Devolution for One and All:
Governance for Cornwall in the 21st Century

Cornish Constitutional Convention
SENEDH KERNOW
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Cornwall – Profile of a European Region

Cornwall has many features that make it a distinctive region of the British Isles. These include a social and economic structure quite different from its neighbours and its own culture, language, and history. Cornwall is a peninsular region with a unique geography and ecology, and a coastline longer than either Poland or the Netherlands.

Cornwall has a great deal in common with other European regions and nations. It has a population comparable with Luxembourg, a geographical area similar to Sonderjylland in Denmark, and an economy matching that of Estonia, Iceland or Cantabria (in Spain).

Cornwall is a member of the ‘Atlantic Arc’ community, having historic trading relationships with a number of regions and nations, including Ireland, Wales, Brittany, Western France, north-western Spain and Portugal.

The Cornish Constitutional Convention

In November 2000 the Cornish Constitutional Convention was formed. Its objective is to establish a devolved Assembly for Cornwall. The Convention's campaign has maintained a high profile and is now a significant factor in parliamentary debate on issues related to devolution.

The Convention is a cross-party, cross-sector association. It is rapidly building a strong consensus of support both in Cornwall and elsewhere. It is not campaigning for any form of separatism or independence, and is a politically neutral body. Its constitution includes an Equal Opportunities policy.

The Convention takes seriously the need for constructive and positive dialogue with Cornwall’s neighbours and partners. Currently, for example, the Convention is in discussion with the South West Constitutional Convention to progress the case for devolution for both Cornwall and Southwest England.

The Convention advocates three fundamental principles for future relations with other bodies: Compatibility, Partnership and Joint Working. The aim of the Convention is to establish a form of modern governance which strengthens Cornwall, her role in the affairs of the country, and which positively addresses the problems that have arisen from more than a hundred years of growing isolation and loss of confidence.
The Declaration

Between 5th March 2000 and December 2001 over 50,000 people endorsed the Declaration for a Cornish Assembly.

It says:

"We, the People of Cornwall, must have a greater say in how we are governed. We need a Cornish Assembly than can set the right democratic priorities for Cornwall and provide a stronger voice for our communities in Britain, in Europe and throughout the wider world."

As well as MPs, MEPs and Councillors and 3,000 residents of the six counties of the Southwest, the Declaration has been signed by over 10% of the Electorate of Cornwall, with an equable spread across the five Cornish constituencies.

This is the biggest single expression of public support for devolution, and for the establishment of any particular devolved regional assembly within the British Isles. The Declaration was handed to the Prime Minister at Downing Street on Wednesday 12th December 2001.
Summary

Cornwall is a distinct region of the British Isles and Europe with a unique culture, language, and history. Today, however, Cornwall is recognised as one of the poorest regions of the European Union. It has persistent economic problems, which has resulted in it being granted Objective 1 status by the European Commission.

There is now an urgent need for a fundamental change in the way that Cornwall is governed, the means by which policies are implemented, and the institutions accountable for delivery.

With this in mind, the Cornish Constitutional Convention is leading the campaign for a Cornish Assembly, which has won the support of over 50,000 people who have signed individual declarations calling for a new democratic settlement for Cornwall.

This document sets out the proposals of the Convention, which can be summarized as follows:

- Creation of a democratically elected, fully-devolved Assembly for Cornwall, with executive powers and powers to enact secondary legislation. The Assembly will have forty to fifty elected Assembly Members and a cabinet of seven or eight portfolio holders.
- Powers devolved to the Assembly will include health, employment, housing, education, social services, culture, arts, sport, economic and rural development, fisheries and local government.
- Creation of the ‘Cornwall Office’ in order to execute the policies of the Assembly, bringing together civil and public service functions under one roof.
- Reform of local government with powers and functions devolved to new unitary authorities, town and parish councils.
- Central government meanwhile will retain key functions including, for example, home and foreign affairs, defence, national taxation and social security.
- Creation of a ‘Civic Forum for Cornwall’ which will allow community groups and town forums a direct input into the policy-making process.

Our vision is that the partnership of the Assembly and Civic Forum will champion equal opportunities, sustainable development and access to information, and that a fairer, self-confident, more prosperous Cornwall will be achieved for all the people of Cornwall.

The Cornish Constitutional Convention calls for a referendum to be held within the next 18 months, leading to the establishment of the Assembly by 2004/2005, subject to the government’s programme for devolution for the English regions.
1 Devolution for One and All

Devolution is about ‘cutting Cornwall in’ to a partnership of the regions of the British Isles, Europe and the world. It is about establishing a process within Cornwall that will achieve a fully-devolved Assembly, and progressively bring about the conditions for lasting change, resulting in an increasingly self-confident and prosperous Cornwall.

This document contains an outline framework for a devolved Assembly and administration for Cornwall. It is intended to provoke discussion. Cornwall needs a better, more influential form of governance if its economy and communities are to prosper. This document is a statement of intent to achieve lasting and effective devolution of political and administrative structures. It is not for the few, but for all the people of Cornwall. It is not for the distant future, but now.

This document sets out, for the first time, a practical scheme for establishing a Cornish Assembly (Senedh Kernow). It shows that the Assembly can and will work, and how. It also shows that a Cornish Assembly is the only practical means for governing Cornwall effectively and fairly, doing justice to the talents of the people of Cornwall.

2 The Campaign for a Cornish Assembly

The campaign for a fully-devolved Cornish Assembly took its present form when the Government announced that, having established devolution in Scotland, Wales and Northern Ireland, it wished to extend the principle to cover the whole of the United Kingdom.

Since then, the devolution debate in Cornwall has become a major issue. In November 2000 the Cornish Constitutional Convention was formed. It is a cross-party organisation including representatives from the private, public and voluntary sectors, of all political parties and none.

More recently, the declaration calling for a fully-devolved Cornish Assembly signed by over 50,000 people has been presented to the Prime Minister. This is the largest expression of public support for a new democratic settlement from any region in the UK.

There is also growing political consensus in Cornwall. A recent conference of Liberal Democrat members overwhelmingly supported a motion calling for the Party to campaign for a devolved and democratically elected Regional Assembly for Cornwall and the Isles of Scilly, whilst the Labour Party in Cornwall supports holding a referendum to determine the level of popular support. Cornwall County Council is also calling for a referendum in Cornwall to establish a Cornish Assembly.

The Convention is now promoting wider consultation by means of the Civic Forum for Cornwall (a unique partnership of individuals and organisations from all walks of life) to develop proposals in greater detail. It is also holding a continuing series of public meetings across Cornwall to describe the campaign and to obtain grass-roots opinion.

The Cornish Constitutional Convention believes that devolution for Cornwall is essential, and long overdue.
3 The Referendum for a Cornish Assembly

The 50,000 people that have signed the declaration have earned the right for Cornwall to be given a single question referendum. The declaration clearly and unambiguously calls for a fully-devolved Assembly for Cornwall. This referendum should be held within this Parliament. This will allow Cornwall to join the first phase of the government’s devolution programme. There are potent arguments for Cornwall to be included in this first phase.

These include:
- Cornwall gained Objective 1 status recently because it was recognised as being one of the poorest regions within the European Union. There is now a pressing need to supply a strong and accountable body to develop and follow up the Cornish Objective 1 programme and to ensure that benefits are sustained.
  Holding a referendum in the near term will maximise the benefits to the Cornish economy and pay back to the Exchequer.
- Over 10% of the Cornish electorate have signed declaration forms calling for a Cornish Assembly. This achievement is widely recognised throughout Cornwall and has resulted in high expectations, with support continuing to grow daily.
  This should be considered as a ‘mandate’ for Cornwall to be ‘fast-tracked’ within the devolution programme.

The Convention’s proposal presents a practical scheme for a Cornish Assembly, which is likely to command the support of the majority within Cornwall, leading to a ‘yes’ vote at the proposed referendum.

4 Devolving to Cornwall: Unleashing Our Potential

4.1 The Case for Cornish Devolution

Cornwall is the most ideally-placed region within the UK to benefit from devolution. It has a distinctive historical and cultural legacy which, as recent academic work suggests, can be a critical element in economic regeneration. This fact was recognised by the European Commission when Objective 1 status for Cornwall was secured. Geography is also an important consideration. Cornwall, a peripheral region of mainland Britain, is situated at a maritime crossroads between the British Isles and mainland Europe, between the Atlantic Ocean and the Northern European coastal zone. Cornish economic and social history also bears out strong links with the western seaboard of Europe, the Mediterranean, and Ireland.

Despite this distinctiveness, Cornwall has inadequate democratic means of influencing the economic policy-making process, and no means of capitalising on these assets.

Cornwall suffers from what might be called ‘institutional peripherality’. Many of the institutions that develop economic and social policy are located outside Cornwall. These include a myriad of quangos, government departments and agencies. Such bodies have neither the scope nor the remit to pursue policies specifically relevant to Cornwall. They seldom recognise Cornish strengths and special needs as a peripheral region, and their distance from Cornwall makes effective communication difficult. Furthermore, policy-making is fragmented since there is no single body to which these institutions are accountable.
The Benefits of Cornish Devolution

The Cornish Assembly will make a significant difference to the prosperity and sense of well-being of the people of Cornwall.

Most commentators recognise that Cornwall’s economy is quite unlike that of Southwest England. Only a Cornish Assembly will be able to develop policies that will fully take into account the importance of Cornwall’s traditional and emerging industries, capitalise on Cornwall’s strengths, and effectively penetrate new markets.

Devolution is also essential to restore accountability by removing ‘government by quango’ and ensuring that policy makers are accountable directly to the Cornish electorate.

Restoring accountability by this means will bring about the sense of ownership for the policy-making process that is essential for creating real and sustainable change.

Cornish devolution will create the conditions required to:

- **Implement an effective post-Objective 1 Strategy**, build on the foundations, and sustain the benefits of this critical regeneration programme
- **Develop economic strategies** to create the conditions for sustainable development, and develop Cornwall as a modern, knowledge-based economy
- **Create the right climate to capitalise on Cornwall’s strengths**, the unique sense of place, the sense of pride in Cornwall’s historic achievements, cultural distinctiveness and maritime location
- **Generate significant extra spending within the Cornish economy** as powers and functions are devolved and transferred to Cornwall
- **Allow Cornwall to win a fairer slice of central government spending**
- **Address the issue of institutional peripherality** and reverse the process of economic and institutional over-dependence
- **Address the skills deficit and reverse the loss of intellectual capital**
- **Restore democratic accountability and credibility**, eliminate the democratic deficit and create effective, fit-for-purpose local government best suited to deliver relevant and cost-effective services
- **Create the institutional framework** within which a positive, innovative and progressive civic culture can develop
- **Address social and economic inequalities**
- **Develop the profile of Cornish goods and services** within the British Isles, in Europe and across the world
- **Develop partnerships inside and outside the UK**, including through the committee of the Conference of Peripheral Maritime Regions, the Atlantic Arc Commission and the European Union
- **Develop a strong competitive voice**; Cornwall needs the strongest voice possible to compete for and gain access to funds within the new Britain of the regions.

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5 The Blueprint for a Cornish Assembly

5.1 Possible Models for a Cornish Assembly

The Convention has reviewed models with parallels in the British Isles. Three were considered to meet our original brief and these are:

- A Parliament with primary legislation powers
- A Fully-devolved Assembly with secondary legislation powers and a limited power of ‘opt out’
- A Regional Assembly with no secondary legislation powers.

5.2 Selected Model

The model eventually selected as the blueprint for the Cornish Assembly is a fully-devolved Assembly with powers to enact secondary legislation and power of opt-out in areas of delegated competence. There is precedent for this: in Wales (applying to specific areas of secondary legislation) and the Isles of Scilly.

This cautious but pragmatic approach to Cornish devolution is thought to best suit the requirements of the Cornish case at this time although this does not exclude modifications to the proposed settlement at a later date, subject to the democratic consent of the people of Cornwall.

5.3 Relationship with Central Government

The Assembly, Senedh Kernow, will function at roughly the same level as the Welsh or Northern Ireland Assemblies and would have its own, direct relationship with central government. We have assumed that this would be managed through a Secretary of State, but other arrangements would also be possible in principle. A direct relationship with the centre is essential since it ensures that Cornwall’s voice is never again lost or filtered out.

Like the Northern Ireland or Welsh Assemblies, Senedh Kernow will decide its own strategy and policy within its agreed areas of competence (for example education, health, and economic development) and be responsible for overseeing implementation and delivery within Cornwall. Certain powers and functions will be retained entirely by central government including, for example, social security, national taxation, defence, home and foreign affairs.

The Convention recognises that strong relationships will need to be established and maintained with Cornwall’s ‘peer group’ of UK regions and nations. In addition, relationships will need to be renewed with regions and nations along the Atlantic Arc, and new relationships developed within Europe.

Furthermore, relationships with European institutions are becoming progressively more important. Cornwall is already a member of the Conference of Peripheral Maritime Regions. The Assembly will need to develop these relationships in order to both influence and understand the implications of European strategy and legislation. Cornwall must have representation on the European Committee of the Regions and its own Brussels Office to represent and promote Cornwall’s interests.

5.4 Funding

In the past, Cornwall was included, for statistical purposes, with Southwest England. This has masked Cornwall’s weak economic position, resulting in Cornwall’s problems being ignored and Cornwall being deprived of necessary funding for public services.

As part of the new settlement for the regions, it is quite likely that a new formula to determine the level of regional funding will be implemented. It is essential therefore, that the level of funding available to Cornwall should be based on a Cornwall-specific assessment rather than being included in any funding settlement for Southwest England. This will ensure that Cornwall receives its fair share of central government funding.

It is not the brief of the Cornish Constitutional Convention to determine how the Assembly and supporting institutions will be funded. However, the Convention notes that if funding per capita were set at the same level that applies in Wales, it would result in an additional £101m p.a. being made available for the delivery of public services within Cornwall.
6 Accountabilities and Structure of the Assembly

6.1 Legislative and Administrative Background
The Cornish case differs from the National Assembly for Wales in a number of important respects. First, there has been virtually no ‘piece-meal’ accumulation of legislation and specific regulations applicable to Cornwall in modern times (although there is a historic legacy of much earlier Cornwall-only legislation). Second, there is no equivalent of the Welsh Office dealing exclusively with Cornish affairs.

In order to devolve powers, there would be a need for concurrent devolution of functional agencies. This means an integrated civil and public service answerable to the Cornish Assembly (see Administration: The Cornwall Office).

6.2 The Secretariat of the Assembly
So that the legislative and scrutiny functions of the Assembly can be effectively carried out, the Assembly will need to have its own secretariat. This will be under the control of the presiding officer, accountable through the presiding officer to the Assembly and not the executive.

This secretariat will include legal and technical support facilities for the Assembly and Assembly Members. It will maintain its own interface with central government through the office of a Secretary of State or equivalent mechanism. It will also maintain working links with relevant central government functions, independently of the executive. The Secretariat for the Assembly will in effect be an independent arm of the Cornwall Office.

6.3 Accountability and Scrutiny of the Executive
There will be a clear split between executive and legislative powers. The Executive will be responsible for the execution of legislative or strategic programmes. It will comprise one member for each of the major portfolios (seven or eight). Each department of the Cornwall Office will report to one member of the Executive and each member of the Executive will be accountable for his or her department.

However, the Assembly will be accountable for scrutinising the work of the Executive, and, as the sovereign body, would be ultimately accountable. A three-stage legislative process is proposed for legislation and strategic decision-making. This will involve a first reading, scrutiny (committee) stage, then a final reading. Scrutiny will be carried out through a committee structure, similar to the ‘select committee’ system used at Westminster.

6.4 The Role of the Assembly in Service Delivery
The general principle advanced by the Convention is that strategic decision-making and service delivery will be separated wherever possible. It is our recommendation that most service delivery functions should be devolved to local authorities. However, it is likely that the Assembly and Cornwall Office will need to retain at least some strategic service delivery responsibilities through the use of agencies or equivalent bodies. It is proposed that the Assembly will establish a framework within which these agencies in Cornwall will operate.

6.5 Participating in the Decision making Process
It is the considered opinion of the Convention that the debate about devolution must not be allowed to degenerate into an inward-looking discussion about bureaucratic structure. Such a debate would be unlikely to galvanise the enthusiasm of the community, and would result in a failure to achieve a new relationship between electors and representatives. We believe that devolution is a major, not-to-be-missed opportunity to build enduring partnerships between government and the wider community.

With this in mind, the Convention is developing the ‘Civic Forum for Cornwall’. It is hoped that the Civic Forum will endure long after devolution is achieved, and become part of the make-up of Cornish community and political life. The Civic Forum will be crucial in enabling all parts of the community to participate in the process of identifying needs and developing future policies. It is hoped that the Forum will be instrumental in developing an active, deliberative and participatory democracy for Cornwall.
7 Electoral Arrangements

7.1 The Accountabilities of an Assembly Member

The Assembly will be a ground-breaking body that sets new standards and develops a relationship of the trust with the electorate.

The overall role of Assembly Members (AMs) will be quite different from that of local councillors, who will continue to be mainly or solely concerned with service delivery. AMs will be concerned predominantly with legislative and strategic issues. Being an AM will carry considerable responsibility.

The main responsibilities of an AM will be to:

- Represent his or her constituency in all legislative and strategic matters that fall within the remit of the Assembly, and in any other matters of collective Assembly responsibility
- Undertake as necessary any quasi-judicial functions within the Assembly or on delegated committees
- Function as strategic portfolio holders within the relevant scrutiny or advisory committee
- Represent their constituents in matters of strategic service provision, where the Assembly has retained these functions.

The responsibilities of an AM can only be discharged effectively by committed, full-time AMs with no conflict of loyalties. Therefore, the Convention holds the opinion that AMs should not be permitted to hold other office, such as being councillors, Members of Parliament, or board members of government agencies. Furthermore, the implementation of the Assembly is an opportunity to involve ‘new blood’ and bring in people of a high calibre from the wider community including, for example, the business and voluntary sectors.

Some Assembly Members will also be members of the Executive. These AMs will also have executive accountabilities for their department of the Cornwall Office.

7.2 Achieving Political Balance: The Electoral System

The Convention is aware that there is a pressing need to maintain an appropriate political balance within the Assembly. This means taking into consideration:

- The need to introduce a degree of proportionality
- The need to provide sufficient members for each committee of the Assembly
- The requirement to take account of the strong independent political tradition that exists within Cornwall
- The need to prevent the status of smaller parties being undermined
- The need to take account of geographical divisions, and respect the identity of distinct communities
- The need to avoid alienating electors by establishing constituencies that are too large, impersonal or lack identity

In the Cornish case, these constraints effectively rule out the use of party list systems of proportional representation, and place further constraints on the type of proportional system used and number of members per constituency. Taking into account all the above factors we propose eight Single Transferable Vote (STV) constituencies returning a total of between 40 and 50 Assembly Members in total. The numbers of AMs in each constituency will depend on the size of the population in each. In every constituency there should be sufficient AMs elected to offer a reasonable degree of proportionality.
8 Administration: The Cornwall Office

Cornish devolution provides a unique opportunity to build ‘from the ground up’, an efficient, integrated Cornish administration to work with the Assembly and other democratic structures. This new body (The Cornwall Office) will be given clearly-defined terms of reference, thus minimising confusion over accountabilities and lines of reporting. At present, government and public administration is provided by a myriad of government departments, quangos and local government units dispersed over a large number of locations. It is hardly surprising that this leads to uncoordinated policies and implementation, rather than coherent, ‘joined-up’ government.

Furthermore, the lack of a government office for Cornwall results in the loss of intellectual capital at Cornwall’s expense. As a result, Cornwall’s best brains are exported to the benefit of other regions, whilst highly paid public officials are employed to make decisions on Cornwall’s behalf, located elsewhere and contributing nothing to Cornwall’s economy. All these administrative functions will be brought together into a single ‘Cornwall Office’, with most service delivery functions being ‘drawn down’ to local government.

Significant numbers of public service posts will be taken into account in this exercise, whether they are currently located in Cornwall or elsewhere. The process of creating the Cornwall Office will allow intellectual capital within existing administrative departments to be used more effectively, and will bring together significant technical knowledge under ‘one roof’, bringing benefits to the administration and the whole of the community of Cornwall.

In the short term the Cornish economy will benefit from the additional disposable incomes of these newly relocated jobs and their associated support and contract services (estimated conservatively at around £60m p.a.). In the longer term, it is expected that there will be significant cost savings from bringing the administrative machinery into Cornwall, particularly by amalgamating the functions of a large number of quangos.

9 Local Government

The creation of the Cornwall Office will be achieved by bringing together County Council, regional and civil service functions. This merger of complementary bodies is extremely important for the County Council, since it allows it to ‘trade up’ to regional status.

The alternative notion, of becoming a unitary authority would be, in our opinion, to make the Council a progressively irrelevant and unpopular body. Lacking influence, it would become steadily denuded of powers, whilst at the same time being perceived as too remote to engender wide-spread support.

However, the new body proposed by the Convention will be both an influential and long-lived strategic body, enjoying greater support from the electorate, with a clear-cut mission and objectives, and a full programme of work. This ‘trading up’ of all aspects of local government in Cornwall will allow the existing district councils to be recast as unitary authorities. This will allow them to further develop delivery excellence and a broader range of service delivery functions.

The Convention believes strongly in the principle of devolution at all levels. Thus, although the Cornwall Office may retain selected ‘strategic’ delivery functions, many other functions will be devolved to the new unitary authorities from the outset. As a matter of principle, all new local authorities should be created at the lowest practical level so that effective partnerships between community and local government can be established, and that no community is disadvantaged through issues of communication or access. However, these authorities must also be of sufficient size to function in a cost-effective manner. Overall, the Convention believes that there is an optimum size for these new authorities that will balance these two factors.
In identifying the most appropriate competencies for the Assembly, the Convention suggests the following functions, there being no justification for retaining these powers in any central or quasi-regional structure outside Cornwall.

These competencies include:

- Agriculture, forestry, rural development, rural and agricultural grants and subsidies, and food standards
- Coastal protection, sea fisheries and licensing, sea fish industry management and coastal safety
- Economic development (including the development of international trading relations), European liaison, business support, small business development, tourism, industry, regional development, European structural and other funds, single regeneration budget and regional selective assistance
- Education (all levels), training and skills development
- Employment services
- Environmental protection, conservation, water and flood defence, transport and highways, town and country planning, waste management and health and safety
- Health and health services including contractual payments, health education, training and preventative programmes, management of strategic health authority / trust functions
- Housing, including repairs, building schemes, groundwork etc.
- Local government, including boundary commission functions, organisation of local government, governance and standards
- Locally distributed social services including social disadvantage, social inclusion, neighbourhood renewal, child welfare programmes and care services
- Magistrates, probation, emergency services, policing and crime reduction
- Sport, leisure, media, arts (including galleries and performing arts), culture (including museums and libraries, the Cornish language etc.), heritage protection, ancient monuments and historic buildings
- Valuation, legal and treasury services, statistical services, The Legislation Unit for the Assembly

All other powers, including foreign affairs, those areas normally covered by the Home Office, defence, national taxation and social security will be retained by central government.
11 The Cornish Assembly
At-a-Glance

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<thead>
<tr>
<th>Name of Assembly</th>
<th>Senedh Kernow / The Assembly of Cornwall</th>
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<tbody>
<tr>
<td>Powers Executive</td>
<td>Secondary Legislative and Powers of Opt-out</td>
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<tr>
<td>Assembly size</td>
<td>40 - 50 Assembly Members</td>
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<tr>
<td>Cabinet size</td>
<td>7 or 8 Assembly Members</td>
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<tr>
<td>Population represented</td>
<td>Approx. 500,000</td>
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<tr>
<td>Structure</td>
<td>First Minister, deputy first minister and cabinet plus scrutiny committees</td>
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<tr>
<td>Mandatory Committees</td>
<td>Subordinate legislation, audit and standards, equal opportunities, UK and European regional liaison, subject committees matching Ministers portfolios</td>
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<tr>
<td>Other committees</td>
<td>As required</td>
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<tr>
<td>Voting system</td>
<td>STV (eight constituencies)</td>
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<td>Community input and controls</td>
<td>Civic forum (linked to town forums and advisory groups), equal opportunities, sustainable development, information access, advisory committees</td>
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<tr>
<td>Appointment of executive</td>
<td>First and deputy ministers (portfolio holders) elected by assembly</td>
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<td>Legislative procedure</td>
<td>First reading, scrutiny stage, final stage</td>
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<td>Term length</td>
<td>Four years</td>
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<tr>
<td>Early dissolution</td>
<td>On 2/3rds of assembly</td>
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2 At present there are forty-five principal organisations and a much larger number of smaller bodies, advisory groups and programme involved in either delivering services or with other project budget responsibilities.
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