

Accounts and Regulatory Committee

Grand Jury Room, Town Hall
22 February 2011 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.

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COLCHESTER BOROUGH COUNCIL
ACCOUNTS AND REGULATORY COMMITTEE
22 February 2011 at 6:00pm

Members

Chairman : Councillor Dennis Willetts.
Deputy Chairman : Councillor Christopher Arnold.
Councillors Jon Manning, Kim Naish, Gerard Oxford,
Nick Cope, Scott Greenhill, Sue Lissimore, Colin Mudie and
Colin Sykes.

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

Agenda - Part A

(open to the public including the media)

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

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 - 2

To confirm as a correct record the minutes of the meeting held on 19 October 2010.

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. Honorary Alderman

3 - 4

See report from the Head of Corporate Management.

8. Request for a Community Governance Review

5 - 13

See report from the Head of Corporate Management.

9. Exclusion of the public

In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

ACCOUNTS AND REGULATORY COMMITTEE

19 OCTOBER 2010

Present :- Councillor Dennis Willetts (Chairman)
Councillors Christopher Arnold, Nick Cope,
Scott Greenhill, Sue Lissimore, Jon Manning,
Colin Mudie, Kim Naish, Gerard Oxford and Colin Sykes

Also in Attendance :- Councillor Paul Smith

13. Minutes

The minutes of the meeting held on 28 September 2010 were confirmed as a correct record.

14. Community Governance Review Fordham Parish Council

Councillor Arnold, Ward Councillor for Fordham and Stour said the Fordham Parish Councillors work extremely hard, therefore increasing the number of parish councillors from seven to nine will be a sensible decision. Councillor Arnold said both he and Councillor Chapman, also Ward Councillor for the Fordham and Stour Ward supported the recommendation.

RESOLVED that the committee approved the request from Fordham Parish Council to increase the number of councillors by two from seven to nine.

15. Community Governance Review - Wivenhoe Town Council

Councillor Manning, Ward Councillor for Wivenhoe Cross said he was happy with the proposal, that the parish councillors work very hard, amplified by the difficulty at times in getting a core attendance at meetings, exacerbated when councillors are sick. Councillor Manning said he supported the recommendation.

RESOLVED that the committee approved the request from Wivenhoe Town Council to combine the two parish wards and create one electoral area and to request that the number of councillors be increased by two from eleven to thirteen.

16. Publication of the Audited Statement of Accounts

Mr. Steve Heath, Finance Manager, addressed the panel to present the report, explaining that this was the third of three reports relating to the Statement of Accounts. Mr. Heath said the auditing of the accounts is formally closed and the publication completed in accordance with the statutory deadlines.

Councillor Manning said he would be happy in the future to receive an electronic copy

of the full accounts, and requested that in an effort to reduce printing costs, all future hard copies are produced without a glossy finish.

Councillor Arnold, an erstwhile champion of reducing the reliance on paper, said the Council should go down the route of reducing the future number of paper copies of the full accounts.

Mr. Heath said the Audit Commission had confirmed that they are happy for the Council to go down the electronic route. There was however a need to consider accessibility matters, and hard copies would still need to be provided for public areas. Mr. Heath said this could provide some savings, however the requirements of International Financial Reporting Standards will mean that the document will be larger and this will increase the cost of each copy.

Councillor Manning proposed that the Committee agree that in future years, where possible, recipients of the full accounts would receive them electronically, with hard copies provided to Council offices, libraries and Parish Council offices. Councillor Arnold said it is not difficult to print off on demand, and as a minimum requirement, Councillor Manning's proposal was acceptable.

RESOLVED that the Committee;


- i) Noted the publication of the audited Statement of Accounts for 2009/10.
- ii) Agreed that members would in future receive an electronic version of the audited Statement of Accounts. Members also agreed that hard copies of the full accounts should continue to be made available to the public at Council offices, Libraries and Parish Council offices, but every effort should be made to provide an electronic version of the full accounts to all other current recipients.



Accounts and Regulatory Committee

Item
7

22 February 2011

Report of	Head of Corporate Management	Author	Amanda Chidgey
Title	Honorary Alderman		 2227
Wards affected	Not Applicable		

This report gives details of a request from Councillor Hunt that former Councillor Hall be appointed an Honorary Alderman.

1. Decision(s) Required

- 1.1 The Committee is requested to consider a proposition that former Councillor Chris Hall be appointed an Honorary Alderman.
- 1.2 The Committee is further requested to consider approving the following recommendation to the Council:

“RECOMMENDED that –

- (i) A special meeting of the Council be convened for the purpose of passing the following resolution:

“That in pursuance of the provisions of Section 249 of the Local Government Act 1972, this Council confers the title of “Honorary Alderman” on former Councillor Christopher Basil Hall in recognition of his loyal and eminent service as a Member of the Council and its constituent authority”

- (ii) An illuminated transcript of the resolution be given to the former Councillor concerned.”

2. Alternative Options

- 2.1 The Committee has discretion as to how it wishes to respond to the proposal from Councillor Hunt.

3. Supporting Information

- 3.1 Making recommendations regarding the conferment of the title of Honorary Alderman currently falls within the terms of reference of this Committee.
- 3.2 At the Council meeting held on 20 February 2008, this Council’s eligibility criteria for the conferment of the title of Honorary Alderman was determined as follows:

“Former Councillors who have either acquired at least 20 years service as Members of the Council or who have held the office of Mayor of the Borough.”
- 3.3 Councillor Hall has served on the Council for 23 years, from 7 May 1987 to 6 May 2010 and was Mayor in 2003/04.

4. Publicity Considerations

- 4.1 Should the proposal from Councillor Hunt be approved, arrangements will be made for a press release to be published at the appropriate time.

5. Financial Implications

- 5.1 Set out below are the required arrangements and associated likely cost implications:

- a special meeting of the Council (no significant cost);
- the presentation of a framed, illuminated transcript of the Council Resolution (£570);
- The Council's current stock of serviceable robes for use by Aldermen on civic occasions is considered to be adequate and it is not currently necessary to renew this stock.

- 5.2 In order to contain the financial implications it is proposed that a special meeting of the council (a requirement of the Local Government Act) be convened on 23 March 2011, a date on which the Council is already meeting to conduct business. The intention would be for the recommendation from this Committee to be determined as part of the business of the scheduled council meeting and this meeting to be adjourned to enable the ceremony to be conducted as the business of the special council meeting. At the conclusion of the ceremony, the scheduled council meeting would be reconvened.

- 5.3 The Mayoralty Task and Finish Group recently recommended that the cost of any new robes (approximately £1,000), if required, and any reception after the ceremony for the family and friends of the newly appointed Honorary Aldermen should, in future, fall on the Honorary Aldermen themselves.

- 5.4 There is no specific budget allocation for the appointment of Honorary Aldermen but it is anticipated that, with the arrangements being made in accordance with the Task and Finish Group recommendations, capacity will be available within the Civic Fund budget to absorb the cost of the illuminated resolution.

6. Equality, Diversity and Human Rights implications

- 6.1 There are no direct implications for Equality and Diversity from these proposals and as such a full EQIA has not been deemed necessary.

7. Standard References

- 7.1 There are no references to the Strategic Plan and no particular consultation considerations; community safety; health and safety or risk management implications.

22 February 2011

Report of	Head of Corporate Management	Author	Sarah Cheek
Title	Request for a Community Governance Review to be undertaken at the request of Stanway Parish Council		
Wards affected	Stanway		282271

This report concerns a request from Stanway Parish Council to combine the two parish wards

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 Stanway Parish Council to combine the two parish wards and create one electoral area.

2. Reasons for Decision

- 2.1 Stanway Parish Council has requested a Community Governance Review be conducted by the Borough Council to review the two parish wards of Stanway Parish with a view to creating one electoral area.
- 2.2 Colchester Borough Council, as the principal authority, has the power to conduct a Community Governance Review and make certain decisions concerning parish councils in its area. This function is a non-executive function and has been delegated to this committee. Local Government and Public Health Involvement in Health Act 2007 require that after a consultation period the council should consider make a recommendation as to whether the existing area of the parish should be altered. The recommendation of the council must be published and any interested parties informed.

3. Alternative Options

- 3.1 To retain the current arrangements of fifteen councillors with two electoral parish wards comprising of Stanway East and Stanway West.

4. Supporting Information

- 4.1 At a meeting of Stanway Parish Council the Council resolved to request the Borough Council to conduct a Community Governance Review to consider returning the two parish wards of Stanway East and Stanway West to a single electoral area for parish elections.
- 4.2 The legislation under which Colchester Borough Council can consider such request is contained in Part 4 of the Local Government and Public Involvement in Health Act. Chapter 3 of Part 4 outlines the provision for a Community Governance Reviews, the matters which includes the creation or abolition of parish wards, 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 be 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 being initiated.

5. Proposals

5.1 That the Borough Council considers the draft Terms of Reference set out in Appendix A and recommend that the council conduct a Community Governance Review of Stanway Parish.

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

Essex County Council
Residence of Stanway Parish
Any local groups that may have an interest.

8. Publicity Considerations

8.1 This decision will primarily affect Stanway Parish Council and the councillor representation to the electorate.

9. Financial implications

9.1 There are no financial consequences arising from this report for the Borough Council.

10. 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

The minutes of the meeting setting out the request from Stanway Parish Council to combine the parish wards.

Appendix A: Terms of Reference

STANWAY PARISH COUNCIL

Minutes of the meeting of the **Policy & Finance Committee**
Held on **WEDNESDAY 11TH AUGUST 2010** at 7.00pm
In the **COMMITTEE ROOM, VICTORY HALL**

47. Community Governance Reviews

Cllr C L Sykes advised that Wivenhoe Town Council had recently requested a review to combine its two Town Council wards back into one, and he put forward the suggestion that Stanway considers doing the same. The Parish Council wards of Stanway were imposed because the Borough Council boundaries had changed in 2002. He advised that the Borough Council can make the decision to change parish ward boundaries, after consultation with the electorate.

After discussion it was agreed to apply for a review of the Parish Council wards, to become a fifteen member, single ward, Parish council.

PROPOSED Cllr C J Edwards SECONDED Cllr J Spademan and unanimously RESOLVED to apply for a review of the Parish Council wards, to become a fifteen member, single ward, Parish council.

STANWAY PARISH COUNCIL

Minutes of the meeting of the **Policy & Finance Committee**
Held on **WEDNESDAY 13TH OCTOBER 2010** at 7.00pm
In the **COMMITTEE ROOM, VICTORY HALL**

109. Community Governance Reviews

The Clerk advised that she had received guidance regarding the review process from Colchester Borough Council, which had been circulated to the Committee.

After discussion it was agreed that the Clerk writes to Colchester Borough Council to request a review of the Parish Council's wards.

PROPOSED Cllr J Spademan SECONDED Cllr B C Turner and unanimously RESOLVED that the Clerk writes to Colchester Borough Council to request a review of the Parish Council's wards.

COMMUNITY GOVERNANCE REVIEW FOR STANWAY PARISH COUNCIL

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

TERMS OF REFERENCE

Introduction

Colchester Borough Council has received a request from Stanway Parish Council, requesting the review of the parish warding of Stanway with a view to combining the two parish wards into one electoral area.

It has been agreed that a review of Stanway Parish wards be commenced by the preparation for the consideration of a Terms of Reference document in accordance with the Local Government and Public Involvement in Health Act 2007.

The government has stated that it expects a Terms of Reference document to set out clearly the matters on which a Community Governance Review is to focus and this is the aim of this document. The Terms of Reference is a prompt for local consideration, initial discussions and the exchange of ideas within a review, which in turn will help Colchester Borough Council to prepare Draft Proposals.

The legislative framework for a Review of this sort

Undertaking this Review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 and the relevant parts of the Local Government Act 1972. The Council is also required to have regard to Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Act by the government Department for Communities and Local Government and the Electoral Commission. This Guidance was published in April 2008, and it has been considered carefully as these Terms of Reference have been drawn up.

Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to publish this Terms of Reference document. We will provide details of how this document is being published and publicised.

What is a Community Governance Review?

A Community Governance Review can consider a range of topics concerning the community governance of the area under Review. These can include the creation, merging, altering or abolishing of parish areas, the naming of parishes, the electoral arrangements for parishes (creating a council; the number of councillors to be elected to the council; parish warding).

In this Review, however, we are only concerned with the warding arrangements for Stanway Parish.

Electoral Arrangements

‘Electoral Arrangements’ is a term that covers the way in which a council is constituted for a parish. It covers:

- whether a parish should have a council;
- the number of councillors to be elected to the council;
- the division (or not) of the parish into wards for the purpose of electing councillors;
- the number and boundaries of any such wards;
- the number of councillors to be elected for any such ward;
- The name of any such ward.

‘Electoral Arrangements’ therefore lie at the heart of this Review.

The Area under Review

The Parish of Stanway was divided into two parish wards for the purposes of the election of a council, Stanway East and Stanway West, in 2002 following a Borough and Parish Boundary review. A map which show the relationship of the parish ward boundaries with the existing Borough ward boundaries are attached to this document. These can be found at Appendix 1.

Stanway parish electoral arrangements

The Parish of Stanway at present has a council of fifteen members consisting of thirteen for Stanway East and two for Stanway West.

The council is required to consider any changes in the number of electorate which is likely to occur in the period of 5 years from the beginning of the review. It is not anticipated that there will be any significant increase in the number of electorate in the area other than the general average increase in the parish which has occurred over recent years.

The Relationship with the Borough Wards

The Colchester (Electoral Changes) Order 2002 uses the parish wards as the building blocks for the Borough wards, and the boundaries of the parish wards and the Borough wards are therefore co-terminus by-and-large.

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 the Review, the Council does not envisage any changes arising to the present Borough wards as a consequence of this Review.

Commencement dates for any new arrangements

The Council envisages that if an Order is made it will come into effect on 1 December 2011.

Parish Governance in our area

The council believes the parish and town councils play an important role in terms of community empowerment and want to ensure that the governance is robust and representative. Further more, it wants to ensure that there is a clarity and transparency to the areas that the council represent and the electoral arrangements to the councils- in this case that the warding arrangements are appropriate and easily understood by the electorate and whether the councillors reflect the requirements for the electorate to be equally represented. Ultimately the recommendations made in the review should bring about improved community engagement and a cohesive community.

With regard to the allocation of councillors consideration should be given to each person's vote being of equal weight so far as possible, having regard to other legitimate competing factors, when it comes to the election of councillors.

How does the review progress from here?

The Council intends that the outcome of this Review should encompass the broadly held views of the residents of the affected area and that community governance in our area should reflect the identities and interests of our communities and that it should be effective and convenient.

A Timetable for the Review

Action	Relevant Date
Terms of Reference are published	14 March 2011
Introductory stage – submissions are invited	22 March 2011 - 10 May 2011
Draft Proposals are prepared	June 2011
Draft Proposals are published	4 July 2011
Consultations	11 July 2011 – 5 September 2011

Final Proposals are prepared	September 2011
Final Proposals are published	26 September 2011
Accounts and Regulatory Committee publishes the Recommendations	October 2011
Council publishes the Reorganization Order	1 December 2011

In coming to its recommendations in the review the council will take account of the views of all local people. The act requires the council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement Act 2007.

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. Key documents will be on deposit at the council offices at 33 Sheepen Road Colchester CO3 3WG.

How to Submit Your Views

In writing to:

Sarah Cheek

Electoral Services Manager

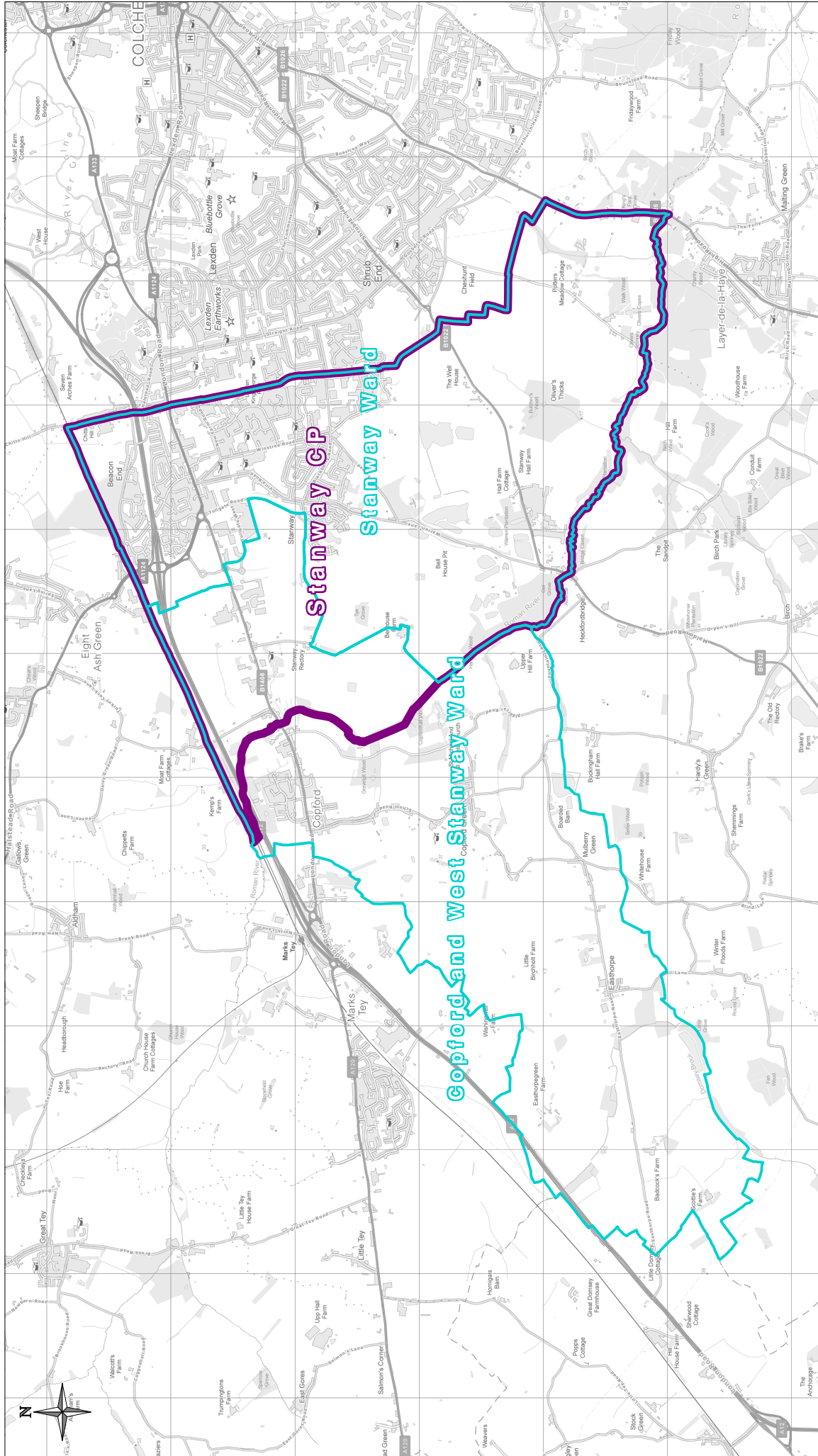
Colchester Borough Council

33 Sheepen Road

Colchester

CO3 3WG

Alternatively by email: elections@colchester.gov.uk



Colchester

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Not to scale

07/02/2011

