

Accounts and Regulatory Committee

Grand Jury Room, Town Hall
27 July 2010 at 6.00pm

This committee deals with

items such as the approval of the Council's Statement of Accounts, hearing and determining all appeals by employees relating to dismissal, and makes recommendations to the Council on functions such as Health and Safety and Elections.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk

Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A vending machine selling hot and cold drinks is located on the first floor and ground floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Colchester Borough Council, Angel Court, High Street, Colchester
telephone (01206) 282222 or textphone 18001 followed by the full number you wish
to call

e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

**COLCHESTER BOROUGH COUNCIL
ACCOUNTS AND REGULATORY COMMITTEE
27 July 2010 at 6:00pm**

Members

Chairman : Councillor Dennis Willetts.
Deputy Chairman : Councillor Christopher Arnold.
Councillors Jon Manning, Kim Naish, Gerard Oxford,
Nick Cope, Scott Greenhill, Sue Lissimore, Colin Mudie and
Colin Sykes.

Substitute Members : All members of the Council who are not Cabinet members or
members of this Panel

Agenda - Part A

(open to the public including the media)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

3. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

4. Declarations of Interest

The Chairman to invite Councillors to declare individually any personal

interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

5. Minutes

1 - 4

To confirm as a correct record the minutes of the meeting held on 29 June 2010.

6. Have Your Say!

(a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter not on this agenda.

7. Draft recommendation Community Governance review - Wivenhoe Town Council

5 - 14

See report from the Head of Corporate Management.

**8. Draft recommendation Community Governance review -
Fordham Parish Council**

15 - 23

See report from the Head of Corporate Management.

9. Exclusion of the public

In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

ACCOUNTS AND REGULATORY COMMITTEE

29 JUNE 2010

Present :- Councillor Dennis Willetts (Chairman)
Councillors Christopher Arnold, Nick Cope,
Scott Greenhill, Sue Lissimore, Jon Manning,
Colin Mudie, Kim Naish and Colin Sykes

Also in Attendance :- Councillor Paul Smith

3. Minutes

The minutes of the meetings held on 20 October 2009 and 19 May 2010 were confirmed as a correct record.

4. Audit Opinion Plan 2009-10 and Annual Audit and Inspection Fee Letter

Ms. Debbie Hanson, District Auditor and Ms. Christine Connolly, Senior Audit Manager, both from the Audit Commission (AC) attended the meeting for this item.

Ms. Hanson introduced the report Audit Opinion Plan 2009-10 and Annual Audit and Inspection Fee Letter. Ms. Hanson said the fee had been revised upwards to take account of the additional substantive testing required on payroll data to obtain sufficient assurance over the expenditure within the accounts. Ms. Hanson gave a detailed explanation of each specific risk as identified in table 1 of paragraph 14 of the report.

In response to Councillor Willetts, Ms. Hanson said despite the identification of specific risks, Colchester remained on top of audit issues, was a progressive Council. Checks and testing are carried out where specific risks are identified, though no significant risk(s) has been identified. Ms. Hanson complimented the Council officers on their preparation for the implementation of IFRS and said Colchester is ahead of most other authorities in this regard.

Ms. Connolly confirmed to Councillor Arnold that in respect of the weaknesses in the payroll data, the AC relied upon the Internal Auditor who themselves could not rely on controls and therefore could not give more than a limited assurance. The additional testing was now complete. Councillor Arnold was pleased that the recommendation was now implemented albeit at an additional cost to the Council.

Ms. Hanson presented the Annual audit and inspection fee for 2010-11, increased mainly due to the one-off element of the cost of transition to International Financial Reporting Standards (IFRS) for local authorities in 2010-11, a cost of £9,046, to be refunded by the AC. Ms. Hansen also expected the Managing Performance Assessment fee of £9,152 to disappear.

Ms. Connolly presented the Certification of claims and returns annual report, the Council's management of funding from government grant paying departments.

Ms. Connolly, in response to Councillors Willetts and Arnold, said she was not sure whether the new form of Housing Revenue Account financing (possibly to be introduced in 2011-12 or 2012-13) would be overseen through this method of audit. Councillor Arnold asked Councillor Smith, Portfolio Holder for Resources and Diversity, to consider and comment on this in regards of Colchester's consultation response to be heard at tomorrow evening's Cabinet meeting.

RESOLVED that the Committee considered and noted the contents of the Audit Opinion Plan – Audit 2009-10, Annual Audit and Inspection Fee Letter 2010-11 and Certification of claims and return – Annual Report.

Councillor Christopher Arnold (in respect of being Colchester's Trustee to the Cory Trust) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Colin Sykes (in respect of his spouse being a Board Member of Colchester Borough Homes) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

5. Review of the Governance Framework and Draft Annual Governance Statement

Ms. Hayley McGrath, Risk and Resilience Manager, presented the report on the Review of the Governance Framework and Draft Annual Governance Statement. Ms. McGrath explained that there was a duty of the Council to conduct an annual review of the effectiveness of its governance and internal control arrangements, reiterating the six principles of Corporate Governance. Ms. McGrath gave feedback on the internal control issues relating to 2009-10 and the subsequent action plan for 2010-11, though saying there are no fundamental governance issues or concerns.

In response to Councillor Willetts, Ms. McGrath said the Monitoring Officer

would be the Lead Officer on producing an Annual Report on Members Appointed to Outside Bodies that would include an assessment of all significant appointments, including attendance and impact, a standard reporting format, and would be reported to the Accounts and Regulatory on an annual basis.

Ms. McGrath, in response to Councillor Sykes, said that in respect of Governance Awareness, it was important that the Council could demonstrate a starting point of knowledge for officers, which it could not at this time, and from there organise awareness training and demonstrate compliance. Ms. McGrath said Colchester Borough Homes was an arms length organisation that has its own governance arrangements, and these would be included within the Council's review, along with other Governance Statements for the Colchester and Ipswich Museum Joint Committee and the Parking Partnership.

RESOLVED that the Committee considered and noted the review of the Council's compliance with the six principles of good governance including the review of effectiveness on the internal control arrangements and approved the Annual Governance Statement.

6. Draft Annual Statement of Accounts

Mr. Steve Heath, Finance Manager, presented the report on the Draft Annual Statement of Accounts 2009-10 saying this was the process for bringing the accounts into the public domain. Bringing the accounts into the public arena will demonstrate public ownership and these will be audited in July – August. The Accounts and Regulatory Committee will approve the audited accounts and publication of these accounts at the September and October meetings.

In response to Councillor Willetts, Mr. Heath said the VAT refund of £657,000 was not put into the 2010-11 accounts as it did not relate to that year. The refund relates to activities dating back to the 1970's and was put into the 2009-10 accounts as it was not possible to put into any of the preceding years accounts.

Mr. Heath explained to Councillor Naish that the fall in interest received was to a large degree due to the 2008-09 economic down-turn and the banking collapse.

RESOLVED that the Committee considered and noted the report and supporting information and approved the pre-audited Statement of Accounts 2009-10.

The Chairman and panel commended officers for their hard work in preparing the annual governance statements and Draft Annual Statement of Accounts within the statutory deadlines.

Report of	Head of Corporate Management	Author	Sarah Cheek
Title	Draft Recommendation Community Governance Review Wivenhoe Town Council		
Wards affected	Wivenhoe Cross & Wivenhoe Quay		

This report concerns a request from Wivenhoe Town Council to combine the two parish wards and to increase the number of parish councillors by two

1. Decision Required

- 1.1 To consider the draft proposal for consultation following the request from Wivenhoe Town Council to combine the two parish wards and create one electoral area and to request that the number of councillors be increased by two from eleven to thirteen.

2. Reasons for Decision

- 2.1 Wivenhoe Town Council has requested a Community Governance Review be conducted to review the two parish wards being combined creating one electoral area and an increase in the number of its Town Councillors.
- 2.2 Colchester Borough Council, as the principal authority, has the power to conduct a Community Governance Review and make certain decisions concerning parish councils in its area. This function is a non-executive function and has been delegated to this committee. Local Government and Public Health Involvement in Health Act 2007 requires that after the consultation period the council will make a recommendation as to whether the existing area of the parish should be altered. The recommendation of the council must be published and any interested parties informed.

3. Alternative Options

- 3.1 To retain the current arrangements of eleven councillors but combine the two parish wards making one electoral area.
- 3.2 To increase the number of councillors to thirteen but retain the warding of the Parish.

4. Supporting Information

- 4.1 At a meeting of Wivenhoe Town Council it was resolved to request the Borough Council to conduct a Community Governance Review to consider returning the two parish wards of Wivenhoe Cross and Wivenhoe Quay to a single electoral area for parish elections and to increase the number of parish councillors from eleven to thirteen in time for the next ordinary town council elections on 5 May 2011.
- 4.2 In the supporting letter from the Town Council, it states that since the present number of councillors was set in 1997, there has been a boundary change incorporating part of

Elmstead Park, and an increase in development resulting in a population growth. The number of Councillors requested falls within the guidelines set by the National Association of Local Councils. The electorate currently stands at 5963.

They also request that Wivenhoe Cross and Quay parish wards to be consolidated into one ward for parish election purposes, as it was prior to 2007 local elections. They feel the existing arrangements distort the electorate and are unfair to Wivenhoe residents who are inconvenienced by the division of the wards. The Town Council also wishes to request a review of Borough wards but this is not a function of the Borough Council.

4.3 This review commenced with the publication of the Terms of Reference document on the 19 March, setting out the request from the Town Council and the considerations of the Borough Council. Residents and interested parties were invited to give their views on the proposals. Information relating to the Community Governance Review was available for inspection on the Councils website and at the Council offices. The Terms of Reference was intended to prompt local consideration, initial discussion and the exchange of ideas and this intern would help the council to prepare the draft proposals.

4.4 Key stakeholder and residents were invited to make their representations and comments by 19 May 2010. Twenty three written representations were submitted. These have been summarised in Appendix A

4.5 When considering this request by the Wivenhoe Town Council, the Borough Council must have regard to;

- In Section 95(3) of the Local Government and Public Involvement in Health Act gives consideration to warding arrangements of Parish Councils. Warding arrangement are appropriate where it is felt that particular areas of the parish would benefit from separate representation. These arrangements should be appropriate and easily understood by the electorate and the numbers of councillors reflect the requirements for the electorate to be equally represented. Ultimately the recommendations made in the review should bring about improved community engagement and a cohesive community. It is felt in this case that it would be more appropriate for the community to be represented as a whole
- There is little guidance on the appropriate number of councillors to represent a parish other that each parish should not be represented by less that 5 councillors. There is no maximum number and no rules on allocation of councillors.
- In recent years the council has used guidance set out by the National Association of Local Councils as a guide.

Electors	Councillors	Electors	Councillors
Up to 900	7	5,400	13
2,000	9	10,400	17
3,500	11	13,500	19

With this in mind it appears reasonable to increase the numbers of councillors in line with the recommended number.

- In the last ordinary parish council election in 2007 the parish had four candidates for three vacant seats in Wivenhoe Cross and eleven candidates for eight vacant seats in Wivenhoe Quay.

- On the whole there is support of the proposed changes within the parish. The concerns over the financial implications are noted but there would be no additional cost in the creation of two extra seats on the council or savings made by the combining of the parish wards.

5. Proposals

- 5.1 That the Borough Council considers the request made by Wivenhoe Town Council and approve draft recommendations for consultation. Appendix B.

6. Strategic Plan References

- 6.1 Although there is an indistinct association to the provision of quality services provided by rural communities, there are no explicit links to the strategic plan.

7. Consultation

- 7.1 Responses are shown in Appendix A

- 7.2 The following have been consulted:

- All residents in the Parish
- Essex County Councillor for Cllr Julie Young
- Colchester Borough Councillor for Wivenhoe Cross Cllr Mark Cory, Cllr Jon Manning
- Colchester Borough Councillor for Wivenhoe Quay Cllr Stephen Ford, Cllr Ann Quarrie

8. Publicity Considerations

- 8.1 This decision will primarily affect the business of Wivenhoe Town Council and the ratio of councillor representation to the electorate.

9. Financial implications

- 9.1 There are no financial consequences arising from this report for the Borough Council.

10. Equality, Diversity and Human Rights implications

- 10.1 The electoral process underpins the right to democratic representation, and whilst the decision will primarily affect the business of Wivenhoe Town Council, will also, support the Council's aim of improving the lives and services for everyone, in this case, those in the Wivenhoe Wards.

11. Community Safety Implications

- 11.1 There are no community safety implications.

12. Health and Safety Implications

- 12.1 There are no health and safety implications associated with this decision.

13. Risk Management Implications

- 13.1 There are no risk management implications.

Background Papers

Request from Wivenhoe Town Council to increase the number of parish councillors and combine the parish wards.

Appendix A: Responses to consultation.

Appendix B: Draft Proposal for Consultation

	Name	Summary of Response
1	Mr & Mrs Wenborn	Believe that Wivenhoe does not require two parish wards there is not a need for two additional councillors
2	Jaki Edwards	Was of the belief that the two wards were related to the fact that Wivenhoe sits half in Tendering District and half in Colchester Borough and concerned that this would involve a boundary change. Would like to be recorded as voting against these proposals
3	Ray Woodcock	As a resident since 1983 cannot see the need to increase the number of town councillors.
4	Christopher Thompson	Worked on the Town Council between 1987 – 1981 when the number of councillors was increased from 9 to 11. Felt insufficient business for 11 members therefore no justification to increase the number to 13. Fully supports combination of wards.
5	R Titchener	Supports combination of the parish wards but sees no reason to increase the number of councillors by 2. Would like to know why the increase of 18% is necessary.
6	Trevor Heath	Believes the combining of the two wards in Wivenhoe could produce cost savings and increased efficiencies. Not certain that this merger requires 2 additional Councillors
7	Jan & Dave Harrison	Fully support the proposals but has reservation that there may be insufficient members of the public to become councillors.
8	Andy Fiore	Concerns over any financial implications
9	Neil Lodge	In Support of the proposals.
10	Derek Tumber & Maryline Kaebler	In Support of the proposals.
11	Julie & Guy Ward	Support the increase in councillor numbers.
12	Roger Stirland	In favour of the re amalgamation of the two wards in Wivenhoe.
13	Gareth Howells	Would not support unless there was a clear visible/tangible evidence of an improvement in the service and in base cost of one or both parish wards.
14	Phil Ryder	In favour of combining the two wards but would like the university to be a separate entity for borough purposes giving a better reflection of local community issues. The combining of the two parish wards should give rise to increase efficiencies so cannot support the increase in councillor numbers.
15	Paul Griffith	Supports the request on the condition that the borough wards and representation remains unchanged.
16	Susan Kerr	In Support of the proposals.
17	Gill Bucke	Fully support the proposed changes.
18	Julie Young	Happy to support the Town Councils proposals.
19	Janet Smith	Agree with the proposed changes.
20	Deolinda Correia	Does not agree with the increase in numbers because of financial grounds
21	E M Wilson	Agrees with the combining of the two wards but not the need for two more councillors.
22	John Ashworth	Support the proposed changes.
23	Ray Denham	Agrees with the consolidation of the two wards but has but feels this should result in a reduction in numbers. Comments on the financial implications.

**Colchester Borough Council
Community Governance Review
Draft Recommendation Wivenhoe Town Council**

Local Government and Public Involvement in Health Act 2007.

Introduction to the Review

Colchester Borough Council received a letter from Wivenhoe Town Council, requesting a review of the Wivenhoe parish warding with a view to combining the two parish wards. They also requested that the council consider increasing the number of councillors by two, making thirteen.

This review commenced with the publication of the Terms of Reference document on the 19 March. Residents and interested parties were invited to give their views on the proposals. Information relating to the Community Governance Review was available for inspection on the Councils website and held at the offices in Rowan House 33 Sheepen Road Colchester. The terms of Reference was intended to prompt local consideration, initial discussion and the exchange of ideas and this intern would help the council to prepare the draft proposals.

Key stakeholder and residents were invited to make their representations and comments by 19 May 2010. Twenty three written representations were submitted.

Representations made have been summarised below

	Name	Summary of Response
1	Mr & Mrs Wenborn	Believe that Wivenhoe does not require two parish wards there is not a need for two additional councillors
2	Jaki Edwards	Was of the belief that the two wards were related to the fact that Wivenhoe sits half in Tendering District and half in Colchester Borough and concerned that this would involve a boundary change. Would like to be recorded as voting against these proposals
3	Ray Woodcock	As a resident since 1983 cannot see the need to increase the number of town councillors.
4	Christopher Thompson	Worked on the Town Council between 1987 – 1981 when the number of councillors was increased from 9 to 11. Felt insufficient business for 11 members therefore no justification to increase the number to 13. Fully supports combination of wards.
5	R Titchener	Supports combination of the parish wards but sees no reason to increase the number of councillors by 2. Would like to know why the increase of 18% is necessary.
6	Trevor Heath	Believes the combining of the two wards in Wivenhoe

		could produce cost savings and increased efficiencies. Not certain that this merger requires 2 additional Councillors
7	Jan & Dave Harrison	Fully support the proposals but has reservation that there may be insufficient members of the public to become councillors.
8	Andy Fiore	Concerns over any financial implications
9	Neil Lodge	In Support of the proposals.
10	Derek Tumber & Maryline Kaebler	In Support of the proposals.
11	Julie & Guy Ward	Support the increase in councillor numbers.
12	Roger Stirland	In favour of the re amalgamation of the two wards in Wivenhoe.
13	Gareth Howells	Would not support unless there was a clear visible/tangible evidence of an improvement in the service and in base cost of one or both parish wards.
14	Phil Ryder	In favour of combining the two wards but would like the university to be a separate entity for borough purposes giving a better reflection of local community issues. The combining of the two parish wards should give rise to increase efficiencies so cannot support the increase in councillor numbers.
15	Paul Griffith	Supports the request on the condition that the borough wards and representation remains unchanged.
16	Susan Kerr	In Support of the proposals.
17	Gill Bucke	Fully support the proposed changes.
18	Julie Young	Happy to support the Town Councils proposals.
19	Janet Smith	Agree with the proposed changes.
20	Deolinda Correia	Does not agree with the increase in numbers because of financial grounds
21	E M Wilson	Agrees with the combining of the two wards but not the need for two more councillors.
22	John Ashworth	Support the proposed changes.
23	Ray Denham	Agrees with the consolidation of the two wards but has but feels this should result in a reduction in numbers. Comments on the financial implications.

The Borough Councillors for Wivenhoe Cross ward and Wivenhoe Quay ward are happy with the proposals.

In support of the request Wivenhoe Town Council feel that as Wivenhoe is a close knit community the ward division is an artificial and confusing split for the electorate. They have also requested an increase in councillors to spread the work load of the Town Council which has increased over recent years. Since the present number of councillors was decided there has been a boundary change, in 1997, and a significant population growth.

Electoral Arrangements

The parish of Wivenhoe is divided into two wards and has a council of 11 members, eight in Wivenhoe Quay ward and three in Wivenhoe Cross ward.

Electoral arrangements and levels of representation for the Parish

Parish Ward	Electors <i>(1st February 2010)</i>	Councillors	Ratio of Electors to Councillors
Wivenhoe Cross	1720	3	574
Wivenhoe Quay	4209	8	526
	5929	11	539

Proposed Changes to the Electoral Arrangements

In Section 95(3) of the Local Government and Public Involvement in Health Act gives consideration to warding arrangements of parish councils. It states warding arrangement are only appropriate where it is felt that particular a area of the parish would benefit from separate representation. It is felt in this case that it would be more appropriate for the community to be represented as a whole as this would be better understood by the electorate and the number of councillors would then reflect the requirements for every electorate to be equally represented.

The council is also required to consider the change in number of councillors. There is little guidance on the number appropriate number of councillors to represent a parish other that each parish should not be represented by less that five councillors. There is no maximum number and no rules on allocation of councillors.

In recent years the council has used guidance set out by the National Association of Local Councils as a guide.

Electors	Councillors	Electors	Councillors
Up to 900	7	5,400	13
2,000	9	10,400	17
3,500	11	13,500	19

With this in mind it appears reasonable to increase the numbers of councillors in line with the recommended number.

In the last ordinary parish council election in 2007 the parish had 4 candidates for 3 vacant seats in Wivenhoe Cross and 11 candidates for 8 vacant seats in Wivenhoe Quay.

On the whole there is support of the proposed changes within the parish. The concerns over the financial implications are noted but there would be no additional cost in the creation of 2 extra seats on the council or savings made by the combining of the parish wards.

Summary of Draft Proposals

- That the wards of Wivenhoe parish are combined creating one electoral area
- The number of councillors is increased by two.
- The proposals will seek final approval at the Accounts and Regulatory Committee on the 19 October 2010.
- The reorganisation order will come into force on the 1 December 2010.
- It is proposed that the first election under the new arrangements will take place on the 5 May 2011.

What Happens Next

An Initial Timetable for this review was outlined in the Terms of Reference document. Due to the timetabling of Committees and the demands on the Electoral Services team, not least being a parliamentary election year a new timetable for completing the review is as follows

Action	Relevant Date
Terms of Reference are published	19 March 2010
Introductory stage – submissions are invited	22 March 2010 - 19 May 2010
Draft Proposals are prepared	July 2010
Draft Proposals are published	2 August 2010
Consultations	2 August 2010 – 6 September 2010
Final Proposals are prepared	September 2010
Accounts and Regulatory Committee publishes the Recommendations	30 September 2010
Council publishes the Reorganization Order	November 2010

How to contact us

Should you wish to comment please contact:

Sarah Cheek
Electoral Services Manager
Colchester Borough Council
33 Sheepen Road
Colchester

CO3 3WG

Or alternatively by email: sarah.cheek@colchester.gov.uk

27 July 2010

Report of	Head of Corporate Management	Author	Sarah Cheek
Title	Draft Recommendation Community Governance Review Fordham Parish Council		
Wards affected	Fordham & Stour		

This report concerns a request from Fordham Parish Council to increase the number of parish councillors by two

1. Decision Required

- 1.1 To consider the draft proposal for consultation following the request from Fordham Parish Council to consider increasing the number of councillors by two from seven to nine.

2. Reasons for Decision

- 2.1 Fordham Parish Council has requested a Community Governance Review is conducted to review the number of Parish Councillors and to increase the number by two.
- 2.2 Colchester Borough Council, as the principal authority, has the power to conduct a Community Governance Review and make certain decisions concerning parish councils in its area. This function is a non-executive function and has been delegated to this committee. Local Government and Public Health Involvement in Health Act 2007 requires that after the consultation period the council will make a recommendation as to whether the existing area of the parish should be altered. The recommendation of the council must be published and any interested parties informed.

3. Alternative Options

- 3.1 To retain the current arrangements of seven councillors.

4. Supporting Information

- 4.1 At a meeting of Fordham Parish Council, it was resolved that the parish would request the Borough Council to conduct a Community Governance Review, to increase the number of parish councillors from seven to nine in time for the next ordinary town council elections on 5 May 2011.
- 4.2 In support of the request, Fordham Parish Council felt that as Parish Councillors, although committed to their duties, they were not always able to attend every meeting. It was agreed that by increasing the number of members from seven to nine would significantly improve the situation and ensure that there were always sufficient councillors present to hold meetings and to be able to conduct a healthy debate of issues arising. In the past year they had had several vacancies and this has put an undue strain on the remaining new and existing councillors. More importantly it means that there have been

many worthwhile projects which they have been unable to sustain or undertake due to lack of people to champion them. It is felt that Parish Council affairs are becoming more complex as Government, County and Borough Councils devolve with more tasks and responsibilities to the Parishes. This democratisation is welcomed but does mean that there are more and more activities which have to be resourced.

- 4.3 This review commenced with the publication of the Terms of Reference document on the 19 March, setting out the request from Fordham Parish Council and the considerations of the Borough Council. Residents and interested parties were invited to give their views on the proposals. Information relating to the Community Governance Review was available for inspection on the Councils website and at the Council offices. The Terms of Reference was intended to prompt local consideration, initial discussion and the exchange of ideas and this intern would help the council to prepare the draft proposals.
- 4.4 Key stakeholder and residents were invited to make their representations and comments by 19 May 2010. Five representations were submitted. These have been summarised in Appendix A
- 4.5 When considering this request by the Fordham Parish Council, the Borough Council must have regard to;

- (a) The number of the local government electors for the parish,
 (b) Any change in that number which is likely to occur in the period of five years beginning with its decision.

4.4 The electorate of the parish of Fordham which as of the 1st March 2010 was 694.

4.5 The National Association of Local Councils (NALC) recommendation on the numbers of councillors appropriate to normal parishes of different population sizes, as follows:

- A council of no more than the legal minimum of five members is inconveniently small and the practical minimum should be seven.
- Local council business does not usually require a large body of councillors and business convenience makes it appropriate to suggest that the practical maximum should be 25.
- Within those minimum and maximum limits, the following numbers are recommended:

Electors	Councillors	Electors	Councillors
Up to 900	7	5,400	13
2,000	9	10,400	17
3,500	11	13,500	19

The Aston Business School also conducted research that was published in 1992 which showed the then levels of representation. It is likely that these levels of representation have not greatly changed in the intervening years.

<u>Electors</u>	<u>Councillors'</u>
< 500	5-8

501-2,500	6-12
2,501-10,000	9-16
10,001-20,000	13-27
> 20,000	13-31

However, in rural authorities with sparsity of population, even this table may not be appropriate

- At present the parish of Fordham has seven members
The table below sets out comparative data which shows the council sizes and the ratios of electors to councillors for parishes of a similar size.

Electoral arrangements and levels of representation for the Parish

Parish	Electors (1st March 2010)	Councillors	Ratio of Electors to Councillors
Aberton and Langenhoe	812	9	90
Birch	673	7	96
Fingringhoe	657	7	93
Fordham	694	7	99
Gt Tey	775	7	110
Langham	876	7	125

4.6 In making the decision, the following should be taken into account:

- At the last two ordinary elections in 2003 and 2007 the parish had 6 candidates for 7 seats with the final place being filled by co-option.
- The concerns over the financial implications are noted but there would be no additional cost in the creating of 2 extra seats on the council.
- There is no requirement in legislation that the number of councillors should be proportional to electorate size.
- The Parish Councils concerns over the need to provide extra support to run the business of the Parish Council
- The comments raised by the residents of Fordham

5. Proposals

5.1 That the Borough Council considers the request made by Fordham Parish Council and approve draft recommendations for consultation. Appendix B.

6. Strategic Plan References

6.1 Although there is an indistinct association to the provision of quality services provided by rural communities, there are no explicit links to the strategic plan.

7. Consultation

7.1 Responses are shown in Appendix A

7.2 The following have been consulted:

- All residents in the Parish
- Essex County Councillor for Constable Division Cllr Anne Brown
- Colchester Borough Councillor for Fordham & Stour Cllr Christopher Arnold, Cllr Nigel Chapman

8. Publicity Considerations

8.1 This decision will primarily affect the business of Fordham Parish Council and the ratio of councillor representation to the electorate.

9. Financial implications

9.1 There are no financial consequences arising from this report for the Borough Council.

10. Equality, Diversity and Human Rights implications

10.1 The electoral process underpins the right to democratic representation, and whilst the decision will primarily affect the business of Fordham Parish Council, will also, support the Council's aim of improving the lives and services for everyone, in this case, those in the Parish of Fordham.

11. Community Safety Implications

11.1 There are no community safety implications.

12. Health and Safety Implications

12.1 There are no health and safety implications associated with this decision.

13. Risk Management Implications

13.1 There are no risk management implications.

Background Papers

Request from Fordham Parish Council to increase the number of parish councillors.

Appendix A: Responses to consultation.

Appendix B: Draft proposal for consultation

	Name	Summary of Response
1	Patricia Tams	In agreement with the increase in numbers and considers maintenance of a local Parish Council in Fordham is of paramount importance to identification and resolution of local needs and the increase in councillor numbers will enable the said Council to function more effectively.
2	Nigel Chapman	Has attended most of their meetings where the matter has been discussed. I look forward to seeing the response from the electors and will not be commenting at this stage of the review.
3	Jenny Kay	Question regarding ratio in other parishes?
4	David Boodle	In full support of the changes. increase the number of Fordham Parish Councillors enabling a more manageable workload
5	Barbara & Michael Carter	Does not support the increase in number and concerned over the financial implications.

**Colchester Borough Council
Community Governance Review
Draft Recommendation Fordham Parish Council**

Local Government and Public Involvement in Health Act 2007.

Introduction to the Review

Colchester Borough Council received a letter from Fordham Parish Council, requesting that the council consider increasing the number of councillors by two, making nine.

This review commenced with the publication of the Terms of Reference document on the 19 March. Residents and interested parties were invited to give their views on the proposals. Information relating to the Community Governance Review was available for inspection on the Councils website and at the offices in Rowan House 33 Sheepen Road Colchester. The Terms of Reference was intended to prompt local consideration, initial discussion and the exchange of ideas and this intern would help the council to prepare the draft proposals.

Key stakeholder and residents were invited to make their representations and comments by 19 May 2010. Five representations were submitted.

Representations made have been summarised below

	Name	Summary of Response
1	Patricia Tams	In agreement with the increase in numbers and considers maintenance of a local Parish Council in Fordham is of paramount importance to identification and resolution of local needs and the increase in councillor numbers will enable the said Council to function more effectively.
2	Nigel Chapman	Has attended most of their meetings where the matter has been discussed. I look forward to seeing the response from the electors and will not be commenting at this stage of the review.
3	Jenny Kay	Question regarding ratio in other parishes?
4	David Boodle	In full support of the changes. increase the number of Fordham Parish Councillors enabling a more manageable workload
5	Barbara & Michael Carter	Does not support the increase in number and concerned over the financial implications.

In support of the request, Fordham Parish Council felt that as Parish Councillors, although committed to their duties, they were not always able to

attend every meeting. It was agreed that by increasing the number of members from seven to nine would significantly improve the situation and ensure that there were always sufficient councillors present to hold meetings and to be able to conduct a healthy debate of issues arising. In the past year they had had several vacancies and this has put an undue strain on the remaining new and existing councillors. More importantly it means that there have been many worthwhile projects which they have been unable to sustain or undertake due to lack of people to champion them. It is felt that Parish Council affairs are becoming more complex as Government, County and Borough Councils with more tasks and responsibilities are placed upon the Parishes. This democratisation is welcomed but does mean that there are more and more activities which have to be resourced.

Electoral Arrangements

At present the parish of Fordham has seven members

The table below sets out comparative data which shows the council sizes and the ratios of electors to councillors for parishes of a similar size.

Electoral arrangements and levels of representation for the Parish

Parish	Electors <i>(1st March 2010)</i>	Councillors	Ratio of Electors to Councillors
Aberton and Langenhoe	812	9	90
Birch	673	7	96
Fingringhoe	657	7	93
Fordham	694	7	99
Gt Tey	775	7	110
Langham	876	7	125

Proposed Changes to the Electoral Arrangements

The council is required to consider the change in number of councillors. There is little guidance on the number appropriate number of councillors to represent a parish other that each parish should not be represented by less that five councillors. There is no maximum number and no rules on allocation of councillors.

However, in rural authorities with sparsity of population, even this table may not be appropriate

In recent years the council has used guidance set out by the National Association of Local Councils as a guide.

Electors	Councillors	Electors	Councillors
Up to 900	7	5,400	13

2,000	9		10,400	17
3,500	11		13,500	19

The Aston Business School also conducted research that was published in 1992 which showed the then levels of representation. It is likely that these levels of representation have not greatly changed in the intervening years.

<u>Electors</u>	<u>Councillors'</u>
< 500	5-8
501-2,500	6-12
2,501-10,000	9-16
10,001-20,000	13-27
> 20,000	13-31

There is no requirement in legislation that the number of councillors should be proportional to electorate size.

At the last two ordinary elections in 2003 and 2007 the parish had six candidates for seven seats with the final place being filled by co-option.

The concerns over the financial implications are noted but there would be no additional cost in the creating of two extra seats on the council.

There are unlikely to be any significant changes to the elector number over the next five years but the Parish Council feel the village will be better represented by increasing the number by two to nine enabling the Parish Council to deal with it affairs.

Although the number of councillor ratio I down against the NALC the Ashton business school analysis clearly show that parish councils of this size do run on nine councillors.

Summary of Draft Proposals

- That number of councillors for Fordham Parish Council is increased by two.
- The proposals will seek final approval at the Accounts and Regulatory Committee on the 19 October 2010.
-
- The reorganisation order will come into force on the 1 December 2010.
-
- It is proposed that the first election under the new arrangements will take place on the 5 May 2011.

What Happens Next

An Initial Timetable for this review was outlined in the Terms of Reference document. Due to the timetabling of committees and the demands on the Electoral Services team, not least being a parliamentary election year, a new timetable for completing the review is as follows

Action	Relevant Date
Terms of Reference are published	19 March 2010
Introductory stage – submissions are invited	22 March 2010 - 19 May 2010
Draft Proposals are prepared	July 2010
Draft Proposals are published	2 August 2010
Consultations	2 August 2010 – 6 September 2010
Final Proposals are prepared	September 210
Accounts and Regulatory Committee publishes the Recommendations	30 September 2010
Council publishes the Reorganization Order	November 2010

How to contact us

Should you wish to comment please contact:

Sarah Cheek
Electoral Services Manager
Colchester Borough Council
33 Sheepen Road
Colchester
CO3 3WG
Or alternatively by email: sarah.cheek@colchester.gov.uk

