### Constitution and Governance Committee

**Terms of reference**

- To keep under review the effectiveness of the governance arrangements of the Council including monitoring the impact of any changes.
- To consider specific issues referred to the Committee by officers and Members in relation to the Council’s Governance and to make recommendations to Council.
- To ensure that the Constitution sets out the required legal and governance provisions to ensure that the Council has, in conjunction with measures for which other committees and the statutory officers are responsible, a clear framework for the lawful and effective transaction of the Council’s business.
- To ensure that the aims, principles and content of the Constitution are clear and concise.
- To ensure that the strategic and operational requirements of the Council are facilitated by the Constitution.
- All the functions of the Council in relation to elections in Section D of Schedule 1 to the Functions Regulations save that the appointment of the Electoral Registration Officer and the Returning Officer shall be subject to the approval of the Council and the function of declaring a vacancy in office and the submission of proposals to the Secretary of State under the Representation of the People Act 2000 are reserved to the Council.
- To consider and review the Council’s planning procedures including the operation of delegated powers and the need for protocols between, amongst others, Members, officers and local councils.
- To monitor, evaluate, consider and advise on the delivery of a Member learning and development strategy and make recommendations to the Council on an annual programme of learning, training and development activities which:
  - fulfill the requirements of a modern council;
  - ensure Member development is owned and supported by all Members;
  - ensure that Member needs are analysed and prioritised;
  - enable Members to deliver the Council’s statutory and corporate responsibilities through appropriate training opportunities which are based on national good practice; and
  - ensure Members feel confident in fulfilling their roles.
- To make recommendations to the Council on a cost effective and fair allocation of resources in the area of Member development.
- To monitor the effectiveness of Member support.
- To advise the appropriate Cabinet Member in relation to such Member support, financial and operational issues as may be raised from time to time.

**Key tasks and timescales**

The Committee will be a key contributor in shaping the scope of the Governance Review and thereafter considering and commenting upon reports from the Governance Review External Group (GREG), particularly in ensuring that there are credible proposals for recommendation to Full Council which are evidence based whilst still ensuring the Committee discharges the Constitutional requirements of it relating to the effectiveness of the Council’s governance arrangements;
- Defining ‘good governance’ principles / criteria (28 June)
- Exploring existing governance structures across partner organisations in Cornwall (During July)
- Reviewing initial report from GREG (September - tbc)
- Reviewing final report from GREG (February - tbc) and making appropriate recommendations to Full Council
- At all stages engaging appropriately with the Electoral Review Panel so that the Panel can have regard to the evidence base and findings in formulating council size, etc. recommendations

### Electoral Review Panel (ERP)

**Terms of reference**

- To oversee and ensure full Member involvement in and support to officers in progressing the review of Council size and the unitary division boundaries in Cornwall by the Local Government Boundary Commission for England (LGBCE).
- To provide support in the provision of information required by the LGBCE.
- To review representations made in relation to the Electoral Review to inform recommendations to be made to the Council.
- To formulate draft recommendations to the Local Government Boundary Commission for consideration by the Council relating to:
  - the total number of Members of the Council
  - the number and boundaries of electoral divisions for the purposes of the election of Councillors;
  - the number of Councillors to be returned by any electoral division; and
  - the name of any electoral area.
- To provide such further advice and support as may be requested by the Council related to or impacted upon by the Electoral Review.

The Panel reports direct to Council and is required to consult with the Constitution and Governance Committee to the extent feasible within the electoral review timescale in respect of its work and recommendations.

**Key tasks and timescales**

Ensuring the ERP remains focussed on the Electoral Review but having regard to other objectives and influences, including particularly the Governance Review.
- Collating and submitting to the LGBCE the information it requires from the Council such as electoral role data, information on the Council’s governance arrangements and evidence of external assessments, like the annual letter from the Council’s external auditors. Mostly by 14 October 2016 but some required earlier.

Seeking input from the wider Council membership on information needed to inform the preparation of submissions to the LGBCE (via Full Council). Commenced 13 May 2016 with initial response deadline of 31 May.

- Engaging directly with Full Council and with the Electoral Review Panel, in relation to the latter as consultee, to ensure as cohesive an approach to the Governance Review and the Electoral Review as possible, but recognising and respecting the focussed role the ERP has.
- Providing a general forum for Member debate on the issues to be addressed by the Governance Review and the various influences on the outcome of the review.
- Endorsing and championing consultation with local residents, stakeholders and representative groups on the Governance Review;
  - Speaking to other councils to view different governance models (July)
- Following confirmation of the preferred Council size by the LGBCE, the Committee will lead on developing the governance arrangements which will be required for the Council from 2021 onwards, building on the proposals that have been made in support of the Council’s submissions to the LGBCE on Council size.
- Ensuring the Steering Group is operating effectively and in accordance with its intended purpose.
- Reviewing the Constitution to ensure it is amended to reflect the future governance arrangements, reporting to Full Council when appropriate.
  - Report to Full Council – tbc having regard to the implementation date of May 2021 for the new Council size
Governance Review External Group (GREG)  

**Terms of reference**

The Cornwall Devolution Deal, the LGBCE Electoral Review and the changing faces of public sector funding and service delivery compel the Council to undertake a fundamental review of the governance arrangements of the organisation and the wider public sector in Cornwall.

This is with a view to establishing a governance framework and infrastructure that is robust, efficient and flexible enough to respond to an evolving public sector environment.

The large scale governance review undertaken by the Council during 2012 involved an independent External Group of three lay people appointed by the Council reporting to Members. This second GREG is closely aligned to the previous one in purpose and size. It will be supported by the Governance Review Steering Group with additional support and input from the Local Government Association and the Centre for Public Scrutiny.

GREG will act as a sounding board and critical friend on behalf of the Constitution and Governance Committee for the development of proposals for the Council’s governance arrangements and broader governance for the public sector in Cornwall, testing those against the evidence base collected and principles of good governance.

It will report to Full Council through the Council’s Constitution and Governance Committee.

**Steering Group**

The Steering Group will provide strategic support and coordination to a review of the existing governance arrangements of Cornwall Council and the wider public sector in Cornwall which will ensure that recommendations are made to Council in respect of governance arrangements for Cornwall which will apply with effect from 2021.

**Key tasks and timescales**

Gathering evidence to enable an understanding of the existing governance environment in Cornwall:

- Considering existing Cornwall / Council governance structure (July)

Understanding the context of how future governance arrangements may be impacted by factors including current and future devolution, the LGBCE electoral review, the changing faces of public sector funding and service delivery both locally and nationally:

- Reviewing desk based research – government policy briefings, academic research and publications (July)

To carry out inquiry days, the purpose of which will be to hear and review evidence on the Council's and other governance arrangements from the public, Cornwall Council Members, stakeholders and other interested parties, including town and parish councils, the National Association of Local Councils and the Cornwall Association of Local Councils:

- Session 1 – Members and senior officers (11 July - Cornwall)
- Session 2 – Partners (12 July - Cornwall)
- Session 3 – Policy and academic experts and other councils (15 July - London)
- Session 4 – Town and parish councils, plus (25 July)
- Session 5 – Consideration and report writing (26 July)

To report back to the Constitution and Governance Committee and the Electoral Review Panel (attending meetings where possible), as appropriate, on the outcomes of the inquiry days or other evidence gathering exercises, along with any views on the information received.

Reporting as follows:

- C&G Committee - TBC but in accordance with the meeting schedule
  - additional C&G Committee dates to be added
- Electoral Review Panel - TBC but in accordance with the existing meeting schedule

To select, design and implement other means of gathering evidence.

To provide support in any other strands of work that need to be undertaken for the purposes of the Governance Review.

To engage with such groups, boards or other forums as the Governance Review Steering Group or Constitution and Governance Committee may suggest with a view to maximising the value of complementary pieces of work, such as the electoral review.

To provide assurance to the Council that all risks in respect of the timing and process of the Governance Review are being effectively managed.

To ensure that the wider Council membership are fully aware of and engaged in the Governance Review including reports to Full Council, as appropriate, so ensuring also awareness of and engagement in the Electoral Review.

To ensure that all consultation outcomes from and relevant evidence taken in connection with the Governance Review are reported to the Constitution and Governance Committee, Electoral Review Panel and Council in accordance with the deadlines set by the LGBCE in respect of the Cornwall Electoral Review.

TBC but in accordance with the meeting schedule

To provide assurance that the GREG is sufficiently supported and resourced to enable it to fulfil its role.

To ensure that the GREG is sufficiently supported and resourced to enable it to fulfil its role.

To ensure that interdependencies and consultation between the Governance and Electoral Reviews are managed effectively to avoid duplication of effort and/or confusion.

To ensure that the Council, the Constitution and Governance Committee and the Electoral Review Panel are appropriately involved in progressing the Governance Review and the Electoral Review and ensuring an ongoing link between the two Reviews.

To provide assurance that the Governance Review is taking into account fully the current and future strategic initiatives in respect of Cornwall that may influence the scope of any recommendations to Council.

**Submission of initial recommendations and findings to the Constitution and Governance Committee** *(late August/early September 2016)*

**Submission of final recommendations and findings to the Constitution and Governance Committee** *(late January/early February 2017)*