

**South Lakeland District Council**  
**Cabinet - Wednesday, 9 February 2022**  
**Council- Tuesday, 22 February 2022**  
**Establishment of a Westmorland and Furness Joint Committee**

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**Portfolio:** Leader of the Council  
**Report from:** Monitoring Officer  
**Report Author:** Linda Fisher – Legal, Governance and Democracy Lead Specialist (Monitoring Officer)  
**Wards:** (All Wards);  
**Forward Plan:** Key Decision included in the Forward Plan as published on 3 August 2021 (Local Government Reorganisation)

**Links to Council Plan Priorities:** The Structural Changes will impact upon the Council and all its priorities. Working across boundaries /Delivering a balanced community/A fairer South Lakeland / Addressing the climate emergency

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**1.0 Expected Outcome and Measures of Success**

1.1 The purpose of this report is to recommend that as one of the Councils making up the Westmorland and Furness Council that a Westmorland and Furness Joint Committee is established.

**2.0 Recommendation**

**2.1 It is recommended that Cabinet:-**

- (1) Agree to the establishment of the Westmorland and Furness Joint Committee as detailed in the report and to the terms of reference attached at Appendix 1; and
- (2) Delegates the Executive functions within the Terms of Reference to the Westmorland and Furness Joint Committee.

**2.2 It is recommended that Cabinet recommend to Council that it :-**

- (1) Agree to the establishment of the Westmorland and Furness 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 Westmorland and Furness Joint Committee;
- (3) Delegates to the Monitoring Officer , in consultation with the Leader and Chairman the making of any minor changes to the terms of reference following consideration by other councils making up the Joint Committee;
- (4) Authorises the Monitoring Officer to make the necessary amendments to the Council's Constitution and to update the Council's scheme of delegation in Part 3 of the Constitution;
- (5) Receives nominations and makes appointments to the positions on the Westmorland and Furness Joint Committee in accordance with the political representation / balance calculation;

- (6) **Agrees that South Lakeland District Council act as the host authority; and**
- (7) **Agrees that this Joint Committee is the Westmorland and Furness Joint Committee for the purposes of the Cumbria (Structural Changes) Order 2022.**

### **3.0 Background and Proposals**

- 3.1 The Secretary of State (SoS) has made a decision to implement the proposal for two unitary councils on an East-West geography, and, subject to Parliamentary approval, this proposal is to be implemented.
- 3.2 The SoS is seeking Parliamentary approval for the necessary secondary legislation to implement the Cumberland and Westmorland and Furness two Unitary Council proposal.
- 3.3 All Councils received details of the draft Cumbria Structural Changes Order 2022 and on the 24<sup>th</sup> January 2022 the Structural Changes Order was laid before Parliament. This includes specific provisions relating to the Cumberland and Westmorland and Furness Joint Committees.
- 3.4 We are required within 14 days of the coming into force of the Order to establish a Westmorland and Furness Joint Committee. It is intended that this Joint Committee is the Joint Committee for the purposes of the Cumbria (Structural Changes) Order 2022 and in accordance with the Order will be dissolved on the day following that on which the shadow authority for Westmorland and Furness council holds its first meeting.
- 3.5 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. South Lakeland District Council has agreed to host the Joint Committee meetings.

### **3.6 Terms of Reference and Membership**

- 3.6.1 Suggested terms of reference are attached at Appendix 1 based on the content of the structural changes order laid before Parliament on the 24<sup>th</sup> January 2022. A delegation for any further changes is recommended.

### **3.7 Membership of the Joint Committee**

- 3.7.1 The order requires the establishment of 2 Joint Committees and the membership will comprise of 3 persons nominated by the County Council for each of the Joint Committees and nine persons nominated by the relevant District Councils (with each nominating three persons).
- 3.7.2 Since the proposed arrangements include the discharge of non- executive and executive functions it is necessary to consider the application of political balance.
- 3.7.3 For District Councils operating 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 Westmorland and Furness Council the political balance of appointments by the South Lakeland District Council will be 2 Liberal Democrats ( one must be an Executive Councillor) and 1 Conservative.
- 3.7.4 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 would not apply.

#### 4.0 Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Westmorland and Furness Joint Committee Terms of Reference

#### 5.0 Consultation

5.1 Consultation has taken place with the LGR Chief Executives Programme Board, the LGR Leaders meeting and the report has been prepared by the Cumbria Monitoring Officers Group.

#### 6.0 Alternative Options

6.1 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. The Council is required to comply with the Structural Changes Order, not proceeding with the establishment of the Joint Committee would place the Council in breach of the provisions of the Order.

#### 7.0 Implications

##### Financial, Resources and Procurement

7.1 There will be resources required to support the meetings. 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 - these costs are included in the implementation budget for the new authorities with the overall split of costs already approved by five of the seven Cumbria councils and the other two Councils to consider the budget in February 2022 as part of their budget setting process.

##### Human Resources

7.2 There will be a call on staff time to support the meetings and will involve joint working with officers on strategy, programme and work programme tasks.

##### Legal

7.3 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.

7.4 The Host Authority will be responsible for arranging the meetings of the Westmorland and Furness Joint Committee.

7.5 There will be a requirement to ensure that agendas are published and that we have a suitable platform on which to host the Westmorland and Furness Joint Committee and any Scrutiny Committee should it be established.

##### Health and Sustainability Impact Assessment

7.6 Have you completed a Health and Sustainability Impact Assessment? yes.

7.7 If you have not completed an Impact Assessment, please explain your reasons:

7.8 Summary of Health and Sustainability Impacts

		Positive	Neutral	Negative	Unknown
<b>Environment and Health</b>	Greenhouse gases emissions		X		
	Air Quality		X		
	Biodiversity		X		
	Impacts of Climate Change		X		
	Reduced or zero requirement for energy, building space, materials or travel		X		
	Active Travel		X		
<b>Economy and Culture</b>	Inclusive and sustainable development		X		
	Jobs and levels of pay		X		
	Healthier high streets		X		
	Culture, creativity and heritage		X		
<b>Housing and Communities</b>	Standard of housing		X		
	Access to housing		X		
	Crime		X		
	Social connectedness		X		

**Equality and Diversity**

7.9 Have you completed an Equality Impact Analysis? yes

7.10 If you have not completed an Impact Analysis, please explain your reasons:

7.11 Summary of Equality and Diversity impacts

<b>Please indicate: P = Positive impact; 0 = Neutral; N = Negative; Enter "X"</b>					
<b>Age</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Disability</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Gender reassignment (transgender)</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Marriage &amp; civil partnership</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Pregnancy &amp; maternity</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Race/ethnicity</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Religion or belief</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Sex/gender</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Sexual orientation</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>

<b>Armed forces families</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>	
<b>Rurality</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>	
<b>Socio-economic disadvantage</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>	

<b>Risk Management</b>	<b>Consequence</b>	<b>Controls required</b>
The Council is required to adhere to the requirements of the Structural Changes Order. To establish a Westmorland and Furness Joint Committee. This to be established within 14 days of the date the Structural Changes Order is approved by Parliament.	Failure to adhere to the requirements of the Structural Changes Order would be a risk to the Programme and have reputational impact.	The establishment of the Joint Committee will ensure that we meet the requirements of the Structural Changes Order.

### Contact Officers

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### Background Documents Available

<b>Name of Background document</b>	<b>Where it is available</b>
Structural Changes Order laid before Parliament 24/01/2022	<a href="https://www.legislation.gov.uk/ukdsi/2022/9780348231359/contents">https://www.legislation.gov.uk/ukdsi/2022/9780348231359/contents</a>

### Tracking Information

<b>Signed off by</b>	<b>Date sent</b>	<b>Date Signed off</b>
Section 151 Officer	21/01/2022	31/01/2022
Monitoring Officer	Report Author	Report Author
CMT	26/01/2022	27.01/2022

<b>Circulated to</b>	<b>Date sent</b>
Lead Specialist	N/A
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	21/01/2022
Committee Chairman	N/A
Portfolio Holder	21/01/2022
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	N/A