Carlisle City Council
Report to Council

Report details

Meeting Date:	1February 2022
Portfolio:	Governance, Finance & Resources
Key Decision:	No
Policy and Budget Framework	Yes
Public / Private	Public
Title:	Establishment of 'Cumberland' Council area – Joint Committee
Report of:	Corporate Director of Governance and Regulatory Services
Report Number:	GD.07/22

Purpose / Summary:
The purpose of this report is to recommend, as one of the Councils making up the area which will be covered by the forthcoming Cumberland Council, that a Cumberland Joint Committee is established.

Recommendations:

The Executive recommend to Council that it:

(1) Agree to the establishment of the Cumberland Joint Committee as detailed in the report and to the terms of reference attached at Appendix 1

(2) Delegates the Non-Executive Functions within the Terms of Reference to the Cumberland Joint Committee

(3) Delegates to the Corporate Director of Governance and Regulatory Services, in consultation with the Leader and Mayor the making of any minor changes to the terms of reference following consideration by other councils making up the Joint Committee

(4) Authorise the Corporate Director of Governance and Regulatory Services to make the necessary amendments to the Councils Constitution and to update the Council's scheme of delegation in Section 2(a) of the Constitution.

(5) **Receive nominations and make appointments to the positions on the Cumberland Joint Committee in accordance with the political representation / balance calculation.**

(6) **Delegates to the Town Clerk and Chief Executive following consultation with the Leader and the Mayor the authority to agree which of the 'Cumberland' Councils acts as the host authority for the Cumberland Joint Committee.**

(7) **Agrees that this Joint Committee will be/is the Cumberland Joint Committee for the purposes of the forthcoming Cumbria (Structural Changes) Order 2022 (or such similar title that Her Majesty's Government decides).**

Tracking

Executive:	19 January 2022
Scrutiny:	
Council:	1 February 2022

1. Background and Proposals

1.1 The Secretary of State (SoS) has made a decision, subject to Parliamentary approval, to implement the proposal for two unitary councils on an East-West geography.

1.2 The SoS now intends to seek Parliamentary approval for the necessary secondary legislation to implement the Cumberland and Westmorland and Furness two Unitary Council proposal.

1.3 All Councils have received details of the draft Cumbria Structural Changes Order 2022 and this includes specific provisions relating to the Cumberland and Westmorland and Furness Joint Committees.

1.4 We are required within 14 days of the coming into force of the Order to establish a Cumberland Joint Committee. It is intended that the Joint Committee proposed in this Report is the Joint Committee for the purposes of the forthcoming (or similarly named, relevant legislation) Cumbria (Structural Changes) Order 2022 and in accordance with the said Order will be dissolved on the day following that on which the shadow authority for Cumberland Council holds its first meeting.

1.5 The Monitoring Officers recommend that there is one Host Authority and if there are to be different Council venues for the respective meetings that the Host Authority organises the meetings. The Host Authorities are required to be agreed for Cumberland and Westmorland and Furness.

2.0 <u>Terms of Reference and Membership</u>

2.1 Suggested terms of reference are attached at Appendix 1 based on the content of the draft structural changes order. As with any matter going through different Councils' approval processes, there may be changes to this as required by the individual authorities. It is therefore recommended that delegated authority be given to the Corporate Director of Governance & Regulatory Services to make any minor amendments following consultation with the Leader of the Council and the Mayor.

3.0 Membership of the Joint Committee

3.1 The structural changes order requires the establishment of 2 Joint Committees, one for the Cumberland area and one for the Westmorland & Furness area. The membership make up is the same for each Joint Committee so for Cumberland the Joint Committee will comprise of 3 persons nominated by the County Council and nine persons nominated by the relevant District Councils (with each of the Cumberland districts nominating three persons).

3.2 Since the proposed arrangements include the discharge of non- executive and executive functions it is necessary to consider the application of political balance.

3.3 For Carlisle, as we operate Executive arrangements, the appointments are the responsibility of the Council with the agreement of the Executive. At least one of the members appointed to the Joint Committee must be a member of the Executive. For the City Council the political balance of appointments will be two Conservative Members and one Labour Member.

3.4 On 19 January 2022, the Executive agreed to the establishment of the Cumberland Joint Committee (as detailed in Report reference GD.02/22) and delegated Executive functions set out in the terms of reference to the said joint committee.

3.5 For the County Council political balance requirements do not apply to the appointment of those representatives and the representatives must be members elected for the electoral divisions or wards which are within the relevant areas. This means for the County Council they will appoint members from within the relevant wards for the areas covered by the Joint Committees and political balance rules will not apply.

4.0 Consultation

4.1 Consultation has taken place with the LGR Leaders' Oversight Board and the Chief Executives' Programme Board.

5.0 Alternative Options

5.1 Members could decide not to proceed with a Joint Committee until the Order is made. However, speed is of the essence and it is considered that this will be more transparent and provide clarity on decision making and ensure that the Council is ready for Local Government Reorganisation.

6.0 Conclusion and reasons for recommendations

6.1 The Executive and Council are recommended to agree to the establishment of the Cumberland Joint Committee to comply with the statutory requirements of the forthcoming structural changes order and to facilitate as efficiently as possible, the ongoing Local Government Reorganisation.

Contact details:

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Appendices attached to report:

- Terms of Reference for the Cumberland Joint Committee

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- None

Corporate Implications:

Legal - By s101 and 102 of the Local Government Act a local authority may arrange for the discharge of any of its functions by a committee and may appoint a Joint Committee for that purpose. Similar provisions are contained in Part IA Chapter II of the Local Government Act 2000 in respect of Executive functions. The Host Authority will be responsible for arranging the meetings of the Cumberland Joint Committee. There will be a requirement to ensure that agendas are published and that we have a suitable platform on which to host the Cumberland Joint Committee and any Scrutiny Committee should it be established

Property Services – No property implications.

Finance - There will be resources required to support the meetings and the Host Authority will need to be resourced appropriately. Appointed members attendance at formal meetings will be an approved duty and as such some additional travel expenses may be

incurred. Expenses of a Joint Committee are defrayed by authorities in such proportions as they may agree so this needs to be covered in the terms of reference.

Equality – None.

Information Governance- None.

Appendix 1

Cumberland Joint Committee

Purpose

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 Cumberland 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 1st April 2023 of the functions of the Cumberland 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) Have regard to sections 27 and 28 of the Localism Act 2011 in formulating proposals for the codes of conduct to be adopted by the Shadow Authorities.

14/12/2021

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