

REPORT TO CABINET

Open/Exempt - OPEN		Would any decisions proposed:			
Any especially affected Wards - NO	Mandatory	Be entirely within Cabinet's powers to decide? NO Need to be recommendations to Council? YES Is it a Key Decision? NO			
Lead Member: Cllr Alistair Beales		Other Cabinet Members consulted: -			
		Other Members consulted: Cllr Collop, Chair of E&C			
Lead Officer: James Arrandale		Other Officers consulted: Alexa Baker; Andrew Barrett and Anthony Drown, Electoral Services			
Financial Implications: NO	Policy/ Personnel Implications: YES	Statutory Implications: NO	Equality Impact Assessment Pre-screening	Risk Management Implications: NO	Environmental Considerations: NONE

Date of meeting: 21 July 2025

TITLE – COMMUNITY GOVERNANCE REVIEW

Summary

This paper recommends changes to the internal governance of the Council's procedure for assessing Community Governance Reviews (**CGR's**).

Recommendation

Recommendations to Full Council:

1. To amend the Terms of Reference for the Hilgay and Burnham Market CGRs.
2. To amend the Constitution to enable all Council bodies to create Informal Working Groups.
3. To note the creation of a Governance Framework for the administration of CGR processes.

Reason for Decision

To enhance the Council's governance for CGR's, better reflecting the non-executive nature of this function, consistent with wider local government practice.

To facilitate the conduct of business by Council Bodies (recommendation 2).

1. BACKGROUND

The Council is currently carrying out two CGR exercises, relating to Burnham Market and Hilgay Parish Councils. Terms of Reference for these CGR's were approved by Cabinet on 4th February and Full Council on 27th February 2025.

Cabinet is referred to the Reports for the 4th February meeting for a summary of the CGR process as currently approved.

The Terms of Reference for both CGR's anticipate that Cabinet shall be responsible for considering proposals following the public consultation periods, and making recommendations on those proposals to Council. The Terms of Reference have also anticipated - consistent with the arrangements last used by the Council in a CGR in 2012/2013¹ - that these Cabinet papers would be scrutinized by the Environment and Community Panel.

This process has been given further consideration, and it is now proposed that to revise it so that the above Cabinet tasks are given to new Informal Working Groups of Full Council. This will require a consequential change to the Constitution explained further below.

Further Informal Working Groups would then be established for any future CGR exercises. In particular, one would be established in the event that a CGR is undertaken for the unparished area of King's Lynn.

2. RECOMMENDED AMENDMENTS TO THE TERMS OF REFERENCE OF THE HILGAY AND BURNHAM MARKET CGR'S

Comparison with Practice at other Local Authorities

From a review of CGR exercises conducted by other local authorities, the common practice is to use an Informal Working Group of Full Council to review consultation responses, and with officer support, to prepare draft recommendations directly to Full Council. This is consistent with the non-executive nature of the function.

Other examples have not been identified in which Cabinet is responsible for reviewing consultation responses or preparing draft recommendations.

Establishment of Informal Working Groups

The use of an Informal Working Group, established by Full Council for each CGR and reporting directly to Full Council, is therefore recommended to preserve the non-executive nature of the CGR function.

Consequently it is recommended to revise the current Terms of Reference for the two ongoing CGR exercises to provide for the Cabinet tasks to be carried out by Informal Working Groups. A Governance Framework for any future exercises has been produced (Section 4 below).

Revised Terms of Reference

Draft amendments to the Terms of Reference are at **Appendices A and B**.

¹ South Wooton, Castle Rising/Congham/North Wooton, and Terrington St Clement/Walpole Cross Keys

3. CONSTITUTIONAL AMENDMENT

Currently, Article 9 of the Constitution provides that only the Council's scrutiny panels can create Informal Working Groups. The potential benefits of Informal Working Groups are set out in Article 9, and include speed of working, reduced demands on time and resource, potential to involve third parties and less bureaucracy.

A change is therefore required to the Constitution is required in order to enable Full Council to create the proposed Informal Working Groups.

In the interests of wider Council business, it is proposed that all Council bodies (rather than just Full Council and scrutiny panels) should be able to create Informal Working Groups where they deem this appropriate.

This would involve minor changes to Article 9.04 and a consequential change to Standing Order 29.8. A copy of the proposed changes is at **Appendix C**.

4. NEW CGR FRAMEWORK

A Governance Framework for CGR's has been produced to record this proposed change to the procedure.

This is an operational document which will be kept up to date by the Monitoring Officer and Electoral Services. A copy is produced for Cabinet to note at **Appendix D**.

5. OPTIONS CONSIDERED

Continue under the current arrangements. This is not recommended for the reasons set out in this Report.

Some other authorities instead:

- a. use an Informal Working Group that reports to a Governance/Standards Committee and then on to Full Council. It is considered that this would add an unnecessary additional layer to the process.
- b. use a Standards or General Purposes Committee to discharge the Cabinet's current role. This would lack the other time and efficiency advantages of an Informal Working Group as set out above.

6. POLICY IMPLICATIONS

The recommendations are made in the interests of streamlining the internal governance process (corporate strategy: efficient and effective delivery of services).

7. FINANCIAL IMPLICATIONS

None

8. PERSONNEL IMPLICATIONS

The recommendations would reduce demand on officer resource, as against the current arrangements.

9. ENVIRONMENTAL CONSIDERATIONS

None.

10. STATUTORY CONSIDERATIONS

Under the 2007 Act, the CGR for Hilgay should be completed within 12 months of the petition, i.e. by 14 November 2025. The revised process will involve a short delay beyond this deadline. However, there is no sanction imposed by statute for this, and it is proposed that the justification for change outweighs this delay.

Otherwise, all of the options under consideration are compatible with the legal requirements for CGR.

For completeness, the relevant legislation and guidance provides that Terms of Reference may be modified during the CGR process.

11. EQUALITY IMPACT ASSESSMENT (EIA)

To follow.

12. RISK MANAGEMENT IMPLICATIONS

None

13. DECLARATIONS OF INTEREST / DISPENSATIONS GRANTED

N/A

14. BACKGROUND PAPERS

None

APPENDIX A – REVISED TERMS OF REFERENCE FOR HILGAY CGR

APPENDIX B – REVISED TERMS OF REFERENCE FOR BURNHAM MARKET CGR

APPENDIX C – DRAFT REVISED CONSTITUTIONAL PROVISIONS

APPENDIX D – GOVERNANCE FRAMEWORK

APPENDIX A - REVISED TERMS OF REFERENCE FOR HILGAY CGR

See Separate Document

APPENDIX B – REVISED TERMS OF REFERENCE FOR BURNHAM MARKET CGR

See separate document

APPENDIX C – DRAFT CONSTITUTIONAL AMENDMENTS

Article 9.04

Informal Working Groups (~~Scrutiny and Overview Function~~)

Instead of introducing an additional formal body to the process, through setting up a Task Group (with its accompanying demands on time and valuable resources), ~~Policy Review and Development Panels~~ **Council bodies** may find it expeditious to carry out ~~basic research~~ (evidence gathering and preliminary analysis) through the use of what are termed Informal Working Groups:

(a) these Working Groups are not formal Council Bodies but are simply subsets of **the Council Body that created them** ~~a Policy Review and Development Panel~~ (including other invitees as the **Council Body** ~~Panel~~ sees fit) which will work quickly and informally, within tight terms of reference defined by their respective **Council Body** ~~Panel~~, to effect evidence gathering and preliminary analysis. The responsible **Council Body** ~~Panel~~ will then formally consider these findings and **may** develop them (with further research as necessary) into a full report and recommendations.

(b) The use of Informal Working Groups should simply be seen as a semi-structured means of quickly moving review-type work forward. They present **Council Bodies** ~~Panels~~ with an opportunity to: [i] make the most of Councillors' interests and experience; [ii] draw in other interested/experienced Councillors; and, [iii] invite in external experts or possibly other members of the public with a direct stake or experience in the subject matter. Members and those outside of the authority may be more inclined to be involved in an apparently less bureaucratic approach.

Standing Orders

29.8 Informal Working Groups (~~scrutiny and overview function~~)

For the avoidance of doubt, Informal Working Groups are not formal Council Bodies or Task Groups. They are solely chosen, controlled by, and report directly back to their respective **Council Body** ~~Policy Review and Development Panels~~. Political proportionality or issues of vacancies and substitutions should not be an issue.

Any work undertaken through Informal Working Groups should only be regarded as approved duties, with respect to traveling expenses, with the prior approval of the respective **Body's** ~~Panel's~~ Chair.

29.9 Any formal meeting of a Council Body, including Task Groups and Informal Working Groups, shall be attended, supported and recorded by a proper Officer of the Council

APPENDIX D – GOVERNANCE FRAMEWORK

See separate document