

Shadow Authority for Cumberland Council

Dear Councillor

SHADOW AUTHORITY FOR CUMBERLAND COUNCIL - TUESDAY, 17 MAY 2022

I am now able to enclose, for consideration at the Tuesday, 17th May, 2022 meeting of the Shadow Authority for Cumberland Council, the following reports that were unavailable when the agenda was printed and an addendum to agenda item 7.

Agenda No	Item
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7.	<u>Adoption of Constitution and Creation of Leader and Cabinet Executive (Pages 3 - 6)</u>
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Following referral from the Cumberland Joint Committee, pursuant to article 7 of the Cumbria (Structural Changes) Order 2022, to consider for adoption a proposed Constitution for the Cumberland Shadow Authority, which creates a Leader and Cabinet Executive within the meaning of Part 1A of the Local Government Act 2000 (a) (arrangements with respect to local authority governance) (the Shadow Executive).

12.	<u>Political Balance and Allocation of Committee Places (Pages 7 - 8)</u>
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To note the political balance of the Council and to note the allocation of committee places.

Yours sincerely



Returning Officer for Cumberland (Proper Officer)

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Cumberland Shadow Authority Meeting

17 May 2022

Proposed Shadow Authority Constitution

(Addendum Report)

Report from: Linda Fisher, Technical Lead, Legal and Democratic Workstream and Monitoring Officer (South Lakeland District Council)

Report Author: Catherine A. Parkinson, Monitoring Officer (Cumbria County Council)

Wards: All Wards

Key Decision: No

1.0 Purpose/Summary of report

1.1 This report is an addendum to the report on the Council agenda with regards to adoption of the Constitution and provides a revised set of recommendations for Members to consider.

2.0 Recommendation

2.1 It is recommended that the Shadow Authority for Cumberland:

- (1) approves that the seats on Overview and Scrutiny Committee be established as 14, rather than 12 as shown in the original report;**
- (2) agrees that each group may appoint substitutes to committees and that the Chairs/Vice-Chairs for the Shadow Authority be confirmed by full Council and note that a future report on the agenda makes provision for this;**
- (3) agrees the additional amendments to the Constitution with regards to the Employment Procedure Rules Officer as set out in paragraph 3.4 of the report;**
- (4) with the additions proposed at (1), (2) and (3) above approve and adopt the proposed Constitution and therefore, amongst other things, create a Leader and Cabinet Executive within the meaning of Part 1A of the Local Government Act 2000;**

- (5) **should Members have any amendments to the Constitution which they resolve should be made or considered further, that they instruct their Officers to report back to the next meeting of the Shadow Authority, accordingly; and**
- (6) **Establish a cross-party Constitution Review Group to contribute towards the review of the Shadow Authority constitution and the preparation of the required post vesting day Cumberland Council Constitution.**

3.0 Background and Proposals

3.1 This report is an addendum to the report issued with the agenda and provides some additional recommendations as shown at (1) and (2) which reflects changes proposed following discussions with the political groups following the elections held on 5 May 2022.

3.2 Consequently it is proposed that the size of Overview and Scrutiny Committee be increased from 12 Members to 14 Members and to allow for substitute members. If this is agreed then **Article 6 (3.1)** will be revised to show Overview and Scrutiny as comprising fourteen members and **Article 8** be revised to show the table of other committees as follows:

Committee	Shadow Members
Shadow Overview and Scrutiny Committee	Fourteen
Senior Appointments Committee	Seven
Standards Committee	Seven

And for an additional paragraph 1.5 as follows

1.5 Substitute members may sit on the other committees subject to the substitutes being confirmed by the shadow authority and where substitutes attend for those to be confirmed to the Monitoring Officer in advance of the meeting.

3.3 Part 3 - Responsibility for Functions Functions of the Shadow Authority

To avoid delays in establishing Chairs of Committee it is proposed that the Shadow Authority appoint the Chairs and Vice-Chairs of Committees at the first meeting. It is therefore proposed to amend

4.1(c)(iii) outlining the functions of the Shadow Authority with regards to appointments as follows:

(iii) Chair and Vice-Chair of Committees (except the Executive Committee), Sub-Committees and Special Committees, Panels and Working Groups of the relevant Committee, Sub-Committee, Special Committee, Panel or working group fails to elect a chair or vice-chair and where the shadow authority has not confirmed those appointments at its first meeting.

Likewise under the heading **Chair of Meeting and Appointment of Chairs of Committee** 6.2 of the Shadow Authority Procedural Rules an amendment will be made to reflect this amendment to read

6.2 Unless appointed by the Shadow Authority, every committee, sub-committee, panel or working group shall at its first meeting before proceeding to any other business elect a chair and may at any time elect a vice-chair.

3.4 Part F – OFFICER EMPLOYMENT PROCEDURE RULES, page 194.

6. Appointment of Monitoring Officer and section 151 Officer

Replace:

6.2 Where, following the above procedure, there are no objections to the proposed appointment or any objections are not upheld, the Committee will make a formal offer of appointment.

With:

6.2 Where, following the above procedure, there are no objections to the proposed appointment or any objections are not upheld, the Committee will recommend that person for appointment at the next meeting of the Shadow Authority or at a specially convened meeting of the Shadow Authority. If the Shadow Authority approve the recommendation, then a formal offer of appointment can be made.

3.5 Subject to the above amendments the constitution is as circulated with the agenda.

4.0 Consultation

4.1 The draft Constitution has been consulted upon with all of the various workstreams working on local government reorganisation, including the Chief Executives' Programme Board. The Constitution was reported to the Cumberland Joint Committee which recommended

the document to the Shadow Authority for consideration at its inaugural meeting.

- 4.2** The amendments the subject of this addendum have been discussed with the elected Group Leaders.

5.0 Alternative Options

- 5.1 The Shadow Authority must adopt a Constitution at its first meeting and, as catered for in the recommendations, amendments may be made easily and in due course.

6.0 Implications and risks

- 6.1** The implications and risks are as set out in the main cover report.

Contact Officers

Catherine Parkinson, Interim Chief Legal Officer & Monitoring Officer for Cumbria County Council (Catherine.parkinson@cumbria.gov.uk)

Agenda Item 12

Appendix 2

Cumberland Shadow Authority - Options for allocations of places on committees

Labour 30 (65.21%)

Conservative 7 (15.21%)

Lib Dems 4 (8.69%)

Green party 2 (4.34%)

Independents 1 (2.17%) (Three individual members: Groups to receive allocations first.)

Total 46

Overview & Scrutiny	12	14
Standards Committee	7	7
Senior Appointments Committee	7	7
TOTAL	26	28

Seat Entitlement	Option 1 - 26		Option 2 – 28	
Labour	$30/46 \times 26 = 16.95$	17 rounded up	$30/46 \times 28 = 18.26$	18 rounded down
Conservative	$7/46 \times 26 = 3.95$	4 rounded up	$7/46 \times 28 = 4.26$	4 rounded down
Lib Dems	$4/46 \times 26 = 2.26$	2 rounded down	$4/46 \times 28 = 2.43$	3 rounded up
Green Party	$2/46 \times 26 = 1.13$	1 rounded down	$2/46 \times 28 = 1.21$	1 rounded down
Non-Group Members (3)				
Independent (x3) (non-group)	$3/46 \times 26 = 1.69$ $(1/46 \times 26 = 0.56)$	2 rounded up (between 3 members)	$3/46 \times 28 = 1.82$ $(1/46 \times 28 = 0.60)$	2 rounded up
TOTAL		26		28

Overview & Scrutiny	Option 1- 12		Option 2 - 14	
Labour	7.82	8	9.12	9
Conservative	1.82	2	2.12	2
Lib Dems	1.04	1	1.21	1
Green	0.52	1	0.60	1
Independent	0.26	0	0.30	1
Total		12		14

Standards Committee		
Labour	4.56	4
Conservative	1.06	1
Lib Dem	0.60	1
Independent Member	0.15	1
Total		7
Senior Appointments Panel		
Labour	4.56	5

Conservative	1.06	1
Lib Dem	0.60	1
Total		7

Total Seats	Option 1	Option 2
Labour	17	18
Conservative	4	4
Lib Dems	2	3
Green	1	1
Independent Solo Members	2	2
Total	26	28

NB: There are three solo Independents but there are only two seats left after the Political Groups have received their allocation.