

Community Governance Review (CGR): BCKLWN Governance Framework

What is a Community Governance Review?

A Community Governance Review (**CGR**) is a legal process to consider changes to governance arrangements for parish and town councils. These can include:

- Creating new parish or town councils (e.g. making a previously unparished area a parish)
- Changing parish boundaries
- Merging or splitting parishes/areas
- Renaming parishes or wards
- Changing the number of parish councillors
- Changing electoral arrangements (election year, number of councillors to be elected)

CGRs enable citizens and community groups to address issues of democracy by providing the opportunity to engage in community governance, for example where there have been changes to the number or makeup of a population, or to address boundary issues / anomalies following development.

The Borough Council is the body responsible for carrying out CGR's in King's Lynn and West Norfolk.

Legal Background and Requirements for Consideration

CGRs are governed by the Local Government and Public Involvement in Health Act 2007, as well as Government Guidance¹ and guidance issued from time to time by the Local Government Boundary Commission for England (**LGBCE**).

When making any decisions to change governance arrangements, the Borough Council has to be mindful that those changes should:

- reflect the identities and interests of the community, and
- be effective and convenient, and
- take account of any other arrangements for community representation or engagement.²

¹ [Community governance reviews: guidance - GOV.UK](#)

² S.93, Local Government and Public Involvement in Health Act 2007

How is a CGR Started?

A CGR can be started in four scenarios:

- At the request of the Borough Council;
- In response to a 'reasonable request' i.e. from a parish council (the Borough Council can decide whether to agree to this request);
- In response to a valid Community Governance Application from a "Neighbourhood Forum"³ (in which case a CGR must take place); or
- In response to a valid Community Governance Petition (in which case a CGR must take place).

For a Community Governance Petition to be valid, it must specify a change that it wants the CGR to make. It must also be signed by a minimum proportion of electors within the petition area:

Petition Area	Minimum Electors signing petition
<500 electors	At least 37.5% of electors
500 – 2,499 electors	At least 187 electors
>2,500 electors	At least 7.5% of electors

The Borough Council is **not** required to conduct a review if:

- a petition is received at the same time as a CGR is underway which covers all or a significant part of relevant area;
- a CGR has already been completed within the past 2 years which covered all or a significant part of relevant area (but the Council may still choose to do so); or
- the Council determines that it would not be reasonable to agree to the request (e.g. it would cause disruption to community cohesion, or would be detrimental to local governance).

Outline Process for Community Governance Reviews

The process for CGR's may vary depending on the issues under consideration (in particular, whether one or two rounds of public consultation are appropriate). An outline of the process is as follows:

³ These are defined by s.61F of the Town and Country Planning Act 1990

1. Decision to undertake a CGR

For Community Governance Applications and Petitions, Borough Council Officers will review the submission to confirm it is valid (e.g. it has sufficient valid signatures, and contains necessary information).

For discretionary CGR's, Full Council must decide whether to carry out a CGR, either by resolution or under delegated powers.

2. Terms of Reference (ToR)

The Borough Council will need to publish Terms of Reference for the CGR. These should include matters such as:

- Purpose and scope of review
- Information on the affected area and electorate, including electoral forecasts, structure of parishes and boundaries, councillor numbers etc.
- Information on the proposals for governance changes (e.g. boundaries, councillor numbers).

If the CGR is in response to a petition or application, the ToR must state the relevant proposals. This does not limit the scope of the CGR to include other matters or areas.

The ToR must be approved by Full Council and published.

3. Consultation

Depending on the issues under consideration, the Borough Council may carry out either one or two stages of consultation.

- In simple consultation exercises, only one consultation period may be required, and final recommendations can be made to Full Council after this.
- However, in more complex CGR's, the first consultation exercise may produce additional or different proposals for governance (e.g. different boundaries) which need a further round of consultation to assess.

For second round consultations it will often be appropriate to ask the respondents to the previous consultation to comment on specifics, and therefore questionnaires or specific response forms may be produced.

The Borough Council must ask the local public, parish councils, and other stakeholders (e.g. local businesses and charities, and schools) to give their views,⁴ and people can suggest changes to boundaries, governance, names, etc.

There is no fixed period for consultation, but the Borough Council has to ensure it is “reasonable”. For example, a full review of all parish areas and electoral arrangements will require a longer consultation period with a wider range of consultees. A review in response to reducing councillor numbers in a specific parish may require a shorter timeframe and targeted consultation.

In most cases, the consultation periods will be at least six weeks.

4. Recommendations

An Informal Member Working Group of Full Council (see below) will review the feedback from consultation processes and other relevant matters of consideration under the legislation and guidance.

The Informal Member Working Group will then produce recommendations on any revisions to governance which will be recommended to Full Council for consideration.

As noted above, in simple consultation exercises, only one consultation period may be required, and “Final” recommendations can be made to Full Council after this.

In more complex CGR’s, the first consultation exercise may produce additional questions which need a further round of consultation to assess. These will be produced as “Draft” Recommendations which will be the subject of the second round of consultation.

Recommendations in all cases should include:

- Vital statistics including precept, electoral, electoral forecasts (5 years)
- Present area arrangements (boundaries) and electoral arrangements.
- Publication of all representations received, including any explanatory notes.
- Arguments and justifications for making any recommendations, which should:
 - reflect the identifies and interests of the area under review;
 - provide / support effective convenient local government; and
 - take account of any other arrangements for community representation and engagements.

⁴ S.93 of the Local Government and Public Involvement in Health Act 2007

As soon as is practicable, the Borough Council must publish its recommendations and inform persons interested in them.

The final recommendations must be published, and a period for final public comments should be allowed.

5. Council Decision and Implementation

Full Council makes the final decision and may approve, reject, or modify the recommendations.

If approved, Full Council makes a “Reorganisation Order” in accordance with government guidance.⁵ The Order must be published, and must include a map.

Changes take effect at the next scheduled elections, or as set in the Order.

Timeframes

Councils should complete a CGR within 12 months of publishing the Terms of Reference, or within 12 months of receiving a petition.

Creating a New Parish or Town Council

Where a CGR is required to recommend whether a new or existing parish has a parish council, the following automatic requirements apply on recommendations:

- 150 or fewer electors and no council currently exists:- no parish council should be created (it should be or remain a Parish meeting).
- 150 or fewer electors and a council currently exists:- the recommendation may be either to create a council or not.
- 151 to 999 electors: the recommendation may be either to create a council or not.
- 1,000+ electors: the recommendation should be to have a parish council.

Who Makes the Decisions?

Full Council is responsible for:

- deciding whether to carry out a CGR;
- approving the Terms of Reference;

⁵ [Community governance reviews: guidance - GOV.UK](https://www.gov.uk/guidance/community-governance-reviews)

- appointing an Informal Working Group (see below)
- approving draft and final recommendations; and
- making any Reorganisation Order.

Where Full Council decides to carry out a CGR, or is informed that a CGR is required, it will constitute a **CGR Informal Working Group** as part of the Terms of Reference. This will be a body of between 3 and 11 Councillors (with fewer members needed in cases where the issue(s) under review are not complex or contentious). The Working Group will be supported by Borough Council officers.

Membership will be determined by Full Council taking into account of the political make-up of the area and the nature of the issues, and will follow one of three models:

- Politically proportionality, with ward members excluded from membership (but not excluded from attending meetings) in the interests of neutrality

(**NB:** Working Groups are not legally required to be proportionate, so Full Council does not have to achieve exact proportionality in each case),
- Ward/neighbouring councillor membership in the interests of local representation, or
- A bespoke approach taking account of specific circumstances.

Where a proportionality approach is taken, Group Leaders will be invited to nominate members to their group's allocated places.

In the event ward or neighbouring members are not formal members of the Working Group, they will still be entitled to participate in Working Group business under Standing Orders.

The **CGR Informal Working Group** will review consultation responses and prepare recommendations to Full Council.

Borough Council Officers will support with research, legal work, and managing consultations. They may be invited to join the CGR Informal Working Group.

Residents and Parishes may submit Community Governance Applications or Petitions, and play a critical role in providing responses to the during consultation stages.

Transparency and Review

All reports, maps, and decisions will be published on the Borough Council's website.

A summary report is published at the end of the process.