



Town Hall | 61 Newland Street | Witham | CM8 2FE
01376 520627
witham.gov.uk

AGENDA

WITHAM TOWN COUNCIL

Date: **Monday, 26th September 2022** Time: **7:30 p.m.**

Place: **Council Chamber, Town Hall, Newland Street, Witham, CM8 2FE**

Members are hereby summoned to attend the above Meeting to transact the following business. Members are respectfully reminded that each item on the Agenda should be carefully examined. If you have any interest, it must be duly declared.

To be present:	Councillors	J.	Bayford	(Town Mayor)
		J.	Goodman	(Deputy Town Mayor)
		S.	Ager	
		K.	Atwill	
		P.	Barlow	
		P.	Heath	
		S.	Hicks	
		C.	Jay	
		A.	Kilmartin	
		C.	Lager	
		M.	Lager	
		T.	Pleasance	
		S.	Rajeev	
		M.	Weeks	
		J.	Williams	
		R.	Williams	

The Meeting will commence with one minute's silence in tribute to the late Queen Elizabeth II.

1. APOLOGIES FOR ABSENCE

To receive and approve apologies for absence.

2. MINUTES

To receive the Minutes of the Meeting of Town Council held 30th August 2022 (previously circulated).

3. INTERESTS

To receive any declarations of interest that Members may wish to give notice of on matters pertaining to any item on this agenda.

4. QUESTIONS AND STATEMENTS FROM THE PUBLIC

An opportunity to enable members of the press and public present to comment upon any item on the Agenda.

Order Note: A maximum of 30 minutes is designated for public participation time with no individual speaker exceeding three minutes unless otherwise granted an extension by the Chairman under Standing Order 3(F) & 3(G)

5. ESSEX COUNTY AND BRAINTREE DISTRICT COUNCIL UPDATE

To receive reports from Essex County and Braintree District Councillors on matters relating to Witham.

6. TOWN MAYOR'S ENGAGEMENTS

To receive details of the Town Mayor's engagements attended for period 31st August to 26th September 2022 ([attached](#) at page 5).

7. TOWN CLERK'S REPORT

To receive the Town Clerk's report on matters arising ([attached](#) at page 6).

8. STANDING ORDERS

To receive a report on a proposed change to Standing Orders regarding public participation ([attached](#) page 7).

9. CONCLUSION OF AUDIT

To receive a letter from PKF Littlejohn LLP and Section 3 of the External Auditor Report and Certificate ([attached](#) page 8).

10. KEEPING WARM THIS WINTER

(a) List of Venues

To receive a list of venues providing a warm environment and refreshments to the vulnerable ([attached](#) at page 11).

(b) Motion

To receive a Motion from Councillor Ager requesting that the Function Room be used on a Monday to provide a warm place with refreshments ([attached](#) at page 13).

11. PERIOD GARDEN

To receive a Motion from Councillor Barlow that parts of the Period Garden be restored and opened again to the public ([attached](#) at page 14).

12. WITHAM CARNIVAL ASSOCIATION

To receive a report about the future support given to the Witham Carnival Association ([attached](#) at page 15).

13. 2023 EVENTS

To receive a request from the Community Committee for 2023 events to be discussed at Full Town Council ([attached](#) at page 16)

14. OPERATION LONDON BRIDGE

(a) To receive and note the attached report ([attached](#) at page 17).

(b) To receive a letter of condolence from Christian Schwarz, Mayor of Aßlar ([attached](#) at page 18).

15. DIGNITY AT WORK

To receive and approve the Dignity at Work policy ([attached](#) at page 19).

16. MEMBERS' RELATIONSHIP

To receive and approve the Members' Relationship Policy ([attached](#) at page 24).

17. CIVILITY AND RESPECT PLEDGE

To receive a report and information regarding the Civility and Respect Pledge and to consider signing the pledge ([attached](#) at page 28).

18. COMMITTEE REPORTS

Planning and Transport Committee held 30th August 2022

Minutes 84 – 95 (inclusive)

To receive a report of the Meeting.

Minute 93 – Cycling Development Group

To receive a recommendation to increase the group's membership.

19. EXCLUSION OF THE PRESS AND PUBLIC

TO RESOLVE That under the Public Bodies (Admissions to Meetings) Act 1960, the press and public be excluded from the Meeting for the consideration of the remaining items of business on the grounds they

involve the likely disclosure of exempt information falling within Schedule 12A (S3) of the Local Government Act 1972.

20. LAND TRANSFER

To receive the Land Transfer report ([attached](#) at page 29).

21. FUNDING REPORT

(a) To receive and note the Funding Report ([attached](#) at page 30)

(b) To receive a report on Safer Streets funding ([attached](#) at page 31).



Nikki Smith
Town Clerk

NS/GK/20.9.2022

Agenda Item 6

**List of Mayor's Engagements for Councillor Jack Bayford
Between 31st August to 26th September**

Wednesday 31st August 2022, Braintree Area Foodbank

Visited Braintree Area Foodbank for a tour of the site.

Sunday 4th September 2022, Maldon Town Mayor's Commemorative Navy Day Celebration

Attended Maldon Town Mayor's Commemorative Navy Day Celebration, in the Town.

Friday 9th September 2022, Commemoration of HM Queen Elizabeth II

Attended a Service of Commemoration for HM Queen Elizabeth II at the Town Park and laid flowers in Her Majesty's memory.

Sunday 11th September 2022, Abseiling Event

Held a Mayor's fundraising abseil event at the ArcelorMittal Orbit Tower in Queen Elizabeth Olympic Park, London, to raise funds for his chosen charities.

Saturday 17th September 2022, Witham Festival

Attended the Witham Festival following a short service in memory of the HM Queen Elizabeth II.

Thursday 22nd September 2022, New Rickstones Academy Open Evening

Attended an Open Evening at New Rickstones Academy.

Sunday 25th September 2022, Essex County Harvest Festival.

Attended the Essex County Harvest Festival at Chelmsford Cathedral.

Engagement undertaken by the Deputy Town Mayor

Sunday 10th September 2022, Proclamation of King Charles III

Proclaimed the accession of His Majesty King Charles III.

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ITEM NO: 7

Officer Report: Town Clerk's Report

The following matters are for members to note:

Pop Up Stall:

A Pop Up Stall has been arranged for Saturday 4th October 2022 at Spa Road Shops from 10:00-1:00pm.

2023-2024 Budget:

A Business Planning and Strategy meeting has taken place for the Committee Chairs and Vice-Chairs. The results of these discussions will be taken to the individual committees for scrutiny and then onto Estimates Committee and finally January's Full Town Council.

Advice:

To receive and note.

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ITEM NO: 8

Officer Report: Proposed Change to Standing Orders

Issue:

Standing Order 3e states 'Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda'.

It is suggested that to encourage members of the public to attend and take part in meetings the requirement they only speak on items on the agenda be removed.

Advice:

That Standing Order 3e be changed to read 'Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend.'

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Agenda Item 9



Ms Nikki Smith
Witham Town Council
Town Hall
61 Newland Street
Witham
Essex
CM8 2FE

DDI:
+44 (0)20 7516 2200

Email:
sba@pkf-l.com

Date:
20 September 2022

Our Ref:
EX0279

SAAA Ref:
SB09562

Witham Town Council
Completion of the limited assurance review for the year ended 31 March 2022

Dear Ms Smith

We have completed our review of the Annual Governance & Accountability Return (AGAR) for Witham Town Council for the year ended 31 March 2022. Please find our external auditor report and certificate (Section 3 of the AGAR Form 3) included for your attention as an attachment to the email containing this letter along with a copy of Sections 1 and 2 of the AGAR, on which our report is based.

The external auditor report and certificate details any matters arising from the review. The smaller authority must consider these matters and decide what, if any, action is required.

Action you are required to take at the conclusion of the review

The Accounts and Audit Regulations 2015 (SI 2015/234) set out what you must do at the conclusion of the review. In summary, you are required to:

- Prepare a "Notice of conclusion of audit" which details the rights of inspection, in line with the statutory requirements. We attach a pro forma notice you may use for this purpose (a Word version is available on request).
- Publish the "Notice" along with the certified AGAR (Sections 1, 2 & 3) before 30 September, which must include publication on the smaller authority's website. (Please note that when the statute and regulations were amended in 2014 and 2015, they did not include a requirement for the length of time for which that the "Notice" must be published. The previous statute required 14 days; but it is now up to the authority to make this decision).
- Keep copies of the AGAR available for purchase by any person on payment of a reasonable sum.
- Ensure that Sections 1, 2 and 3 of the published AGAR remain available for public access for a period of not less than 5 years from the date of publication.

Fee

We enclose our fee note, on page 4 of this attachment, for the limited assurance review, which is in accordance with the fee scales set by Smaller Authorities' Audit Appointments Ltd which can be found at <https://saaa.co.uk/fees.html>. This fee is statutory which must be paid and is due immediately on receipt of invoice, please arrange for this to be paid **at the earliest opportunity**.

Additional charges are itemised on the fee note, where applicable. These arise where either:

- we have had to issue chaser letters and/or exercise our statutory powers due to a failure to provide an AGAR by the submission deadline; or
- it was necessary for us to undertake additional work.

Please return the remittance advice with your payment, which should be sent to: PKF Littlejohn LLP, Ref: Credit control (SBA), 5th Floor, 15 Westferry Circus, Canary Wharf, London, E14 4HD. Please include the reference EX0279 or Witham Town Council as a reference when paying by BACS.

Timetable for 2022/23

The 2021/22 reporting year is the last year of our current five-year contract with SAAA. If we are appointed as your external auditor for the subsequent five-year contract for years 2022/23 to 2026/27, the timetable will be broadly similar to that for 2021/22. If we are not appointed as your external auditor, the successor auditor will contact you directly to notify you of their timetable.

Feedback on 2021/22

Please note that if you wish to provide feedback, our satisfaction survey template can be used, which is available on our website on this page: <https://www.pkf-l.com/services/limited-assurance-regime/useful-information-and-links/>

Yours sincerely



PKF Littlejohn LLP

Section 3 – External Auditor Report and Certificate 2021/22

In respect of **Witham Town Council – EX0279**

1 Respective responsibilities of the body and the auditor

Our responsibility as auditors to complete a **limited assurance review** is set out by the National Audit Office (NAO). A limited assurance review is **not a full statutory audit**, it does not constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and hence it **does not** provide the same level of assurance that such an audit would. The UK Government has determined that a lower level of assurance than that provided by a full statutory audit is appropriate for those local public bodies with the lowest levels of spending.

Under a limited assurance review, the auditor is responsible for reviewing Sections 1 and 2 of the Annual Governance and Accountability Return in accordance with NAO Auditor Guidance Note 02 (AGN 02) as issued by the NAO on behalf of the Comptroller and Auditor General. AGN 02 is available from the NAO website – <https://www.nao.org.uk/code-audit-practice/guidance-and-information-for-auditors/>.

This authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The authority prepares an Annual Governance and Accountability Return in accordance with Proper Practices which:

- summarises the accounting records for the year ended 31 March 2022; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

2 External auditor report 2021/22

On the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.

Other matters not affecting our opinion which we draw to the attention of the authority:

None

3 External auditor certificate 2021/22

We certify that we have completed our review of Sections 1 and 2 of the Annual Governance and Accountability Return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2022.

External Auditor Name

PKF LITTLEJOHN LLP

External Auditor Signature

PKF Littlejohn LLP

Date

19/09/2022

* Note: the NAO issued guidance applicable to external auditors' work on limited assurance reviews in Auditor Guidance Note AGN/02. The AGN is available from the NAO website (www.nao.org.uk)

Agenda Item 10(a)

Keeping warm this winter

The following is a list of places to go where you can keep warm this winter without turning your heating on at home!

Monday -

Community Café	United Reformed Church	9.30 am to noon
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Tuesday –

Coffee/tea	Royal British Legion Hall	10 am to 12 noon
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*First Tuesday – Bingo from 10.30 am **

*Third Tuesday – Breakfast Club**

Lunch	Royal British Legion Hall	Noon
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Open to all, cost for two course £6.00

Community Café	United Reformed Church	9.30 am to 12.30 pm
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Wednesday -

The Knitters and Stitches - First Wednesday in the month

<i>Library</i>	<i>10 am to noon*</i>
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Coffee/tea	Royal British Legion Hall	11am to noon
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Lunch Club	Royal British Legion Hall	noon
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Open to all, cost for two courses £6.00

The Well	Guithavon Street	10 am to 2 pm
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Thursday –

Community Café	United Reformed Church	9.30 am to noon
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(including bacon butties!)

The Well	Guithavon Street	10 am to 2 pm
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Community Cinema	Second Thursday in the month	
	Royal British Legion Hall	from 1 pm

Friday –

Community Café	United Reformed Church	9.30 am to noon
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Community Lunch	United Reformed Church	noon
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The Well	Guithavon Street	10 am to 2 pm
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Saturday –

Community Café	United Reformed	9.30 am to noon
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The Well	Guithavon Street	10 am to 2 pm
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Sunday –

Sunday Cinema	Second Sunday in the month	
	Royal British Legion Hall	2 pm

(£1 to include tea and biscuits)

* *Subject to confirmation*

Lots of the venues will waive charges if you are struggling financially – have a quiet word.

For other special events pop into the Information Centre.

Remember –

The Hub to have a hot drink and see if there is anything in the community fridge for dinner

The Library, a place to browse and keep warm.

Wetherspoons charges £1.10 for coffee and you can drink as much as you like for that price.

Julie in the Information Centre is always available for a chat and advice on things to do and will be setting up her jigsaw puzzles again.

This information will be regularly updated on the Town Council website –
www.witham.gov.uk

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ITEM NO: 10(b)

Councillor: Susan Ager

Ward: West

Title: Keeping Warm This Winter

Motion: I would like to propose that on Monday of each week the function room is opened for anyone to take time to come in for a warm. I propose that opening times would be 10am to 3pm and hot drinks, drinks for children and biscuits would be available.

We would also provide games and colouring material for the children. If we can get supermarket support, we will also provide soup at lunchtime. We have a budget.

Supporting Information: Fuel poverty will affect at least a third of the population. People will need places to go that are free to warm up.

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ITEM NO: 11

Councillor: Phil Barlow

Ward: North

Title: Heritage Garden

Motion: The Council agrees to reinstate the heritage garden to a standard to allow public access.

Supporting Information: The Heritage Garden was designed and planted as a result of a planning condition imposed when we bought the Town Hall and changed its use. The entrance and the fencing was made by a carpenter skilled in using mediaeval tools from a single oak tree. The Council involved the community and particularly local school children in its construction with the carpenter demonstrating his skills to classes.

The garden has effectively been closed to the public for a number of years following the partial collapse of a boundary wall. Agreement was reached with our insurers concerning the repair of the wall but as a result of development plans to extend the rear of the Town Hall the repairs were put in abeyance. At the moment there are no concrete plans to redevelop the rear and the garden and its purpose built fences are deteriorating. The garden is in need of tidying and replanting and the fences also need repair as well as the boundary wall. Following discussion with the Town Clerk and our Open Spaces operatives a plan will need to be prepared to enable the garden to be brought back to allow public access but possibly not to the same plan and layout. The Council currently still desires to extend the building and provide more storage space at the rear and a plan to enable this but to maintain the major part of the garden needs to be considered.

The resolution above does not preclude the Council's possible development but does reaffirm our wish to maintain the heritage context of the building and its setting that we committed to when we bought and refurbished the Town Hall.

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ITEM NO: 12

Officer Report: Witham Carnival

Issue:

Witham Town Council has been approached by two members of the Witham Carnival Association for assistance with the 2023 Carnival, as they believe there will not be enough volunteers for the event to go ahead.

Witham Carnival has been held for the past 92 years and the procession travels through the Town between 1.30 pm and 3 pm, starting at the Rugby Club and finishing in Maldon Road park where a fairground is situated. The committee currently consists of 8 volunteers, ranging from the accounts manager to marshals. Previously the lorries and drivers have been loaned to the Carnival by Simarco International Ltd but the float for the Carnival Court is owned by the association and stored in a garage for the rest of the year.

The committee meet once a month to discuss plans and finances, although each volunteer can spend 2-3 hours a day preparing, closer to the event.

Historically Witham Town Council has provided regular grants for the Carnival, £8,000 in 2021, another grant of £4,500 was received from Braintree District Council. Extra funds are raised by charging stalls to take part in the event and the fairground donate a percentage of its profits. Residents pay to enter the park, although charges were waived this year due to the grant from the Town Council.

The Carnival Association have three main issues-

- The matched funding required to be eligible for WTC grants is hard to raise
- It is difficult to find marshals to volunteer on the day
- There is uncertainty as to whether the committee will have enough members to continue

Members should consider the following options and decide what action Witham Town Council should take-

- To remove the need for matched funding if the Carnival Association apply for another grant and to pay for staff to marshal on the day at an approximate cost of £1500
- To take full responsibility for the Carnival
- To not offer any support due to the lack of funding capability/volunteers

Advice:

If the carnival can offer assurances that the event will continue it is recommended the need for matched funding be removed if the Carnival Association apply for further grants. Members may also consider whether to provide marshals for the event, paid for by Witham Town Council.

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ITEM NO: 13

Officer Report: 2023 Change of Event

Issue: A discussion took place at the previous Community Committee, regarding the possibility of holding a music event in 2023. Although the Dog Show had been well received, numbers attending were far lower than had been for the Queen's Jubilee event and many residents had expressed a wish for another similar event to be held in 2023.

Members discussed combining both events; the Dog Show during the day and then a musical event in the evening but this is not practical from a staffing perspective. It was suggested that the Dog Show and a music event be held on alternate years but members of the Community Committee could not reach an agreement and resolved that this be discussed further by Full Town Council.

It is thought that the Coronation of King Charles III will take place in June or July 2023 so a music event could be held to coincide with this date, similar to the Queen's Platinum Jubilee celebrations.

The Community Committee will be meeting in November 2022 to discuss their budget for the year 2023-2024 so a decision is required.

Advice:

That members decide whether to hold a Dog Show or music event in 2023.

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ITEM NO: 14(a)

Officer Report: Operation London Bridge**Issue:**

Following the announcement of the death of HM Queen Elizabeth II, the necessary steps were put into action on the evening of Thursday, 8th September 2022. The Town Council website was quickly changed, the Union Flag had the necessary black cravat and the Condolence Book made ready for when the Town Hall opened the following day. Instructions were issued to ensure that all staff knew that a period of mourning had commenced.

On Friday the Town Mayor laid flowers in the Town Park as part of a short service of commemoration. It was also realised that because of the late announcement, i.e. after 6 p.m., of Her Majesty's death, the Proclamation of King Charles III, would be delayed until Saturday. Plans therefore for the Proclamation on the Town Hall steps were likewise delayed until Sunday at 3 p.m. and Councillor John Goodman as Deputy Town Mayor ably presided. A large crowd were present and a short section of Newland Street was closed for the event.

Because of the official mourning period, the Agendas for Planning and Transport Committee and Policy and Resources Committee proper notice had not been given so the Meeting were cancelled. Business on the Planning and Transport Committee was held over until Monday, 26th September and a new date for the Policy and Resources Committee has been fixed for Monday 3rd October 2022.

Following advice from the Palace regarding events, the decision was taken to go ahead with the Witham Festival on Saturday, 17th September explaining the reasoning behind the decision. Prior to the commencement of the Festival a short service in tribute to the late Queen was held in The Grove Centre by Revd Jonathan Pritchard.

On Tuesday, 20th September the cravat was removed from the Union Flag and at close of business the Book of Condolence was closed. A letter of condolence on behalf of the Town Council and the people of Witham signed by the Town Mayor has been sent to the Palace. It also stated that there was a Condolence Book and in line with protocol this book now forms part of the Town Council archives.

The black ribbon remains on the late Queen's portrait for thirty days. A new position for the portrait will be found and once available a portrait of King Charles III will be ordered.

Advice:

To receive and note.

GK/20.9.2022

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Agenda Item 14(b)



Stadt Aßlar
DER BÜRGERMEISTER

Stadt Aßlar | Postfach 1180 | 35607 Aßlar

Witham Town Council
Town Hall
61 Newland Street
Witham
Essex
CM8 2 FE

Dear Councillor Jack Bayford, Mayor of Witham,

as Mayor of the city of Aßlar in Germany (befriended with your twinning town Waldbröl) I send my deepest condolences to you and your People in regards of the passing of Queen Elizabeth II.

I still have fond memories of Witham Town Council Delegation visiting our city for the town twinning and partnership celebrations in 2016. We had a splendid time together and celebrated as friends.

I want to assure you, that we also grieve as friends over the loss of well respected Queen Elizabeth.

We would be honored to have you as our guests in the city of Aßlar again and I will be looking forward to our next meeting in person – maybe in Aßlar, Waldbröl or Witham.

All the best from Germany, with the warmest regards and sincerest condolences.

Sincerely,

Christian Schwarz
Mayor of Aßlar

15. September 2022

Ihr/e Ansprechpartner/in

ASSISTENZ DES
BÜRGERMEISTERS

SILVIA DANIEL
T 06441 803-801
F 06441 803-899
silvia.daniel@asslar.de

AZ: Swz/Da

RATHAUS

Mühlgrabenstraße 1
35614 Aßlar
www.asslar.de
T 06441 803-0

SPRECHZEITEN

Montag	8:00 – 12:00 Uhr 13:30 – 16:00 Uhr
Dienstag	7:00 – 12:00 Uhr 13:30 – 16:00 Uhr
Mittwoch	8:00 – 12:00 Uhr
Donnerstag	8:00 – 12:00 Uhr 13:30 – 18:00 Uhr
Freitag	8:00 – 12:00 Uhr

BANKVERBINDUNGEN

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Witham Town Council: Dignity at Work Policy

This protocol is intended to create a working environment where all council employees, councillors, contractors and others who come into contact with Witham Town Council are treated with dignity, respect and consideration. This policy aims to create a workplace where there is zero tolerance for harassment and bullying

Scope

This policy covers bullying and harassment of and by clerks/officers and all employees engaged to work at Witham Town Council. Should contractors have a complaint connected to their engagement with the Council this should be raised to their nominated contact, in the first instance. Should the complaint be about their named contact the complaint should be raised to the Town Clerk.

Contractors are equally expected to treat council colleagues, and other representatives with dignity and respect, and the council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

Complaints about other employment matters will be managed under the council's policy.

It is noted that the management of a situation may differ depending on who the allegations relate to (e.g., employees, contractor, councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

The position on bullying and harassment

All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. The Council will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will Witham Town Council tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. In some circumstances acts of bullying or harassment (e.g. physical violence, harassment), may amount to a crime punishable by a fine or imprisonment.

Witham Town Council expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, Member/Officer Relations Policy, and all other policies and procedures set by the Council.

It is expected that respect is demonstrated by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While it is assumed that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure.

What Type of Treatment amounts to Bullying or Harassment?

'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g., promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information, a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- Disrespectful comments
- Negative comments directed towards an individual/ staff on social media
- The use of obscene gestures
- Abusing a position of power

Bullying and harassment can occur through verbal and face to face interactions, but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend. Everyone has the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear; however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic or due to their association with someone else.

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

Victimisation

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e., you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

Reporting Concerns

Refer to the Member/Officer relations policy.

Bullying and harassment & performance management

The policy sets out that bullying and harassment does not include appropriate criticism of an employee's behaviour or effective, robust performance management. It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.

Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

Responsibilities

All staff and representatives of the council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.

Leaders – councillors, clerks, chief officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

During the investigation

Employers have a duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.

Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. This could be a councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.

Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it is important to consider their wellbeing and mental health.

Ensure that you communicate regularly with both parties.

The investigation and any subsequent hearing should be completed in accordance with the grievance policy which sets out a process for dealing with concerns.

Confidentiality

It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small council it is likely that it will be clear that the accused will know where the accusation has come from. The council representative (Town Clerk/officer/councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.

During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some situations, it may be appropriate to provide anonymised witness statements however this would be a last resort, and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended that professional advice is sought. For the same reason it can be difficult for a council to consider an

anonymous complaint, however if the concerns are significant and compromise the council in their duty of care to employees, then consideration of how the deal with the matter may be required.

Victimisation

All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they have made a complaint, cancelling a planned training event, or giving them a heavier or more difficult workload.

False allegations

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure.

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Witham Town Council: Member/Officer Relations Policy

Policy Overview

This policy is intended to assist Councillors and employees in approaching some of the sensitive circumstances that arise in a challenging working environment. The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy.

Roles of Councillors and Employees

The respective roles can be summarised as follows:

- Councillors and Officers are servants of the public and they are indispensable to one and other, but their responsibilities are distinct.
- Councillors are responsible to the electorate and serve only so long as their term of office lasts.
- Officers are responsible to the Council. Their job is to give guidance to Councillors and to the Council, and to carry out the Council's work under the direction and control of the Council and relevant committees.

Councillors

Councillors have four main areas of responsibility:

- To determine council policy and provide community leadership;
- To monitor and review council performance in delivering services;
- To represent the council externally; and
- To act as advocates for their constituents.

All Councillors have the same rights and obligations in their relationship with the Town Clerk and other employees, regardless of their status or political party, and should be treated equally.

Councillors should not involve themselves in the day-to-day running of the Council. This is the Town Clerk's responsibility, and the Town Clerk will be acting on instructions from the Council or its Committees, within an agreed job description.

Chairman and Vice-Chairman of the Council and Committees

Chairman and Vice-Chairs have additional responsibilities. These responsibilities mean that their relationships with employees may be different and more complex than those of other Councillors.

However, they must still respect the impartiality of Officers and must not ask them to undertake work of a party-political nature, or to do anything which would prejudice their impartiality.

Officers

The role of Officers is to give advice and information to Councillors and to implement the policies determined by the Council. In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the Officer to express their own professional views and recommendations.

An Officer may report the views of individual Councillors on an issue, but the recommendation should be the Officer's own. If a Councillor desires to express a contrary view, they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging their responsibilities.

Expectations

All Councillors can expect:

- A commitment from Officers to the Council as a whole, and not to any individual Councillor, group of Councillor's or political group;
- A working partnership;
- Officers to understand and support respective roles, workloads and pressures;
- A timely response from Officers to enquiries and complaints;
- Officer's professional advice, not influenced by political views or personal preferences;
- Regular, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Officers to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from Officers;
- Training and development opportunities to help them carry out their role effectively;
- Not to have personal issues raised with them by Officers outside the council's agreed procedures;
- That Officers will not use their contact with Councillors to advance their personal interests or to influence decisions improperly;
- That Officers will at all times comply with the relevant code of conduct.

Officers can expect from Councillors:

- A working partnership;
- An understanding of, and support for, respective roles, workloads and pressures;
- Respect, courtesy, integrity and appropriate confidentiality;
- Not to be used to make a political statement;
- Not to be intimidated or to be put under undue pressure;
- That Councillors will not use their position or relationship with officers to advance their own interests or those of others or to influence decisions inappropriately;
- That Councillors will at all times comply with the council's adopted Code of Conduct.

Relationship Between Members and Officers

It is imperative that any communications between Members and Officers, both written and oral, should observe professional standards of courtesy.

The relationship between Members and Officers will be improved by friendly relations. However, mutual respect and the trust that Officers are providing objective professional advice to Members must not be compromised. Members and Officers should be cautious in developing close friendships.

To avoid reputational damage to the Council, disagreements between Members and Officers should be acknowledged and resolved in private, rather than in public or through the media.

This policy prohibits Members raising matters related to the conduct or capability of employees in public. They must be aware of the lines of accountability within service areas and must not apply pressure to an Officer to act in a manner contrary to the instructions of the Town Clerk.

Officers must not allow their personal or political opinions to influence or interfere with their work. Officers should not take part, and Members should not ask Officers to take part, in any activity which could be seen as influencing support for a political party.

Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business.

Officers must not be involved in advising Members on matters of party-political business.

Both Members and Officers should adhere to the rules and regulations set by Council to manage committee business.

Both Members and Officers have access to information which has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. Confidential information must never be disclosed or used for personal or political advantage or to the disadvantage or the discredit of the Council or anyone else.

The Town Clerk will instigate any appropriate investigations into actual or alleged breaches of confidence in relation to the release of confidential information.

Officers should ensure that they provide the necessary respect and courtesy due to Members in their various roles. Equally, Members should ensure that they provide the necessary respect and courtesy due to Officers in their roles.

Members should not put pressure on an Officer with regard to matters which have been delegated for Officer decision under the Scheme of Delegation to Officers. Officers should be left to make decisions that are objective and can be accounted for; and are fair and consistent in their application.

Members should not bring influence to bear on any Officer to take any action which is contrary to law or against the Council's approved procedures, including but not limited to the following procedures: a breach of Personnel procedures; conflict with standing orders; or policies.

Political Groups

It is the National Association of Local Council's (NALC's) policy that party politics should have no place in town councils. Town Councillors are there to serve their community as members of the community, and should not be side-tracked by party political issues.

Party politics within a town council can pose particular difficulties in terms of the impartiality of the Town Clerk and other employees, and the relationship between Councillors and the staff generally.

Party political groups have no power to require the Town Clerk or any other employee to attend group meetings or to prepare written reports for them, and employees can legitimately refuse to do so. The Town Clerk and other Officers are responsible to the Council as a whole and should not take action under instructions from any individual Councillor, even if they have been styled as 'Leader' of the council.

The Town Clerk will ensure that any reports or advice offered to a political group are statements of relevant facts, with an appraisal of options and do not deal with the political implications of the matter or options, or make any recommendations. It is not the Town Clerk's job to make recommendations to a political group.

If a report is prepared for one political group, the Town Clerk will advise all other political groups that the report has been prepared, or that advice was given.

Complaints

Procedure for officers. The relationship between Councillors and the Town Clerk (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, through conciliation by an appropriate third party, it is important to adhere to the Council's formal grievance policy.

If a Councillor is displeased with the conduct, behaviour or performance of the Town Clerk or another employee, the matter should be raised with the Town Clerk in the first instance. If the matter cannot be resolved informally, it may be required to invoke the council's disciplinary procedure.

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Officer Report: To sign a resolution to take up the Civility and Respect Pledge

Issue:

The National Association of Local Councils (NALC), the Society of Local Council Clerks (SLCC), and One Voice Wales (OVW), believe now is the time to put civility and respect at the top of the agenda and start a culture change for the local council sector.

By our council signing up to the civility and respect pledge we are demonstrating that our council is committed to treating councillors, clerks, employees, members of the public, representatives of partner organisations, and volunteers, with civility and respect in their role.

Signing up is a simple process, which requires councils to register and agree to the following statements:

Statement	Tick to agree
Our council has agreed that it will treat all councillors, clerk and all employees, members of the public, representatives of partner organisations, and volunteers, with civility and respect in their role.	
Our council proactively identifies relevant training opportunities for both councillors and staff	
Our council has signed up to Code of Conduct for councillors	
Our council has good governance arrangements in place including, staff contracts, and a dignity at work policy.	
Our council will commit to seeking professional help in the early stages should civility and respect issues arise.	
Our council will commit to calling out bullying and harassment when it happens.	
Our council will continue to learn from best practice in the sector and aspire to being a role model/champion council e.g., via the Local Council Award Scheme	
Our council supports the continued lobbying for the change in legislation to support the Civility and Respect Pledge, including sanctions for elected members where appropriate.	

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