

Accounts and Regulatory Committee

Grand Jury Room, Town Hall
24 January 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

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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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COLCHESTER BOROUGH COUNCIL
ACCOUNTS AND REGULATORY COMMITTEE
24 January 2012 at 6:00pm

Members

Chairman : Councillor Sue Lissimore.
Deputy Chairman : Councillor Will Quince.
Councillors Michael Lilley, Jon Manning, Gerard Oxford,
Mark Cory, Annie Feltham, Scott Greenhill, Pauline Hazell
and Justin Knight.

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

Agenda - Part A

(open to the public including the media)

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

Pages

1. Welcome and Announcements

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

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

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

2. Substitutions

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

3. Urgent Items

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

4. Declarations of Interest

The Chairman to invite Councillors to declare individually any personal

interests they may have in the items on the agenda.

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

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

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

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

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

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

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

5. Minutes

1 - 3

To confirm as a correct record the minutes of the meeting held on 18 October 2011.

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 Parish

See report from the Head of Corporate Management.

No page numbers

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

18 OCTOBER 2011

Present :- Councillor Will Quince (Chairman)
Councillors Annie Feltham, Scott Greenhill,
Pauline Hazell, Justin Knight, Michael Lilley,
Jon Manning and Gerard Oxford

Substitute Members :- Councillor Ray Gamble for Councillor Mark Cory
Councillor Dennis Willetts for Councillor Sue Lissimore

Also in Attendance :- Councillor Beverley Oxford
Councillor Paul Smith
Councillor Colin Sykes
Councillor Laura Sykes

12. Minutes

RESOLVED that the minutes of the meeting held on 27 September 2011 was confirmed as a correct record.

13. Publication of the Audited Statement of Accounts

Mr. Heath, Finance Manager asked the Committee to note the publication of the audited Statement of Accounts for 2010-11 that was published by the statutory deadline of 30 September 2011. Publication was for the first year only completed electronically, thereby providing a total printing cost saving (on hard copy) of £3,500. Notification of the publication was published in the local press on Friday 7 October 2011.

RESOLVED that the Committee noted the publication of the audited Statement of Accounts.

14. Proposals for Polling Districts and Polling Places

Mrs. Sarah Cheek, Electoral Services Manager presented the report on the review of Polling Districts and Polling Places, that under the Electoral Administration Act 2006 had to be completed within four years of the initial review, in this case, the 31 December 2011.

The 30 day consultation period commenced on 1 August 2011, seeking representations from the Returning Officer, people with an expertise in disability access and any electors in the constituency. Mrs. Cheek later confirmed to Councillor Hazell that the consultation is open for comment by all local residents affected by the review.

As a result of the consultation, Members were made aware of the responses as noted in appendix A of the report, and the proposed changes for both Polling Districts and Polling Places as noted in appendix B. The Committee was informed that the

comments from Councillors in the Lexden Ward, happy with the proposed arrangements, had been omitted from the Appendix A. Mrs. Cheek said this and other comments omitted from the table within the report would for completeness, be added to the final table.

The changes included Polling District boundary changes in nine wards, Berechurch, Castle, Christchurch, Marks Tey, New Town, Prettygate, St Andrews, St Johns and Wivenhoe Quay, and one Polling Place change in the Copford and West Stanway Ward.

Councillor Paul Smith, Portfolio Holder for Resources and Heritage and Councillor Quince thanked Mrs. Cheek and other officers who contributed to the work culminating in the final report.

Councillor Manning was pleased with the new arrangements in Wivenhoe, but felt available office accommodation in Hawkins Road should be considered as a polling station to reduce the distance residents in the Hawkins Road area would need to walk to vote, currently the Forest Road meeting room. Mrs. Cheek said there was no reason why this suggestion should not be considered and she would follow-up on this request.

In response to Councillor Manning's enquiry on the expected savings from this review, Mrs. Cheek said the cost of each station varies dependent on the number of staff, the size of the premises and stationary costs, but averaged between £500 - £900. The number of stations will be reduced by nine.

RESOLVED that the Committee considered and agreed the proposed changes to Polling Districts and Polling Places, to be notified for approval by Full Council on Wednesday 19 October 2011.

Councillor Colin Sykes (in respect of Chairman of Stanway Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

15. Recommendation for Community Governance Review - Stanway Parish Council

Mrs. Cheek presented the report on the Community Governance Review request by Stanway Parish Council to combine the two parish wards and create one electoral area.

Mrs. Cheek said following the initial consultation, the draft proposals were made available for further comment from 5 July 2011, with one further representation in favour of the proposal.

Councillor Colin Sykes addressed the Committee to explain that the report was recommending that approval be given to the request from Stanway Parish Council to combine the two parish wards and create one electoral area, and Councillor Sykes asked the Committee to agree to this recommendation.

Councillor Manning said a similarly approved change in arrangements at Wivenhoe had worked very well, and suggested the Committee approve the recommendation.

RESOLVED that the Committee agreed to approve the request from Stanway Parish Council to combine the two parish wards and create one electoral area.



Accounts & Regulatory Committee

Item
7

24 January 2012

Report of	Head of Corporate Management	Author	Sarah Cheek
Title	Community Governance Review – Myland Parish		
Wards affected	Mile End		282271

This report is to notify the Committee that a petition has been received for the council to conduct a Community Governance Review to change the parish boundary of Myland

1. Decision Required

- 1.1 That a Community Governance Review should be carried out under the terms set out in the Local Government and Public Involvement in Health Act 2007. This is following a request from Myland Community Council supporting a petition to conduct a Community Governance Review to change the boundary of Myland Parish by incorporating the area or New Braiswick Park and the unparished part of Bergholt Road.

2. Reasons for Decision

- 2.1 Under the Local Government and Public Involvement Act 2007 local electors can trigger a community governance review by petitioning the principle council (Colchester Borough Council).

<i>Petition Area</i>	<i>Required Signatures</i>
More than 2,500 electors	At least 10% of the electors

The petition must set out at least one recommendation that the petitioners want the review to consider. These recommendations can be about a variety of matters including the alteration of the boundaries of the existing council.

3. Alternative Options

- 3.1 Current parish boundary remains the same.

4. Supporting Information

- 4.1 A request has been submitted by Myland Community Council supporting a petition containing 991 registered electors to request that a change in the boundary of the parish be considered.
- 4.2 The legislation under which Colchester Borough Council should consider such a request is contained in Part 4 of the Local Government and Public Involvement in Health Act. and Chapter 3 of Part 4 outlines the provision for a Community Governance Reviews and includes the alteration of the area of an existing parish and the implementation of the outcome of any review.

4.3 There are a number of requirements relating to the conduct of the review which the Borough Council must consider when conducting the review

- Terms of Reference must be drawn up for the review.
- The County Council must be notified that the review is taking place.
- Consultation must take place with local people, representative groups active in the area and any people or groups who could reasonably be expected to have an interest in the review.
- The council must take account of representations received.
- The aim of the review must reflect the interests and identities of the community and to secure convenient and effective local governance.

The review must be completed within 12 months of the request.

5. Proposals

5.1 That the Borough Council considers the draft Terms of Reference set out in Appendix A that will set out the conduct of a Community Governance Review of the Myland Parish boundary.

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 Local residence
Any local groups that may have interest
Essex County Council
Ward Councillors

In under taking the review, consideration has been given to the cost effectiveness of the consultation process with the view to ensuring that all residents are made aware of and have access to all the relevant documentation. The intension is to publicise the Review by displaying notices within Myland parish and writing directly to the properties within the proposed review area. All the relevant information will be displayed on the council's website.

8. Publicity Considerations

8.1 This decision will primarily affect residents in the review area and the ward Councillors.

8.2 If the project is likely to be controversial then consideration should be given to consulting the people concerned in advance of the decision.

9. Financial Implications

9.1 The only implication is the implementation of the parish precept on the currently unparished area.

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 – Terms of Reference

Appendix B – Maps (i) Myland Parish

(ii) Proposed area to be included

COMMUNITY GOVERNANCE REVIEW FOR THE PARISH OF MYLAND

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

TERMS OF REFERENCE

Published by Colchester Borough Council on the 6 February 2012
Representations to be made by 23 March 2012

CONTENTS

1. INTRODUCTION
2. CONSULTATION
3. ELECTOR AND DEMOGRAPHIC FORECAST
4. THE PRESENT STRUCTURE OF THE PARISH AND THE ELECTORAL ARRANGEMENTS IN THE REVIEW AREA
5. PARISH COUNCIL AND PRECEPT INFORMATION
6. INFORMATION SUBMITTED BY MYLAND COMMUNITY COUNCIL
7. ELECTORAL ARRANGEMENT
8. THE PROCESS OF THE REVIEW
9. CONSEQUENTIAL MATTERS

ANNEX SUMMARY

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

INTRODUCTION

Request for a Review

Colchester Borough Council has received a request from Myland Community Council, supporting a petition of 991 registered electors, requesting the review of the parish boundary. The review will focus 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 Accounts and Regulatory Committee has delegated powers on all electoral arrangements and have agreed the Terms of Reference for the Community Governance Review setting out the matters on which the review will be undertaken. The Terms of Reference is the document to prompt local consideration, discussion and the exchange of views.

The Leglative Framework

The Local Government and Public Involvement in Health Act 2007 provides for local authorities to undertake reviews of Parish Council arrangements known as Community Governance Reviews. This power was previously the responsibility of the Local Government Boundary Commission for England. Principal Councils (such as Colchester Borough Council) can commence a Community Governance Review at any time. They are also required to undertake a review if a petition is receive consisting of a prescribed number of signatures from residents of the area affected.

In undertaking this Review the Council will be guided by the following legislation and government guidance:

- The Local Government and Public Involvement in Health Act 2007 The Local Government Act 1972.
- Guidance on Community Governance Reviews issued by the Department for Communities and Local Government, dated 2010.
- Consequential matters arising from the review may be impacted by the Local Government (Parishes and Parish Council) (England) Regulations 2008 and Local Government Finance (New Parishes) Regulations 2008.

The Terms of Reference Document

Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to publish a Terms of Reference document for a Community Governance Review. This sets out:

- how the Review will be conducted;
- expected timescales;
- what the Review will focus on;
- what the key considerations should be;
- factual electoral and parish information

This information is set out in the following sections of this Terms of Reference document

The Area that will be Subject to the Community Governance Review

The existing area of Myland Parish and the area of New Braiswick Park and the unparished part of Bergholt Road (see Annex A)

What is a Community Governance Review

A Community Governance Review considers the following topics for the area under review:

- Parish areas – creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of new parishes
- The electoral arrangements for parishes - creating a council, the number of councillors to be elected, parish warding
- Consequential matters – i.e. the effect on existing parishes; dealing with parish assets; resolving issues relating to employees of existing parishes; setting a precept for a new Council; setting a date for the first elections and the subsequent electoral cycles.

Consequently this Review will look at **all** options for future parish governance arrangements. These will include:

- Extending the parish boundary as defined in Annex A
- Keeping the status quo and keeping the current parish boundary the same
- Any other arrangements which may come out of the consultation process

Parish Governance

The Council values the important role that parish councils play in their local area both in terms of community empowerment and engagement and the delivery of local services and this is reflected in the Council's strategic objectives. Ultimately the recommendations made in a Community Governance Review should bring about improved community engagement, more cohesive communities and better local democracy.

CONSULTATION

Proposals for consultation during the Community Governance Review

In considering and making recommendations within these Terms of Reference the Council will take account of the views of local people. The 2007 Act requires that the Council consults the local government electors for the area under review and any other person or body who appears to have an interest in the review. The Council must take representations into account by judging them against criteria laid out in the Act.

The Council proposes to use the following mechanisms to keep consultees informed:

- Council website.
- Key documents on deposit at the Council Offices at Rowan House, 33 Sheepen Road, Colchester.
- Key documents on deposit with Myland Community Council
- Direct communication with each property within the defined area

The council will endeavour to ensure the consultation process is cost effective.

Timeframe for the review

The Accounts and Regulatory Committee has agreed the following time frame for the conduct of the review. The Committee will endeavour to keep to these dates and will certainly not reduce the length of any consultation periods.

Action	Relevant Date
Accounts and Regulatory Committee agree the Terms of Reference	24 January 2012
Terms of Reference are published	6 February 2012
Introductory stage – submissions are invited	7 February 2012 – 23 March 2012
Draft proposals are prepared	April 2012
Accounts and Regulatory Committee draft agree the draft proposals	26 June 2012
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	Publication of the 2013 Electoral Register

PLEASE NOTE THIS IS AN ESTIMATED TIMEFRAME AND WHILST WE WILL ENDEAVOUR TO KEEP TO THE DATES, ANY CHANGES WILL BE PUBLISHED ON THE COUNCILS WEBSITE

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;

elections@colchester.gov.uk

The council will notify each consultee and other persons or bodies that have made representation of the out come of the review. The Council intends to publish all correspondence received and all decisions that it takes in the review, giving its reasons for taking these decisions. This will be done via the council's website and by written communication.

ELECTORATE AND DEMOGRAPHICS

The Electorate for the Review Area

The council has used the latest electorate figures for the 2011 register of electors published on the 1 December 2011.

Area	Properties
Myland Parish (AP,AU,AV,AW)	4882
New Braswick and part Bergholt Road (part AT)	710

No significant residential developments have been identified within the Local Development Framework for the area of review. Property statistics are therefore representative for the foreseeable future.

Due to current financial and housing market conditions it is difficult to give a realistic projection of electorates within each polling district. The review therefore adopts a neutral projection on both property and electorate totals.

THE PRESENT STRUCTURE OF PARISHES AND THEIR ELECTORAL ARRANGEMENTS IN THE REVIEW AREA

The parish areas

Myland Community Council is represented by 17 councillors and there is no intention to increase this number at the present time.

The current boundary of Myland parish and the unparished area under review are shown in maps Annex A (i) and (ii).

The Colchester (Electoral Changes) Order 2002 uses the parish wards as the building blocks for the Borough wards, and the boundaries of the parishes. The Borough wards are co-terminus by-and-large but Mile End ward does not follow this rule. One polling district in the Myland parish falls within the Highwoods ward. Borough wards cannot be altered by the Council in a Community Governance Review; these are the responsibility of the Electoral Commission and the Boundary Committee for England. At this stage in undertaking this review, the Council does not envisage any changes arising to the present Borough wards.

PRECEPT INFORMATION

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.

Conversely, if you divide the Parish Precept requirement by the Council Tax Base, it will indicate the additional annual amount to be added to a Band D Council Tax for properties in the Parish. It is important to note that if a Parish Tax Base changes from one year to the

next, the amount payable may also change for residents within the Parish even if the total Precept requirement is the same.

The current levels of parish precept for Myland parish 2011/2012 is
Council Tax Band D equivalent 2011/2012 £15.89

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.

All the supporting information submitted by Myland Community Council is contained in Annex B.

Communities of Identity'

In considering this review the Council should deliberate the need for parishes to reflect distinctive and recognisable communities of interest, with their own sense of identity and, therefore, the feeling of local community and the wishes of local inhabitants and other interested bodies.

Government guidance indicates that electors should be able to identify clearly with the area or parish in which they are resident because it considers that this sense of identity and community lends strength and legitimacy to the parish structure, creates a common interest in parish affairs, encourages participation in elections to the parish council, leads to representative and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense of civic values, responsibility and pride. The Council considers that an adequate infrastructure should exist to support that community of identity which in turn justifies parish governance. We envisage this infrastructure as comprising meeting points, community facilities, local school, neighbourhood stores, community organisations, voluntary groups, etc., through which the community builds its sense of local identity.

PROGRESSING THE REVIEW

If you have a clear interest in this review or are impacted by its outcome as a resident, the Council would like to hear your views and we invite submissions and comments in response to the questions posed by the 23 March 2012.

The Account and Regulatory Committee will consider all responses and will then draw up Draft Recommendations on parish governance arrangements for the Myland Parish area.

The Account and Regulatory Committee will then consider the comments received on the Draft Recommendations and produce a Final Proposals document.

If that decision makes any changes to the existing parish governance structure then the Council will make a Reorganisation Order which will enable the implementation of these changes to take place.

CONSEQUENTIAL MATTERS

This section covers the issues that will need to be addressed if the review results in new parish arrangements. These issues include:

- Commencement dates for new arrangements
- Recommendations to the Electoral Commission - Boundary Commission for England, for changes to borough ward boundaries
- Transfer of property, rights and liabilities

The Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/265) and the Local Government Finance (New Parishes) (England) Regulations 2008 (SI2008/626) provide guidance on these matters.

