes this Order in exercise of the powers conferred by sections 7, 11, 12, 13 and 15(2) of the Local Government and Public Involvement in Health Act 2007(1) (“the 2007 Act”).

This Order implements a proposal, submitted to the Secretary of State in response to an invitation under section 2 of the 2007 Act, that there should be a single tier of local government for Cumbria.

In accordance with section 7(3) of that Act, the Secretary of State has consulted every authority affected by the proposal, except the authority which made it, and such other persons as the Secretary of State considers appropriate.

The proposal was made by Allerdale Borough Council and Copeland Borough Council.

A draft of this Order was laid before and approved by a resolution of each House of Parliament in accordance with section 240(6) of the 2007 Act.

PART 1

GENERAL

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Cumbria (Structural Changes) Order 2022 and comes into force on the day after the day on which the Order is made.

(2) This Order extends to England and Wales and applies in England only.

Interpretation

2. In this Order—

“the 1972 Act” means the Local Government Act 1972(2);

(1) 2007 c. 28.

(2) 1972 c.70.

“the 1989 Act” means the Local Government and Housing Act 1989⁽³⁾;

“the 2000 Act” means the Local Government Act 2000⁽⁴⁾;

“the 2007 Act” means the Local Government and Public Involvement in Health Act 2007;

“the 2011 Act” means the Localism Act 2011⁽⁵⁾;

“2022 election” means an election required by article 21(1)(a) to be held in 2022;

“the 2022 election day” means the ordinary day of election of councillors in 2022⁽⁶⁾;

“the article 22 functions” means the functions referred to in article 22;

“the county council” means the council of the county of Cumbria;

“Cumberland Council” means the district council to be established by article 3(2);

“the Cumberland councils” means Allerdale Borough Council, Carlisle City Council and Copeland Borough Council;

“the Cumberland districts” means the districts of Allerdale, Carlisle and Copeland;

“the Cumberland Joint Committee” is the committee to be established by article 23(1)(a);

“the Implementation Team” means the team required to be formed under article 26(1);

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983⁽⁷⁾;

“the proper officer”, in relation to any purpose and any council, means the officer appointed for that purpose by that council;

“shadow authority” means an authority (not being a local authority) which will become a local authority on 1st April 2023;

“shadow executive” has the meaning given in article 7(1);

“the shadow period” means the period beginning with the fourth day after the 2022 election day and ending immediately before 1st April 2023;

“Westmorland and Furness Council” means the district council to be established by article 4(2);

“the Westmorland and Furness councils” means Barrow-in-Furness Borough Council, Eden District Council and South Lakeland District Council;

“the Westmorland and Furness districts” means the districts of Barrow-in-Furness, Eden and South Lakeland;

“the Westmorland and Furness Joint Committee” is the committee to be established by article 23(1)(b).

PART 2

ESTABLISHMENT OF SINGLE TIER OF LOCAL GOVERNMENT IN CUMBRIA

Single tier of local government in Cumberland

3.—(1) A new non-metropolitan county and a new non-metropolitan district, each to be known as Cumberland, are constituted comprising (in each case) the area of the Cumberland districts.

(3) 1989 c. 42.

(4) 2000 c. 22. Parts 2 and 3 of that Act were amended by Part 3 of the Local Government and Public Involvement in Health Act 2007 (c. 28). Part 1A and Schedule A1 were inserted by Schedule 2 to the Localism Act 2011 (c.20).

(5) 2011 c. 20.

(6) See section 37 of the Representation of the People Act 1983 (c.2).

(7) 1983 c. 2.

(2) A new district council, to be known as Cumberland Council, is established as the sole principal authority for the non-metropolitan district of Cumberland.

(3) Except for the purposes of Part 4 of this Order (electoral matters), until 1st April 2023—

(a) Cumberland Council, is not a local authority for the purposes of the 1972 Act or for any other enactment relating to local government; and

(b) subsection (2) of section 2 of the 1972 Act (constitution of principal councils in England) has effect in relation to that council, as if the words from “and the council” to the end of that subsection were omitted.

(4) In relation to the county of Cumberland, section 2(1) of the 1972 Act (which provides that every county shall have a council) does not apply.

(5) On 1st April 2023—

(a) the Cumberland districts are abolished as local government areas; and

(b) the Cumberland councils are wound up and dissolved.

Single tier of local government in Westmorland and Furness

4.—(1) A new non-metropolitan county and a new non-metropolitan district, each to be known as Westmorland and Furness, are constituted comprising (in each case) the area of the Westmorland and Furness districts.

(2) A new district council, to be known as Westmorland and Furness Council, is established as the sole principal authority for the non-metropolitan district of Westmorland and Furness.

(3) Except for the purposes of Part 4 of this Order (electoral matters), until 1st April 2023—

(a) Westmorland and Furness Council is not a local authority for the purposes of the 1972 Act or for any other enactment relating to local government; and

(b) subsection (2) of section 2 of the 1972 Act (constitution of principal councils in England) has effect in relation to that council, as if the words from “and the council” to the end of that subsection were omitted.

(4) In relation to the county of Westmorland and Furness, section 2(1) of the 1972 Act (which provides that every county shall have a council) does not apply.

(5) On 1st April 2023—

(a) the Westmorland and Furness districts are abolished as local government areas; and

(b) the Westmorland and Furness councils are wound up and dissolved.

Cumbria County Council and councillors of that Council

5.—(1) On 1st April 2023—

(a) the County of Cumbria is abolished as a local government area;

(b) the county council is wound up and dissolved.

(2) The term of office of persons serving as councillors of the county council immediately before 1st April 2023 ends on that date.

(3) Subject to paragraph (4), nothing in section 89 of the 1972 Act (filling of casual vacancies in case of councillors) authorises the holding of an election to fill a casual vacancy in the office of councillor of the county council where that vacancy arises after 30th September 2022 and before 1st April 2023.

(4) Where, on the occurrence of a vacancy mentioned in paragraph (3) or in the case of a number of simultaneous vacancies, the total number of unfilled vacancies in the membership of the county

council exceeds one third of the whole number of members of that council an election to fill the vacancy shall be held in accordance with section 89 of the 1972 Act.

(5) Where, in the circumstances mentioned in paragraph (4), the declaration mentioned in section 89(1)(a) of the 1972 Act has been made or the notice in writing mentioned in section 89(1)(b) of the 1972 Act has been given within thirty-five days of 1st April 2023 (computed in accordance with section 243(4) of the 1972 Act) an election shall not be held and any proceedings required by the Local Elections (Principal Areas) (England and Wales) Rules 2006⁽⁸⁾ shall not be commenced.

PART 3

SHADOW AUTHORITIES

Shadow authorities

6. During the shadow period Cumberland Council and Westmorland and Furness Council shall each be a shadow authority for the purposes of the following provisions of this Part.

Duties of shadow authorities: executive arrangements

7.—(1) At its first meeting, each shadow authority must create a leader and cabinet executive within the meaning of Part 1A of the 2000 Act⁽⁹⁾ (arrangements with respect to local authority governance in England) (“the shadow executive”).

(2) With the exception of Chapter 4 (changing governance arrangements) the provisions of Part 1A of the 2000 Act, to the extent that they relate to a leader and cabinet executive, have effect in relation to a shadow authority as if—

- (a) its executive were a leader and cabinet executive of a district council;
- (b) the executive arrangements that it makes were executive arrangements of a district council;
- (c) in the case of the shadow authority for Cumberland, section 9E (discharge of functions: general) authorised its executive to delegate functions not only to officers of the shadow authority but also to officers of the county council and the Cumberland councils;
- (d) in the case of the shadow authority for Westmorland and Furness, section 9E authorised its executive to delegate functions not only to officers of the shadow authority but also to officers of the county council and the Westmorland and Furness councils.

(3) Chapter 7 of Part 1 of the 2011 Act (standards) applies in relation to the shadow authority as if—

- (a) it were a district council (but not a principal authority in relation to a parish council); and
- (b) references to co-opted members were omitted.

Duties of shadow authorities: code of conduct

8.—(1) Subject to paragraph (2), each shadow authority must adopt a code of conduct proposed pursuant to article 25(1) and (2) at its first meeting.

(2) In complying with paragraph (1), each shadow authority must make such amendments or modifications to the proposals submitted to it under article 25 as it considers necessary to secure that, when adopted, the code will satisfy the requirements of section 27 (duty to promote and maintain high standards of conduct) and section 28 (codes of conduct) of the 2011 Act.

⁽⁸⁾ S.I. 2006/3304.

⁽⁹⁾ Part 1A was inserted by the Localism Act 2011 (c. 20), section 21 and Schedule 2.

Duties of shadow authorities: appointment of certain officers

9.—(1) At its first meeting, the shadow authority for Cumberland must designate on an interim basis—

- (a) an officer of the county council or an officer of one of the Cumberland councils to be responsible for performing, in relation to the shadow authority, the duties imposed by—
 - (i) subsections (2) and (3) of section 5 (designation and reports of monitoring officer) of the 1989 Act⁽¹⁰⁾; and
 - (ii) subsections (2) and (5) of section 5A of the 1989 Act (reports of monitoring officer - local authorities operating executive arrangements);as applied by paragraph (5) (the “interim monitoring officer”);
- (b) an officer of the county council or an officer of one of the Cumberland councils to be responsible for the administration of the financial affairs of the shadow authority (the “interim chief finance officer”);
- (c) an officer of the county council or an officer of one of the Cumberland councils to be head of the shadow authority’s paid service and, accordingly, to be responsible for performing, in relation to the shadow authority, the duties imposed by subsections (2) and (4) of section 4 (designation and reports of head of paid service) of the 1989 Act (the “interim head of paid service”).

(2) At its first meeting, the shadow authority for Westmorland and Furness must designate on an interim basis—

- (a) an officer of the county council or an officer of one of the Westmorland and Furness councils to be responsible for performing, in relation to the shadow authority, the duties imposed by—
 - (i) subsections (2) and (3) of section 5 (designation and reports of monitoring officer) of the 1989 Act; and
 - (ii) subsections (2) and (5) of section 5A of the 1989 Act (reports of monitoring officer - local authorities operating executive arrangements);as applied by paragraph (5) (the “interim monitoring officer”);
- (b) an officer of the county council or an officer of one of the Westmorland and Furness councils to be responsible for the administration of the financial affairs of the shadow authority (the “interim chief finance officer”);
- (c) an officer of the county council or an officer of one of the Westmorland and Furness councils to be head of the shadow authority’s paid service and, accordingly, to be responsible for performing, in relation to the shadow authority, the duties imposed by subsections (2) and (4) of section 4 (designation and reports of head of paid service) of the 1989 Act (the “interim head of paid service”).

(3) Each shadow authority must before 31st December 2022 appoint a person to become, on and after that date—

- (a) in the case of Cumberland Council—
 - (i) that council’s monitoring officer;
 - (ii) that council’s chief finance officer;
 - (iii) that council’s head of paid service;
- (b) in the case of Westmorland and Furness Council—
 - (i) that council’s monitoring officer;

⁽¹⁰⁾ Relevant amendments, including the insertion of section 5A, were made by [S.I. 2001/2237](#), article 23.

- (ii) that council's chief finance officer;
- (iii) that council's head of paid service.

(4) A designation under paragraph (1) or (2) ceases to have effect on the day on which a person (who may be the same person as the designated officer) is appointed under paragraph (3) to discharge responsibilities equivalent to those of the designated officer.

(5) Subsections (2) to (7) of section 5 of the 1989 Act and subsections (2) and (5) of section 5A of that Act apply in relation to—

- (a) a shadow authority;
- (b) its interim monitoring officer; and
- (c) its executive arrangements,

as they apply in relation to a relevant authority and the monitoring officer and executive arrangements of a relevant authority as if references in those subsections were references to the shadow authority, its interim monitoring officer and the executive arrangements that it adopts pursuant to this Order.

(6) Sections 114 to 115, 115B and 116 of the Local Government Finance Act 1988⁽¹¹⁾ apply in relation to a shadow authority and its interim chief finance officer as if—

- (a) references to the chief finance officer of a relevant authority included references to the interim chief finance officer of the shadow authority;
- (b) references to a relevant authority included references to the shadow authority; and
- (c) references to joint committees were omitted.

(7) Subsections (2) to (5) and (6) of section 4 of the 1989 Act apply in relation to a shadow authority and its interim head of paid service as they apply in relation to a relevant authority and its head of paid service as if references in those subsections to a relevant authority and its head of paid service were references to a shadow authority and its interim head of paid service.

Duties of shadow authorities: members' allowances for Cumberland Council and Westmorland and Furness Council

10.—(1) The shadow authority for Cumberland must formulate proposals for the scheme of members' allowances to be adopted by Cumberland Council.

(2) The shadow authority for Westmorland and Furness must formulate proposals for the scheme of members' allowances to be adopted by Westmorland and Furness Council.

(3) Each shadow authority must prepare and adopt a scheme for the payment of allowances to its members.

(4) The Local Authorities (Members' Allowances) (England) Regulations 2003⁽¹²⁾, other than regulations 6 and 17 and Part 5, apply in relation to the shadow authority and its members as they apply in relation to district councils and their members.

Functions of shadow authorities: Implementation Plan

11.—(1) After the dissolution of the Cumberland Joint Committee, the shadow authority for Cumberland must keep under review, and revise as necessary, the Implementation Plan prepared by that Committee.

⁽¹¹⁾ 1988 c.41. Relevant amendments were made by the Local Government and Housing Act 1989, section 139 and Schedule 5, and by the Local Government Act 2003 (c.26), section 30 and S.I. 2001/2237.

⁽¹²⁾ S.I. 2003/1021.

(2) After the dissolution of the Westmorland and Furness Joint Committee, the shadow authority for Westmorland and Furness must keep under review, and revise as necessary, the Implementation Plan prepared by the Westmorland and Furness Joint Committee.

(3) Article 24(2) applies in relation to each shadow authority as if—

- (a) the word “preparing” were omitted;
- (b) for “the article 22 functions” there were substituted “the main transitional functions”; and
- (c) for “each Joint Committee” there were substituted, as the circumstances require, “the Cumberland Council” or “the Westmorland and Furness Council”.

(4) Article 24(3) applies in relation to the shadow authority for Cumberland as if—

- (a) for “Each Joint Committee”, there were substituted, “The Cumberland Council”;
- (b) the words “or the Westmorland and Furness councils” are omitted; and
- (c) for “the article 22 functions” there were substituted “the main transitional functions”.

(5) Article 24(3) applies in relation to the shadow authority for Westmorland and Furness as if—

- (a) for “Each Joint Committee”, there were substituted “The Westmorland and Furness Council” ;
- (b) the words “the Cumberland councils or” are omitted; and
- (c) for “the article 22 functions” there were substituted “the main transitional functions”

(6) In article 24(2) and (3), as applied by paragraphs (3), (4) and (5) “the main transitional functions” means the functions referred to in article 13(1) and—

- (a) as regards the shadow authority for Cumberland, the function referred to in article 13(2); and
- (b) as regards the shadow authority for Westmorland and Furness, the function referred to in article 13(3).

Other functions of the shadow authorities

12. During the shadow period the shadow authorities have, in addition to the functions specified or referred to in articles 7 to 11, the functions referred to or specified in articles 13 to 18.

13.—(1) Each shadow authority must take all such practicable steps as are necessary or expedient—

- (a) to commence and sustain their running as shadow authorities;
- (b) to prepare the authorities for the assumption, as Cumberland Council or Westmorland and Furness Council, of local government functions and full local authority powers on 1st April 2023;
- (c) to prepare any budgets or plans required by Cumberland Council or Westmorland and Furness Council when those functions are assumed; and
- (d) to liaise with the county council and the other shadow authority for the purpose of ensuring continuity of the delivery of public services on and after 1st April 2023.

(2) The shadow authority for Cumberland must also take all such practicable steps as are necessary or expedient to liaise with the Cumberland councils for the purpose of ensuring continuity of the delivery of public services on and after 1st April 2023.

(3) The shadow authority for Westmorland and Furness must also take all such practicable steps as are necessary or expedient to liaise with the Westmorland and Furness councils for the purpose of ensuring continuity of the delivery of public services on and after 1st April 2023.

14. The shadow authorities have all the other powers of a non-metropolitan county council or a non-metropolitan district council.

15. The powers conferred by article 14 may be exercised by a shadow authority only—

- (a) in the discharge of the functions specified or referred to in articles 7 to 11, 13, 17 and 18;
- (b) in the case of the powers of a non-metropolitan county council, in the same manner, and subject to the same conditions and limitations, as if it were a non-metropolitan county council;
- (c) in the case of the powers of a non-metropolitan district council, in the same manner, and subject to the same conditions and limitations, as if it were a non-metropolitan district council; and
- (d) where the exercise of the power would involve incurring expenditure or acquiring a liability—
 - (i) with the prior consent of the county council, where the expenditure or liability relates to a matter which, before 1st April 2023, is the responsibility of that council; or
 - (ii) where the expenditure or liability relates to a matter which, before 1st April 2023, is the responsibility of a district council, with the prior consent of that council.

16. The total of the expenditure properly incurred by the shadow authorities is to be divided among, and paid by, the county council, the Cumberland councils and the Westmorland and Furness councils in such proportion as may be agreed between those councils; but, where either of the shadow authorities notifies the Secretary of State that there is no such agreement, the Secretary of State may—

- (a) determine the proportion in which that expenditure is to be divided and paid; or
- (b) appoint an arbitrator for that purpose.

17. The following provisions apply in relation to a shadow authority, notwithstanding that it does not have the functions and full powers of a local authority—

- (a) the following provisions of the Local Democracy, Economic Development and Construction Act 2009⁽¹³⁾—
 - (i) section 108 (review by authorities: new combined authority)⁽¹⁴⁾;
 - (ii) section 109 (preparation and publication of scheme: new combined authority)⁽¹⁵⁾;
- (b) section 82 of the 2007 Act (council’s power to undertake review) in relation to the area of any of the district councils;
- (c) section 86 of the 2007 Act (reorganisation of community governance);
- (d) section 87 of the 2007 Act (constitution of new parish);
- (e) section 88 of the 2007 Act (existing parishes under review);
- (f) section 89 of the 2007 Act (new council: consequential recommendations);
- (g) section 90 of the 2007 Act (council retained: consequential recommendations);
- (h) section 91 of the 2007 Act (grouping or de-grouping of parishes);
- (i) section 92 of the 2007 Act (county, district or London borough: consequential recommendations);
- (j) section 93 of the 2007 Act (duties when undertaking a review);
- (k) section 94 of the 2007 Act (recommendations to create parish councils);

⁽¹³⁾ 2009 c. 20.

⁽¹⁴⁾ 2009 c. 20. Section 108 was amended by section 6 of the Cities and Local Government Devolution Act 2016 (c. 1).

⁽¹⁵⁾ Section 109 was amended by sections 6 and 12 of the Cities and Local Government Devolution Act 2016 (c. 1).

- (l) section 95 of the 2007 Act (electoral recommendations: general considerations);
- (m) section 96 of the 2007 Act (publicising outcome); and
- (n) section 98 of the 2007 Act (orders and regulations under this chapter).

18.—(1) The following provisions of the 1972 Act apply in relation to a shadow authority, notwithstanding that it does not have the functions and full powers of a local authority:

Table 1

<i>Part or section of 1972 Act</i>	
Section 3	Chairman
Section 5	Vice-chairman
Part 5 and 5A	General provisions as to members and proceedings of local authorities, access to meetings and documents of certain authorities, committees and sub-committees
Section 103	Expenses of joint committees
Section 106	Standing orders
Section 146	Transfer of securities on alteration of area, etc.
Section 178	Regulations as to allowances
Section 245	Status of certain districts, parishes and communities

(2) Each shadow authority, notwithstanding that it does not have the functions and full powers of a local authority, is to be treated—

- (a) for the purposes of the Local Audit and Accountability Act 2014⁽¹⁶⁾ and any regulations made under that Act as if it were a district council;
- (b) for the purposes of section 101 of the 2000 Act (indemnification of members and officers of relevant authorities), as a relevant authority;
- (c) for the purposes of Part 1 of the Local Government Act 2003⁽¹⁷⁾ (capital finance etc and accounts), as a local authority;
- (d) for the purposes of the Local Authorities (Standing Orders) (England) Regulations 2001⁽¹⁸⁾, as a relevant authority;
- (e) for the purposes of the Data Protection Act 2018⁽¹⁹⁾, as a public authority; and
- (f) for the purposes of the Freedom of Information Act 2000⁽²⁰⁾, as a public authority.

Discharge of shadow authorities' functions by shadow executives

19.—(1) Except to the extent that any provision of any Act, this Order or regulations under section 9D (functions which are the responsibility of an executive), 9DA (functions of an executive:

(16) 2014 c.2.
(17) 2003 c.26.
(18) S.I. 2001/3384.
(19) 2018 c.12.
(20) 2000 c.36.

further provision) or 13(21) (functions which are the responsibility of an executive) of the 2000 Act requires otherwise, the functions conferred on a shadow authority by or under this Order are to be delegated to, and discharged by, its shadow executive.

(2) Paragraph (1) does not prevent a shadow executive from requesting its shadow authority to discharge any function specified in a notice given by the shadow executive to the proper officer of the shadow authority, and the shadow authority must comply with any such request within such period as the shadow executive may specify.

PART 4

ELECTORAL MATTERS

Cancellation of elections to the county of Cumbria, Cumberland and Westmorland and Furness Councils

20.—(1) Notwithstanding section 7(8) and (9) of the 1972 Act (elections of councillors)—

- (a) ordinary elections are not to be held in 2022 for the return of councillors to the county of Cumbria, any of the Cumberland councils or the Westmorland and Furness councils;
- (b) the term of office of councillors serving as councillors of any of those councils ends on 1st April 2023;
- (c) ordinary elections are not to be held in 2023 for the office of the elected mayor of Copeland; and
- (d) the term of office of the elected mayor of Copeland ends on 1st April 2023.

(2) Subject to paragraph (3), nothing in section 89 of the 1972 Act (filling of casual vacancies in case of councillors) authorises the holding of an election to fill a casual vacancy in the office of councillor of any of the Cumberland councils or the Westmorland and Furness councils where that vacancy arises after 30th September 2022 and before 1st April 2023.

(3) Where, on the occurrence of a vacancy mentioned in paragraph (2) or in the case of a number of simultaneous vacancies, the total number of unfilled vacancies in the membership of one of the Cumberland councils or one of the Westmorland and Furness councils (as the case may be) exceeds one third of the whole number of members of that council an election to fill the vacancy shall be held in accordance with section 89 of the 1972 Act.

(4) Where, in the circumstances mentioned in paragraph (3), the declaration mentioned in section 89(1)(a) of the 1972 Act has been made or the notice in writing mentioned in section 89(1)(b) of the 1972 Act has been given within thirty-five days of 1st April 2023 (computed in accordance with section 243(4) of the 1972 Act) an election shall not be held and any proceedings required by the Local Elections (Principal Areas) (England and Wales) Rules 2006(22) shall not be commenced.

Election of councillors of Cumberland Council and Westmorland and Furness Council in 2022 and subsequent years

21.—(1) Whole council elections of councillors of Cumberland Council and Westmorland and Furness Council are to be held—

- (a) on the ordinary day of election of councillors in 2022;
- (b) on the ordinary day of election of councillors in 2027;

(21) Section 13 was amended by Schedule 3 of the Localism Act 2011 so that it applies to Wales only from 4th May 2012. The Local Authorities (Functions and Responsibilities) (England) Regulations (S.I. 2000/2853) made under section 13 continue to apply to England.

(22) S.I. 2006/3304.

- (c) every fourth year thereafter.
- (2) For the purposes of the elections of councillors of Cumberland Council—
 - (a) Cumberland is to be divided into wards;
 - (b) the names of the new wards are those indicated in column 1 of the table set out in Part 1 of the Schedule to this Order;
 - (c) the area of each new ward is to be the same as that of the county council electoral division, as that electoral division exists on 31st March 2022, and as indicated in column 2 of that Table;
 - (d) each new ward is to return the number of councillors indicated in column 3 of that Table.
- (3) For the purposes of the elections of councillors of Westmorland and Furness Council—
 - (a) Westmorland and Furness is to be divided into wards;
 - (b) the names of the new wards are those indicated in column 1 of the table set out in Part 2 of the Schedule to this Order;
 - (c) the area of each new ward is to be as indicated in column 2 of that Table;
 - (d) each new ward is to return the number of councillors indicated in column 3 of that Table.
- (4) For the 2022 elections—
 - (a) the returning officer for Cumberland is the head of paid service of Allerdale Borough Council (“the Cumberland Council returning officer”); and
 - (b) the returning officer for Westmorland and Furness is the head of paid service of Barrow-in-Furness Borough Council (“the Westmorland and Furness Council returning officer”).
- (5) The Cumberland Council returning officer and the Westmorland and Furness Council returning officer must take such steps as are necessary or appropriate to prepare for the 2022 elections.
- (6) The total of the expenditure properly incurred by the Cumberland Council returning officer and the Westmorland and Furness Council returning officer in relation to the holding of the 2022 elections is to be divided among, and paid by, the county council, the Cumberland councils and the Westmorland and Furness councils in such proportion as may be agreed between them; but, where the Cumberland Council returning officer or the Westmorland and Furness Council returning officer notifies the Secretary of State that there is not such agreement, the Secretary of State may—
 - (a) determine the proportion; or
 - (b) appoint an arbitrator for that purpose.
- (7) In relation to the 2022 elections, “the appropriate officer” in Parts 1 and 2 of the Representation of the People Act 1983(23) does not have the meaning given by section 67(7) of that Act but means the Cumberland Council returning officer or the Westmorland and Furness Council returning officer.
- (8) All councillors elected in 2022 or any later year are to retire on the fourth day after the ordinary day of election of councillors in the year of retirement and the newly-elected councillors are to come into office on the day on which their predecessors retire.
- (9) In this article “the year of retirement”—
 - (a) in relation to councillors elected in 2022 means 2027;
 - (b) in relation to councillors elected in 2027 or in any later year means the fourth year after the year of election of those councillors.

(23) 1983 c. 2.

(10) The Cumberland Council returning officer must convene, and make all necessary arrangements for, the first meeting of the shadow authority for Cumberland, which must be held not later than 14 days after the ordinary day of election of councillors in 2022.

(11) The Westmorland and Furness Council returning officer must convene, and make all necessary arrangements for, the first meeting of the shadow authority for Westmorland and Furness, which must be held not later than 14 days after the ordinary day of election of councillors in 2022.

(12) Where, during the shadow period, a casual vacancy occurs in the office of councillor for Cumberland Council or Westmorland and Furness Council and an election is required to be held in accordance with section 89 of the 1972 Act—

- (a) the returning officer for an election to Cumberland Council is that council's head of paid service or (if an appointment has not been made under article 9(3)(a)(iii)) the interim head of paid service of the shadow authority for Cumberland appointed in accordance with article 9(1)(c);
- (b) the returning officer for an election to Westmorland and Furness Council is that council's head of paid service or (if an appointment has not been made under article 9(3)(b)(iii)) the interim head of paid service of the shadow authority for Westmorland and Furness appointed in accordance with article 9(1)(c).

(13) In relation to an election held to fill a casual vacancy occurring in the circumstances mentioned in paragraph (12) “the appropriate officer” in Parts 1 and 2 of the Representation of the People Act 1983 does not have the meaning given by section 67(7) of that Act but means—

- (a) in respect of Cumberland Council—
 - (i) the head of paid service of Cumberland Council; or
 - (ii) the interim head of paid service of the shadow authority for Cumberland;
- (b) in respect of Westmorland and Furness Council—
 - (i) the head of paid service of Westmorland and Furness Council; or
 - (ii) the interim head of paid service of the shadow authority for Westmorland and Furness.

(14) For the purposes of section 83(1) to (3) of the 1972 Act (declaration of acceptance of office), the proper officer of the Cumberland Council for the 2022 election is the Cumberland Council returning officer.

(15) For the purposes of section 83(1) to (3) of the 1972 Act (declaration of acceptance of office), the proper officer of the Westmorland and Furness Council for the 2022 election is the Westmorland and Furness Council returning officer.

(16) The Cumberland Council returning officer may authorise an officer of the county council or one of the Cumberland councils to discharge the functions of the proper officer mentioned in paragraph (14).

(17) The Westmorland and Furness Council returning officer may authorise an officer of the county council or one of the Westmorland and Furness councils to discharge the functions of the proper officer mentioned in paragraph (15).

PART 5

FURTHER TRANSITIONAL AND SUPPLEMENTAL PROVISIONS

Functions of the county council, the Cumberland councils and the Westmorland and Furness councils

22.—(1) There is added to the functions of the county council the function, which is exercisable only in the transitional period beginning on the coming into force of this 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 Cumberland Council, of such of its functions, property, rights and liabilities as relate to Cumberland and its inhabitants.

(2) There is added to the functions of the county council the function, which is exercisable only in the transitional period beginning on the coming into force of this 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 Westmorland and Furness Council, of such of its functions, property, rights and liabilities as relate to Westmorland and Furness and its inhabitants.

(3) There is added to the functions of each of the Cumberland councils the function, which is exercisable only in the transitional period beginning on the coming into force of this 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 Cumberland Council of its functions, property, rights and liabilities.

(4) There is added to the functions of each of the Westmorland and Furness councils the function, which is exercisable only in the transitional period beginning on the coming into force of this 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 Westmorland and Furness Council of its functions, property, rights and liabilities.

Joint committees

23.—(1) Not later than 14 days after the coming into force of this Order—

- (a) the county council and the Cumberland councils must establish a joint committee under section 101(5) of the 1972 Act for the purpose of discharging, until the first meeting of the shadow authority for Cumberland, the functions mentioned in paragraph (2) (“the Cumberland Joint Committee”); and
- (b) the county council and the Westmorland and Furness councils must establish a joint committee under section 101(5) of the 1972 Act for the purpose of discharging, until the first meeting of the shadow authority for Westmorland and Furness, the functions mentioned in paragraph (2) (“the Westmorland and Furness Joint Committee”).

(2) The functions are—

- (a) the article 22 functions; and
- (b) the functions referred to in articles 24, 25 and 26.

(3) The Cumberland Joint Committee is to consist of twelve persons—

- (a) three persons nominated by the county council, each of whom is for the time being a member of that council for an electoral division whose area is within the Cumberland districts; and
- (b) nine persons nominated by the Cumberland councils (with each Cumberland council nominating three persons), each of whom is for the time being a member of the nominating council.

- (4) The Westmorland and Furness Joint Committee is to consist of twelve persons—
- (a) three persons nominated by the county council, each of whom is for the time being a member of that council for an electoral division whose area is within the Westmorland and Furness districts; and
 - (b) nine persons nominated by the Westmorland and Furness councils (with each Westmorland and Furness council nominating three persons), each of whom is for the time being a member of the nominating council.
- (5) The county council, and—
- (a) as regards the Cumberland Joint Committee, each of the Cumberland councils;
 - (b) as regards the Westmorland and Furness Joint Committee, each of the Westmorland and Furness councils;

must co-operate in the establishment of the relevant Joint Committee.

(6) The Cumberland Joint Committee is to regulate its own proceedings, but a question to be decided by the committee is to be decided by the majority of those present and voting at the meeting at which the question is put, each member (including the chairman of the committee) having one vote.

(7) The Westmorland and Furness Joint Committee is to regulate its own proceedings, but a question to be decided by the committee is to be decided by the majority of those present and voting at the meeting at which the question is put, each member (including the chairman of the committee) having one vote.

(8) In the case of an equality of votes, the person presiding at the meeting (whether or not the chairman of the committee) has a casting vote, in addition to any other vote the person may have.

(9) The Cumberland Joint Committee is dissolved on the day following that on which the shadow authority for Cumberland holds its first meeting.

(10) The Westmorland and Furness Joint Committee is dissolved on the day following that on which the shadow authority for Westmorland and Furness holds its first meeting.

Implementation Plans and further provisions relevant to the discharge of functions by joint committees

24.—(1) The Cumberland Joint Committee and the Westmorland and Furness Joint Committee must 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; 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.
- (2) 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.

- (3) Each Joint Committee may, by written notice to—

- (a) the proper officer of the county council, or
- (b) the proper officer of any of the Cumberland councils or the Westmorland and Furness councils,

require the council referred to in the notice to take such action relevant to any of the article 22 functions as may be specified in the notice.

Functions of joint committees relevant to codes of conduct

25.—(1) The Cumberland Joint Committee must formulate proposals for the code of conduct to be adopted by the shadow authority for Cumberland in accordance with article 8(1) and present those proposals at the first meeting of the shadow authority.

(2) The Westmorland and Furness Joint Committee must formulate proposals for the code of conduct to be adopted by the shadow authority for Westmorland and Furness in accordance with article 8(1) and present those proposals at the first meeting of the shadow authority.

(3) In formulating proposals under paragraphs (1) and (2) the joint committees must have regard to section 27 (duty to promote and maintain high standards of conduct) and section 28 (codes of conduct) of the 2011 Act.

Implementation Team

26.—(1) Not later than 21 days after the coming into force of this Order, the Cumberland Joint Committee and the Westmorland and Furness Joint Committee must form a single team of officers (“the Implementation Team”) for the purposes of assisting—

- (a) the relevant Joint Committee in the discharge of its functions under this Part; and
- (b) if, after the dissolution of the relevant Joint Committee, the relevant shadow authority so requires, that shadow authority.

(2) The members of the Implementation Team must comprise officers from the county council, the Cumberland councils and the Westmorland and Furness councils.

(3) The Implementation Team must appoint a member of that Team to be the leader of that Team.

(4) The deputy leaders of the Implementation Team are to be an officer of one of the Cumberland councils and an officer of one of the Westmorland and Furness councils.

(5) The county council and, as regards the relevant Joint Committee, each of the Cumberland councils or each of the Westmorland and Furness councils must—

- (a) co-operate in the formation of the Implementation Team, and
- (b) release the officers concerned from their normal duties at such times or for such periods as the relevant Joint Committee or the relevant shadow authority may reasonably require.

(6) In this article—

“the relevant Joint Committee” means—

- (a) as regards the Cumberland councils, the Cumberland Joint Committee;
- (b) as regards the Westmorland and Furness councils, the Westmorland and Furness Joint Committee;

“the relevant shadow authority” means—

- (a) as regards the Cumberland councils, the shadow authority for Cumberland; and
- (b) as regards the Westmorland and Furness councils, the shadow authority for Westmorland and Furness.

General transitional duties of the county council, the Cumberland Councils and the Westmorland and Furness Councils

27.—(1) The county council, each of the Cumberland councils and each of the Westmorland and Furness councils must—

- (a) consult and co-operate with one another and with the shadow authorities in order to secure the economic, effective, efficient and timely transfer of the county council’s and those councils’ functions, property, rights and liabilities; and
- (b) generally, exercise their functions so as to further the purposes of this Order.

(2) A relevant authority must provide such information relating to its functions as any other relevant authority may reasonably request for the purpose of giving effect to this Order.

(3) A relevant authority must, on request by a person authorised by another relevant authority in that behalf, at all reasonable times allow that person—

- (a) to inspect any record belonging to or under the control of the authority providing the information and relating to the authority or its functions; and
- (b) to take, or be supplied with, a copy of any such record or part of it.

(4) A relevant authority to whom a request is made under paragraph (3) may, before complying with the request, require the person making the request to produce evidence of the authorisation given by the other relevant authority.

(5) The rights conferred by paragraph (3) include the right to require any record which is not in legible form to be made available in legible form so that the authorised person may inspect or copy it or be supplied with copies.

(6) The information referred to in paragraph (2) shall, in particular, include any information necessary for the exercise during the shadow period of any of the functions of a shadow authority.

(7) In this article “relevant authority” means—

- (a) in the case of Cumberland—
 - (i) the county council;
 - (ii) the Cumberland councils;
 - (iii) the shadow authority for Cumberland;
- (b) in the case of Westmorland and Furness—
 - (i) the county council;
 - (ii) the Westmorland and Furness councils;
 - (iii) the shadow authority for Westmorland and Furness.

Lords-Lieutenant

28. In the Lieutenancies Act 1997(24), in paragraph 3 of Schedule 1 (counties and areas for the purposes of the lieutenancies in Great Britain), the following entry is inserted at the appropriate place in the Table.

“Cumbria	Cumberland, Westmorland and Furness”
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(24) 1997 c. 23.

Sheriffs

29. In the Sheriffs Act 1887(25) in Schedule 2A (meaning of “county”), the following entry is inserted at the appropriate place in the Table.

“Cumbria	Cumberland, Westmorland and Furness”
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Signed by authority of the Secretary of State for State for Levelling up, Housing and Communities

Kemi Badenoch
Minister of State
Department for Levelling Up, Housing and
Communities

17th March 2022

(25) 1887 c. 55. Schedule 2A was inserted by regulation 8 of S.I. 1995/1748.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 21(2) and (3)

PART 1

Wards of Cumberland

<i>New ward</i>	<i>Existing electoral division</i>	<i>Number of Councillors</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Aspatria	Aspatria	1
Belah	Belah	1
Belle Vue	Belle Vue	1
Botcherby	Botcherby	1
Bothel and Wharrels	Bothel and Wharrels	1
Brampton	Brampton	1
Bransty	Bransty	1
Castle	Castle	1
Cleator Moor East and Frizington	Cleator Moor East and Frizington	1
Cleator Moor West	Cleator Moor West	1
Cockermouth North	Cockermouth North	1
Cockermouth South	Cockermouth South	1
Corby and Hayton	Corby and Hayton	1
Currock	Currock	1
Dalston and Burgh	Dalston and Burgh	1
Dearham and Broughton	Dearham and Broughton	1
Denton Holme	Denton Holme	1
Egremont	Egremont	1
Egremont North and St Bees	Egremont North and St Bees	1
Gosforth	Gosforth	1
Harraby North	Harraby North	1
Harraby South	Harraby South	1
Harrington	Harrington	1
Hillcrest and Hensingham	Hillcrest and Hensingham	1
Houghton and Irthington	Houghton and Irthington	1
Howgate	Howgate	1
Kells and Sandwith	Kells and Sandwith	1
Keswick	Keswick	1

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<i>New ward</i>	<i>Existing electoral division</i>	<i>Number of Councillors</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Longtown	Longtown	1
Maryport North	Maryport North	1
Maryport South	Maryport South	1
Millom	Millom	1
Millom Without	Millom Without	1
Mirehouse	Mirehouse	1
Morton	Morton	1
Moss Bay and Moorclose	Moss Bay and Moorclose	1
Seaton	Seaton	1
Solway Coast	Solway Coast	1
St Michael's	St Michael's	1
St John's and Great Clifton	St John's and Great Clifton	1
Stanwix Urban	Stanwix Urban	1
Thursby	Thursby	1
Upperby	Upperby	1
Wetheral	Wetheral	1
Wigton	Wigton	1
Yewdale	Yewdale	1

PART 2

Wards of Westmorland and Furness

<i>New ward</i>	<i>Existing ward or electoral division</i>	<i>Number of Councillors</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Alston and Fellside	The existing district wards of Alston Moor Hartside Kirkoswald Langwathby	2
Appleby and Brough	The existing district wards of Appleby (Appleby) Appleby (Bongate)	2

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<i>New ward</i>	<i>Existing ward or electoral division</i>	<i>Number of Councillors</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	Warcop	
Bowness and Lyth	Brough The whole of the parishes of Crook Crosthwaite & Lyth Underbarrow & Bradleyfield Witherslack, Meathop & Ulpha The parish ward of Bowness South of the parish of Windermere and Bowness	1
Burton and Holme	The whole of the parishes of Burton-in-Kendal Holme Hutton Roof Lupton Mansergh	1
Coniston and Hawkshead	The whole of the parishes of Blawith & Subberthwaite Claife Colton Coniston Hawkshead Lowick Satterthwaite Skelwith Torver	1

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<i>New ward</i>	<i>Existing ward or electoral division</i>	<i>Number of Councillors</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Dalton North	The existing borough ward of Dalton North	2
Dalton South	The existing borough ward of Dalton South	2
Eamont and Shap	The existing district wards of Askham Shap Eamont	1
Eden and Lyvennet Vale	The existing district wards of Kirkby Thore Long Marton Morland Crosby Ravensworth	2
Grange and Cartmel	The existing county divisions of Grange Cartmel	3
Greystoke and Ullswater	The existing district wards of Greystoke Dacre Ullswater	1
Hawcoat and Newbarns	The existing borough wards of Hawcoat Newbarns	3
Hesket and Lazonby	The existing district wards of Lazonby Hesket Skelton	2
High Furness	The whole of the parishes of Angerton Broughton West	1

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<i>New ward</i>	<i>Existing ward or electoral division</i>	<i>Number of Councillors</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	Dunnerdale-with-Seathwaite	
	Egton-with-Newland	
	Mansriggs	
	Osmotherley	
	Kirkby Ireleth	
	The parish ward of	
	Pennington of the parish of Pennington	
Kendal Castle	The existing county division of Kendal Castle	2
Kendal Highgate	The existing county division of Kendal Highgate	2
Kendal Nether	The existing county division of Kendal Nether	2
Kendal South	The existing county division of Kendal South	2
Kendal Strickland and Fell	The existing county division of Kendal Strickland & Fell	2
Kent Estuary	The existing county division of Kent Estuary	2
Kirkby Stephen and Tebay	The existing district wards of Orton with Tebay	2
	Ravenstonedale	
	Kirkby Stephen	
Levens and Crooklands	The whole of the parishes of	1
	Helsington	
	Heversham	
	Levens	
	Preston Patrick	
	Preston Richard	
Low Furness	The whole of the parishes of	1

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<i>New ward</i>	<i>Existing ward or electoral division</i>	<i>Number of Councillors</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	Aldingham	
	Bardsea, Stainton & Urswick	
	The parish ward of Swarthmoor of the parish of Pennington	
Old Barrow and Hindpool	The existing borough wards of Barrow Island	3
	Central	
	Hindpool	
Ormsgill and Parkside	The existing borough wards of Ormsgill	3
	Parkside	
Penrith North	The existing district wards of Penrith North	2
	Penrith East	
Penrith South	The existing district wards of Penrith West	2
	Penrith South	
	Penrith Pategill	
	Penrith Carleton	
Risedale and Roosecote	The existing borough wards of Risedale	3
	Roosecote	
Sedbergh and Kirkby Lonsdale	The whole of the parishes of	2
	Barbon	
	Casterton	
	Dent	
	Docker	
	Firbank	
	Garsdale	

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<i>New ward</i>	<i>Existing ward or electoral division</i>	<i>Number of Councillors</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	Grayrigg	
	Killington	
	Kirkby Lonsdale	
	Lambrigg	
	Middleton	
	New Hutton	
	Old Hutton & Holmescales	
	Sedbergh	
	Whinfell	
Ulverston	The existing county divisions of Ulverston East	3
	Ulverston West	
Upper Kent	The whole of the parishes of	1
	Hugill	
	Kentmere	
	Longsleddale	
	Nether Staveley	
	Over Staveley	
	Selside & Fawcett Forest	
	Skelsmergh & Scalthwaiterigg	
	Strickland Ketel	
	Strickland Roger	
Walney Island	The existing borough wards of Walney North	3
	Walney South	
Windermere and Ambleside	The existing county divisions of Lakes	3

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<i>New ward</i>	<i>Existing ward or electoral division</i>	<i>Number of Councillors</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>

Windermere

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the establishment, on 1st April 2023, of a single tier of local government in Cumbria. Two new councils are created; the Cumberland Council, for the same area as the existing districts of Allerdale, Carlisle and Copeland, and the Westmorland and Furness Council, for the same area as the existing districts of Barrow-in-Furness, Eden and South Lakeland.

The County of Cumbria and the districts of Barrow-in-Furness, Eden, South Lakeland, Allerdale, Carlisle and Copeland are abolished as local government areas with effect from 1st April 2023. The county council and district councils in the county are wound up.

The new councils, to which elections are to be held in 2022, will operate as “shadow authorities” until 1st April 2023. Part 3 of the Order contains the arrangements for the shadow authorities, including their functions which are principally to prepare for the transition to a single tier of local government on 1st April 2023.

Part 4 of the Order deals with electoral matters. Elections for the new councils will take place on the ordinary day of elections in 2022, 2027 and every fourth year thereafter.

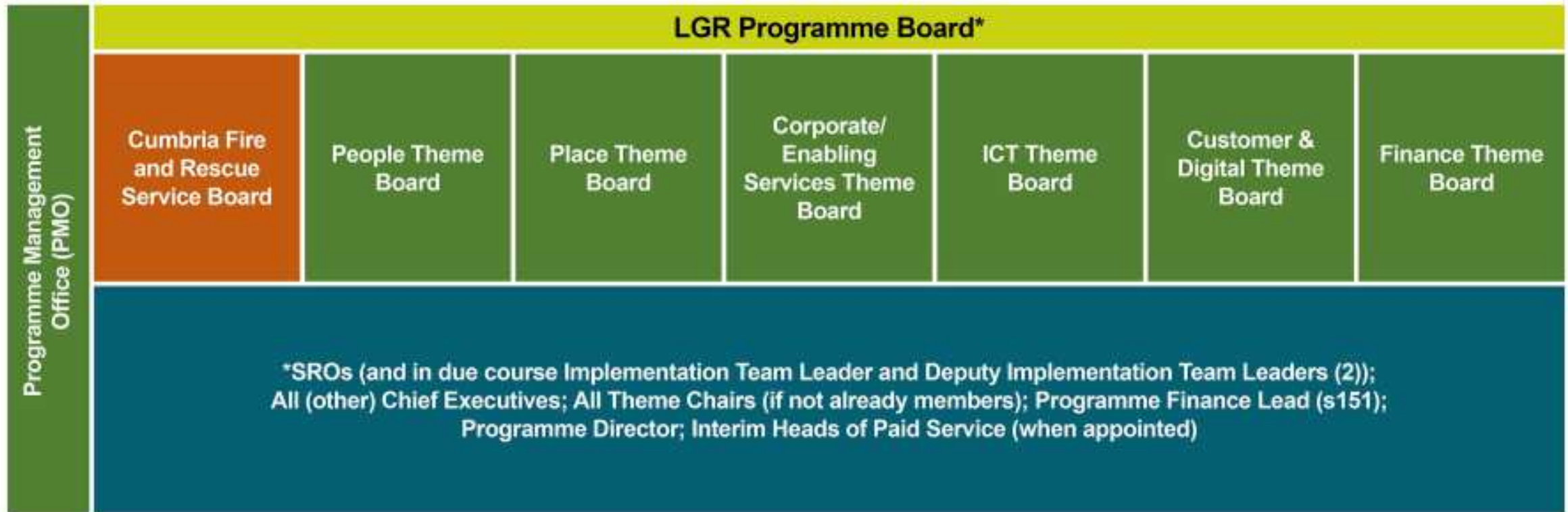
Part 5 of the Order deals with further transitional duties including duties on the county council and existing district councils, in particular to cooperate with each other and the shadow authorities and shadow executives and to create joint committees. Articles 28 and 29 make consequential amendments to the Lieutenancies Act 2007 (c. 23) and the Sheriffs Act 1887 (c. 55) to provide for the Cumberland Council and for the Westmorland and Furness Council to be regarded for the purposes of those Acts as the ceremonial county of Cumbria.

The Schedule sets out the electoral wards of Cumberland Council and Westmorland and Furness Council.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector. The impact on the public sector is a simplification to the system of local government in Cumbria.

Appendix 2

Programme Governance



Cumbria LGR Governance Structure



Glossary of Terms

Role	Description of responsibilities
Programme SRO(s)	This person/s is responsible for the overall delivery of the LGR programme and chairs the Programme Board.
Theme Board Chair	Responsible for providing the strategic leadership for the programme - leading the design, planning and delivery of the activity required to design services to achieve service continuity and plan for service integration/improvement and products to achieve day one readiness and longer term outcomes/benefits. Is a member of the programme board and sponsors the theme at the Programme Board and has the shared responsibility for overall delivery and cohesive council structures to blueprint stage and then the delivery to Vesting Day.
Workstream/Technical Lead	These are responsible for providing senior level subject matter expertise, in support of the Theme boards, and are a critical interface between their workstreams and each of the services within each theme. Leads the creation of virtual technical teams in their specialist area and has a seat on the relevant theme board.
Programme Manager	Responsible for creating and leading the work in their allocated theme and the management of programme staff and reports to the Programme Director. Responsible for programme control, project delivery, reporting, allocating resources and provides advice and guidance to their board on matters of programme delivery.
Project Manager	Responsible for controlling one or more projects within their allocated theme working closely with Board members and reporting to the Programme Manager.
Programme Theme Support Officer	Supports the administration of the programme, sets up theme board meetings and workshops, takes notes and records as required and generally provides support to their Board, issues papers and agendas; reports to the Programme Manager.
Programme Management Office (PMO)	Responsible for the overall governance, control, and co-ordination of the Programme. Oversees programme management methodology and Programme reporting (inc. budget). Performs a semi-independent assurance role ensuring all parts of the programme are on track, supports the LGR Programme Board and CLOF through agenda setting, board meeting arrangements, distribution of papers and status reports including actions and decision log maintenance.



CUMBERLAND JOINT COMMITTEE

Item
A.4

Meeting date: 30 March 2022

Report of: Kim Rennie Programme Director and Pam Duke Programme Finance Lead

Subject: Implementation Plan and Programme Governance

1.0 SUMMARY:

1.1 This report informs 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 Implementation Plan attached at Appendix 1 be adopted, pending the establishment of the two Shadow Authorities in May 2022.

2.2 That the programme governance and associated funding for the Implementation Plan be noted.

3.0 BACKGROUND, INTRODUCTION AND CONSIDERATIONS:

3.1 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 Articles 23 and 26 of the Order refer to the establishment of two Joint Committees, and the formation of a single team of officers (“the Implementation Team”) for the purposes of assisting:

- (i) The relevant Joint Committee in the discharge of its functions, and
- (ii) If, after the dissolution of the relevant Joint Committee, the relevant Shadow Authority so requires, that Shadow Authority

3.3 The members of the Implementation Team are presented in a separate report on today’s agenda.

3.4 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.

- 3.5** 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.
- 3.6** The high-level approach to implementation is set out in Appendix 1. It sets out the Vision for Cumbria and our Ambition and Values to guide the Implementation approach. This includes Organisational Design principles, and they will underpin the work ongoing around the future design of services.
- 3.7** It is proposed that this be adopted as the Implementation Plan as it is now, noting that this Plan will develop overtime, particularly on the establishment of the Shadow Authorities and the appointment of the Interim Heads of Paid Service. A summary of the Implementation Plan, as now, and programme governance (including funding for the delivery of the Implementation Plan) is provided in the following paragraphs.
- 3.8** Since the announcement in July, and prior to this Committee being stood up, preparations have commenced to enable the smooth operation of the two new Councils from Vesting day. This has included the establishment of a joint LGR Implementation Reserve that is being hosted by the County Council. Key in this regard have been:
- The development of an overall programme structure, and associated leadership and governance model together with agreed ways of working, subsequently reviewed as part of a reset of arrangements in February
 - Identification of Senior Responsible Officer(s) (SROs) with accountability for programme delivery, and establishment of a Chief Executive level Board to oversee and direct the work being done
 - The establishment of thematic and cross cutting officer working groups to provide service and technical expertise and deliver projects to support to the process
 - The creation of a Data-Hub, to provide a coordinated approach to data collection, analysis and provision
 - Use of internal resources has been supplemented by external consultants to add capacity and expertise, and act as advisors and critical friends to the programme. Most recently this has involved the appointment of a Strategic Partner, KPMG, to work with the Programme through to vesting day and the initial period beyond
 - The development of a range of processes and timelines including an overall Programme Timeline to inform the work being done. This includes the development of a set of design principles to underpin the creation of the new Councils, a stepped process to understand each of the sovereign Council's services and functions as is, to generate future options for delivery, evaluate these and develop draft blueprints for Shadow Authority consideration and development
 - The shared appointment by the seven sovereign Councils of a Programme Director, to provide leadership to the programme and support the SROs in their roles

- The provision of officer time to support the work being done, and work to establish a Programme Management Team incorporating a Programme Management Office to coordinate the delivery of the programme
- The agreement amongst Councils to fund the costs associated with the programme via a contribution from each Council, with a Memorandum of Understanding governing the operation of this fund
- Work to develop detailed action plans (on-going) to establish the Joint Committees and Shadow Authorities from May, and to identify the requirements for the two new Councils to be safe and legal on day 1
- The development and delivery of communications plans for staff, Members and key partners/stakeholders.

3.9 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 safe and legally from day 1. The democratic governance structure involves the establishment of the Joint Committees and then the Shadow Authorities.

3.10 In respect of officer level programme governance, the LGR programme is overseen by an LGR Programme Board with membership from the most senior levels of representation from sovereign councils. In addition, six thematic boards have been established with a series of workstreams/work packages in each. They involve senior representatives and subject matter experts to oversee the work involved in setting up the two new Councils. The number and focus of the boards are reviewed periodically to ensure they remain fit for purpose.

3.11 In respect of Cumbria Fire and Rescue service the Government's intention is that the fire service should continue 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 service. The second option will be developed through the Cumbria Fire and Rescue Service Board, in a piece of work that is aligned to the LGR Programme.

3.12 The organisational design principles outlined in the Implementation Plan and design process will be used to develop the blueprints for service delivery with the starting point of disaggregation and integration into two separate Councils unless there is a compelling reason not to do so.

3.13 As part of the Implementation Plan a high level timeline and critical path has been established and this will be kept under review and will develop further as the programme progresses.

3.14 In addition to the Implementation Plan Appendix 2 presents the approach 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. These will facilitate the economic, effective, efficient and timely transfer to the Westmorland and Furness and Cumberland Council of such of its functions, property, rights

and liabilities as relate to those Councils and their inhabitants. It will also enable Shadow authorities to prepare revenue and capital budgets, Medium Term Financial Plans and associated Policies and procedures.

- 3.15** Appendix 2 also presents the high level principles for the disaggregation and aggregation of the balance sheet and revenue accounts of the sovereign Councils and the governance for approval of the principles to ensure two financially sustainable Unitary Councils and the Cumbria Fire and Rescue service are established. Statutory and accounting regulations will be primary to delivering the transfer of property, rights and liabilities to ensure delivery of the blueprint options for service delivery along with the general matching principle for assets and liabilities.
- 3.16** Whilst the majority of functions, assets and liabilities can be identified and allocated in advance there may be some liabilities that can only be fully quantified as at 31 March 2023. The process of preparation and audit of the 2022/23 accounts for each authority will identify final balances. Statute allows for a caretaking authority approach to manage residual matters if required.
- 3.17** The funding available to deliver the two new Unitary Councils and the Cumbria Fire and Rescue service is constrained by the existing funding received by the predecessor authorities uplifted only for changes in National Funding allocations and local decision making on Council Tax, Business rates and fees and charges.
- 3.18** A single LGR Implementation Reserve has been created with Cumbria County Council acting as the host authority. An MOU has been agreed by all Councils in respect of the use of and governance for decision making for the reserve.
- 3.19** The purpose of the Reserve is to support delivery of the Implementation Plan including the Implementation Team with examples of eligible expenditure against the Reserve being, but not limited to, the following:
- Additional staff capacity to deliver the programme
 - Procurement of specialist support and advisory services
 - Communication and public consultation
 - Purchase of Systems and Information Technology for the two new unitary authorities
 - Election costs with regards to the two new unitary authorities
 - Running costs related to the shadow authorities
 - Rebranding, implementation and creating the two new unitary authorities
- 3.20** The Reserve will not be used to support Transformation and Investment costs nor any redundancy costs associated with LGR in Cumbria.

3.21 Contributions to the Reserve have been made by all seven Councils at the same time to an initial total value of £18,920,000. Contributions to the Reserve have been approved through each Council's own governance processes, the values are:

- £1,576,667 Allerdale Borough Council
- £1,576,667 Barrow Borough Council
- £1,576,667 Carlisle City Council
- £1,576,667 Copeland Borough Council
- £9,460,000 Cumbria County Council
- £1,576,667 Eden District Council
- £1,576,667 South Lakeland District Council

3.22 Initial allocations from the Reserve to the different activities for the Implementation Programme have been approved by the Programme Board including an allocation to Contingencies. If any balances remain in the Reserve once the Implementation Plan has been delivered the balance will be shared 50/50 with the two new Unitary Councils.

4.0 OPTIONS, INCLUDING ALTERNATIVES (IF ANY)

4.1 The proposals in this report respond to a statutory instrument, and whilst there is a choice about how to define "The Implementation Plan", and the approach to budgets, the proposed approach is considered the most fitting to local circumstances.

5.0 IMPLICATIONS:

5.1 Financial and Procurement:

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

5.1.2 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.

5.2 Staffing:

5.2.1 There are no direct implications associated with this report.

5.3 Legal:

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

5.3.2 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

new Unitary Council, of such of its functions, property, rights and liabilities as relate to the new Unitary Councils.

5.3.3 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.

5.3.4 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.

5.3.5 The report presents the Implementation Plan with supporting documentation for approval by the Joint Committee. This will be kept under review and considered further by the Shadow Authorities.

5.3.7 The Terms of Reference reflect the above requirements.

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 There are no direct implications associated with this report.

7.0 EQUALITY AND DIVERSITY IMPACT:

7.1 There are no direct implications associated with this report.

8.0 RISKS:

8.1 There is a legal obligation to prepare, keep under review and revise as necessary an Implementation Plan as described at 3.4 above. Not approving an Implementation Plan 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.

8.2 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.

9.0 CONCLUSION:

9.1 This report details the requirements of The Cumbria (Structural Changes) Order 2022 and makes proposals to meet the requirements in relation to the Implementation Plan and programme governance and the associated funding through the LGR Implementation Reserve. It also presents the approach 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 Authors

Helen Smith, Finance Lead Specialist and S151 Officer South Lakeland District Council

APPENDICES

1. The Implementation Plan
2. High level Principles for the disaggregation and aggregation and subsequent transfer of the District and County Councils functions, property, rights and liabilities.

Delivering Two Unitary Councils for Cumbria

LGR Implementation Plan



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 will facilitate the development of two very different blueprints 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.



Design Phase

- These design principles underpin the work to look at the future design of services.
- We have developed a design phase for the two new Councils and this involves a series of stages outlined on the following slide....



Design Phase - Stages

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: Blueprint development and approval



Design Phase – Design Options

- We are currently in the process of considering the high level design options for services using 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.
- The next stage is an evaluation of the option(s) as necessary to arrive at a preferred option for each service to recommend to Members.
- These recommendations will be brought together in draft blue prints for how services in the new Councils will operate seamlessly from Day1.
- They will be considered by the Shadow Authorities in the summer.



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

1 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)

2 Joint provision Shared services / collaboration

Shared service

Joint governance




Hosted

Led by one authority, each retains statutory duties

3 Strategic Sub-regional Governance Model

4 Provided by others

Alternate delivery model Separate entity, LATC, TECKAL

   In some service areas a hybrid of options may be appropriate

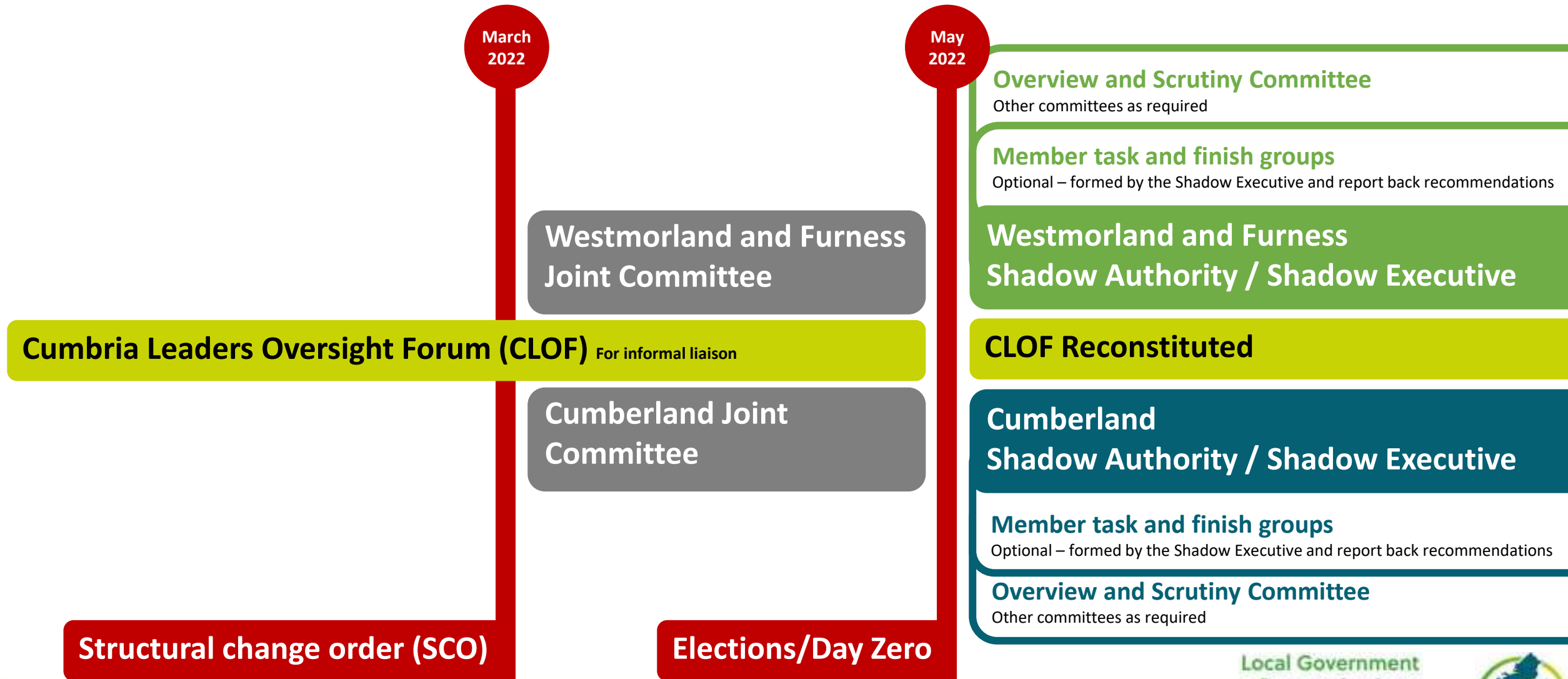


Democratic and Programme Governance

- 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 Shadow Authorities, which come into being following the elections on 5 May 2022.
- The Joint Committees with decision making powers (one for Cumberland and one for Westmorland in Furness) are charged with managing the transition to the two new Shadow Authorities, to be established in May 2022.
- Two Shadow Executives will be appointed, and Interim Heads of Paid Service, Chief Finance and Monitoring Officers designated, within 14 days of the elections on 5 May 2022. 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



Democratic Governance to April 2023

April
2023

Overview and Scrutiny Committee

Other committees as required

Member task and finish groups

Optional – 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

Optional – 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



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 future of the Cumbria Fire and Rescue Service – but this sits outside the LGR Programme.
- 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.

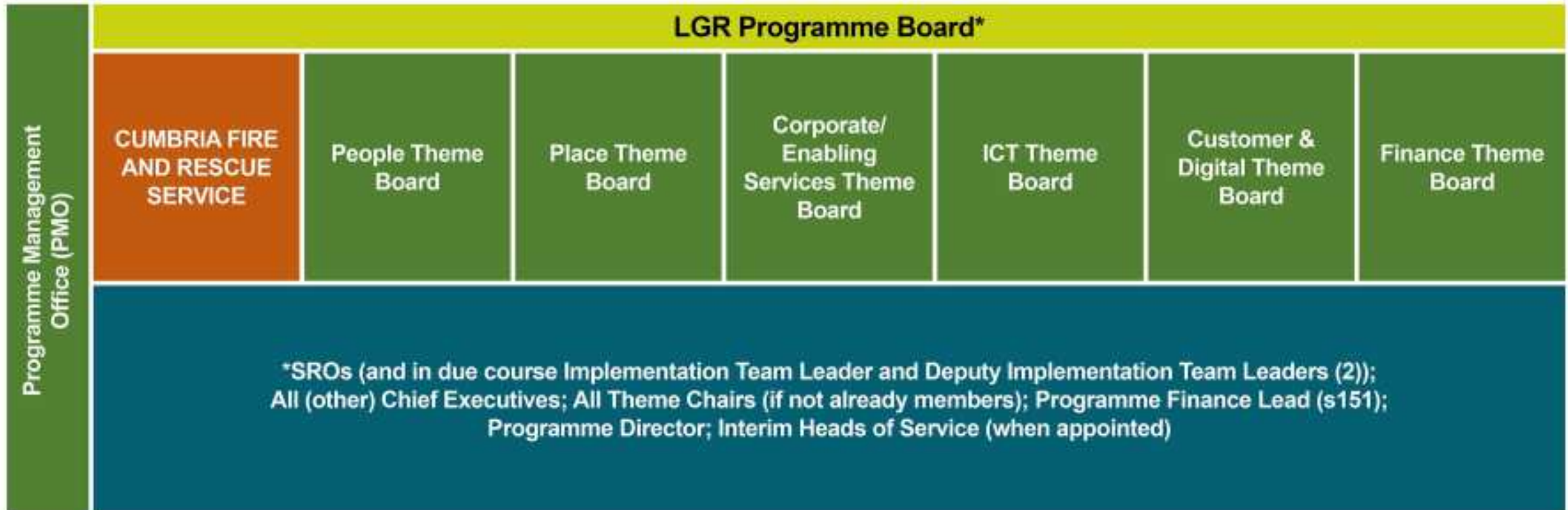


Programme Structure

THEMES						
CUMBRIA FIRE AND RESCUE SERVICE (Aligned programme)	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

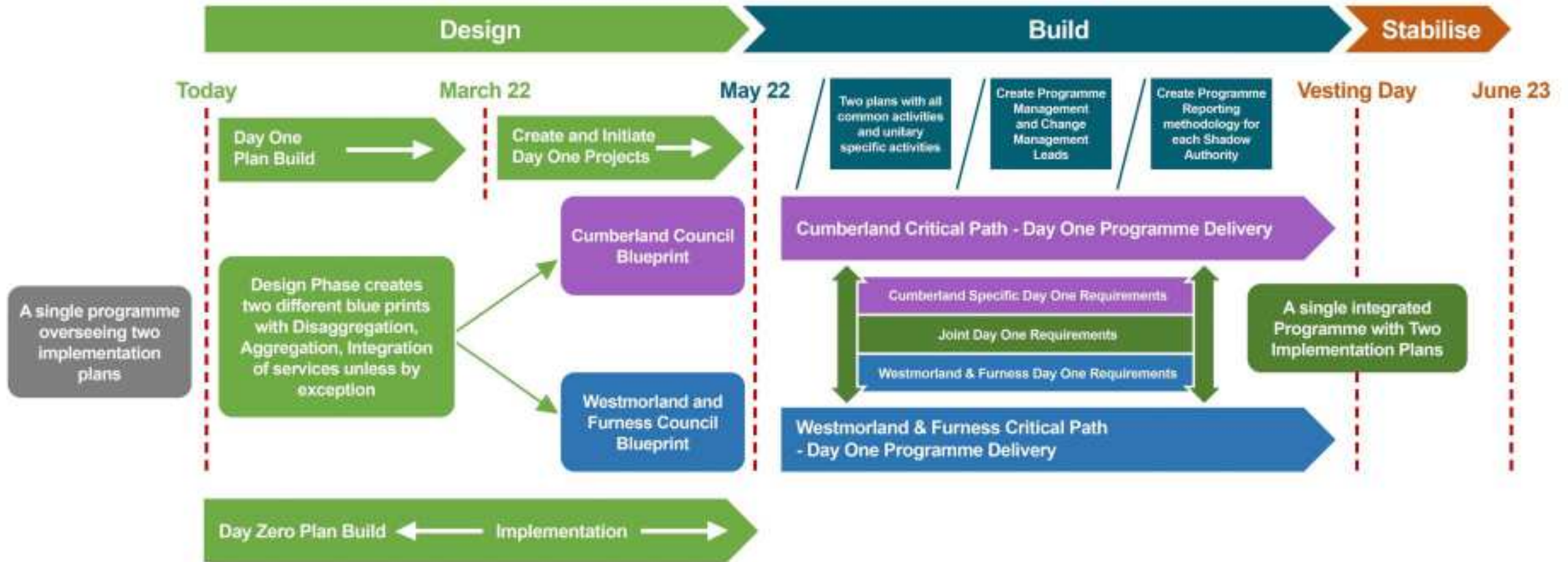


Timeline and Critical Path

- The slide that follows describes the high level time line and critical path for the LGR programme. They are being kept under review and will develop as time goes on.
- Critical paths are also in place/under development for different phases of the programme – notably Day 0 (establishment of Shadow Authorities), and Day 1 (Vesting Day).



How the programme works



Timeline and Critical Path

- Continue options appraisal and development of draft Blue Prints for Shadow Authority consideration
- Preparation for Shadow Authorities (Day 0 work) and vesting day (Day 1 work) including laying the foundations for future transformation.
- Keep Implementation Plan under review – One Programme – Two Plans (will develop).



Appendix 2

High level Principles for the disaggregation and aggregation and subsequent transfer of the District and County Councils functions, property, rights and liabilities.

Delivery of two financially sustainable Unitary Councils and Cumbria Fire and Rescue Service



Overall objectives

- To establish two financially sustainable Unitary Councils for Cumbria from 1 April 2023 and a Cumbria Fire and Rescue Service (PCC or standalone fire authority)
- To ensure that in total both Unitary Councils and Fire Service revenue budgets can be funded from the existing funding envelope for Cumbria (uplifted where possible for inflation / Finance settlement updates and Council Tax and Business Rate assumptions)
- To develop opening balance sheet positions for both Unitary Councils and Fire service that supports agreed options for delivery of services, transformation activities and the organisational design and vision
- Establish a realistic timeline and effective governance arrangements



The approach

Three key elements

A. Develop and propose principles for the aggregation and disaggregation of the Balance sheet and revenue costs and income

B. Develop the relevant information required MTFS (funding) and MTFP for the new Unitary Councils and Fire Service including benefits realisation having regard to the proposal supported by the Secretary of State

C. Proposed governance arrangements for decision making on agreeing the draft principles with relevant stakeholders including a potential mediation approach



Draft principles for the aggregation and disaggregation approach

- They will be based on statutory or accounting principles where appropriate
- They will utilise experience from other authorities e.g. Cheshire approach to allocating debt
- Interdependency with blueprint options for service delivery and also funding disaggregation and aggregation principles
- Expectation that not everything will be agreed by vesting day – statute allows for a caretaking authority to manage the residual until a decision can be taken
- Formal decisions will be taken by Shadow authorities with discussion through overview and scrutiny and executive task and finish groups
- Overall need to ensure that both Councils and fire service have sufficient reserves to support financial sustainability and meet all statutory requirements



How we propose to apply the principles at a practical level

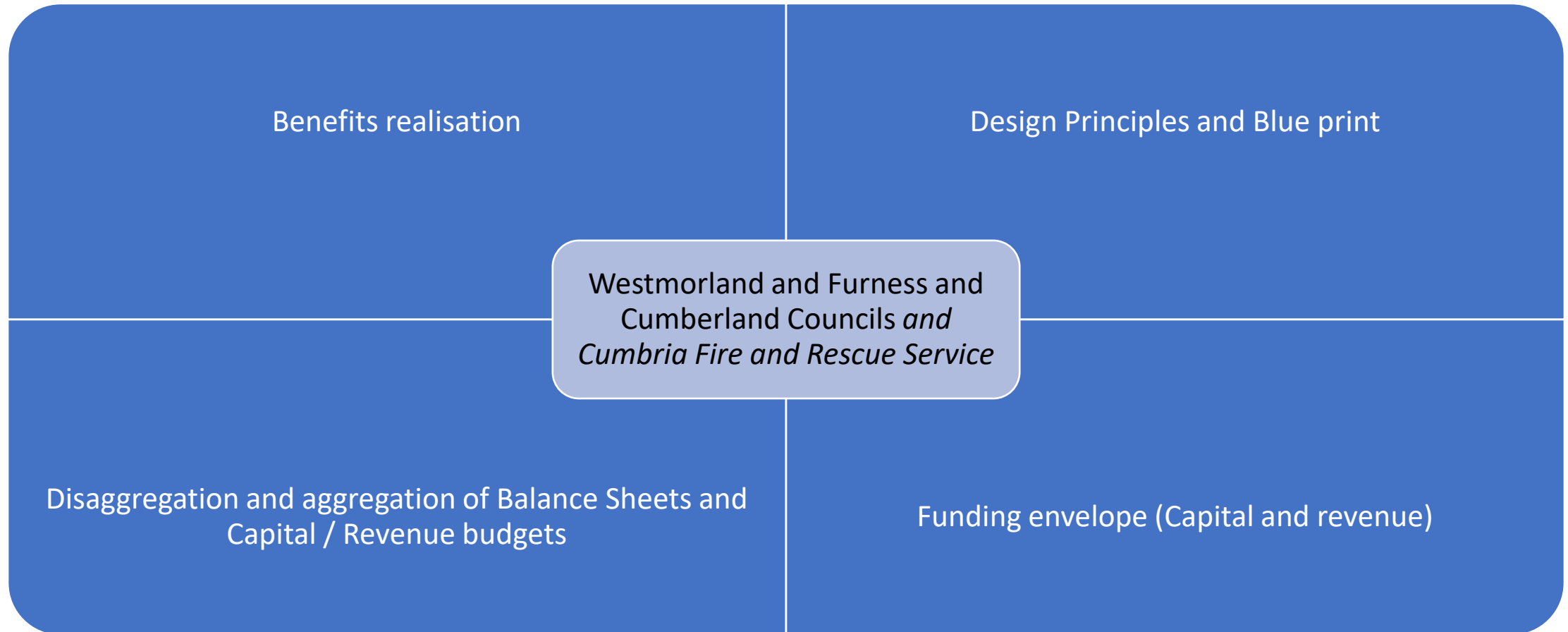
To ensure the overarching objectives are achieved, the approach for disaggregation/aggregation will be to apply one, or more, disaggregation/aggregation metrics to the current budget. These metrics will be grouped into categories. Examples of what these categories could be are:

- **Geographical:** where disaggregation is to be based on a physical location
- **Service users:** where disaggregation is based on the service user, rather than for example a physical location where a service is delivered
- **Population:** population (or a sub-set thereof) could be used to reflect relative demand for services or split of risk
- **Service Design:** where disaggregation is based on the way a particular service will operate after vesting day
- **Other cost / income drivers:** other relevant underlying cost / income drivers for service areas may be applied in some cases
- **Funding Formula disaggregation:** where the disaggregation is prescribed within funding terms and conditions
- **Align to purpose:** where budgets or balance sheet items have an identifiable purpose or are set aside to mitigate a particular risk, these will be allocated based on the allocation of that purpose or risk
- **Matching:** where multiple budgets or asset and liability relate to one another, these will be matched for purposes of disaggregation e.g. cash matched to reserves, borrowing matched to assets transfer and Capital Financing Requirement (CFR)

Individual service budgets and balance sheet items will be reviewed and analysed, to ensure an appropriate disaggregation category and metric is applied based on the nature, demand and any statutory rules/regulations of item being disaggregated

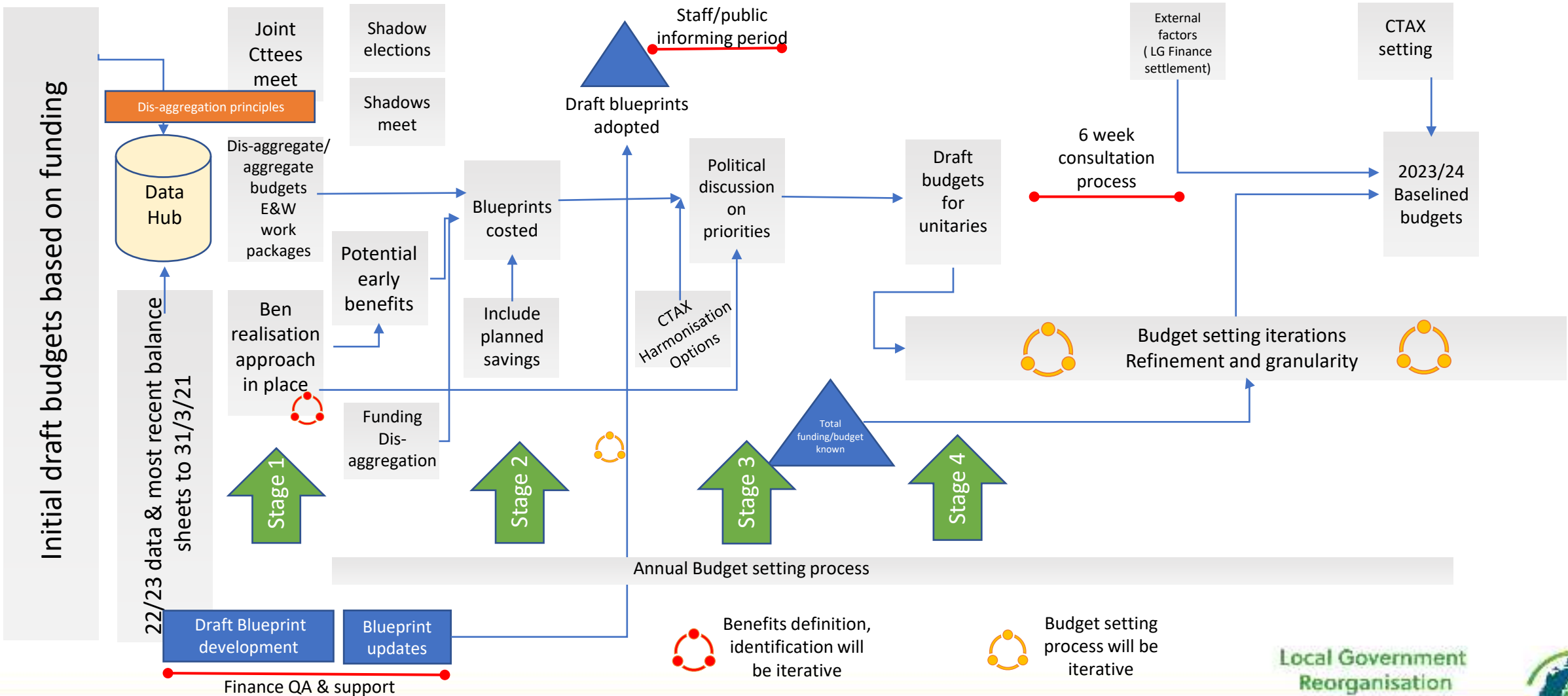


Design principle ambitions delivered in a financially sustainable way



High level timeline and key stages

Dec 21	Mar 22	Apr 22	May 22	Jun 22	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23
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Governance and next steps

- Shadow authorities finalise decision making for both Funding and Balance sheet and revenue account positions
- DLUHC involvement – support being provided
- Mediation, if required, provided by the LGA financial advisors
- Overall independent advice provided by CIPFA
- Specialist funding advice from Adrian Jenkins (PIXEL) and Rupert Dewhurst
- Assurance for External auditor – VFM and financial sustainability lens



CUMBERLAND JOINT COMMITTEE

Item
A.5

Meeting date: 30 March 2022

Report of: Linda Fisher – Monitoring Officer and Technical Lead Legal and Democratic Work Stream (South Lakeland District Council)

Subject: Members Allowances - Update and Progress

1.0 SUMMARY:

1.1 This report provides an update on the work which has been undertaken in relation to preparation of a scheme of members allowances for the Shadow Authority for Cumberland including the setting up of an Independent Remuneration Panel. It is one of the functions of the Joint Committee to recommend a scheme of allowances to the first meeting of the Shadow Authority for Cumberland.

2.0 RECOMMENDATION:

2.1 The Joint Committee is recommended to note the contents of the report and endorse the proposals in relation to the formation and work of the Independent Remuneration Panel.

3.0 BACKGROUND, INTRODUCTION AND CONSIDERATIONS:

3.1 The Cumbria (Structural Changes) Order 2022 provides that the Shadow Authority for Cumberland 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 (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.

3.3 In order to ensure that the IRP can complete its work in a comprehensive and timely manner with the outcome of producing recommendations prior to the first meeting of the Shadow Authorities the following pragmatic steps using the inherent authority contained within the SCO were proposed and are being followed.

3.3.1 An IRP for Local Government Reorganisation (LGR) purposes has been formed with six members drawn from the IRPs representing the existing seven authorities. This IRP has been asked to prepare recommendations for both the Shadow Authority for Cumberland and the Shadow Authority for Westmorland and Furness. The IRP has been asked to consider:

- (a) the payment and amount of a Members basic allowance;
- (b) the responsibilities or duties which should lead to the payment of a Special Responsibility Allowance and the amount of any such allowance;
- (c) duties for which a travelling and subsistence allowance can be paid and the amount of any such allowance;
- (d) the amount of co-optees' allowance; and
- (e) whether the allowance scheme should include a dependents' carer allowance and the amount of any such allowance.

3.3.2 In advance of the IRP convening, the Independent Persons (IPs) have been provided with an IRP briefing pack which includes details of:

- (a) background and context to LGR;
- (b) purpose of an LGR IRP;
- (c) the current Members' Allowances Scheme in each of the existing seven authorities in Cumbria; and
- (d) Member Allowance Schemes of established unitary authorities for the purposes of benchmarking information (including Buckinghamshire; Bournemouth; Christchurch and Poole; Cornwall; North Northamptonshire and West Northamptonshire).

3.3.3 The first meeting of the IRP was held on 23 February 2022, and the IRP has agreed a schedule of further meetings as follows:

- (a) Friday, 4 March – to discuss, agree and populate the Scheme;
- (b) Friday, 18 March – to discuss any outstanding matters / prepare draft Scheme; and
- (c) Monday, 28 March – to finalise the Scheme.

The Joint Committee will have an opportunity to consider the recommendations before they are considered by the Shadow Authority.

3.3.4 Following the IRP finalising the proposed scheme on 28 March, a report with the recommendations from the IRP and proposals for the Members' Allowance Scheme for the Shadow Authority will be prepared for the joint committees to assist the joint committees in making recommendations to the first meetings of the Shadow Authorities. The Shadow Authorities will be required to have regard to the recommendations of the IRP, but it does not necessarily need to accept or approve the scheme either in its entirety, or in part. It is anticipated that this will be presented to the third Joint Committee meeting.

3.4 In confirming membership of existing IP to the LGR IRP, it has been proposed that members of the IRP may be paid expenses in line with the existing arrangements with the District or County Council on whose IRP they currently sit.

3.5 It is recognised that, in due course, there will be a reconvening of an LGR IRP as the Shadow Authorities will further need to consider and formulate proposals for the payment of allowances to the members of the new unitary authorities in readiness for vesting day at 1 April 2023.

4.0 OPTIONS, INCLUDING ALTERNATIVES (IF ANY)

4.1 Members are asked to note the contents of the report and endorse the proposals for preparing a scheme of allowances for Members to recommend to the Shadow Authority including the setting up of the IRP.

4.2 Members could make alternative proposals for preparing a scheme of allowances for members to recommend to the Shadow Authority.

5.0 IMPLICATIONS:

5.1 Financial and Procurement:

5.1.1 It is proposed that the expenses of the IRP members will be paid by the existing seven councils in line with their existing arrangements with the relevant member.

5.1.2 It is intended that allowances for Members of the Shadow Authority will be from the agreed and established Implementation Reserve for LGR.

5.2 Staffing:

5.2.1 The IRP is being supported by Democratic Service Officers from the Cumberland District Councils.

5.3 Legal:

5.3.1 The Cumbria (Structural Changes) Order 2022 provides that the Cumberland 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.

5.4 Information Governance:

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

6.0 HEALTH AND SUSTAINABILITY IMPACT:

6.0.1 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.

6.1 EQUALITY AND DIVERSITY IMPACT:

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

7.0 RISKS:

7.1 There was a risk that if the IRP did not convene and commence its work in February, prior to the Joint Committee's first meeting that they would not complete their necessary considerations and meetings work in time to make recommendations to the Shadow Authority at its first meeting.

8.0 CONCLUSION:

8.1 The Joint Committee is recommended to note the contents of the report and endorse the proposals in relation to the formation and work of the Independent Remuneration Panel.

Report Author – Sarah Pemberton - Deputy Chief Executive (Copeland Borough Council)

APPENDICES

No Appendices.

CUMBERLAND JOINT COMMITTEE

Item
A.6

Meeting date: 30 March 2022

Report of: Linda Fisher – Monitoring Officer and Technical Lead Legal and Democratic Work Stream (South Lakeland District Council)

Subject: Potential Shadow Meetings dates 2022/23 for the Shadow Authority for Cumberland

1.0 SUMMARY:

1.1 The Cumbria Democratic Services Officer's (DSO) Group have been tasked with identifying suitable dates for meetings of the Shadow Authority for Cumberland from May 2022 – April 2023 that will not clash with other Committee meetings from Sovereign Authorities in the Cumberland locality or meetings of the Westmorland and Furness Shadow Authority or Executive.

2.0 RECOMMENDATION:

2.1 It is recommended that the Cumberland Joint Committee make the following recommendations to the Shadow Authority for Cumberland:-

- 1. agree the attached Schedule of Meetings for 2022/2023 for the Shadow Authority for Cumberland;**
- 2. note that the inaugural meeting of the Shadow Authority is 10.30 am on 17 May 2022 and recommend the start time for subsequent Shadow Authority for Cumberland meetings as 10am (dates 29 July 2022, 18 October 2022 and 27 February 2023);**
- 3. agree that, where practicable, the meetings are rotated across the area; and**
- 4. consider whether any additional meetings may be required that may have been overlooked.**

3.0 BACKGROUND, INTRODUCTION AND CONSIDERATIONS:

3.1 Attached is a calendar which identifies potential dates for meetings of the Shadow Authority where no Committee meetings are scheduled for either, Allerdale Borough Council, Carlisle City Council, Copeland Borough Council or Cumbria County Council along with proposed dates set out to hold meetings of the Shadow Authority.

3.2 It is considered good practice that all meetings for a particular Shadow Authority Committee are on a set day, wherever possible, this had proved to be impossible.

3.3 In respect of timings for the meetings, at present, meetings have a range of start times from 9:30am to 4:00pm.

3.4 The DSO Group is proposing that start times for the Shadow Authority for Cumberland meetings is always 10am.

4.0 OPTIONS, INCLUDING ALTERNATIVES (IF ANY):

4.1 Option 1

4.2 The Committee could suggest alternative dates for meetings, and also alternative start times for the Shadow Authority to consider.

5.0 IMPLICATIONS:

5.1 Financial and Procurement:

5.1.1 Where costs are incurred by the Shadow authorities in delivering and hosting these meetings they can be funded from the LGR Implementation Reserve. The process to approve funding from the LGR Implementation reserve is determined by an Memorandum of Understanding (MoU) agreed by all seven sovereign authorities and the County Council Finance Regulations as the County Council is the hosting authority for the Reserve.

5.2 Staffing:

5.2.1 The Meetings will be supported from within existing teams across Cumbria.

5.3 Legal:

5.3.1 The Terms of Reference for the Joint Committee provide that the Joint Committee will establish and propose a Calendar of Meetings for adoption at the inaugural meeting of the Cumberland Shadow Authority.

5.4 Information Governance:

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

6.0 HEALTH AND SUSTAINABILITY IMPACT:

6.0.1 There are no direct health and sustainability implications associated with this report.

6.1 EQUALITY AND DIVERSITY IMPACT:

6.1.1 There are no direct equality and diversity implications associated with this report.

7.0 RISKS:

7.1 By receiving and approving this report the risks will be mitigated and compliance with the Joint Committee's Terms of Reference will be met.

7.2 If a schedule of meetings was not agreed the business of the new Shadow Authority for Cumberland would be unable to be conducted.

8.0 CONCLUSION:

8.1 The Cumbria DSO Group have proposed a schedule of meetings for the Committee to consider before it goes to the first meeting of the Shadow Authority for Cumberland to agree.

Report Author – Clive Willoughby (Democratic Services Officer, Copeland Borough Council)

APPENDICES

Appendix 1 – Proposed Schedule of Meetings

2022	May	June	July	August	September	October	November
Fri			1				
Sat			2			1	
Sun	1		3			2	
Mon	2 EARLY MAY BANK HOLIDAY		4 POTENTIAL SHADOW AUTHORITY MEETING	1		3	
Tue	3		5	2		4	1 POTENTIAL SHADOW AUTHORITY MEETING
Wed	4	1	6	3		5	2 SCRUTINY COMMITTEE
Thur	5 SHADOW UNITARY ELECTIONS	2 SPRING BANK HOLIDAY	7	4 POTENTIAL SHADOW AUTHORITY MEETING	1	6	3
Fri	6	3 PLATINUM JUBILEE BANK HOLIDAY	8	5	2 POTENTIAL SHADOW AUTHORITY MEETING	7	4 POTENTIAL SHADOW AUTHORITY MEETING
Sat	7	4	9	6	3	8	5
Sun	8	5	10	7	4	9	6
Mon	9	6	11 POTENTIAL SHADOW AUTHORITY MEETING	8 POTENTIAL SHADOW AUTHORITY MEETING	5 POTENTIAL SHADOW AUTHORITY MEETING	10	7
Tue	10	7	12 POTENTIAL SHADOW AUTHORITY MEETING	9	6	11	8
Wed	11	8	13 SHADOW EXECUTIVE	10 SCRUTINY COMMITTEE	7	12	9 POTENTIAL SHADOW AUTHORITY MEETING
Thur	12	9	14	11	8	13	10
Fri	13	10	15	12	9	14	11
Sat	14	11	16	13	10	15	12
Sun	15	12	17	14	11	16	13
Mon	16	13	18	15 POTENTIAL SHADOW AUTHORITY MEETING	12	17	14 POTENTIAL SHADOW AUTHORITY MEETING
Tue	17 INAUGRAL SHADOW AUTHORITY FOR CUMBERLAND 10.30AM	14	19	16 POTENTIAL SHADOW AUTHORITY MEETING	13	18 SHADOW AUTHORITY FOR CUMBERLAND	15
Wed	18	15 SHADOW EXECUTIVE	20	17 SHADOW EXECUTIVE	14	19	16 POTENTIAL SHADOW AUTHORITY MEETING
Thur	19	16	21	18	15	20 POTENTIAL SHADOW AUTHORITY MEETING	17
Fri	20	17	22	19 POTENTIAL SHADOW AUTHORITY MEETING	16	21	18 POTENTIAL SHADOW AUTHORITY MEETING
Sat	21	18	23	20	17	22	19
Sun	22	19	24	21	18	23	20
Mon	23	20 SCRUTINY COMMITTEE	25	22 POTENTIAL SHADOW AUTHORITY MEETING	19	24	21
Tue	24	21	26 POTENTIAL SHADOW AUTHORITY MEETING	23	20 SHADOW EXECUTIVE	25	22
Wed	25	22	27	24	21	26	23
Thur	26	23	28	25	22	27 SHADOW EXECUTIVE	24
Fri	27	24	29 SHADOW AUTHORITY FOR CUMBERLAND	26 POTENTIAL SHADOW AUTHORITY MEETING	23 SCRUTINY COMMITTEE	28	25 SHADOW EXECUTIVE
Sat	28	25	30	27	24	29	26
Sun	29	26	31	28	25	30	27
Mon	30 SENIOR APPOINTMENTS COMMITTEE	27		29 BANK HOLIDAY	26	31	28
Tue	31 STANDARDS COMMITTEE	28		30	27		29
Wed		29		31	28		30
Thur		30 POTENTIAL SHADOW AUTHORITY MEETING			29		
Fri					30 POTENTIAL SHADOW AUTHORITY MEETING		

2023	December	January	February	March	April	May
Sat					1	
Sun		1			2	
Mon		2 BANK HOLIDAY			3	1 EARLY MAY BANK HOLIDAY
Tue		3			4	2
Wed		4	1 SCRUTINY COMMITTEE	1	5	3
Thur	1	5	2	2	6	4 ELECTIONS
Fri	2	6	3 POTENTIAL SHADOW AUTHORITY MEETING	3	7 GOOD FRIDAY	5
Sat	3	7	4	4	8	6
Sun	4	8	5	5	9	7
Mon	5 POTENTIAL SHADOW AUTHORITY MEETING	9	6	6	10 EASTER MONDAY	8
Tue	6	10	7	7 POTENTIAL SHADOW AUTHORITY MEETING	11	9
Wed	7	11 POTENTIAL SHADOW AUTHORITY MEETING	8	8	12	10
Thur	8	12	9	9	13	11
Fri	9	13	10 POTENTIAL SHADOW AUTHORITY MEETING	10	14 SHADOW EXECUTIVE	12
Sat	10	14	11	11	15	13
Sun	11	15	12	12	16	14
Mon	12	16	13	13	17	15
Tue	13	17	14 SHADOW EXECUTIVE	14	18	16
Wed	14	18	15	15	19	17
Thur	15	19	16	16	20	18
Fri	16	20	17	17 POTENTIAL SHADOW AUTHORITY MEETING	21	19
Sat	17	21	18	18	22	20
Sun	18	22	19	19	23	21
Mon	19	23	20	20	24	22
Tue	20 SHADOW EXECUTIVE	24	21	21	25	23
Wed	21 SCRUTINY COMMITTEE	25	22	22 SCRUTINY COMMITTEE	26	24
Thur	22 POTENTIAL SHADOW AUTHORITY MEETING	26	23	23	27	25
Fri	23 POTENTIAL SHADOW AUTHORITY MEETING	27	24	24	28	26
Sat	24	28	25	25	29	27
Sun	25 CHRISTMAS DAY	29	26	26	30	28
Mon	26 BOXING DAY	30	27 SHADOW AUTHORITY FOR CUMBERLAND	27 SHADOW EXECUTIVE		29 SPRING BANK HOLIDAY
Tue	27 BANK HOLIDAY	31 SHADOW EXECUTIVE	28	28		30
Wed	28			29 POTENTIAL SHADOW AUTHORITY MEETING		31
Thur	29			30		
Fri	30			31		
Sat	31					

Cumberland Joint Committee

Item
A.7

Meeting date: 30 March 2022

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

Subject: Interim Statutory Officer Recruitment

1.0 SUMMARY:

- 1.1 The purpose of this report is to outline the proposed approach to the recruitment of interim statutory roles for the Cumberland Joint Committee.
- 1.2 The Joint Committee have in the remit of their terms of reference, the authority to agree and undertake the recruitment process for the Statutory Interim roles for the Shadow Authority (Head of Paid Service, Monitoring Officer and Chief Finance Officer). This is to enable the Shadow Council to make a decision on the appointment of the recommended designations at their first meeting in May (a requirement of the Structural Change Order).

2.0 RECOMMENDATIONS:

That the Joint Committee:

- 2.1 Agree the selection process, as outlined in paragraphs 3.5 – 3.8 of this report.
- 2.2 Agree the nominations from members of the Joint Committee to act as interview panel members, with one nomination to be agreed from each of the District Councils and one from the County Council. In the case of a tied vote, the person presiding at the meeting (whether or not the Chair of the Committee) will have the casting vote.
- 2.3 Consider the options in relation to the field of selection for candidates for the Interim Statutory roles as outlined in Appendix 1 and agree their preferred option.
- 2.4 Agree the principles for the appointments outlined in paragraphs 3.14 – 3.17 of this report.
- 2.5 Agree the draft job descriptions for the roles of Interim Head of Paid Service (Appendix 2), Interim Monitoring Officer (Appendix 4) and Interim Chief Finance Officer (Appendix 3).

3.0 BACKGROUND, INTRODUCTION AND CONSIDERATIONS:

Background

3.1 The Shadow Authority must appoint an Interim Head of Paid Service, Interim Chief Finance Officer and an Interim Monitoring Officer in accordance with Article 9(1)(a) – (c) of the Structural Change Order. These roles will need to be in place for the Shadow Cumberland Council in May 2022, and it is a requirement to confirm the appointments at the first shadow council meeting, to be held within 14 days of the election.

3.2 The Terms of Reference of the Joint Committee includes undertaking the recruitment process for the selection of the posts of Interim Head of Paid Service, Interim Chief Finance Officer and Interim Monitoring Officer, in order to make recommendations for the appointments to the Shadow Authority.

3.3 The Structural Change Order states that appointees must be an existing officer of the County Council or an officer of one of the District Councils in the Cumberland area.

3.4 The statutory roles are described as designations because in statute they are a set of responsibilities, rather than a full role, to be discharged by the designated officer.

The Selection Process

3.5 A proportional selection process will be put in place, recognising that these are designations and the credibility of internal candidates. It is proposed that applications will be made through an Expression of Interest, where applicants will be asked which role(s) they are interested in and to respond to the following questions:

- Why are you applying and what can you bring to the role(s)?
- How will you balance the demands of the interim role with your substantive role, to ensure that you successfully contribute to both the formation of the new council and ensure business as usual within your existing authority?
- Do you have previous experience as Returning Officer (specific question for the Interim Head of Paid Service role)

3.6 Applicants will then be invited to a member panel interview and asked to give a presentation.

3.7 The selection panel will consist of 4 nominated members of the Joint Committee, with one representative from each of the District Councils and one representative from the County Council. The Joint Committee is asked to agree the interview panel members from the received nominations. The selection panel should be comprised of the same members for the interviews for each of the individual statutory roles, but the same panel does not need to consider all of the roles.

3.8 The selection panels will be supported by a neutral HR representative and an advisor from North West Employers. The recommended candidates will be endorsed by the Joint Committee, who will refer the nomination to the first meeting of the Shadow Authority, for its decision on the appointment, in accordance with the Structural Change Order.

Options Regarding the Field of Selection

3.9 To ensure an independent view, external legal advice has been provided on the definition of “an existing officer”. The advice confirms that it is not restricted to those officers currently occupying that designated role within their respective Authorities but also, that it is reasonable to limit to those who are.

3.10 The two options available are:

Option 1 - to ringfence the opportunities for these designations to those who currently hold these designations in one of the four councils or

Option 2 - 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 qualifications

3.11 The legal advice has been reviewed by the Monitoring Officers and the options discussed with members of the OD&HR Workstream, which consists of HR Leads from each of the seven sovereign councils. Chief Executives and the LGR Programme Director have also offered advice and suggestions on the process. Consideration has also been given to the process undertaken by other councils who have gone through the LGR process, and specifically Dorset and Northamptonshire.

3.12 Both options are legitimate, and members are asked to agree their preferred approach. Further detail on the options is outlined in Appendix 1, with a recommendation from the independent technical lead for the OD&HR Workstream for Option 1 to be agreed. This option is recommended in recognition of the fact that the incumbent statutory officers are experienced local government managers, capable of undertaking the respective interim roles and that there are no legal risks. The independent lead for the OD&HR Workstream also recommends that Option 2 be instigated in the event that no expressions of interest are received from the incumbent statutory officers.

3.13 If no expressions of interest are received from existing officers, contingency planning will be put in place to enable external, fixed-term recruitment to one of the councils to specifically undertake the designations.

Principles for Appointments

3.14 It will be made clear that these time limited roles are different from their substantive equivalents in the new council, and that it should therefore not be assumed that any individual selected for an interim role will automatically be successful should they also apply for the substantive role.

3.15 Once designated, the individuals will continue to operate in their substantive posts, and it is envisaged that the amount of time needed for their interim responsibilities will vary throughout the duration of the programme. Candidates will be asked how they expect to balance the demands of the interim role with their substantive roles, to ensure that they successfully contribute to both the formation of the new councils and ensuring business as usual within their home authority.

3.16 The roles will be in operation from the establishment of the Shadow Authority to 31 March 2023, or until a person to perform those functions is appointed on a substantive basis for the Cumberland Council and takes up that appointment.

3.17 There will be no additional allowance paid for undertaking these roles.

Proposed Timeline

3.18 Bearing in mind the dates for elections at the beginning of May and the commitments this will bring, the following timeline is proposed:

Activity	Timeline
Details for the selection process agreed with the Interview Panel	1 st week April
Advertised	By 8 April
Selection Panels	w/c 18 April
Report back to the Joint Committee	9 May
Shadow Council Appointment	Mid-May (at first meeting)

4.0 OPTIONS, INCLUDING ALTERNATIVES (IF ANY)

Interim Statutory Appointments

4.1 That the selection panels for the Interim Statutory Appointments involves all members of the Joint Committee. In line with the proposed “light touch” selection process, this option is not recommended

5.0 IMPLICATIONS:

5.1 Financial and Procurement:

5.1.1 There are no financial or procurement implications in relation to the Interim Statutory Posts.

5.2 Staffing:

5.2.1 There will be a capacity impact on the home council of the successfully appointed Interim Statutory Officers. This impact will need to be properly planned for before appointments are taken up and regularly reviewed.

5.3 Legal:

5.3.1 At its first meeting the Shadow Authority must designate on an Interim basis a Head of Paid Service, a Chief Finance Officer, a Monitoring Officer in accordance with Article 9(1)(a) – (c) of the Cumbria Structural Change Order 2022.

5.3.2 The Joint Committee terms of reference approved by all sovereign Councils provide that it will agree and undertake the recruitment process for the selection of the posts of Interim Head of Paid Service, Interim Chief Finance Officer (s151 Officer) and Interim Monitoring Officer for the Shadow Authority and recommend to the Shadow Authority at its inaugural meeting nominations for the three Interim Statutory Officers.

5.4 Information Governance:

5.4.1 There are no information governance implications arising from this report.

6.0 HEALTH AND SUSTAINABILITY IMPACT:

6.1. There are no Health and Sustainability impacts arising from this report.

7.0 EQUALITY AND DIVERSITY IMPACT:

7.1 There are no equality and diversity impacts arising from this report.

8.0 RISKS:

- No expressions of interest received for one or more posts from existing officers of one of the relevant councils. Contingency planning will be put in place to enable recruitment of a fixed-term employee.
- Perception of the interim appointments as an indication of future substantive appointments. The Expression of Interest process and supporting communication will make clear that this is not the case.
- Impact on sovereign council responsibilities for successful applicants. Applicants will need to ensure that they have adequate plans in place and to be supported by their sovereign council. They will be asked about these plans as part of the selection process.

9.0 CONCLUSION:

9.1 The mitigations outlined should ensure that these risks are effectively managed.

Report Author: Nicola Houwayek, Technical Lead OD&HR Workstream, LGR Programme

APPENDICES

Appendix 1 – Options and Recommendation for the Field of Selection to the Interim
Statutory Posts
Appendices 2-4
Proposed job descriptions for the Interim Head of Paid Service, Interim Chief
Finance Officer and Interim Monitoring Officer.

Options and Recommendation for the Field of Selection to the Interim Statutory Posts

Option	Benefits	Risks
<p>Option 1: Ring-fence interim roles to relevant existing statutory officers across all 7 Councils (in line with geographical requirements for East and West)</p>	<ul style="list-style-type: none"> • Recognises that the incumbent statutory officers are experienced local government managers, capable of undertaking the respective interim roles • Shows faith, trust and confidence in the incumbent statutory officers • The selection process can be “light touch” • No legal risks identified with this approach 	<ul style="list-style-type: none"> • Limits the pool so not necessarily recruiting the best candidate (it may be someone not currently in post who has the relevant skills, experience and, where relevant, qualifications)
<p>Option 2: Open up interim roles to all suitably experienced and qualified officers across all 7 councils (in line with the geographical requirements for East and West)</p>	<ul style="list-style-type: none"> • Ensures that the pool is opened up, so the best candidate is recruited (it may be someone not currently in post) 	<ul style="list-style-type: none"> • Potential for claims for constructive (unfair dismissal) from existing incumbent statutory officers if opened up. External legal opinion is that this is not likely to succeed. • Possible staff retention issues amongst existing key officers – potential negative message regarding confidence in this group. • Process will also require a shortlisting stage
<p>Recommendation: Option 1 in the first instance and then moving to Option 2 for specific posts, if no expressions of interest are received from the ring-fenced group NB: This approach has been taken by other councils going through LGR (Dorset and Northamptonshire)</p>		

Interim Head of Paid Service Draft Job Description

Purpose

To ensure the smooth continuance and delivery of the LGR Programme for the Cumberland Council area, enabling the successful transition to the new Council.

Key Responsibilities

1. Accountable for the delivery of the LGR Programme in Cumberland area, sitting on the LGR Programme Board.
2. Lead and manage the Cumberland Shadow Management Team including the Interim Chief Finance Officer, Interim Monitoring Officer.
3. Lead the development and delivery of the Implementation Plan for the Cumberland Council area, liaising with the County Council and other Shadow Authority to ensure continuity of the delivery of public services on and after 1 April 2023.
4. Build effective working relationships with Elected Members and senior officers within the constituent authorities and national policy makers.
5. Exert influence at the most senior levels across the constituent authorities when necessary to overcome potential barriers/issues to ensure the delivery of the Programme.
6. Represent the Programme in the Cumberland area through a visible presence and be responsible for regular and appropriate communications to constituent authorities, Government, Local MP's and the Department for Levelling Up, Housing and Communities and Local Government regarding the Programme's progress.
7. Establish options for potential operating models for the new Cumberland Council in consultation with the constituent authorities.
8. Where he or she considers it appropriate, prepare a report to the Shadow Authority setting out his or her proposal for:
 - The manner in which the discharge by the Shadow Authorities of their different functions is coordinated
 - The number and grades of staff required for the discharge of these functions
 - Organisation of the Shadow Authority's staff
 - Appointment and proper management of the Shadow Authority's staff

9. Where, during the shadow period, a casual vacancy occurs in the office of councillor for Cumberland area and an election is required to be held in accordance with section 89 of the 1972 Act, to be the returning officer in accordance with article 21(12)(c) of the Cumbria Structural Change Order 2022.

Person Specification

Qualifications

- Relevant degree or professional qualification.
- Evidence of work related continuing managerial and professional development.

Specialist Knowledge & Experience

- Substantial leadership and managerial experience and skills gained at a senior level, including contributing to the corporate management of an organisation.
- Track record of promoting, leading and managing change.
- Substantial experience of successfully working with Elected or Board Members on complex issues, and the ability to work productively and closely with Members, and provide clear advice on policy options.
- A successful track record in corporate performance management and participation in the formulation of corporate objectives, policies and strategies within a large multi-disciplined organisation with comparable scope, responsibilities, budgets and resources.
- Track record of operating strategically on corporate projects and policy development.
- The ability to think creatively and innovatively in developing, recommending and leading strategic initiatives and policies to assist in the achievement of organisational goals
- The ability to work corporately and manage resources effectively in a complex environment, including the ability to interpret and understand complex financial and budgetary information, and to negotiate and influence to direct resources
- Demonstrable experience of partnership working, including the ability to influence and lead corporate and multi-agency projects and initiatives effectively.
- Demonstrable experience of taking difficult or contentious decisions and the ability to constructively manage conflict
- In-depth knowledge and understanding of the statutory, policy, strategic and service delivery framework in which local government operates, and the major issues facing local government.
- Experience of influencing Government Departments and Ministers.
- Experience as a Returning Officer

Personal Attributes

- A high degree of political awareness and sensitivity and commitment to working closely with all councillors, local organisations and communities
- Highly developed diplomatic skills, particularly in motivating, negotiating and persuading others outside the span of control, including partner organisations
- Actively promotes the need for change and acts as a role model for change.
- Positive, committed, adaptable, robust and confident approach.
- Ability to work under pressure and to motivate others to work quickly, without undue stress, and demonstrate a duty of care.
- Innovative and creative approach to change.
- Personal integrity.
- Drive and self-motivation – “can do” attitude.
- Sound judgement in devising and evaluating options and dealing with complex issues.

**Interim Chief Finance Officer
Draft Job Description**

Purpose

As a member of the Cumberland Shadow Management Team, being responsible for the budget in Cumberland area, and for developing and delivering the financial aspects of the Implementation Plan for Cumberland area, establishing proper arrangements for the administration of the new Council's financial affairs.

Key Responsibilities

1. Take overall accountability for the financial probity of the Shadow Authority by carrying out the statutory responsibilities under S151 of the Local Government Act for the proper conduct of the Authority's financial activities.
2. Provide the Shadow Executive Committee and Cumberland Shadow Management Team with robust strategic financial analysis and advice on the effective allocation of resources.
3. Ensure the establishment of the new Council's Medium Term Financial Plan and Annual Budget for 2023/24.
4. Ensure that appropriate financial standards and processes for the new Council are in place and operational through the development of the following:
 - The Medium-Term Financial Planning and Budget Setting Process
 - Financial Regulations and Procedures
 - Contract Management Framework
 - Procurement Strategy
 - Risk Management Strategy
 - Treasury Management Strategy
 - Anti-Fraud, Bribery and Corruption Policy
 - Money Laundering Policy
 - The Budget Management Framework
 - Annual Audit Plan
 - Debt Management Strategy
 - Council Tax Benefit Scheme
 - Business Rate Scheme
 - Capital Strategy
 - Corporate Debt Policy

Person Specification

Qualifications

- Relevant degree or professional qualification.
- Evidence of work related continuing managerial and professional development.
- Membership of a recognised accountancy body specified in s.113 of the Local Government Finance Act 1988.

Specialist Knowledge & Experience

- Extensive experience of managing, setting and monitoring budgets and financial management information, including developing and using management information.
- A successful track record in corporate performance management and participation in the formulation of corporate objectives, policies and strategies within a large multi-disciplined organisation with comparable scope, responsibilities, budgets and resources.
- Substantial leadership and managerial experience and skills gained at a senior level, including contributing to the corporate management of an organisation.
- Track record of promoting, leading and managing change.
- Significant experience of successfully working with Elected or Board Members on complex issues, and the ability to work productively and closely with Members and provide clear advice on policy options.
- Track record of operating strategically on corporate projects and policy development.
- Demonstrable experience of partnership working, including the ability to influence and lead corporate and multi-agency projects and initiatives effectively.
- Understanding of Government Accounting with a demonstrable level of commercial acumen.
- Knowledge of effective and innovative financial planning and controls across a diverse organisation.
- In-depth knowledge and understanding of the statutory, policy, strategic and service delivery framework in which local government operates, and the major issues facing local government.

Personal Attributes

- Actively promotes the need for change and acts as a role model for change.
- Positive, committed, adaptable, robust and confident approach.
- Ability to work under pressure and to motivate others to work quickly, without undue stress, and demonstrate a duty of care.
- Innovative and creative approach to change.

- Personal integrity.
- Drive and self-motivation – “can do” attitude.
- Sound judgement in devising and evaluating options and dealing with complex issues.

**Interim Monitoring Officer
Draft Job Description**

Purpose

As a member of the Cumberland Shadow Management Team, being responsible for the Monitoring Officer responsibilities in Cumberland area.

Key Responsibilities

Take overall accountability for the probity of the Shadow Authority by carrying out the statutory responsibilities as Monitoring Officer, the duties imposed by:

- Subsections (2) and (3) of the section 5 (designation and reports of monitoring officer) of the 1989 Act; and
- Subsections (2) and (5) of section 5A of the 1989 Act (reports of monitoring officer – local authorities operating executive arrangements);

and as follows:

- (a) Decision-making: Ensures all decisions taken by members and officers are lawful.
 - (b) The Constitution: Responsibility for the design, implementation and maintenance of the Council’s Constitution including the Full Council Procedural Rules, the schemes of delegation/scrutiny/ and partnership arrangements - in accordance with the requirements of the members, ensuring legal requirements are met.
 - (c) Proper Officer for access to information: Ensures that member decisions (and officer decisions where required), together with the reasons for those decisions (as required) and relevant Officer reports and background papers are properly recorded and made publicly available as soon as possible and retained for public access in accordance with legislative requirements.
 - (d) Provides high level advice and guidance to the Shadow Executive Committee and Cumberland Shadow Management Team Team on the scope of powers and authority to take decisions, maladministration, financial impropriety (in conjunction with the Interim Section 151 Officer), standards and probity and Budget and Policy Framework issues.
5. Responsible for ensuring the appropriate administration of advice to meetings of the Shadow Authority, including the Executive.
 6. Provides ‘trouble shooting’ expertise to the Shadow Executive Committee and Cumberland Shadow Management Team as necessary where expert knowledge and sound interpretation of democratic processes, statutory guidance and/or Constitution of the Council is vital to the resolution of issues/problems.

7. Lead Officer for the management of the Shadow Authority's Strategic Risk Register, its operational risk registers and ensuring that action to mitigate risk is taken across all services.
8. Lead officer for ensuring that appropriate impact assessments in support of decision-making are prepared and published ensuring that all statutory requirements are met.

Person Specification

Qualifications

- Relevant degree or professional qualification.
- Evidence of work related continuing managerial and professional development.

Specialist Knowledge & Experience

- Extensive experience of providing strategic legal advice to a large and diverse organisation.
- A successful track record in corporate performance management and participation in the formulation of corporate objectives, policies and strategies within a large multi-disciplined organisation with comparable scope, responsibilities, budgets and resources.
- Substantial leadership and managerial experience and skills gained at a senior level, including contributing to the corporate management of an organisation.
- Track record of promoting, leading and managing change.
- Significant experience of successfully working with Elected or Board Members on complex issues, and the ability to work productively and closely with Members and provide clear advice on policy options.
- Track record of operating strategically on corporate projects and policy development.
- Demonstrable experience of partnership working, including the ability to influence and lead corporate and multi-agency projects and initiatives effectively.
- In-depth knowledge and understanding of the statutory, policy, strategic and service delivery framework in which local government operates, and the major issues facing local government.

Personal Attributes

- Actively promotes the need for change and acts as a role model for change.
- Positive, committed, adaptable, robust and confident approach.
- Ability to work under pressure and to motivate others to work quickly, without undue stress, and demonstrate a duty of care.
- Innovative and creative approach to change.

- Personal integrity.
- Drive and self-motivation – “can do” attitude.
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