



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

AGENDA

WITHAM TOWN COUNCIL

Date: **Monday, 30th September 2024** 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:

| | | |
|--------------|---------------------|--------------|
| L. Barlow | (Town Mayor) | T. Hewitt |
| P. Heath | (Deputy Town Mayor) | J. Martin |
| E. Adelaja | | R. Playle |
| P. Barlow | | R. Ramage |
| J.C. Coleman | | J. Robertson |
| J.M. Coleman | | A. Sloma |
| B. Fleet | | B. Taylor |
| L. Headley | | E. Williams |

Nikki Smith
Town Clerk
NS/GK/25.9.2024

1. APOLOGIES FOR ABSENCE

To receive and approve apologies for absence.

2. MINUTES

To receive the Minutes of the Meeting of Town Council held 2nd September 2024 (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.

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 28th August to 24th September 2024 attached at page 4.

7. TOWN CLERK'S REPORT

To receive the Town Clerk's report on matters arising attached at page 5.

8. DISPENSATION

To consider granting leave of absence for Councillor Hewitt and Sloma attached at page 6.

9. SCRUTINY PANEL

To receive a report from the Scrutiny Panel which met on 5th September 2024 attached at page 7.

10. COMMITTEE REPORTS

- (a) **Planning and Transport Committee held 2nd and 16th September 2024**
Minutes 91 to 120 (inclusive)

To receive a report of the Meetings.

- (b) **Policy and Resources Committee held 16th September 2024**
Minutes 50 to 58 (inclusive)

To receive a report of the Meeting.

11. 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.

12. COMMITTEE REPORT – CONTINUED

Policy and Resources Committee held 16th September 2024

Minute 59.

13. BELLFIELDS

To receive a report.

14. LAND TRANSFER

To receive a report.



**LIST OF MAYOR'S ENGAGEMENTS BETWEEN
28TH AUGUST – 24TH SEPTEMBER 2024**

Meeting with Home-Start Essex, Thursday 12th September 2024

Held a meeting with one of the chosen charities, Home-Start Essex, at the Town Hall.

Witham Hockey Club Centenary, Saturday 14th September 2024

Attended Witham Hockey Club Centenary celebrations at Maldon Road Park.

Witham Leisure Centre 10th Birthday Celebrations, Sunday 15th September 2024

Attended the Witham Leisure Centre 10th birthday celebrations.

Reopening of Witham Skate Park, Friday 20th September 2024

Attended the reopening of Witham Skate Park after its refurbishment.

Witham Street Entertainment Festival, Saturday 21st September 2024

Attended the Witham Street Entertainment Festival in Witham Town Centre and volunteered at the Town Council's stall offering free transfer tattoos.

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ITEM NO: 7

Officer Report: Town Clerk's Report

Witham Street Entertainment Festival

The Witham Street Entertainment Festival was well received in the town. Footfall was recorded as 16,098 on Saturday up from 8,441 the previous week, this peaked at 1.00pm.

Halloween Trail

The next WTC event is being held on Saturday 26th October 2024 10.00-3.30pm. We will require Members to hand out sweets along the route to children and their parents. If you can volunteer some time please make the Town Clerk or Events Coordinator aware.

Advice: To receive and note.

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ITEM NO: 8

Officer Report: Leave of Absence

Background

Two members of the council have requested a leave of absence due to personal circumstances. This report seeks council approval for these requests in accordance with the Local Government Act 1972.

Relevant Legislation

Section 85 of the Local Government Act 1972 states: "If a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority." This provision ensures that councillors remain actively engaged in council business. However, it also allows for the council to approve absences when there are valid reasons.

Requests for Leave of Absence

Councillor Sloma is currently unwell so it would be prudent to consider approving absence until the 3rd March 2025 meeting.

Councillor Hewitt has requested a leave of absence due to family affairs abroad. The request is until 30th January 2025.

Implications

- Legal Implications
Approving these leaves of absence will ensure that the councillors do not cease to be members of the authority under Section 85 of the Local Government Act 1972.
- Financial Implications
There are no direct financial implications arising from this report.
- Community Implications
While the councillors will be absent, their wards will continue to be represented by other ward councillors. The Council may wish to consider how to ensure continued effective representation for these wards during the periods of absence.

Conclusion

The approval of these leaves of absence will allow the councillors to deal with their personal circumstances without risking their positions on the council. It demonstrates the council's support for its members during challenging times while ensuring compliance with legal requirements.

Impact Assessment

The Town Council has a statutory duty to consider the effects of its decisions on biodiversity, and crime and disorder in the area. As the Council has also formed a Climate Change Working Group, this should also be considered –

- (a) Biodiversity – No impact
- (b) Crime and disorder – No impact.
- (c) Climate – No impact.

Advice:

To consider the reasons for requests for leave of absence and decide whether to grant them.

NS/24.09.2024

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Financial Risk Assessment

CONDUCTED BY THE FINANCIAL SCRUTINY PANEL

Interim Assessment / ~~End of Year Assessment~~

PANEL MEMBERS:

| | |
|------------|------------|
| Councillor | P.R Barlow |
| Councillor | B Fleet |
| Councillor | E Adelaja |

OFFICERS:

| | |
|----------|---------------------------------|
| N. Smith | (Responsible Financial Officer) |
| J. Reeve | (Finance Assistant) |

Panel date: 5th September 2024

The financial scrutiny panel was constituted by resolution to ensure a thorough and transparent process is in place to actively scrutinise the actions of officers who control the financial administration of Witham Town Council.

The panel exists to make recommendations to officers and suggest process changes and new processes where required, with any such recommendations being endorsed by the Policy & Resources Committee.

Summary of Recommendations:

Section 1: Budget Management

Section 2: Administration

Section 3: Policy & Internal Control

Section 4: Tenders

Section 5: Other Recommendations

FINANCIAL RISK ASSESSMENT

SECTION ONE: BUDGET MANAGEMENT

| Item | YES | NO | REC | Evidence: |
|--|-----|----|-----|---|
| 1. Have the Council's Financial Regulations been followed? | √ | | | Occasionally CC declined so Town Clerks personal card is used. Internal Payment process followed. |
| 2. Has each committee approved a draft budget and corresponding business plan for the current financial year? | √ | | | Last completed Sept 2023. To be completed again Sept 2024. |
| 3. Did the Estimates Sub-Committee make recommendations to Full Council on each budget ahead of setting the precept? | √ | | | |
| 4. Have the budgets set by Council been followed by the relevant committees? | √ | | | |
| 5. Has the Council followed due process in setting the annual precept? | √ | | | BDC now uses our model document. |
| 6. Has the Council kept within its respective committee budgets for the year to date? | √ | | | |
| 7. Has each committee received a budget report as part of its agenda papers? | √ | | | Using 2024-2025 |
| 8. Have regular reports on the financial status of the Council been made to the Policy and Resources Committee? | √ | | | Last P&R cancelled due to election. |
| 9. Has the Clerk sought approval from the Council for expenditure and emergency expenditure outside of the Scheme of Delegation? | √ | | | Latest was hire of toilets for Music Event due to original toilets not turning up. |
| 10. Have Members received recommendations on appropriate budget virements where required? | | √ | | Recommended as they come up however, all actioned at EOY. |
| 11. Are all earmarked reserves duly accounted for and up to date? | √ | | | Go to P&R |
| 12. Can officers provide the panel with an up to date analysis of the general reserves and balances of the Council? | √ | | | Go to P&R |

FINANCIAL RISK ASSESSMENT

SECTION TWO: ADMINISTRATION

| Item | YES | NO | REC | Evidence: |
|---|-----|----|-----|---|
| 1. Have officers complied with Financial Regulations in terms of general administration? | √ | | | Historical issues with gift vouchers however all rectified. |
| 2. Have accounting procedures been followed in accordance with the Account & Audit Regulations 2015? | √ | | | Demonstrated by internal/external audit report |
| 3. Was the Annual Governance & Accountability Statement (AGAR) completed as soon as practically possible and referred to Council? | √ | | | Already seen, no queries |
| 4. Have members considered a supporting set of accounts that correspond to the AGAR? | √ | | | Approved at Annual meeting |
| 5. Have arrangements been made for an end of year internal audit to take place? | √ | | | Scheduled for October 2024 |
| 6. Are adequate arrangements in place for the public inspection of documents including minutes and agenda papers? | √ | | | Advertised by the Town Council in July 24 |
| 7. Is the financial scrutiny panel meeting as planned? | √ | | | May change to another day to help allow all Financial Scrutiny Panel members can make it. |
| 8. Has the Policy & Resources Committee considered copies of receipts, payments and corresponding bank reconciliations? | √ | | | Evidenced |
| 9. Are reconciliation documents supported by a corresponding bank statement? | √ | | | Newly introduced. Evidenced |
| 10. Where used, have cheques received the correct number of signatures and all stubs countersigned? | √ | | | Evidence noted by FSP |
| 11. Have BACS schedules been duly signed by the current number of signatures and corresponding payments countersigned? | √ | | | Evidence noted by FSP |
| 12. Have three signatures been sought for all expenditure in excess of £4,000? | √ | | | Evidence noted by FSP |
| 13. Is the petty cash account balanced with all supporting paperwork present? | √ | | | Evidence noted by FSP |
| 14. Has the RFO/Assist RFO countersigned each petty cash receipt? | √ | | | Evidence noted by FSP |
| 15. Do all receipts booked have a corresponding invoice present? | √ | | | Evidence noted by FSP |
| 16. Have all invoices for payment been initialled by signatories? | √ | | | Evidence noted by FSP |

| Item | YES | NO | REC | Evidence: |
|--|-----|----|-----|--|
| 17. Are a range of signatories being used for all payments being made by the Council? | √ | | | 6 signatories, 1 replacement |
| 18. Has a mandate been sought by officers for any borrowing of funds including from the DMO (if applicable)? | | √ | | N/A |
| 19. Is the VAT control account in order and supported with a corresponding VAT file detailing return claims, dates of claims and items of expenditure being claimed for? | √ | | | Awaiting response from HMRC about register. No VAT claimed back due to awaiting register + historic VAT payback. |
| 20. Have all Direct Debit mandates been accounted for and duly signed by at least two signatories? | √ | | | Evidence noted by FSP |
| 21. Have all receipts payable to the Council been deposited on a best endeavour basis? | √ | | | |
| 22. Do all paying-in books correspond with receipts present in the cashbook? | √ | | | Evidence noted by FSP |
| 23. Have payments to staff to defray expenses incurred on behalf of the Council been made? | √ | | | Music on the Brain toilet hire |
| 24. Are credit card statements supported by corresponding VAT invoices and all credit card expenditure made in accordance with financial regulations? | √ | | | Evidence noted by FSP Fraud charges detected, action taken and refund accepted. |
| 25. Has the Council published a Privacy Notice which has been reviewed in the last twenty four months? | √ | | | P&R Committee 20.03.24. Lasts two years |
| 26. Does the Council possess a Data/Document retention policy and actively file, archive and dispose of data in accordance with that policy? | √ | | | P&R Committee 20.03.24. Lasts two years |

FINANCIAL RISK ASSESSMENT

SECTION THREE: POLICY & INTERNAL CONTROL

| Item | YES | NO | REC | Evidence: |
|--|-----|----|-----|---|
| 1. Has the Council reviewed its schedule of hire charges within the last twelve months? | √ | | | Ad hoc interim reviews carried out by Town Clerk |
| 2. Are all investments being managed in accordance with the Town Council's Treasury and Investment Management Policy? | √ | | | New CCLA account being opened |
| 3. Are all insurances schedules up to date and provide adequate cover for all services provided including fidelity guarantee insurance? | √ | | | Renewed June 2024, fidelity cover increased |
| 4. Is a current copy of Employer's Liability insurance present and in date? | √ | | | Evidence noted by FSP |
| 5. Can officers demonstrate that all vehicles have Vehicle Excise Duty, a current MOT paid and in date and up to date vehicle insurance? | √ | | | Evidence noted by FSP |
| 6. Is an up to date copy of the Council's registration with the Information Commissioners Office present and available for inspection? | √ | | | Evidence noted by FSP |
| 7. Have all internal payments (E.g Information Centre Payment Requests) been raised via an Internal Payment Request form? | √ | | | Evidence noted by FSP |
| 8. Examine the payments folders. Has each invoice been duly marked with an 'Approved for Payment' stamp and initialled by the approving officer? | √ | | | Evidence noted by FSP |
| 9. Have all invoices been conspicuously marked with a four digit nominal code? | √ | | | Evidence noted by FSP |
| 10. Can officers provide evidence that all BACS payments made in relation to salaries correspond to payroll schedules? | √ | | | Evidence noted by FSP |
| 11. Are all payments of sums due to HMRC correctly accounted for? | √ | | | Evidence noted by FSP |
| 12. Are all LGPS payments supported with a balancing PN11 return? | √ | | | Evidence noted by FSP |
| 13. Have all travel claims been duly marked with an 'Approved for Payment' stamp? Where parking or other expenses are claimed, are supporting tickets or receipts attached to the claim? | √ | | | Evidence noted by FSP |
| 14. Has a stock check been conducted for the Information Centre within the last twelve months? | √ | | | Mini check completed monthly. Full check completed annually |
| 15. Have the financial regulations been reviewed by the Council in the last twelve months? | √ | | | Annual meeting |

FINANCIAL RISK ASSESSMENT

SECTION FOUR: TENDERS

| Item | YES | NO | REC | Evidence: |
|---|-----|----|-----|---|
| 1. Have any tenders in excess of £25,000 been made within the last twelve months? | | √ | | |
| 2. Has capital expenditure made from the Earmarked Reserves been approved by the relevant committee? | √ | | | |
| 3. Have all sealed tenders been opened by an officer with a Member present and a record kept? | | √ | | N/A |
| 4. Are all contracts awarded supported with an appropriate order letter and basic contract terms? | | √ | | N/A |
| 5. Are officers capable of demonstrating that value for money is being sought for general expenditure and procurement? | √ | | | Regular comparisons carried out by Town Clerk and Finance Assistant |
| 6. Has there been any incidents of contract dispute in the last twelve months and a record of disputes and outcomes kept? | | √ | | N/A |

FINANCIAL RISK ASSESSMENT

SECTION FIVE: OTHER RECOMMENDATIONS

Approved by the Financial Scrutiny Panel: (Councillor) _____

Endorsed by the Responsible Financial Officer: _____

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