

Finance and Audit Scrutiny Panel

Town Hall, Colchester
16 October 2012 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 reviews Portfolio Holder 'Service' decisions referred to the Panel 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 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.

Mobile phones, pagers, cameras, audio recorders

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.

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.

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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

**COLCHESTER BOROUGH COUNCIL
FINANCE AND AUDIT SCRUTINY PANEL
16 October 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 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 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 - 4

To confirm as a correct record the minutes of the meeting held on 21 August 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. 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.

8. Decisions taken under special urgency provisions

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

9. Referred items under the Call in Procedure

5 - 24

To consider the following decision;

COM-003-12 Proposed transfer of the Abbots Building

a. Referred items under the Call in Procedure

25 - 39

To consider the following decision;

REN-001-12 Setting Local Speed Limits, revised guidance consultation by the Department of Transport

10. Work Programme

40 - 41

See report from the Head of Corporate Management.

11. 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).

FINANCE AND AUDIT SCRUTINY PANEL 21 AUGUST 2012

Present :- Councillor Marcus Harrington (Chairmen)
Councillors Glenn Granger, Scott Greenhill, Julia Havis,
Theresa Higgins and Cyril Liddy

Substitute Members :- Councillor Colin Mudie for Councillor Ray Gamble
Councillor Nick Cope for Councillor Jon Manning
Councillor Will Quince for Councillor Dennis Willetts

Also in Attendance :- Councillor Paul Smith

14. Apologies

Councillor Gerard Oxford

15. Minutes

The minutes of the meeting held on the 24 July 2012 was confirmed as a correct record.

16. Items requested by members of the Panel and other Members

At the meeting on the 26 June 2012, Councillor G. Oxford requested a scoping report detailing the income and expenditure at High Woods Country Park for Panel members to decide if the information warrants full scrutiny at a future Panel meeting. Determining a way forward had previously been deferred in Councillor Oxford's absence.

The Chairman said Councillor Oxford had conveyed his opinion that whilst he believed this was a suitable item for future scrutiny, there was currently too little data on which a firm opinion could be made, and a more suitable time to review the impact of the introduction of car park charges would be twelve months after the April 2012 introduction. The Chairman concurred with this view.

Councillor Granger said following his request at the previous meeting for the Panel to support a report being provided that gave an update on the new refuse collection and recycling services, how it has gone, and what corrections and improvements have been made, Mrs. Ann Hedges had provided him with information appertaining to the last year. Councillor Granger thanked Mrs. Hedges for this information but felt there are still some issues that need to be analysed, and a more detailed financial report needed so a more considered judgement on projected costs could be made.

Mrs. Hedges said the savings from this fundamental service review had been built into the base budget and the quarterly financial monitor does provide information on how Council services are performing against projections. It was however difficult to unpick

the report to get to the issues in detail, so a more detailed report could be provided.

Councillor Quince, having sight of the information provided said that whilst there had been a significant improvement in the service since the outset of the new arrangements, there had been a deterioration since the commencement and this had had a significant impact on local residents. Councillor Quince said it was appropriate to have the opportunity to scrutinise what we are doing and whether we have delivered.

Mrs. Hedges said the cost of recovering missed bins was included in the overall financial monitoring costs provided. In regards to Street Services, there has been a positive reaction by staff to the new working practices, staff sickness had improved and staff morale was good. That said if the Panel wished to undertake a more detailed review of the performance of the waste service since the introduction of the four day operating, then she would arrange for the Portfolio Holder for Street and Waste Services and the Head of Street Services to present a report at a future meeting.

RESOLVED that the Panel:-

- i) Agreed to consider an update on the High Woods Country Park information in nine months time (following 12 months of operation) and then decide if a full scrutiny review is warranted.
- ii) Agreed to a full review of the Street Waste service since the introduction of the four day operation, at a future meeting and on a date to be agreed with the Portfolio Holder and Head of Service.

17. Capital Expenditure Monitor 2012-13, period April to June

The following Councillors declared non-pecuniary interests in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5);

Councillor Cope in respect of being a Council nominated Director of the Mercury Theatre.

Councillor Havis in respect of being a Director of the Mercury Theatre.

Capital Expenditure Monitor – period April to June 2012

Mr. Steve Heath, Finance Manager introduced the Capital Expenditure Monitor for the first quarter of 2012-13.

Mr. Heath explained that the Capital Expenditure Monitor set out details of spending for the period April to June 2012, and revised forecasts for future years. The report also included new capital funding and changes to the capital programme as revised by Cabinet on 4 July 2012, and capital expenditure in respect of the Housing Investment Programme including expenditure on the Council's housing stock.

Mr. Heath said that in the first three months of this year capital spending totalled £1.3

million, representing 5% of the total programme and 7% of the projected spend for 2012/13.

Budget managers have re-profiled their forecasts for expenditure in line with expectations for 2012/13 and beyond, and forecast spending for 2012/13 is £18.8 million, with the remainder of the programme planned for 2013/14 and beyond.

Mr. Heath mentioned the new layout of Appendix A of the report, providing an analysis of spend in each quarter compared to forecast, so as to provide a better indication in monetary terms of current and planned progress.

Mr. Heath said there was currently a forecast net overspend on the capital programme of £22.1k and included the Town Hall DDA Sensory Project (£3.1k), Phase 2 of the Carbon Management Programme (4.0k) and the Site Disposal Costs (15.0k).

Mr. Heath agreed to provide further details to Councillor Theresa Higgins in respect of the Town Centre Improvements Scheme, and agreed to provide further details to Councillor Quince of the registered housing providers, in respect of the Assistance to Registered Housing Providers Scheme.

Councillor Theresa Higgins said it would be useful if the details of spending and forecasts to each scheme indicated the ward(s) affected, and in respect of the Transcoast Scheme for example, whether the funding included EU money.

Councillor Smith, Portfolio Holder for Business and Resources confirmed to Councillor Granger that the Firstsite (VAF) capital scheme of £384.6k has already been budgeted for, and was to pay for outstanding (due to the long period of works) payments.

RESOLVED that the Panel:-

- i) Noted the level of capital spending during 2012/13 and forecasts for future years.
- ii) Agreed that each scheme should have the affected Ward noted within the scheme details where the scheme is site specific.
- iii) Agreed for the report to provide on a regular basis the overall breakdown of who provides the capital funding.

18. Financial Monitoring Report - April to June 2012

Councillor Quince (in respect of acting for clients with regards to the Right to Buy Scheme) declared non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5);

Financial Monitoring Report – April to June 2012

Mr. Sean Plummer, Finance Manager introduced the Financial Monitoring Report for the

first quarter of 2012-13.

Mr. Plummer said the report was the first review of the year, and early report, with the most important figures being the current forecast outturn, a net underspend of £74k, that excludes the risk factor allowance of £285k and which is not likely to be spent, and the Housing Revenue Account outturn position that is not forecasting any variance.

Mr. Plummer explained that an error within the report was identified at the previous week's briefing whereby the figures quoted in paragraph 4.1 are incorrect.

Mr. Plummer said the General Fund position to 30 June 2012 for service budgets (paragraph 4.1) should read as follows, "Appendix A summarises the Council position by expenditure group and by Service Group. The net position shows a variance against profiled budget for General Fund Services (excluding benefits) of **£492k** (favourable). This comprises total expenditure being **£1,013k** lower than expected and less income than expected totalling **£521k**". The corrected figures now match those shown in Appendix A of the report.

In response to Councillor Quince and the reported forecast of a shortfall in Street Services Income, Mr. Plummer referred members to the breakdown (with commentary) of forecast outturn variances shown in appendix C of the report. Mrs. Hedges believed the commentary suggested that the agency costs related to replacement vehicles due to the ageing fleet, but this detail would be included in the overall financial review of Street Services agreed to be undertaken at a future meeting.

RESOLVED that the Panel noted the financial performance of General Fund Services and the Housing Revenue Account (HRA) in the first three months of 2012/13.

19. Work Programme

Mr. Robert Judd agreed to schedule the Financial Review of Street Services (Waste Collection and Recycling) once a date was confirmed with the Portfolio Holder for Street and Waste Services and the Head of Street Services, and to arrange for a further update on the High Woods Country Park Income and Expenditure for the start of 2013-14.

Mr. Judd said the outstanding items referred to in paragraph 3 of the report remain work in progress, and he would notify the Panel once review dates are confirmed.

RESOLVED that the Panel considered and noted an unchanged Work Programme.



Finance and Audit Scrutiny Panel

Item

9

Report of	The Head of Corporate Management	Author	Robert Judd Tel. 282274
Title	Call-in of Executive Decisions - COM-003-12 Proposed transfer of the Abbots Building		
Wards affected	None		

This reports sets out the protocol for the review of the decision COM-003-12.

1. Action required

- 1.1 The Panel is asked to consider the decision COM-003-12 Proposed transfer of the Abbots Building.

2. Reason for action(s).

- 2.1 The Constitution states the Finance and Audit Scrutiny Panel will consider decisions taken by a Cabinet Member with delegated authority for taking a service decision, that are subject to a call-in review.

3. Purpose of the review

- 3.1 The decision has been called-in because Councillors have evidence which suggests that the Decision Taker, in this case, Councillor Annie Feltham, Portfolio Holder for Communities and Leisure Services, did not take the decision in accordance with the Principles of decision making set out in Article 13.02.
- 3.2 The decision has been called-in by Councillor Quince, supported by four other councillors.
- 3.3 The report, together with the call-in and signatories to the call-in are attached.

4. Protocol

Have Your Say – Members of the Public

- 4.1 Members of the public may address the Panel on the matter of the call-in for a period not exceeding three minutes.

The speaker may respond to one question asked by a Member of the Panel

With absolute discretion, the Chairman may disallow or terminate any public participation which is considered scurrilous, vexatious, improper, irrelevant or otherwise objectionable.

Have Your Say – Councillors

- 4.2 Councillors may address the Panel on the matter of the call-in. There is not a limit on the time each Councillor can address the Panel, but Councillors are asked not to deviate from the reasons why the decision was called-in, and in the case of more than one speaker, not to repeat statements already made.

Presenting the Case

- 4.3 **The Chairman of the Panel shall remind speakers that the debate is confined to the reasons stated on the call-in form.**
- 4.4 Councillor Davies will attend the meeting and present the case, expanding on the reasons for the call-in, but not deviating from the reasons given on the call-in form.
- 4.5 Councillor Feltham, Portfolio Holder for Communities and Leisure Services will respond to the points made by Councillor Davies.
- 4.6 The Chairman shall afford Councillors Davies and Feltham the opportunity to confer with the Panel before inviting them to make closing remarks prior to the Panel formally voting on the matter.

Resolution

- 4.7 The Panel may:
- confirm the decision, which may then be implemented immediately, or
 - refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or
 - 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.
- 4.8 If the decision is referred back to the Portfolio Holder to reconsider the decision and he/she agrees with the views of the Panel then the decision may be implemented immediately.
- 4.9 If the Portfolio Holder does not agree with the views expressed then the matter will be referred to the Cabinet who will determine the matter.
- 4.10 The decision will not be called-in where the decision taker has previously referred a decision to a Scrutiny Panel for pre-decision scrutiny and the relevant Panel has already made recommendations to the decision taker and those recommendations have been accepted by the decision taker either in whole or without significant addition or modification.

5. Standard and Strategic Plan References

- 5.1 The Council's governance arrangements forms parts of the Council's commitment to customer excellence which underpins the Council's Strategic Plan vision.
- 5.2 There is no publicity, equality and diversity, human rights, community safety, health and safety, risk management or financial implications in this matter.
- 5.3 Scrutiny is a key function to ensure decisions have been subject to full appraisal and that they are in line with the aims of the strategic plan. The role of scrutiny is also an important part of the Council's risk management process, helping to check that risks are identified and challenged.

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 of Cabinet on date Item, or

The decision contained in the Record of Decisions Taken Under Delegated Powers, Reference No. **COM-003-12 Proposed transfer of the Abbots Building**

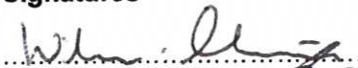


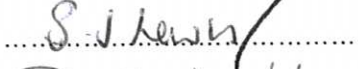

Reason(s) for call in:

The options considered by the Decision Taker failed to include simply striking Colne Housing Society Limited from the approved list and re-inviting expressions of interest from other organisations, without offering any inducement whatsoever to the successful bidder. Only after this option has been fully tested should an inducement of tax-payer funds be considered. The Decision Taker asserts, without submitting any evidence, that just because Colne Housing Association Limited is unwilling to agree a lease without this funding, that all other service providers would be unable for the same reason.

In furtherance of the clarity of aims and the desired outcome, the decision fails to make it clear that in the event of an inducement having to be offered, that the limits specified in paragraph 5.2 are final and binding on the winning organisation, and if it subsequently withdraws or demands a yet larger inducement, they will be responsible for the Council's costs in re-advertising and processing a further round of "Expressions of interest".

In regard to the presumption of openness, the Decision Taker fails to require all organisations participating in the "Expression of Interest" to declare in their Appendix-1 submission any ethical conflict of interest, such as a remunerated board member of the organisation also being a member of The Cabinet.

End of reasons

Signatures	Names in Capital Letters	
1. 	WILLIAM QUINCE	<input checked="" type="checkbox"/>
2. 	BEVERLY DAVIES	<input type="checkbox"/>
3. 	MARCUS HARRINGTON	<input type="checkbox"/>
4. 	SONIA LEWIS	<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: _____

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 (called in) 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 the Finance and Audit Scrutiny Panel if the Decision is defined as a Service related one, or the Strategic Overview and Scrutiny Panel if the Decision is defined as a Strategic/Corporate one.

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

Title of Report

Proposed transfer of the Abbots building

Delegated Power

Services for older people

Decision Taken

To re-advertise the opportunity to manage the Abbots Centre building with a 3-year grant offered to support the start-up of community services from the building.

To delegate the responsibility for agreeing a lease with, and awarding a grant to, the successful organisation to the Head of Life Opportunities.

Key Decision

This is not a Key Decision.

Forward Plan

Not applicable.

Reasons for the Decision

1. Colne Housing Society's business planning has identified the need for start-up funding to be able to operate the Abbots building as a community centre with services for older people. This need is limited to three years as they believe they will be able to generate sufficient income to achieve independence beyond that time.
2. Our expressions of interest process that chose Colne as our preferred partner did not explicitly offer grant funding and so it is judged that it would be inappropriate for the council to offer enhanced investment without giving others a change to re-bid with a grant offered.

Alternative Options

1. Not to offer grant funding with this facility transfer.
2. To close the Council's Activity Centre at the Abbots building without concluding a transfer of the facility

Conflict of Interest

There are no conflicts of interest.

Type of Decision

Service

Dispensation

Not applicable

Approved by Portfolio Holder for Communities and Leisure Services

Signature Councillor Annie Feltham

Date 19 September 2012

(**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)

Portfolio Holder Decision Reference Number

COM-003-12.

Implementation Date

This decision can be implemented if no request for the decision to be reviewed (call-in) has been made **after 5pm on 26 September 2012**

Call-in Procedure

The Decision Notice for this decision was published on the internet and placed in the Members' Room and the Customer Service Centre on 19 September 2012.

A request for reference to the Finance and Audit Scrutiny Panel (if the decision is a service one) or the Strategic Overview and Scrutiny Panel (if the decision is a strategic / corporate one) must be made by **5pm on 26 September 2012**.

Signature of Proper Officer Diane Harrison

This decision cannot be implemented as called-in ...pm 26 September 2012. To be confirmed, details for decision to be reviewed.



Portfolio Holder for Communities and Leisure Services

Item

1st September 2012

Report of	Head of Life Opportunities Lucie Breadman	Author	Tamara Moreau ☎ 282684
Title	Review of services for older people		
Wards affected	Harbour ward		

This report concerns the proposed transfer of the Abbots building currently used by the Council to provide an Activity Centre for older people.

1. Decision(s) Required

- 1.1 To re-advertise the opportunity to manage the Abbots Centre building with a 3-year grant offered to support the start-up of community services from the building as contained in paragraph 5.2.
- 1.2 To delegate the responsibility for agreeing a lease with, and awarding a grant to, the successful organisation to the Head of Life Opportunities using the scoring shown in Appendix 1.

2. Reasons for Decision(s)

- 2.1 During negotiations to agree a lease for the Abbots building with Colne Housing Society, their business planning has identified the need for start-up funding to be able to operate the building as a community centre with services for older people. This need is limited to three years as they believe they will be able to generate sufficient income to achieve independence beyond that time.
- 2.2 Our expressions of interest process that chose Colne as our preferred partner did not explicitly offer grant funding and so it is judged that it would be inappropriate for the council to offer enhanced investment without giving others a chance to re-bid with a grant offered.

3. Alternative Options

- 3.1 The following alternative options have been considered:
- 3.2 Not to offer grant funding with this facility transfer. The decision to transfer this building included a condition on our partner to conduct proper consultation with stakeholders, and to carry-out proper business planning. Colne Housing Society used a specialist consultant to conduct this work which identified the need for start-up funding. Council Officers have examined this need with Colne in detail to ensure the funding requested is justifiable. Colne would be unlikely to be willing to agree a lease without this funding offered, and it is judged that others would be unable to do so for the same reasons.

- 3.3 To close the Council's Activity Centre at the Abbots building without concluding a transfer of the facility. This would result in a greater financial saving but would reduce the services available to the community in Harbour ward and the surrounding areas.

4. Supporting Information

- 4.1 During the summer of 2011 the Council conducted an exercise to identify an external organisation to whom to transfer the Abbots building:
- On 31 August 2011 an advert was placed in the local press inviting expressions of interest. This advert ran for two consecutive weeks.
 - On 15 September 2011 a workshop for groups that were interested in responding to the invitation was held.
 - The deadline for completed expressions of interest was Friday 30 September 2011.
 - Colne Housing Society Ltd was successful in demonstrating its ability to meet the needs of the local community and manage the building.
 - In October 2011 a decision was taken to agree a service level agreement and lease with Colne Housing Society Ltd to operate the Abbots Centre as a community facility and to require them to engage with stakeholders.

5. Proposals

- 5.1 It is proposed that once expressions of interest are received, they will be scored against the criteria (Appendix 1) and an analysis will be prepared. The Head of Life Opportunities will then proceed with agreeing a lease and grant service level agreement with the highest scoring bidder.
- 5.2 A 3 year grant be offered to the successful bidder, not exceeding £40,000 in year 1, £35,000 in year 2, and £30,000 in year 3.

6. Strategic Plan References

- 6.1 This decision contributes to the following of the Council's strategic priorities:
- Enabling local communities to help themselves
 - Supporting more vulnerable groups

7. Consultation

- 7.1 Extensive consultation with members of both Activity Centres has been conducted to inform this decision. This has taken the form of meetings and a questionnaire sent to all members, several workshops, and the receipt of many letters from members, user groups, and others. A previous consultation on a similar proposal which included obtaining the views of non-customers was also considered.

8. Publicity Considerations

- 8.1 This opportunity to will be advertised on the Council's website as well as via our links with the voluntary sector to ensure it is widely seen by potentially interested parties.

9. Financial Implications

- 9.1 The grant funding offered with the opportunity will be funded from the savings that will result from the closure of the Council's activity centre at the Abbots building.

10. Equality, Diversity and Human Rights implications

- 10.1 An assessment of the impact of this decision, particularly on people with characteristics protected by law, has been made and is attached. This assessment has also considered how this decision contributes to the general duties placed on the Council under these laws, for example to eliminate unlawful discrimination, harassment and victimisation.
- 10.2 This assessment has identified several positive effects this decision is likely to have, such as the provision of services to older-people not currently served.
- 10.3 This decision is judged unlikely to breach any human rights.

11. Community Safety Implications

- 11.1 This proposal is intended to increase the number of older-people who access our services. Doing so tends to have a positive effect on community safety as it prevents isolation.

12. Health and Safety Implications

- 12.1 The successful bidder will be responsible for the health and safety of users of the Abbots building once the transfer is complete. The management of such a responsibility will be included in the Council's service level agreements with them.

13. Risk Management Implications

- 13.1 The principal risk associated with this decision is the inability to agree a lease. We will mitigate this risk by inviting expressions of interest in managing the building widely, and considering all applications we receive. Expressions will be scored against the criteria described in Appendix 1 to test applicants' ability to manage the building and deliver services.

Background Papers

Appendix 1: Expressions of Interest Scoring

Appendix 1

Scoring matrix for Abbots Centre application

Applicant:

	Question	0	1	2	3
1	Please tell us about the aims of your organisation?	Aims of organisation not clear.	Aims of the organisation are in part compatible with community work.	Aims of the organisation are compatible with community work.	Aims of organisation are compatible with community work and managing community buildings.
2	How many people are in your management group? Tell us about their experience and skills?	No management group set up.	Management committee in place with few people.	Management committee in place with good number of member and good skills, however, not necessarily relevant for running a community building.	Management committee in place with good variety of skills relevant to running a community building and delivery services.
3	To what uses would you put the Abbots building?	Demonstrates single or limited usage.	Demonstrates varied usage.	Demonstrates extensive usage.	Demonstrates extensive varied usage.
4	How would the community in the local area benefit?	Does not demonstrate benefit.	Demonstrates some benefit.	Demonstrates extensive benefits.	Demonstrates extensive benefits which are also quantifiable'
5	How would the wider Colchester community benefit?	Does not demonstrate benefit.	Demonstrates limited benefit.	Demonstrates considerable benefits.	Demonstrates extensive benefits which are also quantifiable'
6	How would older people or people with disabilities benefit'?	Does not demonstrate benefits for these groups.	Demonstrates some benefit for these groups.	Demonstrates considerable benefit for these groups.	Demonstrates extensive benefits which are also quantifiable'

7	How might your use of this building contribute to achieving the Council's 'Life Chance' targets and / or the Council's strategic priorities?	Demonstrates no contribution.	Demonstrates limited contribution.	Demonstrates a good level of contribution.	Demonstrates extensive contribution.
8	Please describe the approximate level of usage you anticipate for the building in a typical week (hours per week, mornings, afternoons, evenings, weekends etc?)	Demonstrates limited usage.	Demonstrates good usage.	Demonstrates very good usage.	Demonstrates high levels of usage throughout the day.
9	Would you be prepared to sub-let or hire out space within the building when it is not busy? If so, would there be any restrictions on this?	Would not be prepared to do this.	Would be prepared to discuss this.	No score.	No score.
10	What experience does your organisation have of leasing and managing buildings? (Please note you will still be considered if you have no previous experience).	No experience.	Limited experience.	Extensive experience.	No score.
11	Is your ability to sign a lease for this building contingent on any external requirements such as acquiring funding or any other condition?	Ability is contingent on several requirements	Ability is contingent on a few requirements.	Ability is not contingent on any requirements.	No score.
12	What are the principle risks your organisation faces in operating this building for community gain and how will you mitigate them?	No risks identified.	Minimal risk assessment undertaken.	Risks identified and possible solutions considered.	Risk assessment undertaken and risks identified and solved.
13	Do you have any specific lease requirements?	No score	No score	No score	No score
14	Please tell us about your proposed alterations / adaptations to the building including timescales?	No score	No score	No score	No score
15	A three-year start-up grant from the Council is available for this facility transfer. The maximum amount of this funding is Year 1: £40,000, Year 2: £35,000, Year 3: £30,000. Please confirm: a)	Requires more funding than is available, and can not confirm this will be sufficient	Requires more funding than is available, or can not confirm this	Requires the maximum funding available and confirms this will be sufficient.	Requires less funding than is available, and confirms this will be sufficient.

	<p>How much of this funding you would require; and b) that this specified amount will be sufficient to allow you to successfully operate this building without the need for further funding from Colchester Borough Council?</p>		<p>will be sufficient</p>		
--	--	--	---------------------------	--	--

Date:

Signature:

Colchester Borough Council

Equality Impact Assessment Form - An Analysis of the Effects on Equality

Section 1: screening stage

Name of policy, service or strategy to be assessed:

The proposed transfer of the Abbots building, currently used by the Council to provide an Activity Centre for older people.

1. What is the main purpose of the policy, service or strategy?

To ensure some continued service for older people and the wider community at the Abbots building.

2. What main areas or activities does it cover?

Abbots Activity Centre provides people aged 50+ a place to socialise, dine and take part in a variety of activities.

3. Who are the main audience, users or customers who will be affected?

All current users/members of the Abbots Activity Centre (including staff, volunteers and members of the public) will be affected by the change of service.

4. What outcomes do you want to achieve from the policy, service or strategy?

To use resources for older people more efficiently and effectively.

5. Are other service areas or partner agencies involved in delivery? If so, please give details below:

Yes. A third party organisation is to lease the Abbots building and provide some services for older people.

6. Does the policy, service or strategy help to further or facilitate to our 'general duty'¹ to:

(a) eliminate unlawful discrimination, harassment and victimisation?

(b) advance equality of opportunity between people who share a 'protected characteristic'² and those who do not?

(c) foster good relations between people who share a protected characteristic and those who do not?

Yes

¹ these 3 points summarise the 'general duty' as it applies to public sector organisations in the Equality Act 2010

² The Equality Act's 'protected characteristics' include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief and sex and sexual orientation. It also covers marriage and civil partnerships, but not for all aspects of the duty.

If you have answered 'no', please give details of the reasons for this decision:
n/a

7. If you answered 'yes' to any of the sections in Question 6 (above), please complete the following in order to identify how the policy, practice or strategy furthers the aim of the 'general duty':

'Protected characteristic' group	How does it help to 'eliminate unlawful discrimination, harassment and victimisation'?	How does it help to 'advance equality of opportunity between people who share a protected characteristic and those who do not'?	How does it help to 'foster good relations between those who share a protected characteristic and those who do not'?
Age	Older people (60+)	This change is intended to advance equality of opportunity between older people and others by combating social isolation amongst older people	
Disability	Younger people (17-25) and children (0-16)		By operating the Abbots building as a general community centre, services will be opened up to the wider community rather than only to older people.
	Physical		
	Sensory		
	Learning		
Ethnicity ³	Mental health issues		
	Other – please specify		
	White		
	Black		
	Chinese		
	Mixed Ethnic Origin		
	Gypsies/ Travellers		
Language	Other – please state		
	English not first language		

³ Census 2011 categories are: Bangladeshi, Indian, Pakistani, Other Asian (Asian or Asian British); African, Caribbean, Other Black (Black or Black British); White and Black African, White and Asian, White and Black Caribbean (Mixed); British, Irish; Other White (White); Chinese, Other (Other ethnic group).

'Protected characteristic' group	How does it help to 'eliminate unlawful discrimination, harassment and victimisation'?	How does it help to 'advance equality of opportunity between people who share a protected characteristic and those who do not'?	How does it help to 'foster good relations between those who share a protected characteristic and those who do not'?
Pregnancy and Maternity	Women who are pregnant or have given birth in last 26 weeks		
Religion or Belief	People with a religious belief (or none) ⁴		
Sex	Men		
	Women		
	Transsexual / gender reassignment		
Sexual Orientation	Lesbian, gay and bisexual		
Marriage and Civil Partnership ⁵	People who are single, married or in a civil partnership	not applicable	not applicable

8. Are there any concerns that the policy, service or strategy could have a differential impact in terms of equality?
Yes

Please use the table below to indicate how the policy, service or strategy could have a positive or negative effect on any of the following equality groups (known under the Equality Act as 'protected characteristics'). Include reference to any consultation, data or information that you have used in making this assessment about positive or negative effects.

'Protected characteristic' group	Positive Impact	Explain how it could benefit the group		Negative Impact	Explain how it could disadvantage the group

⁴ For example, Buddhist, Christian, Hindu, Jewish, Muslim, Sikh or no religious belief.

⁵ Our legal duty in respect of 'marriage or civil partnership' extends only to the need to eliminate unlawful discrimination.

'Protected characteristic' group	Positive Impact	Explain how it could benefit the group		Negative Impact	Explain how it could disadvantage the group
Age	✓	Older people (60+)	The result of this change would be new services available from the Abbots building.	✓	Those older people living close to the Abbots Activity Centre would experience a reduction in local service.
		Younger people (17-25) and children (0-16)			
Disability		Physical		✓	Travelling to an alternative venue may not be possible or could cause difficulties.
		Sensory		✓	Travelling to an alternative venue may not be possible or could cause difficulties.
		Learning		✓	Accessing and adapting to a new environment could cause difficulties.
		Mental health issues		✓	Accessing and adapting to a new environment could cause difficulties.
		Other – stroke survivors		✓	The Stroke Club would no longer be able to hire space for their activities at the Abbots centre from CBC directly
Ethnicity		White			
		Black			
		Chinese			
		Mixed Ethnic Origin			
		Gypsies/ Travellers			
Language		Other – please state			
		English not first language			
Pregnancy and Maternity		Women who are pregnant or have given birth in last 26 weeks			
Religion or Belief		People with a religious belief (or none)			
Sex		Men			
		Women			

'Protected characteristic' group	Positive Impact	Explain how it could benefit the group		Negative Impact	Explain how it could disadvantage the group
Transsexual / gender reassignment					
Sexual Orientation					
Marriage and Civil Partnership					

9. Could the policy, service or strategy discriminate⁶ against any 'protected characteristic', either directly or indirectly? No.

10. If you have identified any negative impacts above, have you been able to minimise or remove them, and if so, how? The effects on older people and people with disabilities will be minimised by:

- leasing the Abbots building and agreeing a Service Level Agreement with the lessee including a condition to provide services for older people
- Facilitating assistance with transport via CCVS.
- Facilitating the Stroke Club to be able to hire space in the Abbots building from the new lessee

⁶ Direct discrimination occurs when a person is treated less favourably than another in a comparable situation because of their 'protected characteristic' whether on grounds of age, disability, pregnancy and maternity, ethnicity, religion or belief; sex (gender), sexual orientation, or Marriage and Civil Partnership. Indirect discrimination occurs when an apparently neutral provision or practice would nevertheless disadvantage people on the grounds of their 'protected characteristic' unless the practice can be objectively justified by a legitimate aim.

Summary and findings of Initial Equality Impact Assessment – screening stage

11. Please put a tick in the relevant box to confirm your findings, and what the next step is:

Findings	Action required
No likely negative impacts have been identified and this has been justified with reference to consultation, data or information. <input type="checkbox"/>	Sign off screening and finish.
Likely negative impacts have been identified but have been minimised or removed. <input checked="" type="checkbox"/> YES	Sign off screening and finish.
Likely negative impacts were identified but have not been minimised or removed. <input type="checkbox"/>	Sign off screening and complete a full impact assessment – Section 2.
There is insufficient evidence to make a judgement. <input type="checkbox"/>	Sign off screening and complete a full impact assessment – Section 2.

12. Name and job title of person completing this form:

- Tamara Moreau, Community Welfare Manager.

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13. Date of completion:

- August 2012

14. Date for update or review of this screening:

- August 2013



Finance and Audit Scrutiny Panel

Item
9a

Report of	The Head of Corporate Management	Author	Robert Judd Tel. 282274
Title	Call-in of Executive Decisions - REN-001-12 Setting Local Speed Limits, revised guidance consultation		
Wards affected	None		

This reports sets out the protocol for the review of the decision REN-001-12

1. Action required

- 1.1 The Panel is asked to consider the decision REN-001-12 Setting Local Speed Limits, revised guidance consultation.

2. Reason for action(s).

- 2.1 The Constitution states the Finance and Audit Scrutiny Panel will consider decisions taken by a Cabinet Member with delegated authority for taking a service decision, that are subject to a call-in review.

3. Purpose of the review

- 3.1 The decision has been called-in because Councillors have evidence which suggests that the Decision Taker, in this case, Councillor Lyn Barton Portfolio Holder for Renaissance, did not take the decision in accordance with the Principles of decision making set out in Article 13.02.
- 3.2 The decision has been called-in by Councillor Harrington, supported by four other councillors.
- 3.3 The report, together with the call-in and signatories to the call-in are attached.

4. Protocol

Have Your Say – Members of the Public

- 4.1 Members of the public may address the Panel on the matter of the call-in for a period not exceeding three minutes.

The speaker may respond to one question asked by a Member of the Panel

With absolute discretion, the Chairman may disallow or terminate any public participation which is considered scurrilous, vexatious, improper, irrelevant or otherwise objectionable.

Have Your Say – Councillors

- 4.2 Councillors may address the Panel on the matter of the call-in. There is not a limit on the time each Councillor can address the Panel, but Councillors are asked not to deviate from the reasons why the decision was called-in, and in the case of more than one speaker, not to repeat statements already made.

Presenting the Case

- 4.3 **The Chairman of the Panel shall remind speakers that the debate is confined to the reasons stated on the call-in form.**
- 4.4 Councillor Harrington will attend the meeting and present the case, expanding on the reasons for the call-in, but not deviating from the reasons given on the call-in form.
- 4.5 Councillor Barton, Portfolio Holder for Renaissance will respond to the points made by Councillor Harrington.
- 4.6 The Chairman shall afford Councillors Harrington and Barton the opportunity to confer with the Panel before inviting them to make closing remarks prior to the Panel formally voting on the matter.

Resolution

- 4.7 The Panel may:
- confirm the decision, which may then be implemented immediately, or
 - refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or
 - 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.
- 4.8 If the decision is referred back to the Portfolio Holder to reconsider the decision, and he/she agrees with the views of the Panel then the decision may be implemented immediately.
- 4.9 If the Portfolio Holder does not agree with the views expressed then the matter will be referred to the Cabinet who will determine the matter.
- 4.10 The decision will not be called-in where the decision taker has previously referred a decision to a Scrutiny Panel for pre-decision scrutiny and the relevant Panel has already made recommendations to the decision taker and those recommendations have been accepted by the decision taker either in whole or without significant addition or modification.

5. Standard and Strategic Plan References

- 5.1 The Council's governance arrangements forms parts of the Council's commitment to customer excellence which underpins the Council's Strategic Plan vision.
- 5.2 There is no publicity, equality and diversity, human rights, community safety, health and safety, risk management or financial implications in this matter.
- 5.3 Scrutiny is a key function to ensure decisions have been subject to full appraisal and that they are in line with the aims of the strategic plan. The role of scrutiny is also an important part of the Council's risk management process, helping to check that risks are identified and challenged.

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 of Cabinet on date Item, or
The decision contained in the Record of Decisions Taken Under Delegated Powers, Reference No. **REN-001-12**
Entitled **Response to the DfT Circular 01/06 "Setting Local Speed Limits" revised guidance consultation**

■ Insert date

● Insert minute no.

✕ Insert reference no.

Reason(s) for call in:

- consideration of all options available;

The choice of options considered in Para 2 & 3 of the Report failed to consider the option of a call for a stronger more forthright approach to the introduction of 20mph limits, delegated down to District Councils, Parish Councils, and to residents association and neighbourhood & community groups. The Portfolio Holder omits to give an explanation of why this obvious option was not considered in Para 2&3 of the Report.

- having regard to due consultation;

The Portfolio Holder does not state who was consulted on this important matter ahead of deciding on the Council's response to the DfT. The portfolio holder appears to be relying on an old cabinet decision of December 2009, and does not appear to have taken contemporaneous consultations from Ward, Parish, Neighbourhood and community groups on current attitudes to 20mph limits in their communities.

- clarity of aims and desired outcomes;

The Portfolio Holder attempts in the Response to try to shift the blame for the slow implementation of 20mph schemes onto Essex County Council and Essex Police. Yet the Response does not explain to the Secretary Of State why, as Local Planning Authority, the Borough Council has not implemented Supplementary Planning Guidance to facilitate and encourage the wide-spread implementation of 20mph limits in all appropriate areas of the Borough.

Furthermore, the Response to Q1 suggests to the Secretary of State that Villages in Colchester should only get a speed limit via consideration in Parish Plans and Village Design Statement. But not all villages whose community require a 20mph speed limit will want to go to the extent of developing these resource-intensive plans simply to improve road safety.

The Response to Q2 does not clarify the extent to which the Council would be prepared to use the Community Infrastructure Levy to fund 20mph limits within the Borough.

The Response to Q1 fails to clarify to the Secretary of State what procedures and directives should be introduced to ensure that Essex Police carry out the democratic wish of the community to enforce 20mph limits where they have been introduced.

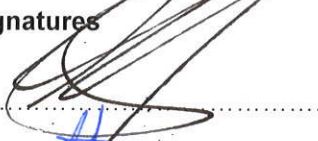
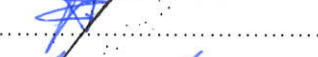



- having respect and regard for human rights;

In the response to Q4, the Portfolio Holder appears to suggest that the Council considers that the matter of air pollution may be a more important right than that of parents and children to walk and play in their community, safe from speeding traffic. If the Portfolio Holder really believes this, then the justification should be argued in the Response to the DfT, otherwise consideration of air pollution may appear to the Secretary of State to be yet another excuse from Colchester Borough Council not to implement 20mph speed limits.

- due weight to all material considerations;

The Response seems to be unduly influenced by analysis of the outcome of interminable 20mph trials in Portsmouth. The portfolio Holder fails to give weight in the Response to the lessons learned from the several successful 20mph schemes already implemented in the Borough. Due weight and material consideration should be given to the success of these schemes as the basis of the Portfolio Holder's reply.

End of reasons

Signatures	Names in Capital Letters	
1. 	MARCUS HARRINGTON	<input checked="" type="checkbox"/>
2. 	SUE LISSIMORE	<input type="checkbox"/>
3. 	JACKIE MACLEAN	<input type="checkbox"/>
4. 	PAULINE HAZELL	<input type="checkbox"/>
5. 	WILL QUINCE	<input type="checkbox"/>

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

For Office Use:

Date and time of Receipt: 15:00 21/9/12 Action: _____

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 (called in) 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 the Finance and Audit Scrutiny Panel if the Decision is defined as a Service related one, or the Strategic Overview and Scrutiny Panel if the Decision is defined as a Strategic/Corporate one.

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

Title of Report

Response to Department for Transport Circular 01/06 'Setting Local Speed Limits' revised guidance consultation

Delegated Power

Delegation to all Cabinet Members to comment on any consultative document on an issue within their Portfolio

Decision Taken

To approve the Borough Council's response to the Department for Transport 'Setting Local Speed Limits' Circular 01/06 revised guidance consultation

Key Decision

No

Forward Plan

- N/A

Reasons for the Decision

The consultation has provided the Council with an opportunity to offer support to the Department for Transport's proposed revisions to the guidance on speed limits contained in Circular 01/06 'Setting Local Speed Limits'.

Alternative Options

The Council could decide not to respond to the consultation.

Conflict of Interest

None

Type of Decision

Strategic

Dispensation

N/A

Approved by Portfolio Holder for Renaissance

Signature Councillor Lyn Barton

Date 12 September 2012

(**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)

Portfolio Holder Decision Reference Number

REN-001-12

Implementation Date

This decision can be implemented if no request for the decision to be reviewed (call-in) has been made **after 5pm on 21 September 2012**

Call-in Procedure

The Decision Notice for this decision was published on the internet and placed in the Members' Room and the Customer Service Centre on **14 September 2012**

A request for reference to the Finance and Audit Scrutiny Panel (if the decision is a service one) or the Strategic Overview and Scrutiny Panel (if the decision is a strategic / corporate one) must be made by **5pm on 21 September 2012**

Signature of Proper Officer Richard Clifford

This decision cannot be implemented as called-in 3pm on 21 September 2012. The decision to be reviewed at Finance and Audit Scrutiny Panel 6.00pm on 16 October 2012



Portfolio Holder for Renaissance

Item

Report of	Head of Strategic Policy and Regeneration	Author	Rachel Forkin
Title	Response to Department for Transport Circular 01/06 'Setting Local Speed Limits' revised guidance consultation		
Wards affected	Borough wide		

This report concerns Colchester Borough Council's response to the Department for Transport Circular 01/06 'Setting Local Speed Limits' revised guidance consultation

1. Decision(s) Required

- 1.1 To approve the Borough Council's response to the Department for Transport 'Setting Local Speed Limits' Circular 01/06 revised guidance consultation.

2. Reasons for Decision(s)

- 2.1 The consultation has provided the Council with an opportunity to offer support to the Department for Transport's proposed revisions to the guidance on speed limits contained in Circular 01/06 'Setting Local Speed Limits'.

3. Alternative Options

- 3.1 Not to respond to the consultation: the Council, at Cabinet in December 2009, has adopted the recommendations to pursue the implementation of 20mph speed limits across Colchester. As such it wishes to offer its support to encouragement being offered at national level.
- 3.2 To partially support the proposals: the Borough welcomes the opportunity to comment and in the main support the Department for Transport's proposals to improve road safety, as well as the health and wellbeing of local communities through reducing speed limits.
- 3.3 To respond against the proposals: reducing vehicle speeds to a level more suitable to the local conditions supports the Council's aim to create more sustainable communities and improve safety.

4. Supporting Information

- 4.1 In the Strategic Framework for Road Safety (DfT May 2011) the Government announced its intention to revise and reissue the guidance on speed limits contained in

Circular 01/06, 'Setting Local Speed Limits', with the aim of increasing flexibility for local authorities.

4.2 The Circular is a technical Circular which covers the local speed limits which may be set by traffic authorities, in our case Essex County Council, in situations where local needs and conditions suggest a speed limit which differs from the respective national speed limit. The guidance is to be used for setting all local speed limits on single and dual carriageway roads in both urban and rural areas.

4.3 The stated aims of the updated guidance are:

- To take account of the recent changes to the signing regime, contained in the Department for Transport's traffic signs policy review 'Signing the Way', October 2011;
- To expand the section on 20mph zones and limits; and
- To introduce the Speed Limit Appraisal Tool

5. Proposals

5.1 The Council has the opportunity to respond to, and support, the Department for Transport's proposed revisions to the guidance on speed limits contained in Circular 01/06 'Setting Local Speed Limits'. The revised guidance is currently in draft form and the Department for Transport are seeking comments before finalising the new advice.

5.2 Advice contained within the Circular covers the setting of speed limits in both urban and rural areas, including expansion on the guidance on 20mph zones and limits.

5.3 The Cabinet, at its meeting on 9th December 2009, adopted a policy to introduce 20mph speed limits across a wide area of Colchester. This followed extensive work during 2009 undertaken by the Policy Review and Development Panel's 20mph Task and Finish Group. The adopted recommendations can be seen in Appendix 1.

5.4 The September 2010 and August 2011 Policy Development and Review Panels recommended continuing to work to engage with Essex County Council to influence their position on the introduction of area wide 20mph speed limits in Colchester. It was resolved in the August 2011 Panel that a letter be sent on behalf of the Policy Development and Review Panel to the Essex County Council Portfolio Holder for Highways and Transportation, setting out the Panel's commitment to the introduction of 20mph speed limits in residential areas. A further letter confirming our commitment to the introduction of 20mph speed limits was sent to the Essex County Council Portfolio Holder for Highways and Transportation in July 2012.

5.5 The Department for Transport's revisions to Circular 01/06 allows greater flexibility and more cost effective implementation of 20mph speed limits and it is proposed that the Council support the revisions to the guidance. The council encourages the Dft to show greater leadership on introducing 20mph limits to create a consistent message rather than a patchwork of 20mph limits. Approximately 8m people now live in 20mph areas or in areas considering 20mph. This includes some large cities such as Bristol, Liverpool and urban areas of similar size as Colchester, including Oxford, York and Lancaster.

5.6 Appendix 2 sets out further details of the Department for Transport's proposed changes to Circular 01/06 along with the Council's response to each.

6. Strategic Plan References

- 6.1 Supporting the Department for Transport's proposed revisions to the guidance on speed limits contained in Circular 01/06 'Setting Local Speed Limits' supports the Strategic Plan vision of Colchester being a place where people want to live, learn, work and visit. It supports the aims to:
- Be Cleaner and Greener – reducing speeds will help remove a barrier to walking and cycling, and change driver behaviour to reduce vehicle emissions and noise.
 - Listen and Respond – the issue of speeding and road safety has been identified by resident associations, neighbourhood action panels, parishes and a range of local interest groups. The Task and Finish Groups Recommendations include undertaking community engagement and consultation.
- 6.2 The proposed changes to the Circular would also benefit the Council's priorities, specifically:
- Promoting sustainability and reducing congestion
 - Improving our streets and local environment
 - Showing tolerance and changing behaviours to create better local communities

7. Consultation

- 7.1 The Department for Transport consultation on proposed revisions to Circular 01/06 began on 13 July 2012 and runs until 05 October 2012.
- 7.2 This response to the Department for Transport consultation draws upon previous reports considered by the Policy Review and Development Panel and Cabinet. The Task and Finish Group undertook consultation to inform these Reports.
- 7.3 It is expected that further consultation and engagement will be undertaken on the delivery of 20mph speed limits in Colchester.

8. Publicity Considerations

- 8.1 Publicity was undertaken on the reports on 20mph speed limits previously considered by the Policy Review and Development Panel.
- 8.2 Further publicity will be required as part of the consultation and engagement exercise on the delivery of 20mph speed limits in Colchester, as recommended in the previous reports. It is not envisaged that a specific publicity campaign is required to support this report.

9. Financial Implications

- 9.1 There are no direct financial implications of responding to, and supporting, the proposed revisions to Circular 01/06.

10. Equality, Diversity and Human Rights implications

- 10.1 There are no direct Equality, Diversity or Human Rights implications of responding to, and supporting, the proposed revisions to Circular 01/06.

10.2 As this is a response to a consultation it is not felt that an Equality Impact Assessment is appropriate. However, we recognise that there are equality and diversity implications relevant to this consultation such as specific benefits for children in implementing 20mph speed limits. As part of earlier work undertaken an EQIA was published in 2009 and can be found at [Strategic Policy and Regeneration - transport](#).

11. Community Safety Implications

11.1 There are no direct community safety implications of responding to, and supporting, the proposed revisions to Circular 01/06.

11.2 Implementing lower speed limits, including implementation of 20mph limits in residential areas, will improve the safety of residents from road accidents.

12. Health and Safety Implications

12.1 There are no direct health and safety implications of responding to, and supporting, the proposed revisions to Circular 01/06.

13. Risk Management Implications

13.1 There are no risk management implications in responding to, and supporting, the proposed revisions to Circular 01/06.

Appendix 1

Recommendations adopted by Colchester Borough Council's Cabinet, December 2009

- The Policy Review and Development Panel propose to Cabinet to seek adoption of a 20mph policy for inclusion in Essex County Council's Local Transport Plan 3.
- In seeking adoption and to deliver the following recommendations Colchester Borough Council must work with Essex County Council, including the Highways department, and Essex Police to ensure their agreement in respect to policies, delivery, funding and enforcement resource levels.
- Comprehensive consultation and engagement with representative community groups and residents be carried out to confirm where 20 mph zoning is desired.
- In line with the findings of further community consultation and engagement that the implementation of a 20mph speed limit should be delivered on an "area wide" basis as set out in the proposals.
- Funding and resources be allocated as indicated in the financial implications section to undertake consultation and engagement.
- Continue the Task and Finish Group setting out a detailed proposal to undertake further consultation, engagement and research work, reporting back to a future meeting of the Policy Review and Development Panel.
- Adopt the approach to delivery as set out in section 6 of this report which includes:
 - Reinforcement and extension of the existing town centre 20mph zone
 - Implementation in discrete residential areas
 - Implementation in rural areas based on Parish Plans and Village Design Statements

Appendix 2

The Department for Transport's proposed changes to Circular 01/06 'Setting Local Speed Limits' and Colchester Borough Council's response (in italics)

20mph zones and limits

The section of the draft circular on 20mph zone/limits, also in section 6, has been expanded. Traffic authorities are reminded that they can, over time, introduce 20mph zones or limits into:

- Major streets where business on foot is more important than slowing down road traffic and
- Lesser residential roads in cities, towns and villages, particularly where this would be reasonable for the road environment, there is community support and streets are being used by pedestrians and cyclists.

Where they do so, general compliance should be achievable without an excessive reliance on enforcement.

We want to make it clearer that highway authorities have flexibility in the use of 20mph zones and limits, and should apply the option best suited to the local circumstances and that brings most benefits in terms of casualty reductions and wider community benefits.

Q1. Do you agree that this advice about introducing 20mph zones and limits provides useful guidance to traffic authorities considering speed management in urban areas? If not, please explain your reasons.

Colchester Borough Council response: We welcome the change in guidance which allows greater flexibility and for more cost effective implementation of 20mph speed limits. Colchester Borough Council is keen to work in with Essex County Council and Essex Police, on the implementation of area wide 20mph speed limits in Colchester.

Colchester Borough Council is keen for the wider community benefits of 20mph speed limits to be recognised and for their implementation to be taken forward on this basis alongside the Essex casualty reduction programme.

The Council welcomes the inclusion within the guidance of residential roads in villages. In improving the quality of life for all, the Council considers that 20mph limits would be appropriate in Rural District Centres and villages. The Borough Council has recommended that they are developed through Parish Plans and Village Design Statements where there is a demand for reducing traffic speeds.

The Circular amends the previous advice that 20mph limits without traffic calming should generally be restricted to single or small groups of streets. This reflects practice in a number of cities (such as Portsmouth), where this approach has been taken. The circular will be linked to a new speed limit appraisal tool, which itself will illustrate the effects of 20mph zones with traffic calming and limits with little or no traffic calming.

Q2. Do you agree that traffic authorities should be able to consider the implementation of 20mph limits over a number of roads where mean speeds at or below 24mph are already achieved? If not, please explain your reasons.

Colchester Borough Council response: Colchester Borough Council welcomes the proposed amendment to previous advice that 20mph limits without traffic calming should generally be restricted to single or small groups of street and welcome references to the

Portsmouth experience where it has been possible to introduce area wide 20mph limits in built up environments.

However, in forming the Borough Councils position we have reviewed the information provided from the Portsmouth scheme and note the significant speed reductions that have also been achieved on some streets where originally speeds were significantly higher than 20mph. We would appreciate the publication of the outcomes of 20mph schemes in other towns such as Oxford in order for the Council to understand further the benefits of such schemes.

Speed Limit Appraisal Tool and technical assessment tool for rural speed limit reviews

In the Strategic Framework for Road Safety we announced that we would provide a tool to help local authorities to assess the full costs and benefits of proposed schemes. The Speed Limit Appraisal Tool, which will be available on the DfT website, is under development. It will be launched later this year and references to it will be added to the draft Circular in a new section 5 when it has developed further.

The Speed Limit Appraisal Tool will replace the technical assessment tool for rural speed limit reviews, contained in Traffic Advisory Leaflet 2/06 and referred to in section 6.1 of the current Circular. The advice to use the technical assessment tool will be withdrawn.

Q3. Do you agree that the recommendation to use the technical assessment tool should be withdrawn? If not, please explain your reasons.

Colchester Borough Council response:

There are many town and cities that have introduced 20mph without an appraisal tool. Central Government should give greater leadership and encourage early introduction with 20mph. A new appraisal tool should learn from those towns who have introduced 20mph limits. Introducing 20mph limits is about creating a culture, a change in behaviour and consistent message that in residential areas and town centres that a slower speed limit is more appropriate for a variety of reasons. A driver behind the delivery in Portsmouth was reduced costs by not introducing physical measures and could be introduced in a more timely manner. This approach to delivery needs to be appraised.

For nearly 80 years the speed limits used in this country have suggested that it is acceptable to drive at 30mph in residential areas and urban areas. What was considered as right back in 1934 (when 30mph was introduced) is not necessarily right now. Motor vehicles were few and far between and did not dominate the street scene as now and we have a far greater understanding of the impacts of accidents and how people respond to speed limits.

Speed limits for air quality purposes

We are considering making it clearer that compliance with air quality limits could be a factor in the choice of speed made by local traffic authorities (para. 23 of the draft circular).

Q4. Do you agree that compliance with air quality limits could be a factor in the choice of speed made by local traffic authorities? If not, please explain your reasons.

Colchester Borough Council response: *Colchester Borough Council welcomes the link between air quality limits and the choice of speed limit, and agrees that compliance with air quality limits could be a factor in the choice of speed limit made by local traffic authorities. Further research and evidence on the link between lower speeds and air pollution would be*

welcomed, but needs to distinguish between slow moving traffic due to congestion and the benefits achieved by slower moving traffic obeying a lower speed limit.



Finance and Audit Scrutiny Panel

Item
10

16 October 2012

Report of	Head of Corporate Management	Author	Robert Judd Tel. 282274
Title	Work Programme 2012-13		
Wards affected	Not applicable		

This report sets out the 2012-13 work programme for the Accounts and Regulatory Committee and Finance and Audit Scrutiny Panel

1. Decision Required

1.1 The Committee is asked to consider and note the 2012-13 work programme.

2. Reason for Decision

2.1 This function forms part of the Committee's Terms of Reference in the Constitution.

3. Outstanding review items (dates to be confirmed)

- i) The financial impact of a new Park and Ride Scheme
- ii) firstsite

Changes to the programme

- i) Two call-ins to be reviewed at this meeting (16 October)
- ii) Extra meeting arranged for 13 November 2012 to be able to accommodate the two call-ins scheduled for the 16 October, and thereby spread the workload.

4. Work Programme

4.1 26 June 2012

- 1. Honorary Alderman (A&R)
- 2. Myland Community Governance Review (A&R)
- 3. Annual review of the Governance Framework and 2011-12 Statement (A&R)
- 4. 2011-12 Revenue Expenditure Monitoring Report
- 5. 2011-12 Capital Expenditure Monitoring Report

4.2 24 July 2012

- 1. Draft Annual Statement of Accounts (A&R)
- 2. 2011-12 Internal Audit Report
- 3. Annual Report on Treasury Management
- 4. 2011-12 Risk Management Summary & Strategy Review

4.3 21 August 2012

- 1. 2012-13 Revenue Expenditure Monitoring Report, period April to June
- 2. 2012-13 Capital Expenditure Monitoring Report, period April to June

4.4 25 September 2012

Annual Statement of Accounts (A&R) briefing 20 September 2012

- 1. Audited Annual Statement of Accounts
- 2. Annual Governance Report (AC)

3. Consultation on name of 'HARBOUR WARD'

4.5 **16 October 2012**

1. Call-in – COM-003-12 Proposed Transfer of the Abbots Building
2. Call-in – REN-001-12 Setting Local Speed Limits
3. Publication of the Audited SofA – A&R
4. Annual Audit letter – A&R

4.6 **13 November 2012 (extra meeting)**

1. Annual Business Continuity Year end
2. Risk Management, period April – September 2012
3. Review of Waste Collection and Recycling
4. CGR Myland CC – A&R

4.7 **20 November 2012**

1. 2012-13 Revenue Expenditure Monitoring Report, period April to September
2. 2012-13 Capital Expenditure Monitoring Report, period April to September
3. Treasury Management – 6-monthly update
4. Interim Annual Governance Statement review (A&R)
5. 2012-13 Internal Audit Monitor, period April to September

4.8 **22 January 2013**

1. Audit Opinion Plan (AC)
2. Audit Commission Progress report (AC)
3. 2013-14 Revenue Budget
4. Treasury Management - Investment Strategy
5. Housing Revenue Account Estimates and Housing Investment Programme

4.9 **26 February 2013**

1. 2012-13 Revenue Expenditure Monitoring Report, period April to December
2. 2012-13 Capital Expenditure Monitoring Report, period April to December

4.10 **26 March 2013**

1. Annual Governance Statement Process
2. Certificate of Claims and Returns (AC)

4.11 **2013-14**

To consider updated information on income and expenditure for the High Woods Country Park in June 2013.

5. Standard and Strategic Plan References

5.1 The Council recognises that effective local government relies on establishing and maintaining the public's confidence, and that setting high standards of self governance provides a clear and demonstrable lead. Effective governance, of which scrutiny is a part, underpins the implementation and application of all aspects of the Council's work.

5.2 Scrutiny is a key function to ensure decisions have been subject to full appraisal and that they are in line with the Council's strategic aims. The role of scrutiny is also an important part of the Council's risk management and audit process, helping to check that risks are identified and challenged.

5.3 There is no publicity, equality and diversity, human rights, community safety, health and safety, risk management or financial implications in this matter.

