

Finance and Audit Scrutiny Panel

**Council Chamber, Town Hall
25 November 2010 at 6.00pm**

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
25 November 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 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. Items requested by members of the Panel and other Members

(a) To evaluate requests by members of the Panel for an item relevant to the Panel's functions to be considered.

(b) To evaluate requests by other members of the Council for an item relevant to the Panel's functions to be considered.

Members of the panel may use agenda item 'a' (all other members will use agenda item 'b') as the appropriate route for

referring a 'local government matter' in the context of the Councillor Call for Action to the panel. Please refer to the panel's terms of reference for further procedural arrangements.

**7. Referred items under the Call in Procedure COM-009-10
Revenue Grants to Town and Parish Councils 2011/12**

1 - 12

To consider the decision COM-009-10, Revenue Grants to Town and Parish Councils 2011/12, taken by Councillor Tina Dopson, Portfolio Holder for Communities on 9 November 2010.

The report, together with the reasons for the call-in and signatories to the call-in are attached for information.

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.

8. Decisions taken under special urgency provisions

To consider any Portfolio Holder decisions taken under the special urgency provisions.

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).

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 notice of the decision made 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:

- details of the matter must be included in the Forward Plan and 14 days must elapse between publication of the Forward Plan and the decision being made;
- any related report (excluding confidential ones) must have been made available to the public two weeks before implementation.

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

Title of Report

Revenue Grants to Town & Parish Councils 2011/12.

Delegated Power

To authorise any grants to Town or Parish Councils.

Decision Taken

To approve the distribution of grant to Town and Parish Councils for 2011/12 as set out in Appendix A to the attached report.

Key Decision

No

Forward Plan

N/A

Reasons for the Decision

It is necessary to set the level of grant to Parishes now in order that they may set their precepts for 2011/12.

Alternative Options

Alternative methods of distribution were considered. However, the feedback from consultation with Town and Parish Councils showed that there was opposition to an element of the grant being subject to a bidding process. There was also a universal view that the allocation of any amount of grant payable should reflect the current approach to the revenue grant of spending requirements and population.

Conflict of Interest

N/A

Type of Decision

Service

Dispensation

N/A

Authorisation by Portfolio Holder

Signature_____Councillor Tina Dopson_____

Designation: Portfolio Holder for Communities

Date _____9/11/2010_____

(NB For Key Decisions the report must be made available to the public for five clear days prior to the period for call-in commencing.

Part B – To be completed by the Proper Officer (Democratic Services)

Call-in Procedure

Date Decision Notice published on The Hub, Website and placed in Members' Room and Customer Service Centre

_____ 11 November 2010 _____

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 _____ 18 November 2010 _____

Signed _____ Diane Harrison _____

Proper Officer

Reference Number

_____ COM-009-10 _____

Implementation Date

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

After 5pm _____ 18 November 2010 _____

Portfolio Holder – Communities		Item
5 November 2010		
Report of	Head of Resource Management	Author Steve Heath 282389
Title	Revenue Grants to Town & Parish Councils 2011/12	
Wards affected	All Parished Wards	

This report recommends the distribution of Revenue Grant to Town & Parish Councils for 2011/12

1. Decision(s) Required

- 1.1 To approve the distribution of Revenue grant to Town and Parish Councils for 2011/12 as set out at **Appendix A**.

2. Reasons for Decision

- 2.1 It is necessary to set the level of Revenue grant to parishes now in order that they may set their precepts for next year.

3. Alternative Options

- 3.1 Alternative methods of distribution were considered. However, the feedback from consultation with Town and Parish Councils showed that there was opposition to an element of the grant being subject to a bidding process. There was also a universal view that the allocation of any amount of grant payable should reflect the current approach to the revenue grant of spending requirements and population.

4. Supporting Information

Level of Grant

- 4.1 The total level of grant available for distribution is reviewed each year. Following the Comprehensive Spending Review announcement on 20 October, Cabinet has concluded that there is a need to reduce the overall amount of Town and Parish Revenue grant payable in 2011/12 by £100,000.
- 4.2 The Town and Parish Council grant budget for 2011/12 is therefore proposed at £101,900.

Grant distribution

- 4.3 In recent years the mechanism for distributing grants has been based using two factors of population and budgeted expenditure with adjustments made in respect of the parish's tax base and level of population.
- 4.4 For 2010/11 it is recommended that most parishes will see a 50% reduction in their revenue grant, although no parish will receive a grant of less than £500.

5. Proposals

- 5.1 It is proposed that the grants to Town and Parish Councils should be those set out at Appendix A.

6. Financial Implications

- 6.1 The revenue cost of Town and Parish grants set out in this report is £101,900. The indicative sum allowed for in the budget guideline. The final approval of this sum is subject to the approval of the overall budget by Council in February 2011.

7. Strategic Plan References

- 7.1 The 2011/12 Budget is underpinned by the Strategic Plan priorities.

8. Consultation

- 8.1 All parishes have been consulted on the proposed changes to the distribution of Town and Parish Council Revenue grant in 2011/12. The review was also discussed at the meeting of the Colchester Association of Local Councils on 14 June 2010, and the Town and Parish Clerks' Forum on 29 June 2010.

9. Equality, Diversity and Human Rights Implications

- 9.1 Implications for equality and diversity have been considered in respect of all changes proposed as part of the budget process, including this decision. It is not for the Borough Council to specify what the grants are spent on and for that reason it is not possible to be specific about any impacts, it will be the responsibility of the Parishes themselves to consider equality and diversity requirements when spending or allocating the funds. As such there is no Equality Impact Assessment associated with this report or link included.

10. Other Standard References

- 10.1 Having considered publicity, community safety, health and safety and risk management implications, there are none that are significant to the matters in this report.

Parish	Grant 2011/12
Abberton & Langenhoe	1,262
Aldham	1,012
Birch	1,446
Boxted	2,482
Chappel	1,769
Copford	2,324
Dedham	2,992
East Donyland	4,375
East Mersea	599
Eight Ash Green	3,274
Fingringhoe	1,535
Fordham	1,726
Great Horkesley	2,945
Great Tey	2,060
Langham	2,179
Layer Breton	0
Layer de la Haye	2,530
Layer Marney	0
Little Horkesley	500
Marks Tey	4,232
Messing cum Inworth	500
Mount Bures	500
Myland	7,375
Stanway	9,001
Tiptree	9,661
Wakes Colne	1,005
West Bergholt	4,202
West Mersea	11,294
Winstred Hundred	1,973
Wivenhoe	16,349
Wormingford	798
Total	101,900

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. **X** COM 009-10 Revenue Grants to Town & Parish Councils 2011-12

■ Insert date ● Insert minute no. X Insert reference no.

Reason(s) for call in:
 (1) Due weight has not been given to the material consideration that this decision selectively penalises and discriminates between taxpayers in those areas with elected Parish or Town Councils, and Taxpayers in the rest of the Borough. It exacerbates double taxation in regard to those services provided by Parish & Town Councils, which in other areas of the Borough are provided from the council tax paid to CBC by all taxpayers. Historically, the Parish & Town Council Revenue Support Grant was introduced to mitigate the effect of this double taxation on those areas of the Borough with Parish and Town Councils, which provide certain services that elsewhere in the Borough are the responsibility of CBC. The decision fails to provide an analysis of the extent to which the double taxation relief is undermined. The decision is therefore discriminatory and defective.
 (2) The decision has not taken into account all options available. It has not explained the inter-action of this reduction in expenditure in regard to the financial model of the Street Services FSR, where overlapping services provided by CBC and by Parishes will be under the control of the same CBC Street Services zone.

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

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

For Office Use: 11.19am Review at FASL extra
 Date and time of Receipt: 16-11-10 Action: meeting - 6pm 25-11-10

Robert Judd

From: Kevin Bentley [Kevin@mosaicpublicity.co.uk]
Sent: 16 November 2010 22:08
To: Robert Judd
Cc: cllr.d.willetts@btinternet.com
Subject: Call-in: COM 009-10 Revenue Grants to Town & Parish Councils 2011-12

Dear Robert

I would like to confirm that I am a signatory to this Call-In and will be the Member to represent the Call-In at the hearing.

Best wishes

Kevin

Cllr. Kevin Bentley
Leader, Conservative Group
Member for Birch and Winstree
Colchester Borough Council

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The decision contained in the Record of Decisions Taken Under Delegated Powers,
Reference No. r COM 009-10 Revenue Grants to Town & Parish Councils 2011-12

Robert Judd

From: Sue Lissimore [prettygate@googlemail.com]
Sent: 16 November 2010 13:07
To: Robert Judd
Cc: Dennis Willetts - Cllr - own email
Subject: Fwd: Call-in: COM 009-10 Revenue Grants to Town & Parish Councils 2011-12

I wish to be a signatory if the call in.

Cllr Sue Lissimore

Sent from my iPhone

Begin forwarded message:

From: "Cllr Dennis Willetts" <cldr.d.willetts@btinternet.com>
Date: 16 November 2010 12:35:15 PM GMT
To: <prettygate@googlemail.com>
Subject: FW: Call-in: COM 009-10 Revenue Grants to Town & Parish Councils 2011-12
Reply-To: <cldr.dennis.willetts@colchester.gov.uk>

-----Original Message-----

From: Cllr Dennis Willetts [mailto:cldr.d.willetts@btinternet.com]
Sent: 16 November 2010 12:31
To: Terry Sutton; Jackie Maclean; Andrew Ellis; Kevin Bentley; Sue lissimore
Subject: Call-in: COM 009-10 Revenue Grants to Town & Parish Councils 2011-12

Please forward ASAP a copy to Robert.Judd@colchester.gov.uk (also copied to me) confirming that you are a signatory to this call-in.

Regards
Dennis.

COLCHESTER BOROUGH COUNCIL

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We, the undersigned, request that the following decision be scrutinised by the

Robert Judd

From: Terry Sutton [cllr.terry.sutton@gmail.com]
Sent: 16 November 2010 12:50
To: Robert Judd
Subject: Fwd: Call-in: COM 009-10 Revenue Grants to Town & Parish Councils 2011-12

Robert,

I confirm I am a signatory to this call in.

Regards

Terry Sutton
 Sent from my iPhone

Begin forwarded message:

From: "Cllr Dennis Willetts" <cllr.d.willetts@btinternet.com>
Date: 16 November 2010 12:30:48 GMT
To: "Terry Sutton" <cllr.terry.sutton@gmail.com>, "Jackie Maclean" <jmaclean263@aol.com>, "Andrew Ellis" <andrew@birchandwintree.com>, "Kevin Bentley" <Kevin@mosaicpublicity.co.uk>, "Sue lissimore" <sueatprettygate@me.com>
Subject: Call-in: COM 009-10 Revenue Grants to Town & Parish Councils 2011-12
Reply-To: <cllr.dennis.willetts@colchester.gov.uk>

Please forward ASAP a copy to Robert.Judd@colchester.gov.uk (also copied to me) confirming that you are a signatory to this call-in.

Regards
 Dennis.

COLCHESTER BOROUGH COUNCIL

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The decision contained in the Record of Decisions Taken Under Delegated Powers, Reference No. X COM 009-10 Revenue Grants to Town & Parish Councils 2011-12

Robert Judd

From: Andrew Ellis [andrew@birchandwinstree.com]
Sent: 16 November 2010 12:49
To: Robert Judd
Cc: Dennis Willetts - Cllr - own email
Subject: Fw: Call-in: COM 009-10 Revenue Grants to Town & Parish Councils 2011-12

Dear Robert,

I confirm that I wish to sign this call-in.

Kind regards,

Andrew

Cllr. Andrew Ellis
 Member for Birch and Winstree
 Colchester Borough Council
 Tel: 01206 735166 Mob: 07768 986611

COLCHESTER BOROUGH COUNCIL

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The decision contained in the Record of Decisions Taken Under Delegated Powers,
 Reference No. COM 009-10 Revenue Grants to Town & Parish Councils 2011-12

Insert date

Insert minute no.

Insert reference no.

Reason(s) for call in:

(1) Due weight has not been given to the material consideration that this decision selectively penalises and discriminates between taxpayers in those areas with elected Parish or Town Councils, and Taxpayers in the rest of the Borough. It exacerbates double taxation in regard to those services provided by Parish & Town Councils, which in other areas of the Borough are provided from the council tax paid to CBC by all taxpayers. Historically, the Parish & Town Council Revenue Support Grant was introduced to mitigate the effect of this double taxation on those areas of the Borough with Parish and Town Councils, which provide certain services that elsewhere in the Borough are the responsibility of CBC. The decision fails to provide

