GOVERNANCE REVIEW
EXTERNAL GROUP

EVIDENCE REPORT

4 October 2012

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FOREWORD

Cornwall Council is committed to ensuring it has effective governance arrangements. In an unusual step evidencing both courage and transparency, the Council asked three volunteers to assist them in reviewing its governance arrangements, trusting us to listen to dozens of witnesses telling us about what they think of current decision making at the Council and what could be improved.

As an independent panel, we had the great privilege of meeting a wide range of witnesses, who showed enormous commitment to their own responsibilities and also to supporting Cornwall Council in achieving its objectives.

Some were deeply passionate about a particular way of working. Unsurprisingly perhaps there was not unanimity. As a panel we tried to understand the reasons behind the passion and how we could make recommendations that would genuinely help the Council move on in its journey to become an outstanding council. We apologise to any witnesses, who, when reading this report, feel their perspective is not properly represented. Our only excuse can be the scale of the task – there was a lot of evidence to sift!

We would like to take this opportunity to thank every witness, everyone who gave a written submission and all those excellent officers who supported us in our quest.

Thankfully, as independent volunteers we are not the decision makers. We respectfully tender our recommendations to the Council's Governance Review Member Panel and wish them well in their deliberations.

The Rt Reverend Tim Thornton
Bishop of Truro

Debbie Wilshire
Deputy Chief Executive of Cornwall College

Martin Parker
Co-opted Member of Cornwall Council's Standards Committee and Former District Auditor

EXECUTIVE SUMMARY

This short executive summary is intended to give a brief overview of the key issues we have covered. It does not set out all of the recommendations which are contained in the main report.

Governance Structures

There are a significant number of issues that have been raised by witnesses that will not be remedied by changing governance structures. These focus on behaviours within the system, the Council's culture in how it operates within its governance system, and having clarity and widespread understanding of the Council's vision and values.

Crucial for effective governance are improving officer : member working relationships, appropriate and comprehensive individual development programmes, and increasing transparency in managing risk and taking decisions.

Information needs to be better, more easily navigable, more comprehensive in the views it encompasses and available earlier in the discussion and consideration of ideas stages.

Leader and Cabinet Model

The evidence points to there being a number of improvements that can be made to the cabinet system to make it operate in a more inclusive way. Including:

i) An in depth review of the scrutiny system to improve focus, clarity of purpose and weight of its opinions; in addition, whether scrutiny should more explicitly incorporate policy development

ii) Consideration given to spreading the cabinet responsibilities over a wider number of Members, to alleviate the pressure on individuals and to get more Members involved;

iii) Improved opportunities for the community to influence the direction of the Council, both formally and informally.

iv) Improved operation of the processes including the responsiveness of officers to community based enquiries and ensuring a member led Council.

Therefore our overall conclusion is that a Leader and Cabinet model could work well for the Council moving forward. Whilst there is a current debate focused on specific decisions and processes concerning the strategic partnership, the current governance arrangements have strong support from many inside and outside of the Council and the significant concerns raised by witnesses could be addressed by other means as set out in the recommendations, as well as by reviewing the Council's approach to localism and community engagement.

Committee System

Many of the issues raised in support of a committee system would not in our view be addressed by changing the governance model. We would caution the Council against moving to a committee system to try to solve these issues. Instead we recommend that the Council tackles the issues raised in this report to improve its current governance arrangements. We consider that such an incremental approach would greatly mitigate the significant risks associated with a wholesale change in governance arrangements.

Our overall conclusion is that a committee system would not, by itself, alleviate the concerns of those opposed to a Cabinet model. We believe that there are more fundamental problems that need to be resolved rather than attempt to address them through a structural change at this time.

Mayor and Cabinet

There is little support for this model in Cornwall and we do not recommend it being explored further.

Hybrid / Alternative Arrangements

In our discussions some suggested alterations to the cabinet system that strayed into areas that would need to be approved by the Secretary of State, such as increasing the number of cabinet members. The Council will need to take a view on whether it wishes to pursue these possibilities.

Issues unrelated to structures

Our report goes into some detail about matters that fall outside of the discussion on whether the Council has a committee or a cabinet or some other system. This is because this is very much where the witnesses were focussing their comments and suggestions for improvement.

The Council needs to consider the following issues and we make some recommendations as to how it may achieve a better outcome:

Openness and Transparency

Engagement has improved but the Council needs to be courageous enough to discuss possibilities and ideas openly before ideas are fully formed. This enables organisations and communities to have an opportunity to shape the outcomes that will affect them. Consultation at the end of a process is seen as a box ticking exercise.

Community Networks Panels and Town and Parish Councils

The Council needs a clear idea of what localism and devolution mean for Cornwall and to consider whether its current arrangements offer the best possibility of delivering that vision. Witnesses suggest that at the moment, overall it isn't working. It's clear that there is no shortage of enthusiasm and willingness, but that it is only realising pockets of success around specific issues.

There are hundreds of communities in Cornwall that exist, where people are coming together to do interesting things and discuss topics of interest. Did the Council need to create community network panels based on geography, which could be simply adding another layer of bureaucracy to an already complicated community landscape?

The Role of Elected Members

Whilst the number of Members was raised, there is considerable support for the Council to help Members to have a clearer idea about the different hats they wear as a councillor and the ability to weigh up the responsibilities attached to those different roles at any given time, balancing up a strong enthusiasm for localism with the potential for parochialism to emerge in difficult times on strategic issues. It would seem that Members would welcome support in undertaking their role, which includes officers having a proper understanding of both their own and the Member's role. The Council needs to respond to issues raised by councillors (town, parish and Cornwall) promptly to minimise the amount of time elected members need to spend chasing for results.

Members have a key role to play in supporting one another and in helping each other to maximise their potential.

Communications and public engagement

Whilst there has been significant progress in opening up communications with communities and the public, there is still some work to do to ensure genuine dialogue and a move away from corporate download. Much of this will come from the Council being clearer about its purpose, values and expected behaviours of those within its organisation and its approach in working with the wider community.

BACKGROUND AND POLICY CONTEXT

The Localism Act 2011 has introduced a greater range of options for the way that local authorities are governed. This means that councils have the opportunity to review how they make decisions and the procedures that they follow to ensure that these arrangements underpin good governance practices.

The change in legislation has provided an opportunity for Cornwall Council to assess the effectiveness of its current arrangements and to explore how it can make sure that the decisions it takes are fit for purpose.

This legislation allows local authorities to maintain the Leader and Cabinet model, to opt to change to a Committee System, to move to a Mayor and Cabinet model or to design and adopt an alternative arrangement which would require the Secretary of State's approval. An explanation of these different governance models is appended to this report.

Cornwall context

Earlier this year Cornwall Council established a Member Panel to lead the review of its existing arrangements. The Panel is responsible for completing an analysis of the available options for the Council's governance arrangements and will report its findings to the full Council on 23 October 2012.

The Governance Review External Group

The Council required that an external panel be established to assist the Governance Review Member Panel in conducting the review. The Group was tasked with listening to and assessing the evidence from the public, Cornwall Council Members, officers, Town and Parish Councillors stakeholders, local government policy experts and other interested parties and to report back to the Governance Review Panel on the outcomes of these findings. This report contains the findings and recommendations of the external group.

The Governance Review External Group is comprised of three independent volunteers:

The Rt Reverend Tim Thornton
Bishop of Truro

Debbie Wilshire
Deputy Chief Executive of Cornwall College

Martin Parker
Co-opted Member of Cornwall Council's Standards Committee and Former District Auditor

Evidence gathering methodology

In order to gather the views of interested parties, the Governance Review External Group has hosted three inquiry days. Representatives from partnership organisations, such as the Devon and Cornwall Constabulary, the Royal Cornwall Hospitals Trust, the Combined University of Cornwall and the Voluntary and Community sector were invited to input their views. Local stakeholders including Town and Parish Councils, Community Network Panel Members and managers, local residents, business leaders and Cornwall Council officers and elected Members were also asked to contribute to these discussions. Policy and academic experts in the field of local government from the Institute of Local Government research at Birmingham University, the De Montfort University, and the Centre for Public Scrutiny were also asked to participate in the review. A full list of contributors is appended to this report.

The Panel asked for all stakeholders and interested parties to submit verbal or written evidence and has worked with the local media to invite contributions from the general public. With over

80 written responses and 87 witness contributions, these findings represent a credible snapshot of people's experience of, and attitude towards Cornwall Council and its decision making structure.

This was accompanied by a desk-based study, where extensive documentary evidence, including government policy briefings, academic research papers and other relevant publications have been examined by the Governance Review External Group.

The Council's approach has drawn positive comments:

'Cornwall Council must be commended for the open and transparent process it is going through to review its governance arrangements. This is the first authority that I know of that is adopting this open enquiry approach and seeking witness evidence before making a decision to change their governance arrangements. I am impressed by this transparent approach'

John Cade
Institute of Local Government Studies

'Some Councils think governance arrangements are an internal, constitutional issue and that changing arrangements is an administrative exercise… Cornwall Council's approach to reviewing its governance arrangements will help to ensure that the wider implications and impacts on planning and delivering services are considered'

Ed Hammond
The Centre of Public Scrutiny

The purpose and structure of this report

The purpose of the Governance Review External Group's evidence report is to provide an overview of the information gathered during the consultation and engagement phase of the review, to explore the governance models available to Cornwall Council and to comment on the key issues arising in the evidence with a view to making suggestions for possible improvements in the Council's governance arrangements.

As well as comments on the various structures of governance and views on how they would affect Cornwall Council, we also heard a number of views about issues that are not necessarily related to structure. We have therefore included findings relating to structure as well as findings and comments on wider issues which the Group believes are very important. If the Council tackles these issues, it is likely to improve the way that the Council works regardless of whether the governance model is changed. This report is structured around the information received in relation to each model of governance and the themes that have emerged throughout the evidence gathering process.

ANALYSIS OF EVIDENCE

Introduction

We have structured the next part of this report as follows:

1   Governance Structures

2   Leader and Cabinet Model

2.1 The Role of the Cabinet and Cabinet Members

2.2 The Role Cabinet Support Members and Champions

2.3 The Role of Scrutiny

3   The Committee System

Issues in addition to Structure:

4.   Openness and Transparency

5.   Community Network Panels & Town and Parish Councils

6.   Role and number of elected Members

7.   Communication and Public Engagement

8.   The changing nature of local government – vision, values and priorities

9.   Communication and Public Engagement

1 GOVERNANCE STRUCTURES

1.1   Throughout the evidence gathering phase of the review, we asked whether witnesses had a preferred model of governance and found that there is no overwhelming or consistent view that any one governance system is inherently better than another. Many witnesses had experienced only a cabinet model, though some had worked in a committee system. Others noted that within any model, there can be significant variations in how it works in practice, and that much depends on the behaviours of the people within the system and not the system itself. Many of the issues we pick up in this report are about behaviours and good processes, rather than the models as these were what most witnesses were concerned about.

1.2   A significant number of witnesses and written respondents have no preferred model of governance and there is a general consensus that there are advantages and disadvantages with any system. Those that expressed a preference gave their reasons for doing so and these are explored further in the report. Generally speaking Cabinet Members preferred the Cabinet model, non-executive Members views were mixed with some supporting cabinet, some supporting committee, and strategic partners preferred the Cabinet model. Those Town and Parish Councillors who expressed a preference generally supported a committee structure; on the whole this seemed

to be due to dissatisfaction with aspects of the current system including a perceived lack of inclusiveness in decision making, a sense of disconnection with Cornwall Council and Councillors and poor communication. The academic witnesses were keen to emphasise the pros and cons, although they expressed caution as to whether a new style committee system could work effectively in an authority the size of Cornwall Council.

1.3   There was evidence to the effect that any model could be made to work; it was recognised however, that organisation culture and strategy can be helped or hindered by the structure in which it operates.

1.4   The evidence received from all witnesses and written respondents has clearly demonstrated that the following must be taken into account when considering the Council's governance arrangements:

1.4.1   A clear understanding of the values of the organisation that drive decision making and demonstrating these through behaviours.
▶ **Rec 1.1**

1.4.2   Clarity of the Council's purpose and communication of that purpose as this will help broaden understanding of the decisions the

Council makes. We recognise that there are published documents but the community is not signposted to them nor are they in an accessible plain English format for a wider readership to fully understand. We would suggest the Council considers a process to draw up a values statement and review if it should have a statement of purpose. The Council should also look at how it communicates those issues across Cornwall. ▶ **Rec 1.2**

1.4.3 It is essential for Officers and Members to perform effectively together within clearly defined and understood roles and functions. Understanding and defining the role of the local Member is a vital part of achieving this aim. This will help to ensure proper engagement between officers and non-executive Members on local issues. Improvements are needed in how officers respond to queries raised by all councillors (town / parish / Cornwall) as a lack of response was a recurring theme and a cause of frustration. ▶ **Rec 1.3**

1.4.4 Continuous development of those with governance responsibilities and regular evaluation of individual and organisational performance. We are aware of the Member development programme, but we believe that this is not just about providing more formal training or introducing formal appraisals for everyone. Formal training could be supplemented by a more informal open dialogue between those involved and by developing informal support networks for Members. ▶ **Rec 1.4**

1.4.5 Taking informed, transparent decisions and managing risk, achieved by having access to good quality and timely information. There is a lot of information already available but some witnesses expressed difficulty in finding it i.e. navigating the website. Town and parishes welcomed the improvements already made in

communications with the Council but in order to influence discussions they needed to know early enough what issues are being discussed. ▶ **Rec 1.5**

1.4.6 An active and planned approach to dialogue and accountability to those affected by or interested in Council decisions and the public. Witnesses indicated that whilst there have been improvements in this area, Cornwall Council has a tendency to engage with its partners towards the end of the policy development process. Partners called for the Council to engage with them from an early stage in the process even if it doesn't have all the answers and more particularly, when it is looking for solutions. ▶ **Rec 1.6**

1.4.7 There is a need to consider how the Council's governance structures mesh with those of its partners, to minimise barriers to joint working across the public sector for the benefit of residents. ▶ **Rec 1.7**

1.4.8 Dialogue is not always early enough to be meaningful. The Council should not be reluctant to consult people early as ideas are developing around important issues, whether strategic or local. ▶ **Rec 1.8**

1.4.9 Achieving timely decision making that enables interested parties to participate without stagnating the decision making process. ▶ **Rec 1.9**

1.4.10 Open and accessible information that can be easily navigated will help interested people to get involved in issues; communicating an understanding of what is going on in the Council – what issues are being discussed at the moment. ▶ **Rec 1.10**

1.4.11 Ensuring effective engagement with Town and Parish Councils as well as local community groups. ▶ **Rec 1.11**

1.5   Therefore our overall conclusion is that organisational culture, the role of individuals, and the values and behaviours demonstrated within a structure are essential to the good governance of Cornwall Council and central to the success of any model. We would urge the Council to look as closely at the issues core to making the structure work as it does at the governance model per se.

Recommendation

That the issues highlighted in points 1.4.1. to 1.4.11. above are considered by the Council and inform its considerations of its governance arrangements ▶ **Rec 1**.

The next section of this report provides a more in depth analysis of the evidence received for each model of governance available to local authorities. We are mindful that the Council has an existing governance system in place and that to assume a 'blank canvas' when looking at options would be an unrealistic starting point.

2 THE LEADER AND CABINET MODEL

2.1 The Role Of Cabinet and Cabinet Members

2.1.1   A significant number of the written submissions and the majority of witnesses representing partnership organisations considered that the Leader and Cabinet model is an efficient and effective way of making decisions and wished to retain that model. This view was echoed by officers, cabinet Members and some non-executive Members and a minority of Town and Parish Councils that expressed a preference.

2.1.2   All of the witnesses representing the Council's strategic partners interviewed during the first inquiry day, and a significant number of written submissions from the Council's strategic partners, noted that the Cabinet model of governance provides a clear link for them to engage in the decision making process. This is either through the Overview and Scrutiny function, or via the Portfolio Holder. The Portfolio Holder (the cabinet Member with assigned responsibilities) provides an important mechanism through which partners can access and navigate the organisation and its information. These witnesses considered that engagement with the Council had improved since its creation as a unitary authority and that the role of Portfolio Holders had helped by providing a clear route through which they could engage with specific service areas.

'the Portfolio Holder for Health and Wellbeing, Councillor Carolyn Rule, has provided a clear channel through which the Cornwall Voluntary Sector Forum has been able to engage in the development of the Health and Wellbeing Strategy. Therefore, we would call for any new system to retain the role and function of a Portfolio Holder'.

Cornwall Voluntary and Community Sector Forum

2.1.3   A point made by supporters of the Cabinet model is that the cabinet system has the ability to work across issues and to look at things holistically in a way that does not require multiple meetings to consider it. A danger highlighted by partners however, is with communication carried out by portfolio holders, it can be difficult to address issues that cut across a number of portfolios. It was felt that commissioning boards can be helpful when working with partners across a wide agenda.

2.1.4   It was pointed out a number of times that Cornwall Council is a relatively young authority, having recently been through and continuing to go through major changes to its structure and how it operates and further, that there is a wish for stability and evolution rather than further, potentially destabilising change.

2.1.5   As noted by Professor Copus of De Montfort University, the Leader and Cabinet model provides a focal point for accountable

decision making. His view is that the overview and scrutiny function should in theory overcome the demands of party group loyalty to effectively hold the executive to account by challenging, critiquing and questioning the decisions in a public setting. Some Member witnesses noted that on the whole the work of scrutiny and many other aspects of their work across communities were carried out in a non-political way and that it only tended to be at Council that party politics came to the fore.

2.1.6   Officers felt that on the whole the systems and processes are sound but that they are either not understood or in a few cases, intentionally circumvented.

2.1.7   While it is difficult to prove cause and effect, the proponents of the Leader and Cabinet model argue that under the current system Cornwall Council has been able to move quickly within set parameters and, as a result, the Council has maintained a stronger financial position.

2.1.8   In addition to positive support for Leader and Cabinet there are negative perceptions of this model. These include:

2.1.8.1   Witnesses from the Town and Parish Councils considered that Cornwall Council has adopted a centralised political decision making process both in terms of i) geography - as the majority of Council business in conducted from Truro and ii) involvement - as there is a Cabinet of 10 Members that appear to make the decisions for the entire electorate. They argue that this approach does not support the principles of localism, nor is it, from their perspective, always democratic.

2.1.8.2   The majority of non-executive Members we heard from considered that they are far removed from the decision making process and are unable to influence the decision and exercise their democratic mandate, stating that the public expect them to vote on issues. We observe that in the last 12 months that the 4 planning committees considered over 538 reports for decisions by Members, whereas Cabinet had 144 reports for decision. Whilst it could be argued that Cabinet decisions are often on wider issues, the planning meetings clearly engage the local population and is the one area that there is usually significant public interest at meetings.

2.1.8.3   The majority of Town and Parish Councillors that responded, along with a significant number of Cornwall Councillors believe that this system puts power in the hands of too few.

2.1.8.4   A number of Town and Parish Councillors, including the Cornwall Association of Local Councils (CALC) have called for cabinet Members to be directly appointed by, and accountable to, the Council.

2.1.8.5   The Peer Challenge report suggests that given the ratio of non-executive to cabinet Members (11:1) the sense of disenfranchisement will always be difficult to overcome. However it is suggested in that report that the focus should be on making clear to all (public, Members, officers & partners) the non-executive Member role and the various 'hats' Members have to wear. Supporting Members in balancing the respective weights attributed to those 'hats' at any given time is a challenge for the Council. There is evidence both locally and from elsewhere (Shropshire) that with the right support, the local Member role has a significant part to play in not only working to solve or get involved with divisional issues, but the local Member network has a role in strategic consultations and connecting people on issues of common interest (not just based on geography).

2.1.9   It is notable that those expressing dissatisfaction with the cabinet system tended to focus the detail of their concerns on matters unrelated to the structure of governance.

These include a wish for:

2.1.9.1 Improved opportunities for dialogue with the Council and Town and Parish Councils as partners

2.1.9.2 Opportunities to shape agenda to address community priorities

2.1.9.3 Opportunities to engage in less formal settings and for meetings to be more accessible – the timing and location is felt to be a barrier to engagement.

2.1.9.4 Opportunities to address service failure – their complaints often seem to go nowhere.

2.1.9.5 Devolution: a clear and strategic vision and statement of guiding principles so town and parish councils know what to expect (or not).

2.1.9.6 Improved officer responsiveness to calls and correspondence: standards are below what is expected of the Council

2.1.9.7 Simplification of 'routes in' to the Council – navigation can be tricky, even for those who interact with the Council regularly.

2.1.10 The Panel considers that these concerns would in fact apply to any model of governance and suggest the Council look closely at these issues, and in particularly how the cabinet and leader model could be improved along these lines. Our recommendations are at the end of section 2 – The Leader and Cabinet Model.

2.2   The Role of Cabinet Support Members and Member Champions

2.2.1   It became evident that there was confusion as to the role of cabinet support Members in relation to both the cabinet Members and the member champions. It is difficult for most people to see how and why the allocation of roles has developed into the current list. 2 out of 3 of the current cabinet support Members have whole portfolios rather than supporting a cabinet Member.

Cabinet Members	Cabinet Support Members	Member Champions
Leader		Heritage
Localism, Sustainability and Devolution	Localism, Sustainability and Devolution	Design
Transportation, Highways and Environment		Agriculture and County Farms
Housing and Planning		Information and Transparency
Health and Wellbeing and Human Resources		Equality and Diversity
Environment, Waste Management Policy and Shared Services	Community Safety and Public Protection	Planning
Adult Care and Support	Tourism, Culture and Leisure	Learning Disabilities
Children's Services		Eco Town Project
Corporate Resources		

2.2.2   There was also a clear view that cabinet Members' portfolios are very broad and are a heavy workload for cabinet Members. It seemed to be a factor that undermined non-executive Members' confidence in the cabinet Members as it was felt that they couldn't possibly know all they needed to know to make informed decisions. This was usually accompanied by a wish to have a committee system, or a way of broadening non-executive Member involvement.

2.2.3   It is interesting that the issues raised with regard to the operation of the current cabinet system resonate with those in the Audit Commission paper evaluating aspects of the committee system "We Can't Go On Meeting Like This" published in September 1990.

2.2.4   Our recommendations are at the end of section 2 – The Leader and Cabinet Model.

2.3   The Overview and Scrutiny Function

2.3.1   Our academic and research witnesses told us that Scrutiny is potentially a powerful tool for councillors to influence and shape not only Cornwall Council policy but also the policies of a range of public and private agencies that operate within the Council's area. The Centre for Public Scrutiny said that an overview and scrutiny mechanism is said to be vital in ensuring openness, transparency and accountability of other organisations which would include the Council's new arms length service delivery organisations.

2.3.2   All partners on the first inquiry day noted that Cornwall Council's scrutiny function is working well from their perspective. They attribute this to increased clarity in regard to its role and function over recent years as well as improved working relationships. Partners reported that there is a good degree of constructive challenge and stressed that this good practice must be maintained under any new system of governance.

'The relationship between Cornwall Council and the Royal Cornwall Hospitals Trust has significantly improved since I started working in the County in 2006. There is more clarity in regard to the role and function of the scrutiny committee. The Members are more respectful of partnership organisations, there is a good degree of constructive challenge and it is vital that this good practice is maintained under any new system of governance'

Lezli Boswell
Royal Cornwall Hospitals Trust

2.3.3   The witnesses from academic institutions and associated professionals also noted the importance of ensuring that a scrutiny function engages a large number of non-executive Councillors in decision making. We have heard evidence that Scrutiny's work plans are too broad and this can result in insufficient attention being given to a subject prior to making recommendations to Cabinet. During the second and third inquiry days, council officers and elected representatives also noted that a number of improvements could be made to the current system

2.3.4   The improvements suggested by witnesses that would address some of these issues and appear to merit further investigation include:

2.3.4.1   Co-option onto the scrutiny committees: people with an interest in the subject matter, such as a wider range of partners and stakeholders, town and parish representatives, appropriate experts

2.3.4.2   Alignment with portfolio holder remit so that multiple portfolio holders need not attend every scrutiny meeting and so ease the burden on portfolio holders

2.3.4.3   Consideration given to more joint committee work on cross cutting issues

2.3.4.4   Greater use of scrutiny for policy development

2.3.4.5 Alignment of scrutiny to the forward plan and Council priorities with more detailed work on fewer issues – perhaps using a management committee to direct the work of task and finish groups so that they carry significant weight and be less open to challenge

2.3.4.6 Ensure sufficient depth of enquiry into appropriate issues

2.3.4.7 The language used to describe the scrutiny function – the suggested misunderstandings relating to scrutiny may arise from the description of what they do.

2.3.5 The evidence suggests that scrutiny remains misunderstood by both Members and officers, resulting in issues going through the scrutiny when they did not need to. This raises a question for us about the language used. Does the word 'Scrutiny' really capture the role and function of these committees?

2.3.6 If the officers and Members are not clear then it is likely that partners and the public would be even more perplexed. One suggestion was to consider renaming them to include reference to Policy Development Committees (or similar) as it is believed by many witnesses that policy development should be one of the functions for scrutiny committees. If that is the case then the Cabinet Advisory Committees that undertake policy development only seem to complicate the landscape further.

2.3.7 In order to improve community engagement there needs to be opportunities for real influence and it may be they can enable this by allowing communities to somehow trigger scrutiny involvement.

2.3.8 In order to reflect good practice and promote effective scrutiny, the Cornwall Association of Local Councils (CALC) called for Scrutiny Chairs to be appointed from opposition groups and not the governing administration to reflect good practice and promote effective

scrutiny. Whilst we understand the sentiment behind this suggestion, we were not convinced that we were presented with sufficient evidence to make a recommendation on this issue.

2.3.9 Scrutiny is an important part of the balance to the Leader Cabinet system and so the Council may wish to consider reviewing this aspect of its governance in some depth as we believe that a stronger, more inclusive scrutiny would address many of the issues raised.

2.3.10 The Peer Review team believed that the debate should not be about who is on the Cabinet but who holds them to account and how robust that function can be.

Conclusion on The Leader and Cabinet Model

The evidence points to there being a number of improvements that can be made to the Cabinet system to make it operate in a more inclusive way.

i)   An in depth review of the scrutiny system to improve focus, clarity of purpose and weight of its opinions;

ii)   Consideration given to spreading the Cabinet responsibilities over a wider number of Members, to alleviate the pressure on individuals as well as to get more Members involved.

Therefore our overall conclusion is that a Leader and Cabinet Model could work well for the Council moving forward. Whilst there is a current debate focused on specific decisions and processes concerning the strategic partnership, the current governance arrangements have strong support from many inside and outside of the Council and the significant concerns raised by witnesses could be addressed by other means as set out in the following recommendations, as well as by reviewing the Council's approach to localism and community engagement.

Leader and Cabinet Recommendations

The Role of the Cabinet

We recommend that the Council consider within a strong leader and Cabinet Model the practicalities and scope for improving:

Opportunities for dialogue with the Council and Town and Parish Councils as partners ▶ **Rec 2**

Opportunities for communities to shape the strategic agenda to address community priorities ▶ **Rec 3**

Opportunities to engage in less formal settings and for meetings to be more accessible ▶ **Rec 4**

Opportunities to improve channels for communities to address service failure ▶ **Rec 5**

The message regarding devolution of powers and services by setting a clear, plain English strategic vision and statement of guiding principles so Town and Parish Councils know what to expect ▶ **Rec 6**

Officer responsiveness to calls and correspondence ▶ **Rec 7**

The signposting of 'routes in' to the Council for all. ▶ **Rec 8**

Leader and Cabinet Recommendations

The Role of Cabinet Support Members and Champions

That the Council reviews the particular style and accountability structure of the leader and cabinet model adopted by Cornwall and considers whether cabinet structures can be changed to spread the workload amongst more Members. ▶ **Rec 9**

That the Council consider whether Member Champions are necessary and how they differ from cabinet support Members with a portfolio, and if so, how their role differs to other Member roles and finally, whether they should be chosen on the basis that they provide support to Cabinet Members on current key priorities that further the Council's vision. ▶ **Rec 10**

Given the confusion around these additional roles, and the decision making processes generally, we further recommend that the Council considers providing clarity to Members, officers and partners, as well as the general public, on how this aspect of governance works, and the various roles within the Council Member structures. There should also be a process to review the various roles over time and for interested parties to make suggestions on future roles. ▶ **Rec 11**

Leader and Cabinet Recommendations

The Role of Scrutiny

Governance arrangements should include a robust mechanism that is independent of the leadership and which can provide constructive challenge both at the policy development stage and as a post-decision and post-implementation review process. ▶ **Rec 12**

The Council should work with partners to ensure that everyone understands the role and function of scrutiny under any revised arrangements in order to build on the improving relationships with partners.▶ **Rec 13**

The Council needs to explain in simple terms what the role of scrutiny is to the general public. Looking ahead, there will be some degree of scrutiny in any governance model due to the statutory requirements and so this should be considered whatever the outcome of the Council's deliberations. ▶ **Rec 14**

In reviewing overview and scrutiny, the Council should seek to engage interested Members in more detailed scrutiny work, seeking to improve the quality of all its work to build on the improvements already achieved so far, and to encourage more Members to take an active part in scrutiny. ▶ **Rec 15**

The Council should look at how it can better focus the agenda of Overview and Scrutiny and any review of this Council function should consider the merits of the suggestions made above ▶ **Rec 16**

The language of 'scrutiny' is not clearly understood by many. The Council should consider how the work could be retitled to clarify the role and function.▶ **Rec 17**

The Council should consider whether a mechanism can be found to allow partners and others to trigger scrutiny work or at least consider it in the context of work planning. This will need particular care given the earlier recommendation to better focus the work. ▶ **Rec 18**

With these recommendations for improvement and review in mind, and in the light of the majority support for the cabinet system, our overall conclusion is to caution the Council against moving to a committee system to try to solve these issues. Instead we recommend that the Council tackles the issues raised to improve its current governance arrangements.

3 THE COMMITTEE SYSTEM

3.1   There is an agreement between a majority of witnesses from the Town and Parish Councils and some Cornwall Council Members that Cornwall Council should return to or move to a committee system. In our view the real and significant dissatisfaction expressed in regard to the Council's Cabinet system tended to focus on issues that would not necessarily be addressed by a change in governance model. That said we would recognise the strength of the comments we heard from Town and Parish Councillors about poor communication and consultation and these should be addressed, but we are not convinced that a return to a committee system of itself would address these underlying issues.

3.2   Witnesses representing academic institutions, such as the Institute of Local Government Studies in Birmingham, the University of De Montfort, Faculty of Business and Law and relevant professionals from the Centre of Public Scrutiny have cautioned against returning to an 'old style' Committee System i.e. one that fell foul of the negative attributes often applied to such a system: lack of strategic consideration of the issues, silos from too close an alignment with services, tendency to micro manage services.

3.3   These witnesses maintain the view that the traditional service based committee system would be unlikely to be fit for purpose. If a committee model is being considered, councils should be looking to a new type of committee system, which would operate at a strategic level with significant delegations of decision making powers to officers and committees. Some Town and Parish Councils have been concerned to hear during the review process that full Council does not currently ratify cabinet decisions. Based on the suggestions for significant delegations being necessary, it does not appear to be certain whether that would be the case with a committee system either.

3.4   We understand that greater engagement is what is meant when stating that the committee system is 'more democratic' than cabinet, as decision making would be spread across a greater number of Members. We note from the report of the visit to Kingston Council (which has changed to a committee system) that the opposition Members felt they had no further say or voice within the Council, which was the basis on which the change was supported. Having made the change in May 2012, it is still early days for that council, but Members need to evaluate the impact that a change in the current model will have.

3.5   No other council that we are aware of has sought an external viewpoint on whether its proposal to change its system of governance was supported by interested parties. The evidence for this review suggests that key partners support

a cabinet system due to the ease of access to accountable Members. They also express support for good scrutiny work and other less formal opportunities for partnership working. The Centre for Public Scrutiny suggests that this aspect of working (which has increased since the change from committee to cabinet in 2000) would be difficult to serve under a committee system due to the lack of clearly identifiable portfolio holder to e.g. make decisions at partnership boards. They also suggest that a commissioning authority may be best served by a Leader Cabinet model, recognising that governance is not just an internally facing issue: (Musical Chairs, Centre for Public Scrutiny, 2012)

3.6   A senior finance officer from Cornwall Council expressed concern about returning to a Committee model due to past experiences of budget setting and the time it took to achieve an agreed outcome at Council with over 100 amendments. Submissions from academic institutions and think tanks noted that the more traditional service based model was generally considered to be inefficient, slow in decision making and focused on operational matters. However, it is also noted that this need not be the case if work was undertaken by officers to manage programmes at the outset based on the planned committee meeting cycle. Arrangements can be made for taking urgent decisions, as they can under cabinet.

3.7   It is suggested by considerable documentary evidence that the committee system can give Members the impression that they were engaged in policy and decision making but in reality they were not the place where decisions were actually taken. Decisions had often already been made in the party group meetings to be later 'officially' taken or ratified in council committee. There is also said to be opaqueness to accountability as the decision makers can hide behind the committee.

3.8   We recognise that this model can be an inclusive way to have an effective cross party dialogue but its success depends on the prevailing culture of an organisation. There also would seem to be an issue relating to the number of Members that make a committee system workable or not, with suggestions that a council of Cornwall's size would result in a committee system that is unwieldy. The larger the committee the longer it takes to conduct its business. This is a well understood principle and on that basis, it warrants consideration. If the idea is to have more Members making decisions, the committee size and ability to contribute meaningfully is something to examine in more detail. It has been suggested that committees based on current portfolios could be considered; at present that is 12. This could be a considerable number of meetings given that we are advised the planning and licensing committees alone (which would be retained) accrued 394 hours of meetings in 12 months, whereas cabinet together met for 44 hours.

'I would suggest that the Committee system is unworkable if the current number of councillors remains unchanged. Although democratic in ethos there is little evidence to suggest that large committees have the independence, vision or consistency to make efficient, effective decisions'.

Professor Alan Livingstone

'Prior to the Local Government Act 2000 many (including Central Government) deemed the Committee System to be inefficient, slow in decision making, and overly focused on operational matters rather than policy and results'

John Cade
Institute of Local Government Studies

[Lay Councillors] are more effectively able to hold an administrative machine or political administration to account when not required to be an expert in the specific services or responsibilities of the council. The Member brings life experience, backgrounds, abilities and other to bear on council issues and needs a forum in which to question, challenge and critique proposals and council activities. The committee system often encouraged the same silo mentality among Members as departmental structures encouraged among officers.

Professor Copus, *De Montfort University*

Conclusion

Our overall conclusion is that a committee system would not, by itself, alleviate the concerns of those opposed to a Cabinet model. We believe that there are more fundamental problems that need to be resolved rather than attempt to address them through a structural change at this time.

Recommendation

That the Council does not adopt a committee system but seeks to work with its many partners and stakeholders to address their concerns by exploring the scope for and implementing significant improvements to the Leader and Cabinet model ▶ **Rec 19**

4 THE MAYORAL MODEL

4.1 The suggestion by witnesses is that an elected mayor could carry more clout in Whitehall or Westminster, specifically in regard to drawing in additional infrastructure investment and new tax and spending powers away from central government. Whether, in practice, this would be borne out there is no way of knowing.

4.2 In the report produced by the Local Government Association's Peer Review Team in March 2012, it was noted that Elected Members in Cornwall have strong local community connections. They are knowledgeable and passionate about their communities and not generally driven by party politics. Therefore, Roger Phillips (Peer Review Governance Lead) questioned whether the Mayoral option is appropriate for the whole of Cornwall.

4.3 However, he stressed that he also has experience of working with a number of very effective leaders and any model of governance will depend on what is best for a specific area.

4.4 Whilst we are not suggesting that this model should not be explored as a possibility should the Council wish, the witnesses from the various witness groups that we spoke to put forward gave us no indication that there is enthusiasm for this model of governance. The media took the Mayor headline to the press and even with this level of publicity, there was nothing forthcoming from the public or partners in response to that press coverage that indicated an appetite for a Mayor in Cornwall.

Conclusion

There was no enthusiasm at all from any of our witnesses and we have no recommendations to make on this area.

5 A HYBRID / ALTERNATIVE MODEL

5.1   We understand that the term hybrid is used to describe a blend of both committee and cabinet systems, such as the cabinet support committees used in Kent County Council. It can also be used to mean anything that is proposed that is not currently permissible and would require the approval of the Secretary of State.

5.2   There has been some support for increasing the number of cabinet Members beyond that currently permitted in law and empowering full Council within a cabinet structure. This would in effect be a hybrid system as it would require approval by the Secretary of State. We understand that there is the possibility of using cabinet support Members more extensively so the outcome could be achieved without going to the Secretary of State, though clearly support Members do not have the same status or voting rights as full cabinet Members.

No other hybrid suggestions have been made that we have identified as such.

Overall Conclusion on Models of Governance

In conclusion we consider that introducing a committee system will not necessarily meet the wishes of its proposers and that it carries too many risks and potential costs for the Council. We believe that the issues raised can be resolved within a cabinet system, without the risks that a change in governance model would necessarily entail. Some proposals put forward would result in the Council having to seek approval for an alternative model, which may or may not be successful. There is no appetite for a Mayoral system.

There is a considerable body of inspection and regulatory evidence from both before and after 2000 of good and bad council performance under both committee and cabinet systems. This suggests that it may be that organisational performance is less dependent on decision making models themselves but rather other factors. For example the extent to which council culture both at political and administrative levels is

organised, supported, effective and operating within an environment of mutual trust and respect;

delivering clearly identified and understood shared goals and objectives.

The next section of our report picks up on issues relating to those points.

6 OPEN AND TRANSPARENT DECISION MAKING

6.1   We asked witnesses if they considered that Cornwall Council had open and transparent decision making processes and the majority responded positively to this question. All partnership organisations and a number of written respondents consider that this has been an improving feature of decision making in recent years and that the webcasting of Cabinet and Full Council meetings supports the principles of open and transparent decision making and the Leader's commitment to permit public and non-executive Members to ask questions at Cabinet meetings strengthens the democratic process.

6.2   Cornwall Councillors and the Peer challenge report noted that the Overview and Scrutiny Chairs are encouraged to ask questions at Cabinet meetings and a significant number of written respondents and witnesses believe that this approach supports the role of scrutiny in holding the Cabinet to account and should be encouraged under any future governance arrangement.

6.3   A number of written submissions from Members of the Public Sector Group noted that Cornwall Council has developed a reputation for transparent decision making, even when decisions are difficult and liable to challenge. They confirmed that, when appropriate, they have been invited to contribute to relevant discussions and stressed that this open and flexible approach to informed decision making must not be undermined under any new decision making structure.

'The Cornwall and Isles of Scilly Primary Care Trust has been invited to inform decision making and this approach is very much welcomed. Members and officers have attended health meetings on occasion to explain the rationale for decisions made, and we feel there are appropriate opportunities to engage before key decisions are made'

NHS Cornwall and the Isles of Scilly

6.4   Officers and Members noted that local government was more open than almost any other organisation in the country.

6.5   It was recognised that openness and transparency is a work in progress and will be improved further if the following issues are addressed:

6.5.1   Cornwall Council has engaged with partners towards the end of the policy development process and does not provide meaningful feedback as to how the views of partners and stakeholders are incorporated into the final product

6.5.2   A number of representatives from Town and Parish Councils consider that, in addition to embedding the principles of openness and transparency into all levels of local government, the Council should also look at what more can be done to promote accountability and accessibility. Examples given included: holding day time meetings, specifically Cabinet, Overview and Scrutiny and Full Council, in Truro ostracises local communities from engaging in the democratic process. The practice of holding meetings, primarily in Truro during office hours is also a significant barrier to those who may consider standing for office but in daytime employment. This approach does not encourage representative democracy.

6.5.3   Whilst acknowledging that the Council publishes a lot of information, some witnesses expressed a difficulty in accessing information on the Council's web site, as it was not obvious where information was to be found, or to be able to follow a topic through debates at various committees without necessarily knowing at which meeting it was to be debated. There was a tendency of the Council to 'download' to people rather than have a dialogue that went anywhere.

6.5.4   A number of Cornwall Councillors expressed concern in regard to the amount of meeting papers that were circulated on 'pink papers' i.e. were exempt from publication or consideration in a public meeting. They felt that the content of these papers did not always warrant these restrictions and that only commercially sensitive information should be secreted from the general public.

Conclusion

We recognise the Council's significant efforts to be open and transparent however, there are further steps that can be taken to ensure a genuine openness and engagement with others.

Openness and Transparency - Recommendations

That the Council reviews the issues identified above and especially assesses the effectiveness of its communications:

with its own staff

with Members

with those outside the Council

to ensure the intended objectives and the needs of others are met. ▶ **Rec 20**

That the Council considers whether there is scope to have its formal meetings or other less formal engagement away from Truro and at other times of day insofar as is possible within the planning of meetings. ▶ **Rec 21**

That the Council builds on its reputation for openness by working on its communications strategy to address the issues raised, recognising this is about the spirit of openness more than the process. ▶ **Rec 22**

7 COMMUNITY NETWORK PANELS AND TOWN AND PARISH COUNCILS

7.1   Of those who made specific reference to the success or otherwise Community Network Panels, a minority consider that the Panels have been working well in local areas. There are only a few examples of how they have been an effective forum for community engagement. However, there were a significant number of witnesses saying that the current structure of the network panels is not working and not delivering what was intended. This is coupled with a lack of clear purpose and clarity about processes as well as a belief that their impact is dependent on the skills, contacts and motivation of the network chair. The witnesses were keen to stress that the panels should not be viewed as a fail-safe mechanism for community engagement and should be just one aspect of that engagement. There is a suggestion that they may add an extra layer of bureaucracy that in fact gets in the way of engaging with communities that already exist without trying to create another artificial one based on geography.

7.2   There were examples given where the front line Cornwall Councillors have been instrumental in resolving issues at a local level by working with partners but the role of the community networks in achieving those results was not notable.

7.3   We were informed by witnesses that the formation of Community Network Panels, as a mechanism for a two-way dialogue between Cornwall Council and local communities was a significant element of the bid for unitary status. However it appears that in practice, this is relationship is not working as originally intended.

7.4   There is considerable confusion between the Community Network Panels, Council staff, elected Members and the wider community as to the role and function of the Panels, with no clearly stated outcomes. There is also a general consensus that Cornwall Council does not effectively engage with Town and Parish Councils and Community Network Panels when making decisions that affect their local areas.

> **'It almost feels as times that the panel is being used [by Cornwall Council] as a box ticking exercise for a service so they can then say 'yes we've engaged the community through explaining our strategy at a panel meeting'. These types of meetings are particularly poorly received'.**
> Community Network Manager.

7.5   We believe that there are many other communities who do not currently engage with the networks, not based around geography. Communities that have formed around common interests are already out there and unaware of the networks and the opportunities they represent. We would ask the Council to seriously consider

whether the networks based on geography are the most effective channel for meaningful engagement. We do recognise the value in Cornwall councillors and local councillors having an opportunity to discuss local and strategic issues and we would endorse that activity with or without the formal network panel meetings.

7.6   A number of concerns have also been raised in regard to the channels of communication between Cornwall Council and the Community Network Panels. Minutes are taken at network panel meetings but are not reported back to the Council. There appears to be no way of joining up any intelligence that does come from the network meetings, this could help the Council identify e.g. early indicators of wider service failures before it reached a point as to cause real problems. The ability to identify trends based not just on locality but based on issues will strengthen the Council's ability to hold service providers to account.

7.7   A significant number of respondents also noted that local concerns are regularly escalated to the Council via their Cornwall Councillor but often do not receive a written response. These respondents stressed the importance of formalising the reporting mechanisms and channels of communication between local areas and the Council, whether via the network panel or otherwise.

7.8   A large amount of witnesses and written respondents throughout all three inquiry days referred to Community Network Panels as 'talking-shops'. These respondents maintain that as the Panels have no power or locally held budget (beyond the highways monies) and the majority of their meetings are not well attended by the local community or Town and Parish Councillors. On the whole, they are not an effective mechanism for engaging with local communities or driving improvements in local areas.

7.9   We have also heard that local residents will only attend Panel meetings when a particular issue that is directly affecting the local area is on the agenda. Inspector Lyn Gooding, representing Devon and Cornwall Constabulary noted 'In my experience the Community Network forum is most effective when working to tackle a specific issue rather than to drive service improvements in local areas'. It was also said that where the local councils / groups were putting items on the agenda instead of Cornwall Council 'downloads', again attendance was slightly better.

7.10   A number of written respondents, including Cornwall and Town and Parish Councillors, have indicated that the Community Network Panels are designed around unnatural geographical boundaries. A suggestion for resolving this issue was to pool the Community Network resources and to use that knowledge and expertise to provide support and advice when a specific issue arises in a locality.

7.11   This could also help to ensure that information and intelligence across Cornwall is shared and that specific issues can be more effectively tackled and addressed as they arise. Witnesses were not critical of the efforts of community network managers, quite the opposite, but noted that due to a lack of clarity of purpose, the managers were pursuing their work in very different ways across the county. We note the intention to let the localities evolve their own network, but we believe its more about how they achieve within a framework of outcomes rather than a random approach.

Conclusion

We believe that there is an urgent need to engage effectively and communicate with Cornwall's communities. We are not convinced that the Community Network Panels are the right vehicle for achieving this or are the best vehicles for driving improvements. There is evidence of considerable interest and engagement around specific issues in a locality with a number of examples given, but not engagement for its own sake. Staffordshire piloted changes to its local Member working but notably did this around an agreed issue with the community affected felt strongly about.

In addition, for localism to be effective, there must be a review of how decision making is devolved to local people.

Recommendations

The Council needs to urgently review its mechanisms for community engagement, in particular:

Review the Community Networks to understand what benefits and added value they are delivering to the Council's localism objectives; ▶ **Rec 23**

Consider other existing community groups and the best way to make a connection with them as they are already talking to one another about things that matter to them ▶ **Rec 24**

Consider using the resources that support community network panels in a different, more responsive way to address issues that communities are keen to discuss around ▶ **Rec 25**

Consider how to support local members to connect with their communities and to bring together meaningful intelligence to help spot issues as they develop ▶ **Rec 26**

Consider the potential for devolution of decision making powers and budget responsibility to a more local level, and the potential for the use of the principle of subsidiarity to ensure decisions are taken at the right level. ▶ **Rec 27**

8 THE ROLE OF ELECTED MEMBERS
(INC NUMBER OF MEMBERS OF CORNWALL COUNCIL)

The role of Cornwall Councillors has arisen as a consistent theme throughout the review process. These have fallen into a number of categories, some of which cross over with earlier sections of our report but merit individual consideration:

A number of disengaged non-executive Members

Number of Members in Cornwall Council

Member development in a changing landscape

Portfolio Holders are overburdened

Improved understanding between officer and Members roles and responsibilities

Improved links with Town and Parish Councils

8.1 A number of disengaged non-executive Members

8.1.1 Some witnesses have suggested that disengagement is an inevitable consequence of having a ratio of 1:11 Cabinet to Non-Executive Members in a council. The Peer Review emphasised that a clear understanding of what Members roles are in a cabinet system is very important, but that this is not job creation – there are very important functions to be undertaken by Members. Interestingly there is a similar observation of dissatisfaction by back bench Members mentioned in the Audit Commission's report on the committee system "We Can't Go On Meeting Like This". It was suggested that this

dissatisfaction was tending to lead Members into parochialism and away from engagement with corporate performance management and strategic issues.

8.1.2   Roger Phillips (Governance Lead, Peer Review Team) suggested the important question is how to engage all elected representatives rather than look at the numbers. He explained that the role of an elected Member is varied i.e. a local representative and advocate, a Member of an executive or decision making committee, a Member of a scrutiny committee that holds the executive to account and a Member of the Council's corporate body.

8.1.3   Proponents of the committee system have suggested that this disengagement will be remedied by giving Members the vote at the table in a committee system, as it is more democratic. As noted earlier we would question the evidence for this proposition. It is suggested that the number of Members involved would mean that the increased participation would be minimal in real terms because larger committees reduce individual Member involvement; a committee will need to have significant delegations if it is to avoid the criticisms of the old system and therefore a small number of councillors will lead on a committee to exclusion of all the rest.

8.1.4   We are of the view that there are changes that can be made to the existing governance system that will involve all councillors to a greater degree in the business of Cornwall Council and properly fulfilling the mandate provided by the electorate. It is also clear Members' frustrations on the whole stem from issues unrelated to the system but more to do with behaviours, communication and respect for their role outside of the Cabinet.

8.2   Number of Members in Cornwall Council

8.2.1   A number of witnesses and written submissions suggested that Cornwall Council has too many members. There are a number of Cornwall Councillors who suggest that there is too much for Members to do as it is and that to reduce numbers would leave Councillors overworked. There is also mention of the fact that Cornwall Councillors would struggle to cover such a wide geographical area with fewer Members and that whilst the numbers of electorate per councillor is not high, they are dispersed across rural areas, suggesting that a direct numbers comparison is not appropriate.

8.2.2   Roger Phillips point in paragraph 8.1.2 suggests that the number of members is secondary to understanding the role of Members. However, we would suggest that there is sufficient interest in this subject to warrant a referral being made to the Local Government Boundary Commission to ask them to consider this.

8.3   Member development in a changing landscape.

8.3.1   Member development needs to remain high on the agenda for the Council so that Members can keep up to date with changes to the Council and proactively acquire any new skills that will help them in their roles.

8.3.2   We also think that there is scope for councillors to support one another through informal networks, particularly with elections in May 2013. The councillors that were new in 2009 had a steep learning curve and it would be beneficial to capture what they have learned and use it to support the Members of the next administration.

8.4 Improved understanding between officer and Members roles and responsibilities

8.4.1 This is a key part of improving the effectiveness of the council's governance systems and processes. Examples were given where Members were unaware of major projects that had been worked up to a final stage in their division without their knowledge or discussion with them. This clearly undermines the ability of the local Member to represent his or her community.

8.4.2 It is clear from witness observations that officers need to understand Member roles and build relationships based on trust so that more information is shared. Similarly, Members need to trust that officers will work within agreed boundaries as there were suggestions that officers try to lead on policy development instead of the council's policies being member led.

8.5 Improved links with Town and Parish Councils

8.5.1 There was evidence that pointed to some very positive relationships between Cornwall Councillors and Town and Parish councils within their division. In some cases this was due to fostering discussion at community network panels, but often it was because the Councillor made significant efforts to engage with the local councils in his or her division.

8.5.2 There were indications that these working relationships did not always works so well and one suggestion made was for a protocol to set out what the local councillor can expect from their Cornwall Councillor and vice versa. This may go some way to managing the expectations between the two layers of local government, but would need to be developed jointly. Communities do not want another protocol imposed from County Hall.

Conclusion

By addressing these issues, we believe it is likely that those Members that do feel disenfranchised will feel less so. It is important for the Council to recognise the totality of the role of Cornwall Councillor and the value and contribution that non-executive members can have in ensuring the Council as a corporate body takes decisions in the best interests of Cornwall.

Recommendations

That the Council addresses the points raised to ensure a more comprehensive understanding of the role of the Cornwall Councillor; ▶ **Rec 28**

Working with communities to develop relationships and write a joint protocol setting out the Councillors respective roles; ▶ **Rec 29**

Setting mechanisms to ensure local members are informed of developments in their area; ▶ **Rec 30**

Capturing the lessons learned by members who were new to the Council and local government in 2009 ▶ **Rec 31**

That the Council encourages Members to participate in not only formal training and development but also informal discussions and debates about how they can maximise their own potential;. ▶ **Rec 32**

That the Council arranges for joint development sessions between Members and Officers; ▶ **Rec 33**

That the Council explores with the Boundary Commission the potential for undertaking a review of the number of Members of Cornwall Council; ▶ **Rec 34**

9 COMMUNICATION AND PUBLIC ENGAGEMENT

9.1   The Council's Partners believe Cornwall Council produces clear, often ambitious, corporate strategies; examples include the Corporate Business Plan, Future Cornwall etc. These documents welcomed by partners as they provide clarity as to the Council's strategic direction

9.2   At a local level, Town and Parish Councils have noted that communications have improved over the last 3½ years, with webcasting, newsletters and other initiatives helping them to be better informed.

9.3   However, the Council doesn't regularly evidence progress or feedback to consultees on how things are changing or improving as a result of the policy or project. It would appear from the outside that the Council's strategies are left on the shelf. It is suggested there should be a clear audit of decisions that are taken that are implementing such strategies or policies so that the reader can see why the council is doing what it is doing.

9.4   The witnesses also indicate that improvements can be made to the Council's approach to communications, consultation and community engagement. As noted earlier in our report, it is often too late to respond meaningfully to consultations, given the governance arrangements of those we are consulting with. The Council presents finished ideas for views rather than engaging at an earlier stage in the process. Consultation in this vein is seen as a tick box exercise as it is not believed that any input will influence the direction of the policy or solution.

9.5   There is a suggestion that the Council communicates to the community networks and believes that its role of connecting to the community is complete, whereas this is just one area. It is suggested that there are many multitudes of communities in Cornwall that are already meeting and discussing issues of common interest and the Council needs to work out how to tap into those discussions and how to seek those views. This should be coupled with ways to overcome perceptions of the faceless bureaucrat, with more work done to get senior officers out into the community for informal discussions on topical issues, rather than downloads of corporate dialogue to community network meetings.

Conclusion

Whilst there has been significant progress in opening up communications with communities and the public, there is still some work to do to ensure genuine dialogue. Much of this will come from the Council being clear about its purpose, values and expected behaviours of those within its organisation and its approach in working with the wider community.

Recommendations

That the Council considers how it can improve its communications so that it has more of a dialogue with those outside of the Council; ▶ **Rec 35**

That the Council considers how it can better provide information about the progress it is making on behalf of Cornwall's residents. ▶ **Rec 36**

BRIEFING NOTE

Different governance models:

The Committee system

Under the Committee system decisions are taken by committees made up of groups of councillors from all political parties. The Council appoints the committees, and sets out their Terms of Reference.

Committees receive briefings and commission reviews to develop council policy. They are concerned with matters that must be dealt with at member level and not with the day today administration of the Council, which is the responsibility of the officers. They can be permanent 'standing committees', or temporary 'task and finish committees'.

Advantages and disadvantages of the committee system:

There is a risk of decisions being made in silos as cross-cutting issues can be difficult to identify and address

This system can require a greater amount of council officer time to provide briefings and support than has generally been experienced under most executive systems

The Committee system can allow more councillors to be directly involved in the making and influencing decisions

Cabinet or Executive system

Leader and Cabinet (or Executive)

A Leader is elected by the Council

Elected Mayor and Cabinet (or Executive)

A Mayor is elected by local residents

The Cabinet or Executive make recommendations on key strategic issues, and is responsible for implementing the agreed policies of the Council and taking key decisions that have been delegated to them.

The Executive Councillors are appointed either by the full council (i.e. all of the authority's councillors) or by the Leader of the Council. Cornwall Council operates a strong Leader model and therefore the Leader appoints the Cabinet. At least two and up to nine councillors can be appointed to the Executive. Each Councillor has a portfolio or responsibility for a particular council service, such as health and wellbeing or economic development and regeneration.

In order to ensure that the Executive can be held to account for the decisions it makes, local authorities appoint **Overview and Scrutiny Committees**. These are made up of Councillors

that do not attend the Cabinet (i.e. backbenchers) and local representatives such as people from the business sector or other public sector organisations. Their role is to scrutinise the decisions that the Cabinet is about to or has already taken, to support policy development and to challenge the Cabinet. The Overview and Scrutiny Committees (OSC) often reflect the portfolios assigned to Cabinet Members.

Advantages and disadvantages of the Cabinet or Executive system:

o   The political balance on scrutiny committees can favour the majority party.

o   There are a relatively small number of actual decision makers (i.e. members of the Cabinet) which is intended to increase efficiency, transparency and accountability.

o   Councillors not on the Cabinet can feel disengaged with the decision making process.

An alternative arrangement

The new legislation presents an opportunity for local authorities to develop a model of governance that sits outside the Executive or Committee system. This is called a 'hybrid model'

An alternative arrangement could mean that area based committees or the current Community Network Areas are given additional responsibilities in order to better meet the needs of their communities, and deliver services more efficiently and effectively.

An alternative arrangement could also look at how the Council's decision making structures can empower local members to take decisions and shape the delivery of services in their areas and how local people can actively engage in the decision making process.

What is the difference between a Leader and Elected Mayor?

Cornwall Council currently operates a Leader and Cabinet model. The table below explains the similarities and differences between a Leader and Cabinet model and an Elected Mayor and Cabinet model:

Leader and Cabinet	Elected Mayor and Cabinet
The Leader is an elected councillor chosen by the other elected councillors	The Elected Mayor is elected by local residents
The Leader is elected by the Council for a period of up to four years and can be removed if they no longer have the support of the majority other Councillors	The Elected Mayor holds office for four years and cannot be removed by the Council
There is no additional cost associated with the election of a Leader which would take place at a meeting of the Council	The Elected Mayor is elected every four years by local residents in an election. This would be in addition to the local elections, which would continue to take place.
Each year the Leader and Cabinet present a budget and major policies to the Council. They can be approved by a simple majority. Any changes proposed by the Council also require a simple majority of the Council	Each year the Elected Mayor presents a budget and major policies to the Council. They can be approved by a simple majority but any changes proposed by the Council must have the support of at least two thirds of the Council
The Leader is one of the elected Councillors	The Mayor is in addition to the elected councillors
	The role of a Mayor and Chief Executive Officer of the Council can merge. This means that a Mayor will have much more administrative power than a Council Leader.

Governance Review External Group Terms of Reference

Background

The Council approved the terms of reference for the Governance Review Panel on 27 March 2012. The Panel's terms of reference provided for the establishment of an independent review body of 3 individuals external to the Council. The membership and specific terms of reference of the independent group are to be determined by the Monitoring Officer in consultation with the Panel and the group.

Key Tasks

To lead on the design and implementation of inquiry days, the purpose of which will be to hear and review evidence on the Council's governance from the public, Cornwall Council Members, stakeholders and other interested parties.

To report back to the Governance Review Panel on the outcomes of the inquiry days along with any views on the information received.

To act as a sounding board and critical friend for the development of proposals for the Council's governance arrangements, testing those against the evidence base collected and the principles of good governance identified in the Panel's terms of reference.

To support the Panel in any other strands of work that need to be undertaken for the purposes of the governance review

To attend meetings of the Panel as and when the members of the Group are available to do so

Governance review respondees

Title	Forename	Surname	Category	Organisation (if applicable)
Governance Review Respondees				
Title	Forename	Surname	Category	Organisation (if applicable)
Written responses				
Dr	Norma	Bubier	Partnership Organisation	CPRE Cornwall
Mr	Jeremy	Gibson	Public	-
	Jo	Howard	Public	-
	Helen	Wood	Public	-
	Robin	Paris	Public	-
	Grace	Hatton	Parish Council	St Keverne Parish Council
Mr	Gerald	Parish	Public	-
	Alan	Livingston	Academic	-
Mr	Colin	Chapman	Parish Council	Wendron Parish Council
	G	Purcell	Public	-
Mr	John	Williams	Public	-
	Sarah	Ivatts	Public	-
	Susan	Shaw	Public	-
	Amanda	Kendall	Parish Council	St Enoder Parish Council
	Amanda	Kendall	Parish Council	Probus Parish Council
	Manish	-	Public	
	Vicki	White	Parish Council	St Germans Parish Council
	Chris	Harris	Parish Council	Torpoint Town Council
	Esther	Greig	Parish Council	St.Gennys Parish Council
	Pat	Willmore	Parish Council	Lanner Parish Council
Mr	Brian	Higman	Public	-
Mr	Denis	Lusby	Parish Council	St Breward Parish Council
	J.L	Pomeroy	Parish Council	Egloshayle Parish Council
Mr	Andy	Goodman	Parish Council	Perranarworthal Parish Council
Cllr	Charlotte	MacKenzie	Parish Council	Truro City Council
Miss	Michelle	Davey	Parish Council	Penryn Town Council
Mr	Barry	Jordan	Parish Council	St Ervan Parish Council
Ms	Daisy	Dinnis	Parish Council	North Petherwin Parish Council
Mr	Mark	O'Brien	Cornwall Council	Community Network Manager (Caradon & Launceston)
	Kim	Conchie	Public Sector Group	Cornwall Chamber of Commerce
	Liz	Uglow	Parish Council	St Endellion Parish Council
	Amanda	Kendall	Parish Council	St Michael Penkivel Parish Council
Mr	Colin	Copus	Academic	De Montfort University Leicester
Cllr	Fiona	Ferguson	Cornwall Council	-
Ms	Ellen	Winser	Public	-
Mrs	Vida	Perrin	Parish Council	Gwinear-Gwithian Parish Council
Ms	Tracey	Lee	Public Sector Group	NHS Cornwall and Isles of Scilly
Ms	Nancy	Gray	Parish Council	Sheviock Parish Council
Ms	Elaine	Baker	Parish Council	St Just-in-Penwith Town Council
Mr	James	Jacoby	Parish Council	Perranuthnoe Parish Council
Ms	Christine	Kett	Parish Council	Bude-Stratton Town Council
Mr	Gary	Staddon	Other	IMERYS Minerals Ltd
Ms	Carol	Macleod	Parish Council	Breage Parish Council
Ms	Mandy	Thomas	Parish Council	Saltash Town Council
Ms	Lezli	Boswell	Public Sector Group	Royal Cornwall Hospitals Trust
Mr	Robert	Nettleton	Public Sector Group	Coastline Housing Group
Lord	Matthew	Taylor	Public	-
Ms	Sandra	West	Councillor	personal response
Mrs	V.M	Hircock	Public	-
Mr	Julian	Beer	Academic	-
Mrs	Shirley	Sweeney	Public	-
Mr	J	Glasswell	Public	-
Mr	J	Skinner	Public	-
Mr	Stephen	Henry	other	St Austell SOUL (Save Our Unspoilt Land)
Mr	Peter	Wyper	Public	-
Mr	Mike	Burden	Parish Council	Falmouth & Penryn Community Network Panel
Mr	Steve	Moore	Public Sector Group	Cornwall and Isles of Scilly PCT

Governance Review Respondees				
Title	Forename	Surname	Category	Organisation (if applicable)
Written responses				
			Public Sector Group	Cornwall Association of Local Councils
			Parish Council	St Newlyn East Parish Council
			Parish Council	Lostwithiel Town Council
			Parish Council	Launceston Town Council
			Parish Council	Millbrook Parish Council
			Parish Council	Madron Parish Council
			Parish Council	Gwinear-Gwithian Parish Council
			Parish Council	Chacewater Parish Council
			Parish Council	Tresmeer Parish Council
			Parish Council	St Blaise Town Council
			Parish Council	St Austell Town Council
			Parish Council	Rame Parish Council
Mrs	Bobbie	Heathcote	Parish Council	MarhamChurch Parish Council
Mr	Keith	Charman	Parish Council	Lanteglos Parish Council
			Academic	Truro and Penwith College
			Academic	Combined Universities in Cornwall
			Parish Council	Mylor Parish Council
			Parish Council	Helston & Lizard Community Network Panel

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Inquiry day 1 – 21 June				
Mrs	Carolyn	Webster	Partnership Organisation	Job Centre Plus
Ms	Lezli	Boswell	Public Sector Group	Royal Cornwall Hospitals Trust
Cllr	Roger	Phillps		Herefordshire Council
Cllr	G	Bulter		Shropshire Council
Ms	Lois	Dale		Shropshire Council
Mr	Tom	Brettell		Shropshire Council
Mr	Mark	Richardson	Partnership Organisation	Voluntary Sector Forum
Mr	John	Cade		Institute of Local Governemnt
Mr	Ed	Hammond		Centre for Public Scrutiny
Mr	David	Ellis		Local Safeguarding Children Board
Dr	Sue	Brownlow	Partnership Organisation	Combined Universities for Cornwall
Inquiry day 2 – 17 July				
Ms	Lyn	Gooding	Partnership Organisation	Devon and Cornwall Police
Ms	Ellen	Winser	Partnership Organisation	Education Charity
Mr	Carl	Hearn		CALC
Mr	Mike	Williams		CALC
Cllr	John	Oxenham	Parish Council	St Austell and Mevagissey Community Network Panel
Cllr	David	Parsons	Parish Council	Bude Community Network Panel
Cllr	Susan	Swift	Parish Council	Helston Town Council
Mr	Hugh	Kneebone	Parish Council	Falmouth & Penryn Community Network panel
Mr	Mike	Burden	Parish Council	Falmouth & Penryn Community Network panel
Cllr	Charlotte	Mackenzie	Parish Council	Truro City Council
Mr	Paul	O'Brien	Parish Council	Launceston Town Council
Cllr		Waddington	Parish Council	St Ive Parish Council
Cllr	Ron	Cooke	Parish Council	Kenwyn Parish Council
Ms	Emma	Hambly	Parish Council	St Kew Parish Council
Mr	Roger	Phillips	Parish Council	Mabe Parish Council
Mr	John	Lobb		Former Leader of the Council, Cornwall County Council.
Mr	Scott	Bennett	Partnership Organisation	Cornwall Voluntary Sector

			Organisation	
Inquiry day 3 - 17 September				
Mr	Kevin	Lavery	Cornwall Council	Chief Executive Officer
Mr	Russell	Ashman	Cornwall Council	Assistant Head of Finance
Cllr	Bert	Biscoe	Councillor	Truro and Moresk division
Cllr	Neil	Burden	Councillor	Stoke Climsland Division
Cllr	Graeme	Hicks	Councillor	Cabinet Member for Transportation and Highways
Cllr	Mark	Kaczmarek	Councillor	Cabinet Member for Housing and Planning
Cllr	Lance	Kennedy	Councillor	Cabinet Member for Community Safety and Neighbourhoods
Cllr	Carolyn	Rule	Councillor	Cabinet Member for Economy and Regeneration
Cllr	Julian	German	Councillor	Cabinet Member for Localism, Sustainability and Devolution
Cllr	Joan	Symons	Councillor	Cabinet Member for Customer First and Culture
Ms	Jacquie	Rapier	Cornwall Council	Assistant Democratic Services Manager
Ms	Anna	Mankee-Williams	Cornwall Council	Directorate Support for Children's Services
Mr	Allan	Hampshire	Cornwall Council	Head of Public Health and Protection
Ms	Sophie	Hosking	Cornwall Council	Directorate Support Manager, Communities
Mr	Nigel	Blackler	Cornwall Council	Head of Transportation, Waste and the Environment
Mr	Rob	Andrew	Cornwall Council	Assistant Head of Service, Localism, Devolution and Green Cornwall
Mr	Matthew	Barton	Cornwall Council	Assistant Head of Service for Localism, Strategy and Communications
Mr	Matthew	Stokes	Cornwall Council	Corporate Governance, Property and Commercial Group Manager (Legal)
Cllr	Mary	May	Councillor	Penryn West division
Cllr	Fiona	Ferguson	Councillor	Truro Trehaverne division
Cllr	Lisa	Dolley	Councillor	Redruth North division
Cllr	Morwenna	Williams	Councillor	Troon and Beacon division
Cllr	Steve	Eva	Councillor	Falmouth Arwenack division
Cllr	Mick	Martin	Councillor	Lanivet division
Cllr	David	Hughes	Councillor	Tywardreath division
Cllr	Ann	Kerridge	Councillor	Bodmin West division
Cllr	Shirley	Polmounter	Councillor	Mount Charles division
Cllr	Jan	Powell	Councillor	Liskeard North division
Cllr	Jenny	Stewart	Councillor	St Austell Gover division
Cllr	John	Pollard	Councillor	Hayle North division and Children, Education and Families OSC Chairman
Cllr	Judith	Haycock	Councillor	Helston Central division and Communities Overview and Scrutiny Committee Chairman
Cllr	John	Keeling	Councillor	Breage division and Corporate Resources Overview and Scrutiny Committee Chairman
Cllr	Fred	Greenslade	Councillor	St Dennis division and Environment and Economy Overview and Scrutiony Committee
Cllr	Bob	Egerton	Councillor	Probus Division
Cllr	David	Biggs	Councillor	Camborne West Division
Cllr	Adam	Paynter	Councillor	Launceston North Division
Cllr	Chris	Ridgers	Councillor	Mabe Division and Cabinet member for Economy and Regeneration
Cllr	Jim	Currie	Councillor	Feock and Kea Division and Cabinet member for Corporate Resources
Cllr	Steve	Double	Councillor	St Austell Poltair Division and Cabinet Member for Environment, Waste Management Policy and Shared Services
Cllr	Mike	Eathorne-Gibbons	Councillor	Ladock, St Clement and St Erme Division
Cllr	Mike	Varney	Councillor	Falmouth Boslowick division
Cllr	Jude	Robinson	Councillor	Camborne North division
Mr	Richard	Williams	Cornwall Council	Head of Legal, Democratic and Procurement services
Ms	Carole	Theobald	Cornwall Council	Head of Strategy, Localism and Communications
Ms	Dawn	Aunger	Cornwall Council	Head of Human Resources and Organisational Development
Ms	Laura	Wheeler	Cornwall Council	Senior Organisational Development Consultant
Ms	Mel	Staton	Cornwall Council	Strategic Procurement Manager
Mr	Des	Tidbury	Cornwall Council	Chief Fire Officer and Director of Community Safety and Protection
Ms	Kim	Carey	Cornwall Council	Corporate Director for Adult Care and Support
Mr	Phil	Mason	Cornwall Council	Head of Planning and Regeneration
Mr	Peter	Marsh	Cornwall Council	Head of Property
Ms	Felicity	Owen	Cornwall Council	Director of Public Health, Cornwall and Isles of Scilly
Mr	Michael	Crich	Cornwall Council	Corporate Director of Resources and interim Corporate Director Environment and Planning
Mrs	Gill	Steward	Cornwall Council	Corporate Director Communities

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If you would like this information
in another format or language please contact:

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Treyew Road, Truro TR1 3AY

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Email: enquiries@cornwall.gov.uk
www.cornwall.gov.uk

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