

Accounts and Regulatory Committee

**Grand Jury Room, Town Hall
13 November 2012 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.

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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 refer to Attending Meetings and "Have Your Say" 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.

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

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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.

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COLCHESTER BOROUGH COUNCIL
ACCOUNTS AND REGULATORY COMMITTEE
13 November 2012 at 6:00pm

Members

Chairman : Councillor Dennis Willetts.
Deputy Chairman : Councillor Marcus Harrington.
Councillors Cyril Liddy, Jon Manning, Gerard Oxford,
Ray Gamble, Glenn Granger, Scott Greenhill, Julia Havis
and Theresa Higgins.

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 interests

they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

5. Minutes

1 - 2

To confirm as a correct record the minutes of the meeting held on 16 October 2012.

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. Community Governance Review - Myland Community Council

3 - 13

See report from the Head of Corporate Management.

8. 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

16 OCTOBER 2012

- Present :-* Councillor Dennis Willetts (Chairman)
Councillors Glenn Granger, Scott Greenhill,
Theresa Higgins, Jon Manning and Gerard Oxford
- Substitute Members :-* Councillor Helen Chuah for Councillor Ray Gamble
Councillor Jackie Maclean for Councillor Marcus
Harrington
Councillor Nigel Offen for Councillor Julia Havis
Councillor Michael Lilley for Councillor Cyril Liddy
- Also in Attendance :-* Councillor Marcus Harrington
Councillor Lyn Barton
Councillor Annie Feltham
Councillor Paul Smith
Councillor Barrie Cook
Councillor Nick Barlow
Councillor Mary Blandon
Councillor Tina Bourne
Councillor Beverly Davies
Councillor Pauline Hazell
Councillor Sonia Lewis
Councillor Sue Lissimore
Councillor Colin Sykes
Councillor Laura Sykes
Councillor Will Quince
Councillor Anne Turrell

14. Minutes

The minutes of the meeting held on 25 September 2012 was confirmed as a correct record.

15. Annual Statement of Accounts 2011/12

Mr. Steve Heath, Finance Manager, presented the report, saying the issues raised during the audit have been discussed with the Auditor and satisfactorily dealt with. The Auditor issued an unqualified opinion on 26 September 2012, and the audited accounts were published on the Council's website on 27 September 2012.

RESOLVED that the Committee noted the publication of the audited Statement of Accounts for 2011/12.

16. Annual Audit Letter

Mr. Heath presented the Annual Audit Letter, a briefer document than previous years, in which the Audit Commission issued an unqualified opinion on the Colchester's 2011/12 financial statements included in the Statement of Accounts. The certification completed the audit process.

Councillor Offen supported by Councillor Willetts congratulated officers on their work and support in ensuring a timely and accurate completion of the closure of the accounts.

RESOLVED that the Committee noted the contents of the 2011/12 Annual Audit Letter.



Accounts & Regulatory Committee

Item

13 November 2012

Report of	Head of Corporate Management	Author	Sarah Cheek
Title	Recommendation for Community Governance Review Myland Community Council		
Wards affected	Mile End Ward		

This report concerns a request from Myland Community Council to review the parish boundary

1. Decision(s) Required

- 1.1 To approve the request from Myland Community Council to alter the proposed boundary of Myland Parish following consultation of the draft recommendations.

2. Reasons for Decision

- 2.1 Colchester Borough Council received a request from Myland Community Council to undertake a review of the parish boundary, this was supported by a petition signed by 991 electors. The review focused on whether the parish boundary should include the area known as New Braiswick Park and the unparished part of Bergholt Road (see Appendix A (ii)).
- 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 publication of the draft recommendation the council must make a formal decision as to whether the of the parish boundary should be altered.
- 2.3 The committee agreed at the meeting held on the 26 June 2012 that after the initial consultation and after considering the request of the Community Council, along with the petition of 991 signatures and two letters of support for the proposal, that in accordance with the appropriate guidance a further period of consultation on the agreed draft recommendations would take place before being approved. Following the publication of the draft recommendations no further representations have been received.

3. Alternative Options

- 3.1 Current parish boundary remains the same.

4. Supporting Information

Following a request from Myland Community Council requesting the Borough Council, to consider altering the parish boundary, residents and interested parties were invited to give their views on the proposals. Along with the request from Myland Community

Council to conduct this review a petition containing 991 signatures supporting the alteration in boundary was submitted.

4.1 This review commenced on the 24 January 2012 with the publication of the Terms of Reference, setting out the request from the Community 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. Following this process the draft proposal document was made available for public consultation from 5 July 2011 and residents were again invited to comment. During the consultation all residents who made representation were informed of the draft proposal and a notice of the draft proposals was published. Copies of the proposals were made available at the council offices and on the council's website

4.2 Following the publication of the draft recommendation no further representations have been received.

4.2 In making the decision, the following was taken into account:

- Comments raised by the residents of Myland Parish.
- The support for the proposed changes within the parish by means of a petition containing the names of residence from both areas.
- The request of the Community Council

5. Proposals

5.1 Having taken into account the petition, Community Councils comments, consultation responses and having regard to the interests and identity of the community the Borough Council consider the request and approve the recommendations.

- That the Myland parish boundary should include the defined unparished area identified on the associated map (see Appendix A (ii)).
- The reorganisation order will come into force on the 1 April 2013.

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 The residence of Myland parish, the area defined in Appendix A (ii) and the Borough & County Councillors representing Myland were also consulted along with Essex County Council.

8. Publicity Considerations

8.1 This decision will primarily affect the business of Myland Community Council and the electors of the New Braiswick Park and the unparished part of Bergholt Road (see Appendix A(ii)).

9. Financial Implications

- 9.1 Myland Community Council obtains some funding by setting a parish precept. This precept is levied on all properties in Myland Parish and would then also be charged to the proposed area. The Council Tax Base is an estimate of how much revenue would be raised for each £ of Council Tax set for a Band D property. At present a property in Band D in an unparished part of Colchester is currently £175.25 and the same banding in the Myland Parish area is £191.12.
- 9.2 It would be beneficial to wait until the 1st April to implement any change as there are potential financial implications with the possible need to recharge residents and the implications on grants. These readjustments, if delayed, could be built into the new year's precept.

10. Equality, Diversity and Human Rights implications

- 10.1 The electoral process underpins the right to democratic representation.

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

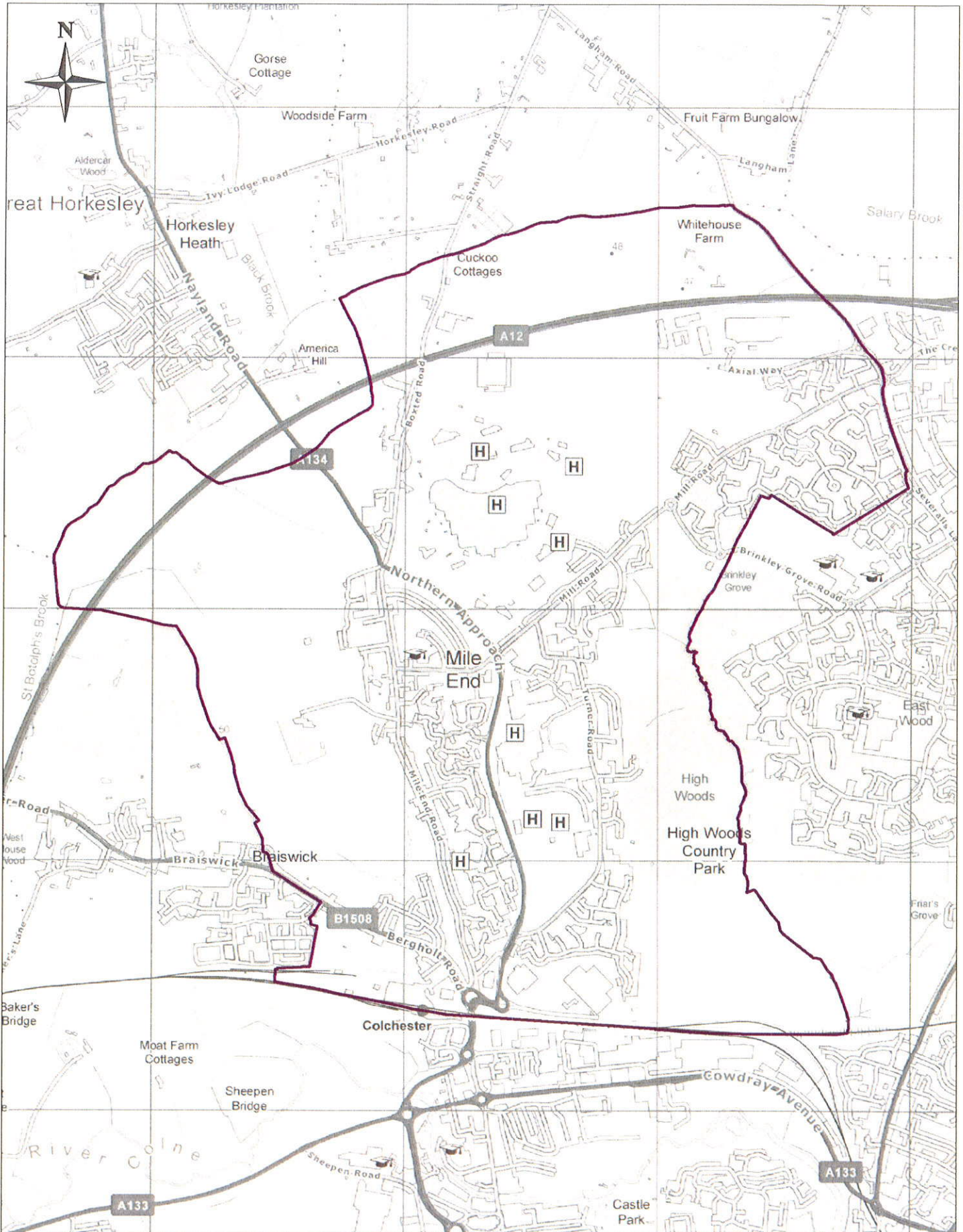
- 13.1 There are no risk management implications.

Background Papers

- Appendix A (i) Myland parish boundary
(ii) Proposed area to be included

Draft proposal as submitted to meeting on 26 June 2012

Myland Parish Boundary



© Crown copyright and database rights 2012 Ordnance Survey 100023706 | Not To Scale | 03/01/2012.

Myland Parish - Proposed Boundary Change



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**COMMUNITY GOVERNANCE REVIEW FOR THE
PARISH OF MYLAND**

**LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT
IN HEALTH ACT 2007**

DRAFT RECOMMENDATION

Published by Colchester Borough Council on the 3 July 2012
Comments to be made by 6 August 2012

COMMUNITY GOVERNANCE REVIEW FOR THE PARISH OF MYLAND

CONTENTS

1. INTRODUCTION
2. ELECTORAL ARRANGEMENTS
3. INFORMATION SUBMITTED BY MYLAND COMMUNITY COUNCIL
4. PROPOSED CHANGES
5. CONSEQUENTIAL MATTERS
6. SUMMARY OF DRAFT PTOPOSALS
7. WHAT HAPPENS NEXT
8. HOW TO SUBMIT YOUR VIEWS

ANNEX SUMMARY

- A. MAP OF RELEVANT AREA
 - (i) MYLAND PARISH BOUNDARY
 - (ii) PROPOSED AREA TO BE INCLUDED IN THE PARISH BOUNDARY
- B. INFORMATION FROM MYLAND COMMUNITY COUNCIL

Introduction to the Review

Colchester Borough Council received a request from Myland Community Council supported by a petition of 991 registered electors requesting the review of the parish boundary. The reviews focus is on whether the parish boundary should include the area known as New Braiswick Park and the unparished part of Bergholt Road (see Annex A(ii)).

The review commenced with the publication of the Terms of Reference document on the 13 February 2012. 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, initiate discussion and the exchange of ideas and this intern would help the council to prepare the draft proposals.

The purpose of this report is to outline the responses from the initial public consultation and sets out the recommendations of the council. Key stake holders and residents were invited to make their representation and comments to the council by 30 March 2012. Two representations were received in writing.

J P Mills	In Support of the request-This area is part of Mile End. It was only omitted from the Parish at its formation in 1999 because it consisted mainly of Woods factory and just a handful of houses and residents. At the time no-one could have foreseen that the area would become residential development, full of new Mile End residents who could benefit from the advantages of being part of the Parish and, perhaps, contribute to the well-being of the Parish.
M Payne	In Support of the request to include Braiswick area to take into account of the population increase

The Borough, County Councillors representing Myland and Essex County Council were consulted.

Electoral Arrangements

The parish of Myland Parish is divided into two wards and has a council of seventeen members, three representing Myland East ward and fourteen representing Myland West.

Myland Community Council Information

Myland Community Council has set out their proposals and reasons for the enlargement of the parish, as follows;

- New Braiswick Park is a significant part of Mile End which for historical reasons was omitted from the original application to form the Parish when it was submitted to Colchester Borough Council on 23rd June 1998.
- The area was omitted in 1998 because it was then, and for some years afterwards, the site of Woods of Colchester, the world renowned fan-making factory. As such there were only a handful of residents on the site. The applicants, Myland Parish Council Steering Group, therefore decided to exclude Tufnell Way, the feeder road for the Woods site, and the homes on the south side of Bergholt Road north-west of Tufnell Way.
- There are now 700+ homes in New Braiswick Park. Mile End is a distinct and relatively self-contained community within the Colchester area, separated from Colchester itself by significant physical barriers. New Braiswick Park is part of this community. In common with the rest of Mile End, its interests are similar but not identical to those of the town.
- In Myland Community Council, most of Mile End has a body whose purpose is to speak for their interests. The residents of New Braiswick Park, supported by the rest of Mile End, have shown by petition that they want to be included in the Parish of Myland so that Myland Community Council can speak for them as well. The effective way to achieve this is to enlarge the Parish to include New Braiswick Park.
- We believe that the Community Council will enable the New Braiswick Park residents to work more closely with their Ward Councillors than has been possible in the past.
- The Community Council scrutinises and responds to all local planning applications, taking into account resident's views. It also offers considered and robust commentary on the Borough Council's development plans.
- The Community Council keeps local residents informed about local issues.
- Residents of New Braiswick Park will have access to all 17 Community Councillors and a full time Clerk who can direct residents where to go for local advice. The Community Council Office is available for more detailed information, planning applications and the like.
- Community Councillors live throughout Mile End and have close and detailed knowledge of what is best for Mile End, aided by their personal knowledge of grass roots opinion about local issues and concerns.
- The Community Council will be able to represent New Braiswick Park residents in such local issues as footpaths, open space, public seating, bus shelters, litter bins, landscaping and light pollution.
- Finally, we believe that the inclusion of New Braiswick Park in the Parish will benefit not just New Braiswick Park but also the Borough Council, since the Community Council will be well placed to convey grass roots opinion to our Ward Councillors.

Proposed Changes

Section 95(3) of the Local Government and Public Involvement in Health Act gives consideration to parish areas, for both new and existing. It sets out that consideration must be given to the requirement to review existing parish boundaries and to be aware of the need to respond to changing boundaries due to development. Section 93 of the Act also advises that the Borough Council must consider the following before reaching its recommendation:

- The parish must reflect the identity and interest of the community involved
- Be effective and convenient
- And take into account any other arrangements for community representation

The Community Council have identified, in their supporting information that this area is a significant part of Mile End only being excluded during the last review due to the fact that at that time this area was predominately non residential. It is now considered to be a part of the Myland parish area and reflects the same interests. Both Myland Parish and the review area fall within the Mile End borough ward. It is felt that there is a strong identity with Myland parish and that there is clear distinctive and recognisable community interest.

Along with the request from Myland Community Council to conduct this review a petition containing 991 signatures supporting the alteration in boundary was submitted. All the properties in the defined area were consulted individually along with notification of the review in the Myland Parish area and following that a further two submission were received in favour of the change.

The commencement date would take place on the 1 April 2013 for financial and administrative purposes.

Consequential Matters

Myland Community Council obtains some funding by receiving an amount that is added to the local council tax bill, this is called the parish precept. This precept is levied on all properties in Myland Parish and would then also be charged to the proposed area. The Council Tax Base is an estimate of how much revenue would be raised for each £ of Council Tax set for a Band D property. At present a property in Band D in an unparished part of Colchester is currently £175.25 and the same banding in the Myland Parish area is £191.12.

Summary of Draft Proposals

- That the Myland parish boundary should include the defined unparished area identified on the associated map (Annex A).
- The proposal will seek final approval at the Accounts and Regulatory Committee on the 25 September 2012.
- The reorganisation order will come into force on the 1 April 2013.

What Happens Next

Action	Relevant Date
Draft Proposals are published	2 July 2012
Consultations	3 July – 6 August 2012
Final proposals are prepared	August 2012
Accounts and Regulatory Committee recommendations	25 September 2012
Council publishes the Reorganization Order	1 April 2013

How to Submit your Views

Comments should be submitted by letter to;

Electoral Services
Colchester Borough Council
Rowan House
33 Sheepen Road
Colchester
CO3 3WG

Or by email to;

sarah.cheek@colchester.gov.uk

