



Cumberland Joint Committee

Date: Thursday, 14 April 2022

Time: 10:00

Venue: The Market Hall

Present: Councillor Lisa Brown, Councillor Nicky Cockburn, Councillor Gareth Ellis, Councillor Mike Hawkins, Councillor Mike Johnson, Councillor Linda Jones-Bulman, Councillor Keith Little, Councillor John Mallinson, Councillor David Moore, Councillor Alan Smith, Councillor Stewart Young

Officers: Mr Seekings, Senior Responsible Officer, Allerdale Borough Council

Dr Gooding, Town Clerk and Chief Executive, Carlisle City Council

Mr Lambert, Monitoring Officer, Carlisle City Council

Ms Roberts, Executive Director Corporate Customer and Community Services,
Cumbria County Council

Ms Parkinson, Monitoring Officer, Cumbria County Council

Ms Hartley, Monitoring Officer, Copeland Borough Council

Ms Liddle, Head of Legal and Democratic Services, Carlisle City Council

CJC.15/22 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Tibble (Cumbria County Council), Mr Readman (Cumbria County Council) and Ms Pemberton (Copeland Borough Council).

CJC.16/22 DECLARATIONS OF INTEREST

No declarations of interest were submitted.

CJC.17/22 PUBLIC AND PRESS

RESOLVED - It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

CJC.18/22 MINUTES OF PREVIOUS MEETING

With reference to minute CJC.14/22 Interim Statutory Officer Recruitment, the Chair noted that within the discussion regarding the interview panel members it was stated that other members of the Joint Committee would be able to substitute for an appointed member of the interview panel as required. However, the matter had not been included in the Committee's resolution on the item of business. He proposed that the minutes be amended to include reference to the use of substitutes in the Committee's resolution, the Committee indicated its agreement.

RESOLVED 1) That the resolution of minute CJC.14/22 Interim Statutory Officer Recruitment, be amended to include reference to the use of substitute members of the Joint Committee for an appointed member of the interview panel as required.

2) That, subject to the amendment set out above, the minutes be approved.

CJC.19/22 PROPOSED CODE OF CONDUCT, GUIDANCE AND ARRANGEMENTS FOR THE SHADOW AUTHORITY FOR CUMBERLAND

The Monitoring Officer, Carlisle City Council, presented the proposed Code of Conduct, guidance and arrangements for the Shadow Authority for Cumberland.

The Monitoring Officer reported that Article 25 of the Cumbria (Structural Changes Order) 2022 (SCO) required that the Cumberland Joint Committee must formulate proposals for the Code of Conduct to be adopted by the Shadow Authority for Cumberland at its first meeting. The Code of Conduct must include provisions the authority deemed appropriate in respect of the registration in its register, and disclosure of, pecuniary interests and other interests. The authority was also required to have in place arrangements under which allegations relating to the Code of Conduct may be investigated and arrangements under which decisions on allegations could be made and the arrangements must include provision for the appointment of at least one independent persons.

The proposed Code of Conduct had been formulated by use of the Local Government Association template along with relevant local amendments.

A Member asked whether the reference to promoting equalities, set out in paragraph 2.3 of the report, would be restricted to those stipulated in the Equalities Act?

The Monitoring Officer, Carlisle City Council, confirmed that was the case.

A Member proposed that the recommendation set out in paragraph 2.1 of the report, the Joint Committee recommends to the Shadow Authority for Cumberland that it adopts from the date of its first meeting the Code of Conduct, the Arrangements for Dealing with Standards Matters, the Code of Conduct Guidance and Register of Interests Form, as set out in the Report, be amended to as follows:

That the Joint Committee recommended to the Shadow Authority for Cumberland that it considers at the date of its first meeting the Code of Conduct, the Arrangements for Dealing with Standards Matters, the Code of Conduct Guidance and Register of Interests Form, as set out in the Report.

The Senior Responsible Officer sought clarification that the Member was proposing to recommend that the Shadow Authority consider rather than adopt the Code of Conduct, the Arrangements for Dealing with Standards Matters, the Code of Conduct Guidance and Register of Interests Form at its first meeting.

The Member confirmed this.

The Monitoring Officer, Carlisle City Council, advised that the SCO required the Joint Committee formulate a Code of Conduct and associated documents to recommend to the Shadow Authority for adoption, it was then a matter for the Shadow Authority to determine whether to accept that recommendation or to amend the Code.

The Chair indicated he did not accept that position and that the Committee would recommend to the Shadow Authority that it consider the Code of Conduct, Guidance and Arrangements.

RESOLVED - That the Joint Committee:

i) recommends to the Shadow Authority for Cumberland that it considers at the date of its first meeting the Code of Conduct, the Arrangements for Dealing with Standards Matters, the Code of Conduct Guidance and Register of Interests Form, as set out in the Report;

ii) authorised the Monitoring Officer to initiate a recruitment process to enable the Shadow Authority to appoint an Independent Person(s) at the earliest opportunity.

CJC.20/22 PROPOSED SHADOW AUTHORITY CONSTITUTION

The Monitoring Officer, Carlisle City Council, presented a Constitution for adoption by the Shadow Authority for Cumberland Council at its first meeting on 17 May 2022.

The Monitoring Officer emphasised that the Proposed Shadow Authority Constitution would operate only for the year duration of the Shadow Authority and had been developed based on a review of the Constitutions of previous Shadow Authorities. The report contained the requirements placed on the Shadow Authorities in Part 3 of the Cumbria (Structural Changes) Order 2022 (SCO) along with a copy of the Proposed Shadow Authority Constitution.

Further to the production of the report, Monitoring Officers had continued to work on the document. Article 15(i) proposed that the Implementation Plan to keep under review and revise as necessary be the responsibility of the Shadow Full Authority, however, it was considered a matter for the Shadow Authority Executive. Therefore, it was recommended that Article 15 be amended to remove "(i)". The Shadow Authority had the power to reinstate the item were it minded to do so.

The Monitoring Officer advised that the Monitoring Officer Group wished to continue working on the document and in the event of any changes being required, that they be dealt with as per recommendation 3 detailed in the report.

A Member noted that the Proposed Shadow Authority Constitution did not contain reference to a Parental / Maternity Leave Policy, she asked whether the matter had been considered.

The Monitoring Officer responded that it had not. The Proposed Constitution had been drafted to meet the requirements stemming from the SCO. Local authorities implemented and adhered to many policies not all of which were contained in the respective Constitutions as it was important that the document remained workable.

A Member moved that the Joint Committee refer the draft constitution to the Cumberland Shadow Authority for consideration at its inaugural meeting on 17 May 2022, the proposal was seconded.

Discussion ensued on the purpose of the Joint Committee with a number of Members expressing the view that it was a function of the Committee to recommend the Proposed Constitution to the Shadow Authority for adoption. Accordingly, a Member moved the recommendations as set out in the report. The proposal was seconded.

The Chair noted that two motions had been proposed and seconded. The matter was put to the vote and it was:

RESOLVED - That the Joint Committee refers the draft constitution to the Cumberland Shadow Authority for consideration at its inaugural meeting on 17 May 2022.

CJC.21/22 CIVIC AND CEREMONIAL MATTERS

The Head of Legal and Democratic Services (Deputy Monitoring Officer), Carlisle City Council presented an overview of the work being undertaken in respect of civic and ceremonial matters and updates on the timetable for the Consequential Matters Order to implement the establishment of Charter Trustees to preserve the Civic and Ceremonial Rights of the existing Councils.

The report set out civic and ceremonial matters which were provided for in the Cumbria (Structural Changes Order) 2022 (SCO) along with a detailed overview of the matters outwith the SCO. Officers from across each of the Cumbrian Authorities had met to discuss the various and the report provided an update on the work undertaken thus far.

A Member welcomed the opportunity to consider the different models set out in the report.

A Member moved the Officer's recommendation, which was seconded and it was:

RESOLVED - That the Joint Committee noted the work being undertaken and timings provided by the Department for Levelling Up, Housing and Communities (DLUHC) in respect of the Consequential Matters Order.

CJC.22/22 MEMBERS' ALLOWANCES - IRP RECOMMENDATIONS

The Monitoring Officer, Copeland Borough Council, presented the recommendations of the Independent Remuneration Panel (IRP) and the proposed Scheme of Members Allowances. The IRP, in developing its recommendations, had considered the level of work and duties it was anticipated Members of the Shadow Authority would be required to undertake.

The report recommended that the Joint Committee:

- i) noted the report;
- ii) accepted the recommendations of the Independent Remuneration Panel and the Scheme of Member Allowances which it had proposed (Appendix 1);
- iii) recommended to the Cumberland Shadow Authority at its inaugural meeting that the proposed Scheme be adopted.

A Member welcomed the proposed dependent carer's allowance but noted that, particularly in relation to childcare, it was difficult to secure slots of only a couple of hours on an ad hoc basis. In relation to the proposed basic allowances, the Member was of the view that the role of the Shadow Authority was to set up the new Cumberland Council which would necessitate a lot of work, it was not clear that the IRP had taken that matter into account in the development of its

recommendations.

The Member moved that the report be noted and referred to the Shadow Authority for its consideration.

A Member endorsed the comments in respect of childcare and seconded the proposal.

RESOLVED - That the Joint Committee:

i) noted the report

ii) refer the proposed Scheme to the Cumberland Shadow Authority for consideration at its inaugural meeting.

The Meeting ended at: 10:38