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DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

**The Cumbria (Structural Changes) Order 2022**

**PART 5**

**FURTHER TRANSITIONAL AND SUPPLEMENTAL PROVISIONS**

**Functions of the county council, the Cumberland councils and the Westmorland and Furness councils**

**22.**—(1) There is added to the functions of the county council the function, which is exercisable only in the transitional period beginning on the coming into force of this Order and ending on the fourteenth day after the 2022 election day, of preparing for and facilitating the economic, effective, efficient and timely transfer to the Cumberland Council, of such of its functions, property, rights and liabilities as relate to Cumberland and its inhabitants.

(2) There is added to the functions of the county council the function, which is exercisable only in the transitional period beginning on the coming into force of this Order and ending on the fourteenth day after the 2022 election day, of preparing for and facilitating the economic, effective, efficient and timely transfer to the Westmorland and Furness Council, of such of its functions, property, rights and liabilities as relate to Westmorland and Furness and its inhabitants.

(3) There is added to the functions of each of the Cumberland councils the function, which is exercisable only in the transitional period beginning on the coming into force of this Order and ending on the fourteenth day after the 2022 election day, of preparing for and facilitating the economic, effective, efficient and timely transfer to the Cumberland Council of its functions, property, rights and liabilities.

(4) There is added to the functions of each of the Westmorland and Furness councils the function, which is exercisable only in the transitional period beginning on the coming into force of this Order and ending on the fourteenth day after the 2022 election day, of preparing for and facilitating the economic, effective, efficient and timely transfer to the Westmorland and Furness Council of its functions, property, rights and liabilities.

**Joint committees**

**23.**—(1) Not later than 14 days after the coming into force of this Order—

- (a) the county council and the Cumberland councils must establish a joint committee under section 101(5) of the 1972 Act for the purpose of discharging, until the first meeting of the shadow authority for Cumberland, the functions mentioned in paragraph (2) (“the Cumberland Joint Committee”); and
- (b) the county council and the Westmorland and Furness councils must establish a joint committee under section 101(5) of the 1972 Act for the purpose of discharging, until the first meeting of the shadow authority for Westmorland and Furness, the functions mentioned in paragraph (2) (“the Westmorland and Furness Joint Committee”).

(2) The functions are—

- (a) the article 22 functions; and
  - (b) the functions referred to in articles 24, 25 and 26.
- (3) The Cumberland Joint Committee is to consist of twelve persons—
- (a) 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 area is within the Cumberland districts; and
  - (b) nine persons nominated by the Cumberland councils (with each Cumberland council nominating three persons), each of whom is for the time being a member of the nominating council.
- (4) The Westmorland and Furness Joint Committee is to consist of twelve persons—
- (a) 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 area is within the Westmorland and Furness districts; and
  - (b) nine persons nominated by the Westmorland and Furness councils (with each Westmorland and Furness council nominating three persons), each of whom is for the time being a member of the nominating council.
- (5) The county council, and—
- (a) as regards the Cumberland Joint Committee, each of the Cumberland councils;
  - (b) as regards the Westmorland and Furness Joint Committee, each of the Westmorland and Furness councils;

must co-operate in the establishment of the relevant Joint Committee.

(6) The Cumberland Joint Committee is to regulate its own proceedings, but a question to be decided by the committee is to be decided by the majority of those present and voting at the meeting at which the question is put, each member (including the chairman of the committee) having one vote.

(7) The Westmorland and Furness Joint Committee is to regulate its own proceedings, but a question to be decided by the committee is to be decided by the majority of those present and voting at the meeting at which the question is put, each member (including the chairman of the committee) having one vote.

(8) In the case of an equality of votes, the person presiding at the meeting (whether or not the chairman of the committee) has a casting vote, in addition to any other vote the person may have.

(9) The Cumberland Joint Committee is dissolved on the day following that on which the shadow authority for Cumberland holds its first meeting.

(10) The Westmorland and Furness Joint Committee is dissolved on the day following that on which the shadow authority for Westmorland and Furness holds its first meeting.

### **Implementation Plans and further provisions relevant to the discharge of functions by joint committees**

**24.**—(1) The Cumberland Joint Committee and the Westmorland and Furness Joint Committee must each prepare, keep under review, and revise as necessary, an Implementation Plan which must include—

- (a) such plans and timetables as are in the opinion of each Joint Committee necessary to secure the effective, efficient and timely discharge of the article 22 functions; and
- (b) such budgets and plans as it considers necessary or desirable to facilitate the economic, effective, efficient and timely discharge, on and after 1st April 2023, of the functions that,

before that date, are functions of the county council, the Cumberland councils, or the Westmorland and Furness councils.

- (2) For the purposes of—
- (a) preparing, reviewing and revising the Implementation Plan,
  - (b) discharging the article 22 functions, and
  - (c) discharging such other functions as may be conferred on it,

each Joint Committee must have regard to the information supplied to the Secretary of State in support of the proposal for single tier local government in Cumbria.

- (3) Each Joint Committee may, by written notice to—
- (a) the proper officer of the county council, or
  - (b) the proper officer of any of the Cumberland councils or the Westmorland and Furness councils,

require the council referred to in the notice to take such action relevant to any of the article 22 functions as may be specified in the notice.

### **Functions of joint committees relevant to codes of conduct**

**25.**—(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) and present those proposals at the first meeting of the shadow authority.

(2) The Westmorland and Furness Joint Committee must formulate proposals for the code of conduct to be adopted by the shadow authority for Westmorland and Furness in accordance with article 8(1) and present those proposals at the first meeting of the shadow authority.

(3) In formulating proposals under paragraphs (1) and (2) the joint committees must have regard to section 27 (duty to promote and maintain high standards of conduct) and section 28 (codes of conduct) of the 2011 Act.

### **Implementation Team**

**26.**—(1) Not later than 21 days after the coming into force of this Order, the Cumberland Joint Committee and the Westmorland and Furness Joint Committee must form a single team of officers (“the Implementation Team”) for the purposes of assisting—

- (a) the relevant Joint Committee in the discharge of its functions under this Part; and
- (b) if, after the dissolution of the relevant Joint Committee, the relevant shadow authority so requires, that shadow authority.

(2) The members of the Implementation Team must comprise officers from the county council, the Cumberland councils and the Westmorland and Furness councils.

(3) The Implementation Team must appoint a member of that Team to be the leader of that Team.

(4) The deputy leaders of the Implementation Team are to be an officer of one of the Cumberland councils and an officer of one of the Westmorland and Furness councils.

(5) The county council and, as regards the relevant Joint Committee, each of the Cumberland councils or each of the Westmorland and Furness councils must—

- (a) co-operate in the formation of the Implementation Team, and
- (b) release the officers concerned from their normal duties at such times or for such periods as the relevant Joint Committee or the relevant shadow authority may reasonably require.

(6) In this article—

“the relevant Joint Committee” means—

- (a) as regards the Cumberland councils, the Cumberland Joint Committee;
- (b) as regards the Westmorland and Furness councils, the Westmorland and Furness Joint Committee;

“the relevant shadow authority” means—

- (a) as regards the Cumberland councils, the shadow authority for Cumberland; and
- (b) as regards the Westmorland and Furness councils, the shadow authority for Westmorland and Furness.

### **General transitional duties of the county council, the Cumberland Councils and the Westmorland and Furness Councils**

27.—(1) The county council, each of the Cumberland councils and each of the Westmorland and Furness councils must—

- (a) consult and co-operate with one another and with the shadow authorities in order to secure the economic, effective, efficient and timely transfer of the county council’s and those councils’ functions, property, rights and liabilities; and
- (b) generally, exercise their functions so as to further the purposes of this Order.

(2) A relevant authority must provide such information relating to its functions as any other relevant authority may reasonably request for the purpose of giving effect to this Order.

(3) A relevant authority must, on request by a person authorised by another relevant authority in that behalf, at all reasonable times allow that person—

- (a) to inspect any record belonging to or under the control of the authority providing the information and relating to the authority or its functions; and
- (b) to take, or be supplied with, a copy of any such record or part of it.

(4) A relevant authority to whom a request is made under paragraph (3) may, before complying with the request, require the person making the request to produce evidence of the authorisation given by the other relevant authority.

(5) The rights conferred by paragraph (3) include the right to require any record which is not in legible form to be made available in legible form so that the authorised person may inspect or copy it or be supplied with copies.

(6) The information referred to in paragraph (2) shall, in particular, include any information necessary for the exercise during the shadow period of any of the functions of a shadow authority.

(7) In this article “relevant authority” means—

- (a) in the case of Cumberland—
  - (i) the county council;
  - (ii) the Cumberland councils;
  - (iii) the shadow authority for Cumberland;
- (b) in the case of Westmorland and Furness —
  - (i) the county council;
  - (ii) the Westmorland and Furness councils;
  - (iii) the shadow authority for Westmorland and Furness.

### Lords-Lieutenant

**28.** In the Lieutenancies Act 1997(1), in paragraph 3 of Schedule 1 (counties and areas for the purposes of the lieutenancies in Great Britain), the following entry is inserted at the appropriate place in the Table.

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“Cumbria	Cumberland, Westmorland and Furness”
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### Sheriffs

**29.** In the Sheriffs Act 1887(2) in Schedule 2A (meaning of “county”), the following entry is inserted at the appropriate place in the Table.

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“Cumbria	Cumberland, Westmorland and Furness”
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(1) 1997 c. 23.

(2) 1887 c. 55. Schedule 2A was inserted by regulation 8 of S.I. 1995/1748.