

Cornwall Council

Report to: **Cornwall Council**

Date: **6 October 2016**

Title: **Governance Review Next Steps**

Portfolio Area: **Reputation and Performance**

Divisions Affected: **All**

Relevant Scrutiny Committee: Scrutiny Management Committee

Key Decision: **N** Approval and clearance obtained: **Y**

Urgent Decision: **N** Date next steps can be taken: **6 October 2016**
(e.g. referral on of recommendation or implementation of substantive decision)

Appropriate pre-decision notification given where an executive Decision? **N/A**

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Recommendations to Council:

1. The report 'Primed for Success', compiled by the Governance Review External Group (GREG), be formally received and noted.
2. Cultural issues identified by GREG be acknowledged as important and that this Committee be either tasked to review and make recommendations or oversee the work undertaken by other Council bodies in respect of the following highlighted areas:
 - (i) Developing more open and honest relationships between the Council, its partners and the public;
 - (ii) Recognising that whilst Members have the right to challenge an individual decision they also have to show commitment to, and respect for, the authority making that decision;

Cornwall Council

- (iii) Ensuring robust evidence-based decision-making in accordance with the Positive Governance Strategy;
 - (iv) Developing more effective use of social media to increase the level of engagement between the Council and residents;
 - (v) Developing an effective Residents' Panel;
 - (vi) Exploring models of participatory budgeting and digital democracy.
3. A Leadership Board for Cornwall comprising the political leadership of the Cornwall and Isles of Scilly Councils and the non-executive leadership of key strategic partnerships and partner organisations be established, with a target date of 30 April 2017; and
4. Subject to Recommendation 3, this Committee considers proposals for the membership, structure, terms of reference, and the arrangements for the scrutiny of business of the said Leadership Board.
5. The retention of the Strong Leader and Cabinet model of governance for the Council be confirmed.
6. The option of the Mayoral model of governance for Cornwall not be considered by the Council for implementation at this time but the situation be revisited should circumstances change in the future.
7. In light of the recommendations from GREG, proposals for the replacement of the Policy Advisory and Scrutiny Committees be considered by this Committee in time for implementation by the new Council in May 2017, such proposals to reflect the statutory requirements in respect of Health and Social Care and the potential for co-option within any revised arrangements.
8. Through effective corporate planning, the priorities of residents are considered and highlighted more through committee work plans and through the review of the structure and content of committee reports.
9. Such Member Role Profiles as may be determined by this Committee, be drafted and approved by 30 April 2017.
10. This Committee review the arrangements for Member induction and training to ensure appropriate priority is given to the role of Members and developing a positive Council culture.
11. All Members be encouraged to develop improved links with school and youth councils with the aim of encouraging more young people to engage with local democracy and, subject to approval of Recommendation 9, that this be included as part of the generic Member Role Profile and is reflected in the Constitution.

Cornwall Council

12. The emerging IT Investment Plan prioritises projects and initiatives which reduce workload and impact of time spent by Members on Council business with particular emphasis on reducing the time Members have to spend travelling to and from meetings in general and County Hall, Truro, in particular.

13. A joint investigation be commissioned with town and parish councils and, as appropriate, voluntary sector and community groups, into the Council and locality working which involves the following:

(i) A review of governance and engagement issues with a view to making the relationship between Cornwall Council and town and parish councils positive and productive for the benefit of residents;

(ii) A comprehensive review of and report on Community Networks and Community Network Panels with a view to either identifying a clear and beneficial role for them in the context of the vision for Cornwall in 2021 as outlined in the Council Strategy and the GREG Report, 'Primed for Success', or abolishing them, having due regard to the outcome of the current Electoral Review; and

(iii) A review of the progress made in respect of double devolution within Cornwall and any recommendations to improve the process, by 30 April 2017.

14. More formalised governance arrangements with local authorities in Devon be explored, to enable key significant issues of common interest to be addressed in a more strategic way.

15. The methods of access and engagement between the Council and regional bodies and organisations which serve a wider area than Cornwall be reviewed and proposals for improvement developed for consideration by 30 April 2017.

16. The potential for involving local Members in the north and south east of Cornwall more formally in the design, review and monitoring of services based in and/or provided from Devon be explored with Devon local authorities and public sector partners and a report be brought back to this Committee by 30 April 2017.

17. The overarching Governance Review be approved to continue at least for the life of this Council and that this Committee retain the overall responsibility for the Governance Review process and the implementation of its outcomes.

18. The Chief Executive reviews the officer resources required to deliver the continuation of the Governance Review and the work required to implement the decisions taken through the Review. 19. This Committee continue to work closely with the Electoral Review Panel through the

Cornwall Council

Governance Steering Group to ensure that all progress in respect of the Governance Review feeds into the two further draft Council size submissions to the Local Government Boundary Commission for England scheduled for 16 December 2016 and 3 March 2017.

20. The Electoral Review Panel be formally requested to consider all aspects of the GREG report and the implementation of its recommendations in developing its recommendations in respect of the second and third submissions to the Local Government Boundary Commission for England in respect of Council size.

21. The Independent Remuneration Panel be convened to consider any changes to Member allowances resulting from any changes to the arrangements for policy development and scrutiny.

22. Following consideration of and decision by Council in respect of the recommendations, an action plan for the implementation of the resolutions be brought to the next meeting of the Constitution and Governance Committee, setting out responsibilities and timescales for implementation.

1. Executive summary

In accordance with the Terms of Reference recommended by the Constitution and Governance Committee ("the Committee") and approved by Full Council, the Governance Review External Group (GREG) conducted an inquiry into governance issues during the summer of 2016. Its final report and recommendations (attached at Appendix 1) were considered by the Constitution and Governance Committee at its meeting on 19 September 2016, alongside evidence received from other sources. This report sets out the detail of the Committee's recommendations. An explanation has also been provided on the Committee's rationale where the recommendations set out in Appendix 2 (the original report to the Committee on the Governance Review Next Steps) have been changed, or where additional recommendations have been made.

The purpose of this report is to seek Council endorsement for the findings of GREG which were substantially accepted by the Committee. The recommendations set out a strategic direction for the governance of the Council, and the wider public sector, and it is recognised that there is a great deal of work still to be done to flesh out the recommendations and to determine how they will be implemented.

Subject to Council's agreement, the Committee will receive a report at its next meeting setting out an action plan, including responsibilities and timescales, for the implementation of the recommendations, some of

Cornwall Council

which will be achievable in full or in part by the end of the term of the current Council whilst others will be longer term.

2. Background

The GREG received evidence from a wide range of contributors, as set out in its report, 'Primed for Success'. In reviewing the evidence, it set out its report and recommendations into six main themes, as follows:-

1. Case for Change;
2. Strategic Leadership and Governance of Cornwall;
3. Organisational Governance of Cornwall Council;
4. Cornwall Councillors;
5. Locality Working; and
6. Cross Border Working.

An all Member briefing took place on 15 September 2016 where the key findings and recommendations were outlined. Approximately 40 Members were present at the briefing. This was followed by a workshop session which provided Members with an opportunity to provide their views on the recommendations. The notes of the workshop sessions are attached at Appendix 4.

Members of the GREG attended the meeting of the Committee on 19 September to present their findings and an opportunity was provided for Members to ask questions on points of clarity. The GREG recommendations, in addition to some further process/administrative recommendations, were then debated by the Committee as part of the 'Next Steps' report which is set out at Appendix 2.

In view of the fact some of the recommendations were amended and some new recommendations were added, this report is designed to provide an explanation to the wider Council on the rationale for any changes or additions and to provide confirmation where recommendations were not changed. The minutes of the meeting of the Committee are attached at Appendix 3 which provide the detail of the debate.

Listed below is each recommendation and, in italics, confirmation of the approach taken by the Committee, with a brief explanation of any amendments or additions that were made.

1. The report 'Primed for Success', compiled by the Governance Review External Group (GREG), be formally received and noted.

Recommended with no change.

Cornwall Council

2. Cultural issues identified by GREG be acknowledged as important and that this Committee be either tasked to review and make recommendations or oversee the work undertaken by other Council bodies in respect of the following highlighted areas:

- (i) Developing more open and honest relationships between the Council, its partners and the public;
- (ii) Recognising that whilst Members have the right to challenge an individual decision they also have to show commitment to, and respect for, the authority making that decision;
- (iii) Ensuring robust evidence-based decision-making in accordance with the Positive Governance Strategy;
- (iv) Developing more effective use of social media to increase the level of engagement between the Council and residents;
- (v) Developing an effective Residents' Panel;
- (vi) Exploring models of participatory budgeting and digital democracy.

This recommendation was slightly amended to that set out in the original 'Next Steps' report. This was on the basis that the Committee had some reservations about the make-up and functioning of the Residents' Panel but nonetheless endorsed the principle recognising that the detail would be explored once the Council had made its final decision. Its main concern was (ii) which, in the original report, had referenced the need to encourage a greater sense of "collective loyalty to and pride in Cornwall Council."

The Committee discussed issues relating to the need for Members to be able to challenge and to scrutinise and raise issues of concern on behalf of their residents. Consequently revised wording was agreed by the Committee for its recommendation which was considered to more accurately reflect the findings of GREG and the intent of their recommendation.

3. A Leadership Board for Cornwall comprising the political leadership of the Cornwall and Isles of Scilly Councils and the non-executive leadership of key strategic partnerships and partner organisations be established, with a target date of 30 April 2017; and

4. Subject to Recommendation 3, this Committee considers proposals for the membership, structure, terms of reference, and the arrangements for the scrutiny of business of the said Leadership Board.

Cornwall Council

The Committee made slight amendments to the recommendations set out in the original 'Next Steps' report. It raised numerous issues in relation to the establishment of the Board, including whether it would be achievable by 30 April 2017 as there was a need to establish its purpose and to ensure partners were supportive. As such, the Committee decided to slightly amend the wording of the first element to set a target date rather than be prescriptive on the date for establishment. There was also agreement to combine the remaining recommendations into one in recognition of the fact that the Committee and Full Council would need to be involved in all elements of the proposals.

5. The retention of the Strong Leader and Cabinet model of governance for the Council be confirmed.

Recommended with no change.

6. The option of the Mayoral model of governance for Cornwall not be considered by the Council for implementation at this time but the situation be revisited should circumstances change in the future.

The Committee slightly amended the wording of the original recommendation to ensure it was kept open in the broadest possible terms. The Committee felt that the original recommendation was too prescriptive as it proposed specific scenarios when the Mayoral model of governance should be reconsidered.

7. In light of the recommendations from GREG, proposals for the replacement of the Policy Advisory and Scrutiny Committees be considered by this Committee in time for implementation by the new Council in May 2017, such proposals to reflect the statutory requirements in respect of Health and Social Care and the potential for co-option within any revised arrangements.

The Committee made amendments to the original recommendation as, although there was support for a review, there was concern about the wording of the original recommendations which seemed to suggest the Policy Advisory Committees (PACs) had been unsuccessful in their purpose and delivery, which was not the case across all of the PACs. There was concern about the suggestion that the new Committees should be aligned to Directorates and the view was expressed that democratic processes should not be prescribed by organisational structures and, as such, this was removed from the recommendation. Reference was also made to the fact that there had been similar issues in relation to Member engagement

Cornwall Council

in the previous structure, which had been resource intensive and had been abolished as a result of the last GREG review. As such, the Committee considered that a review should take place and take into account good practice from both the previous and existing governance structures relating to policy development and scrutiny. It was also recommended that the sentiments from the other two original recommendations could be encapsulated into a single recommendation on the issues (i.e. recognition of the statutory requirements for Health and Social Care and the potential for co-option as a means of increasing the level of partner/stakeholder involvement).

8. Through effective corporate planning, the priorities of residents are considered and highlighted more through committee work plans and through the review of the structure and content of committee reports.

Recommended with no change.

9. Such Member Role Profiles as may be determined by this Committee, be drafted and approved by 30 April 2017.

Recommended with no change.

10. This Committee review the arrangements for Member induction and training to ensure appropriate priority is given to the role of Members and developing a positive Council culture.

Recommended with no change.

11. All Members be encouraged to develop improved links with school and youth councils with the aim of encouraging more young people to engage with local democracy and, subject to approval of Recommendation 9, that this be included as part of the generic Member Role Profile and is reflected in the Constitution.

The Committee slightly amended the wording of the original recommendation as it suggested that Members be 'required' to develop the links referred to. However, there was concern about the use of this terminology insofar as there was a lack of clarity on how this could be achieved, the sanctions if it did not take place and also whether such a "requirement" was politically appropriate. Therefore the wording was

Cornwall Council

changed to 'encouraged' and the second reference to 'required', in terms of inclusion in the role profile for Members, was also removed.

12. The emerging IT Investment Plan prioritises projects and initiatives which reduce workload and impact of time spent by Members on Council business with particular emphasis on reducing the time Members have to spend travelling to and from meetings in general and County Hall, Truro, in particular.

Recommended with no change.

13. A joint investigation be commissioned with town and parish councils and, as appropriate, voluntary sector and community groups, into the Council and locality working which involves the following:

(i) A review of governance and engagement issues with a view to making the relationship between Cornwall Council and town and parish councils positive and productive for the benefit of residents;

(ii) A comprehensive review of and report on Community Networks and Community Network Panels with a view to either identifying a clear and beneficial role for them in the context of the vision for Cornwall in 2021 as outlined in the Council Strategy and the GREG Report, 'Primed for Success', or abolishing them, having due regard to the outcome of the current Electoral Review; and

(iii) A review of the progress made in respect of double devolution within Cornwall and any recommendations to improve the process, by 30 April 2017.

The Committee made a minor change to the original recommendation to reflect the Committee's earlier recommendation on the review of the policy development and scrutiny functions. This reflected the fact that the original recommendation referred to the Committee working with the Localism Policy Advisory Committee to commission the investigation when, in reality, this Committee may not exist in the new Council and there may be other means of progressing the investigation.

14. More formalised governance arrangements with local authorities in Devon be explored, to enable key significant issues of common interest to be addressed in a more strategic way.

Recommended with no change.

Cornwall Council

15. The methods of access and engagement between the Council and regional bodies and organisations which serve a wider area than Cornwall be reviewed and proposals for improvement developed for consideration by 30 April 2017.

Recommended with no change.

16. The potential for involving local Members in the north and south east of Cornwall more formally in the design, review and monitoring of services based in and/or provided from Devon be explored with Devon local authorities and public sector partners and a report be brought back to this Committee by 30 April 2017.

Recommended with no change.

17. The overarching Governance Review be approved to continue at least for the life of this Council and that this Committee retain the overall responsibility for the Governance Review process and the implementation of its outcomes.

Recommended with no change.

18. The Chief Executive reviews the officer resources required to deliver the continuation of the Governance Review and the work required to implement the decisions taken through the Review.

Recommended with no change.

19. This Committee continue to work closely with the Electoral Review Panel through the Governance Steering Group to ensure that all progress in respect of the Governance Review feeds into the two further draft Council size submissions to the Local Government Boundary Commission for England scheduled for 16 December 2016 and 3 March 2017.

Recommended with no change.

20. The Electoral Review Panel be formally requested to consider all aspects of the GREG report and the implementation of its

Cornwall Council

recommendations, in developing its recommendations in respect of the second and third submissions to the Local Government Boundary Commission for England in respect of Council size.

This was an additional recommendation made by the Committee as it recognised the need for the Council to formally link the GREG report directly to the Electoral Review, as a means of ensuring appropriate consideration of the GREG report and action taken to implement its recommendations.

21. The Independent Remuneration Panel be convened to consider any changes to Member allowances resulting from any changes to the arrangements for policy development and scrutiny.

The Committee made a minor change to the original recommendation to reflect that the Independent Remuneration Panel would only need to be convened, on the basis of its earlier recommendations, to consider any changes to the Special Responsibility Allowances for the policy development and scrutiny functions, should changes be made.

22. Following consideration of and decision by Council in respect of the recommendations, an action plan for the implementation of the resolutions be brought to the next meeting of the Constitution and Governance Committee, setting out responsibilities and timescales for implementation.

This was an additional recommendation made by the Committee as, in considering and making its recommendations, it recognised the need to understand the process, responsibilities and timescales for implementation of the Council's decisions relating to the governance review. As such, this addition would ensure it was presented with an action plan that would reflect those requirements. This would also support the earlier recommendation relating to the Chief Executive reviewing the officer resources required to deliver the continuation of the work.

For completeness, it should be noted that there was one recommendation from the original report which was not supported by the Committee, as follows:-

The Constitution be amended to remove the requirement for the annual election of the Leader but retaining the existing provisions which enable the early removal of the Leader. (*Recommendation 8 in the original Next Steps report*)

There was recognition by the Committee of GREG's reasons for making this recommendation, in terms of providing greater stability from the

Cornwall Council

perspective of Government and enhancing their long term role within the proposed Leadership Board for Cornwall. However, reference was made to the Council's previous experience and the reasons why the provision for the annual election had been introduced into the Constitution. The majority considered that the existing provision should be retained as, in their view, it promoted stability as the Leader had to seek to be inclusive and to ensure they retained the collective confidence of the Council in their leadership.

3. Outcomes/outputs

The outcomes/outputs are referenced in the original 'Next Steps' report presented to the Constitution and Governance Committee which is appended at Appendix 2.

The purpose of this report is to facilitate the debate at the Council meeting given the complexity of the subject and the large number of recommendations that have been presented.

Once the Council has made its decisions an action plan will be able to be produced setting out responsibilities and timescales for the implementation of those decisions.

4. Options available and consideration of risk

GREG has considered a wide range of evidence on which it based its recommendations. In considering those recommendations, the Committee had the opportunity to question the members of GREG on points of clarity. As a result they had a wide ranging debate and either agreed, amended or added to those recommendations and the reasons for amendment or addition are stated earlier in this report.

The original 'Next Steps' report sets out in more detail the issue of options based on the original recommendations and generally speaking, those options remain the same even in the context of recommendations that have been revised. In terms of the additional recommendations they are largely administrative to ensure due process is followed in a robust, open and transparent manner.

5. Proposed Way Forward

The original 'Next Steps' report references the proposed way forward.

The Council may accept, amend or reject the proposals in this report. It should, however, be recognised that the recommendations are about the 'what' in terms of the way forward. Once considered, the proposed action plan, for consideration by the Committee, will set out the process and timescales by which those decisions will be implemented as it should be

Cornwall Council

recognised that it will not be possible to implement all the changes for the start of the new Council in May 2017. Indeed, given the review relates to governance in 2021, there is sufficient time to fully investigate proposals for future working.

6. Implications

Implications	Details and proposed measures to address (if there are no such implications please state 'None')
Legal/Governance	As set out in the original 'Next Steps' Report attached at Appendix 2
Financial	As set out in the original 'Next Steps' Report attached at Appendix 2
Risk	As set out in the original 'Next Steps' Report attached at Appendix 2
Comprehensive Impact Assessment Implications.	
Equality and Diversity	As set out in the original 'Next Steps' Report attached at Appendix 2
Safeguarding	As set out in the original 'Next Steps' Report attached at Appendix 2
Information Management	As set out in the original 'Next Steps' Report attached at Appendix 2
Community Safety, Crime and Disorder	As set out in the original 'Next Steps' Report attached at Appendix 2
Health, Safety and Wellbeing	As set out in the original 'Next Steps' Report attached at Appendix 2
Other implications	As set out in the original 'Next Steps' Report attached at Appendix 2

Supporting Information

Appendices:

Appendix 1 – 'Primed for Success' – Report of the Governance Review External Group

Appendix 2 - Original report to the Constitution and Governance Committee of 19 September 2016 entitled 'Governance Review Next Steps'

Appendix 3 – Minutes of the Constitution and Governance Committee held on 19 September 2016

Appendix 4 – Notes of the all Member briefing session held on 15 September 2016

Cornwall Council

Background Papers:

[under provisions of the Local Government Act 1972]

None.

Approval and clearance of report

All reports:

Final report sign offs	This report has been cleared by OR not significant/not required	Date
Legal (if significant/required)	Richard Williams	27/09/2016
Finance Required for all reports	Neil Kirkland	23/09/2016
Equality and Diversity		

Cabinet/individual decision reports:

Final report sign offs	This report has been cleared by	Date
Head of Service	Richard Williams	27/09/2016
Corporate Director		