

Finance and Audit Scrutiny Panel

Grand Jury Room, Town Hall
16 March 2011 at 3.30pm

The Finance and Audit Scrutiny Panel deals with the review of service areas and associated budgets, and monitors the financial performance of the Council. The panel scrutinises the Council's audit arrangements and risk management arrangements, including the annual audit letter and audit plans, and Portfolio Holder 'Service' decisions reviewed under the Call in procedure.

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

Terms of Reference

Finance and Audit Scrutiny Panel

- To review all existing service plans and associated budget provisions against options for alternative levels of service provision and the corporate policies of the Council, and make recommendations to the Cabinet
- To have an overview of the Council's internal and external audit arrangements and risk management arrangements, in particular with regard to the annual audit plan, the audit work programme and progress reports, and to make recommendations to the Cabinet
- To monitor the financial performance of the Council, and to make recommendations to the Cabinet in relation to financial outturns, revenue and capital expenditure monitors
- To scrutinise the Audit Commission's annual audit letter
- To scrutinise executive 'service' decisions made by Portfolio Holders and officers taking key decisions which have been made but not implemented referred to the Panel through the call-in procedure

The panel may a) confirm the decision, which may then be implemented immediately, b) refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or c) refer the matter to full Council in the event that the Panel considers the decision to be contrary to the Policy Framework of the Council or contrary to, or not wholly in accordance with the Budget.

**COLCHESTER BOROUGH COUNCIL
FINANCE AND AUDIT SCRUTINY PANEL
16 March 2011 at 3:30pm**

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 and items 6 to 9 are standard items for which there may be no business to consider.

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. 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.

6. Referred items under the Call in Procedure

1 - 4

To consider the decision RES-012-10 Irrecoverable debts over £5,000 , taken by Councillor Smith, Portfolio Holder for Resources and Diversity on 18 February 2011.

The lilac decision notice, the reasons for the call-in and signatures to the call-in are attached for information. The report to this item is confidential, included in Part B of the agenda.

The panel may a) confirm the decision, which may then be implemented immediately, b) refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or c) refer the matter to full Council in the event that the panel considers the decision to be contrary to the Policy Framework of the Council or contrary to, or not wholly in accordance with the Budget.

7. 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).

**COLCHESTER BOROUGH COUNCIL
FINANCE AND AUDIT SCRUTINY PANEL
16 March 2011 at 3:30pm**

Agenda - Part B

(not open to the public or the media)

	Pages
8. Irrecoverable Debts over £5,000	5 - 12

The following report contains exempt information (financial/business affairs of a particular person, including the authority holding information) as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

See the report from the Portfolio Holder for Resources and Diversity.

COLCHESTER BOROUGH COUNCIL

RECORD OF DECISIONS TAKEN UNDER DELEGATED POWERS

Explanatory Note

The Council has established Delegation Schemes by which certain decisions may be made by the relevant cabinet member or specific officers.

Such decisions are subject to review under the Call-in Procedure. From the date the decision is published there are five working days during which any five Councillors may sign a request for the decision to be reviewed and deliver it to the Proper Officer. If, at the end of the period, no request has been made, the decision may be implemented. If a valid request has been made, the matter will be referred to either the Finance and Audit Scrutiny Panel if the Type of Decision is Service, or the Strategic Overview and Scrutiny Panel if the Type of Decision is Strategic/Corporate.

For decisions which are deemed to be Key Decisions, these must be included in the Forward Plan and 14 days must elapse between publication of the Forward Plan and the decision being taken.

In addition, any report (excluding confidential ones) relating to a Key Decision must have been made available to the public at least five clear days prior to the decision being signed.

Part A – To be completed by the appropriate Cabinet Member/Officer

Title of Report

Irrecoverable Debts over £5,000

Delegated Power

Delegation to Portfolio Holder for Resources and Diversity to authorise the write-off of individual bad debts over £5,000 on the recommendation of the Head of Resource Management and appropriate Head of Service
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Decision Taken

To write off debts totalling £262,253.90 as detailed in the report (Business Rates £227,189.78, sundry debt £13,983.16 and Overpaid Housing Benefit £21,080.96)

Key Decision

Not a key decision

Forward Plan

N/A

Reasons for the Decision

An ongoing review of outstanding debts is an audit requirement.

Alternative Options

A regular and effective review of outstanding debts enables the Council to achieve prompt collection of all debts. The Council's Auditors have recommended that outstanding debts are regularly reviewed

Conflict of Interest

N/A

Type of Decision

Service decision

Dispensation

N/A

Authorisation

Signature _____ Councillor Paul Smith _____

Portfolio Holder for Resources and Diversity

Date _____ 18/2/11 _____

Part B – To be completed by the Proper Officer

Call-in Procedure

Date published on The Hub and placed in Members' Room and Customer Service Centre
_____ 22 February 2011 _____

Date by which request for reference must be made to the Finance and Audit Scrutiny Panel if
the Type of Decision is Service or the Strategic Overview and Scrutiny Panel if the Type of
Decision is Strategic/Corporate

5pm _____ 1 March 2011 _____

Signed _____ Diane Harrison _____

Proper Officer

Reference Number

____ RES-012-10 _____

Implementation

Date decision can be implemented if no request (Call-in) for the decision to be reviewed has
been made

After 5pm _____ 1 March 2011 _____

The report accompanying this decision contains exempt information and not for publication by
virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972
(financial/business affairs of a particular person, including the authority holding information)

Please contact the author Peter Evans 01206 282320

COLCHESTER BOROUGH COUNCIL

**REQUEST FOR CALL IN OF DECISIONS TAKEN BY THE CABINET
OR UNDER DELEGATED POWERS**

Explanatory Note

This form may be used to request a call in of any decision (except urgent decisions) taken by the Cabinet or by a Cabinet Member acting under delegated powers or a Key Decision taken by an Officer under delegated powers.

This form must be signed by at least five Councillors (or by one Councillor and supported by four other Councillors via e-mail) and must be delivered to the Proper Officer within five working days of publication of the decision.

We, the undersigned, request that the following decision be scrutinised by the Strategic Overview and Scrutiny Panel or Finance and Audit Scrutiny Panel as appropriate for the reasons set out below:-

The decision contained in the Record of Decisions Taken Under Delegated Powers,
Reference No. **× RES-012-10, 22 February 2011, Irrecoverable Debts over £5,000**

- Insert date ● Insert minute no. × Insert reference no.

Reason(s) for call in:

1. Presumption for openness

While the list of debtors may be confidential, the factual report on policy, procedures and aging of debts should be in the public domain.


2. Due weight to all material considerations

It is in the public interest that write-off of debts of this order of magnitude is subject to formal scrutiny at a Call-in.

3. consideration of all options available

The report suggests that the debts identified in the schedule have merely been pursued via the magistrates court, or via the civil courts, then written off. The report contains no risk analysis on what additional action could have been deployed to recover the debts beyond court hearings, nor does the report provide evidence of the concomitant computations to demonstrate that the Council's recovery action operates at the optimum point on the risk-reward graph.

The report provides no estimate of what proportion of the written-off debt might be collectable in the future.

Signatures	Names in Capital Letters	
1.	Jackie Maclean	<input checked="" type="checkbox"/>
2.	Kevin Bentley.....	<input type="checkbox"/>
3. 	Andrew Ellis.....	<input checked="" type="checkbox"/>
4.	Sue Lissimore	<input type="checkbox"/>
5.	Pauline Hazell.....	<input type="checkbox"/>

NB Please tick representative to attend and present case at the Panel meeting.

For Office Use:
Date and time of Receipt: _____ Action: _____

