

CHAPTER 20

CUMBERLAND JOINT COMMITTEE AND TERMS OF REFERENCE

1. Upon the coming into force of the Structural Changes Order implementing a single tier of local government in Cumbria, dated XX 2022, a Cumberland Joint Committee has been established pursuant to section 101(5) of the Local Government Act 1972, for the purpose of discharging, until the first meeting of the shadow authority for Cumberland on 17 May 2022, the functions listed in terms of reference outlined below in this chapter.
2. The Cumberland Joint Committee 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 areas is within the Cumberland districts and three persons nominated by each of the Cumberland Councils, (twelve persons in total) each of whom is for the time being a member of the nominating council.
3. **Functions of the Cumberland Joint Committee relevant to codes of conduct**
 - 3.1 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) of the above Structural Changes Order 2022 and present these proposals at the first meeting of the shadow authority.
 - 3.2 In formulating these proposals, the Cumberland Joint Committee must have regard to section 27, (duty to promote and maintain high standards of conduct) and section 28 (codes of conduct) of the Localism Act 2011.

4. Terms of Reference

- 4.1 To consider and recommend a Constitution (including scheme of delegation) to be adopted by the Shadow Authority at its inaugural Full Council meeting;
- 4.2 To consider and recommend a Members Code of Conduct to be adopted by the Shadow Authority at its inaugural Full Council meeting;
- 4.3 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;
- 4.4 To consider and recommend to the Shadow Authority at its inaugural meeting a nomination for the post of Returning Officer;
- 4.5 To monitor and seek to mitigate any potential risks associated with the Local Government Reorganisation programme (LGR), the creation of a Shadow Authority and creation of a unitary authority for Cumberland and to establish/agree relevant protocols or processes to manage the risks to LGR;
- 4.6 To establish and propose a Calendar of Meetings for the Shadow Council for adoption at its inaugural meeting.
- 4.7 To respond to consultations on the content of orders, consents or any other matters where specifically requested to do so.
- 4.8 To establish/agree any protocol or process which, if not implemented in a timely manner, may threaten the establishment of a Unitary Council within the deadline set by the Secretary of State.
- 4.9 To receive recommendations/reports from work streams that require Joint Committee approval so long as those relate to the Joint Committee's terms of reference referenced above.

- 4.10 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.
- 4.11 To oversee the formation of an Implementation Team to assist the Joint Committee and if required the Shadow Authority in the discharge of its functions.
- 4.12 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 economic, effective, efficient, and timely transfer to the new Councils functions, property, rights and liabilities as relate to Copeland Borough Council 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 XXXX Councils.
- 4.13 To Manage the transition to the Shadow Authority under the Structural Changes Order
- 4.14 To oversee the smooth transition of all matters Civic and Ceremonial
- 4.15 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.