



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

## AGENDA

### WITHAM TOWN COUNCIL

Date: **Tuesday, 29<sup>th</sup> October 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/24.10.2024

#### **1. APOLOGIES FOR ABSENCE**

To receive and approve apologies for absence.

#### **2. MINUTES**

To receive the Minutes of the Meetings of Town Council held 30<sup>th</sup> 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 25<sup>th</sup> September to 23<sup>rd</sup> October 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. RISK REGISTER 2024/2025**

To receive and approve the Risk Register for 2024/2025 attached at page 6.

**9. SEXUAL HARASSMENT PREVENTION POLICY**

To consider and approve a Sexual Harassment Prevention Policy attached at page 14.

**10. POLICIES**

To agree amendments to the following policies –

(a) Dignity at Work – attached at page 16.

(b) Officer, Member Relations Policy – attached at page 22.

**11. ESSEX POLICE REPORT**

To receive a report attached at page 26.

**12. EASTLIGHT GROUND MAINTENANCE**

To receive a response from Eastlight regarding ground maintenance issues and to note that Chris Ward, Estate Safety Manager will be attending the Town Council Meeting in January 2025 attached at page 27.

**13. COMMITTEE REPORTS**

(a) **Planning and Transport Committee held 7<sup>th</sup> and 14<sup>th</sup> October 2024**

Minutes 121 to 148 (inclusive)

To receive a report of the Meetings.

(b) **Environment Committee held 14<sup>th</sup> October 2024**

Minutes 18 -36 (inclusive)

To receive a report of the Meeting.

**14. EXCLUSION OF THE PRESS AND PUBLIC**

At this point, the Chair will move the following resolution: Under the Public Bodies (Admissions to Meetings) Act 1960 S.1(2) and in accordance with Standing Order 3(d), the press and public should be excluded from the remainder of the meeting due to the confidential nature of the business to be transacted.

**15. LAND TRANSFER**

To receive a report attached at page 28.

**LIST OF MAYORAL ENGAGEMENTS**

**25<sup>th</sup> September to 23<sup>rd</sup> October 2024**

Agenda Item 6

**Wednesday, 25<sup>th</sup> September**

**KID'S INSPIRE DROP IN**

Attending a Kid's Inspire drop in session at Hargrove House.

**Thursday, 26<sup>th</sup> September**

**MALDON MAYOR DINNER**

Attended a dinner with the Mayor of Maldon, aboard barge 'Hydrogen'.

**Saturday, 5<sup>th</sup> October**

**HOME-START FUNDRAISER**

Attended the Home-Start fundraiser in the Maldon.

**Sunday, 6<sup>th</sup> October**

**HIGH SHERIFFS JUSTICE SERVICE**

Attended the High Sheriffs Justice Service procession leaving at Chelmsford Crown Court for the cathedral.

**Monday, 7<sup>th</sup> October**

**RBL VETERAN COFFEE MORNING**

Attended the launch of the RBL veteran coffee morning.

**Saturday, 19<sup>th</sup> October**

**MAYOR'S BARN DANCE**

Hosted a Barn dance at the Labour Hall.

[Back to Agenda](#)



ITEM NO: 7

**Officer Report: [Town Clerk's Report](#)**

**The following matters are for members to note:**

Remembrance Parade

The Remembrance Parade will leave from The Avenue at 2.30pm on Sunday 10<sup>th</sup> November 2024. Witham Town Councillors are invited to walk at the start of the parade.

Christmas Market and Light Switch On

The Christmas Market and Light Switch On will be held on 30<sup>th</sup> November 3.00-7.00pm. It is tradition that Councillors run a stall selling mulled wine, the proceeds of which go towards other events. Could Members please let the office know their availability as staff will not be able to help on the stall due to other operational requirements.

**Advice:**

To receive and note.

[Back to Agenda](#)

# Witham Town Council Risk Register: 2024/25

Subject	Risk	Responsibility	Management & controls	Review & action required	Impact & Likelihood once mitigated
<b>FINANCIAL</b>					
Precept & budget	Adequacy of precept	Councillors	To determine the precept amount required, WTC regularly receives budget update information. Precept setting follows a set process that moves through every committee and is approved by FTC in January.		Impact – 8 Likelihood – 3
	Requirements not submitted to BDC	Clerk	Submitted by the Clerk in writing to BDC following budget/precept approval and before end January.		Impact - 10 Likelihood – 1
Financial records & reporting	Inadequate records Financial irregularities	Clerk/councillors	Budget update, bank balances and breakdown of receipts and payments produced and approved at each P&R. The Council has Financial Regulations that set out the requirements. Financial Scrutiny Panel meet twice a year.	Review the Financial Regulations annually.	Impact – 8 Likelihood – 2
Insurance.	Insurance not in place Events not adequately covered	Clerk	Process payment for annual premium promptly.  Employers and Public liability insurance is a necessity.	Review insurance provision annually. Include % increase in budget;	Impact – 10 Likelihood – 2 Impact – 10 Likelihood – 2
	Cost increase		Out of Council's control	Obtain quotes at least every 3 years	Impact - 5 Likelihood – 8
Annual return.	Inaccurate or incomplete	Clerk	Clerk to attend training/ workshops as required. Annual Return is completed and submitted to the internal auditor for completion and signing. Utilise RBS for Accounting package output	Book RBS for online assistance with annual return.	Impact – 7 Likelihood – 3
	Submit within time limits	Clerk/councillors	Meeting held to approve accounts in time for sending to Auditors	Review dates on receipt of audit pack	Impact-7- Likelihood – 2

# Witham Town Council Risk Register: 2024/25

Banking	Fraud Incorrect payments & bank mistakes	Clerk  Clerk Clerk	Two/three signatories required for payments depending on amount.  Clerk reconciles bank statements monthly. The Council has Financial Regulations which set out the requirements for banking, cheques and reconciliation of accounts.	Review bank mandate annually at Annual Meeting and after a vacancy arises  Council review reconciliations Monthly Review the Financial Regulations annually.	Impact – 8 Likelihood – 2
Best value for works	Work awarded incorrectly	Councillors	The Council has Financial Regulations which set out the requirements and values for contracting works. Project budgets to be closely monitored	Review Financial Regulations annually	Impact – 6 Likelihood – 2
Accountability	Overspend on services	Clerk Councillors	Clerk to provide regular agenda items for budget /spend review for each committee	Budget review on regular basis	Impact - 7 Likelihood – 4
Election costs	Risk of an election cost	Clerk	Town elections every four years; next in 2027.	Include sufficient reserves in budget for each election year	Impact --6 Likelihood – 8
General Data Protection Regulations	Risk of financial loss for compliance failures or damages claimed by data subjects.	Clerk	Data & Document Retention Policy Staff provided with adequate training Named Data Controller	Reviewed every two years	Impact -9- Likelihood – 2
<b>Council Management</b>					
Councillors	Roles performed inadequately	Councillors	Councillors provided with adequate training, reference materials and access to assistance. Membership of Association of Local Council or relevant alternative.	Review annually and on filling a vacancy	Impact – 6 Likelihood – 6
	Conflict of interest	Councillors	Declaring of interests will remain on each agenda.	Annual renewal	Impact – 8 Likelihood – 6

# Witham Town Council Risk Register: 2024/25

	Failure to attract candidates for councillor vacancies	Councillors  Councillors	Registers of Members Interest to be maintained and reviewed regularly by Councillors.  Actively publicise Council activities & vacancies on noticeboard, newspapers & websites; seek candidates amongst friends & neighbours	Members take responsibility to update their Register.	Impact - 10 Likelihood – 4
Powers	Illegal activity or payments	Councillors	Witham Town Council are using the General Power of Competence, this is Power of First resort, and will be assumed as the power utilised for all resolutions, unless another Power is specifically stated.	Council to resolve at every Annual Meeting that they qualify to use the General Power of Competence	Impact - 10 Likelihood – 1
Meetings & process	Failure to achieve quorum at meetings	Councillors Clerk	Attend all meetings Issue meeting agenda promptly	Standing Orders reviewed annually and provided to all councillors on election	Impact – 10 Likelihood – 7
	Business conduct	Councillors/Chairman	Business conducted at Council meetings should be managed by the Chairman according to Standing Orders. Members to adhere to Code of Conduct.		Impact – 10 Likelihood – 4
	Council decisions not implemented	Councillors/Clerk	Chairman should be provided with training & guidance. Review minutes for confirmation of action, Clerk report at full meetings.		Impact – 10 Likelihood – 2
	Lack of public participation	Councillors/Clerk	Ensure meetings are publicised on noticeboards & website. Publish agenda and minutes on website. Communicate verbally with residents. Ensure public participation on all agendas & seating available		Impact -2- Likelihood – 9
Statutory documents - Minutes/ Agendas/	Notices Accuracy and legality	Clerk	Minutes and agenda are produced in the prescribed method by the Clerk and adhere to the legal requirements.		Impact – 10 Likelihood – 2
		Councillors/Chairman	Minutes are approved and signed at the next Council meeting.		



## Witham Town Council Risk Register: 2024/25

		Clerk	Minutes and agenda are published according to the Publication Scheme.	Review Publication Scheme annually	
Employees	Role performed inadequately	Councillors/clerk	Clerk & all employees have job descriptions and Contract of Employment. They are provided with adequate training, reference materials and access to assistance.	Annual review of conditions of employment .	Impact – 10 Likelihood – 4
	Salaries & expenses incorrectly paid	Clerk	Salaries are outsourced and paid via BACS. Cross check of scheduled payments made between officers.  Expenses (following NALC guidelines where relevant) claimed on regular basis & presented with receipts to Council.		Impact -9- Likelihood – 2
<b>PHYSICAL EQUIPMENT/ Outside AREAS</b>					
Assets	Damage/ injury to third party	Councillors	Public liability insurance held.	Insurance cover & asset register reviewed annually	Impact – 8 Likelihood – 4
	Damage to assets	Councillors	Annual programme of inspection. Maintenance/ repair/ replacement requirements identified and brought to attention of the Clerk. Repairs made in accordance with Financial Regulations and updated where necessary on Asset Register.		Impact – 7 Likelihood – 4
Meeting location	Adequacy, Health & Safety risk	Councillors	Meetings held in Town Hall. Open access for public and lift available for use. Other areas halls available for hire in town if larger numbers expected.	Assess numbers expected and move to larger premises if required.	Impact – 7 Likelihood – 2
Council records	Loss of paper records through	Clerk	Town records (semi-historic & current) stored in Parish offices.	Send historical records (minute books etc) to Essex archive at appropriate juncture.	Impact – 9 Likelihood – 5

## Witham Town Council Risk Register: 2024/25

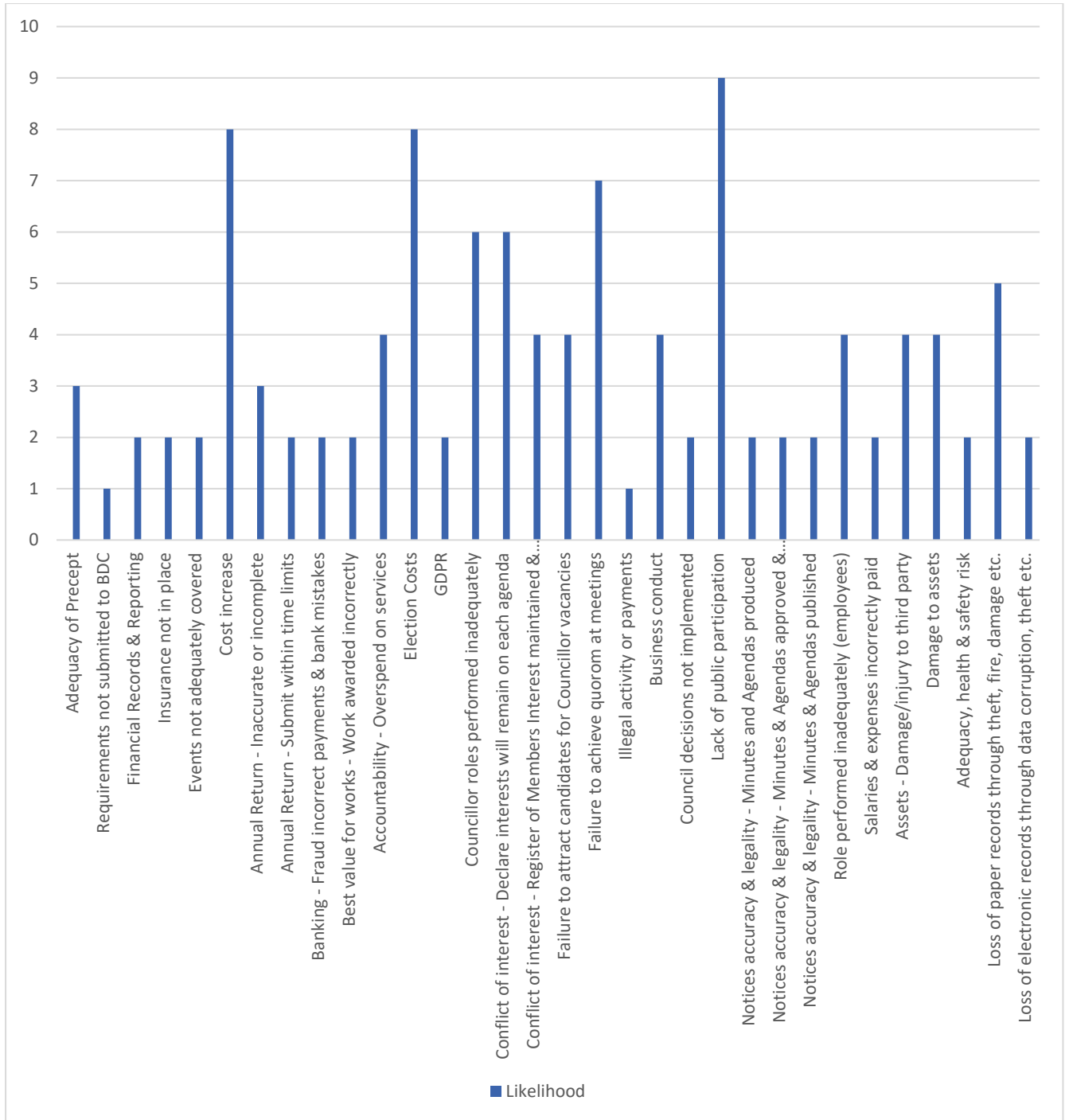
	theft, fire damage, etc				
	Loss of electronic records through data corruption, theft etc.	Clerk	Records stored on an Internal, encrypted Cloud Device. Device is locked to the Clerk's password only, and backed up internal in RAID 1 config, plus USB backup weekly, but enabling localised networking for all computers. USB backup held offsite		Impact – 9 Likelihood – 2

**Scores for likelihood** - 1-10

Very unlikely 1 Very likely 10

**Scores for impact** – 1-10

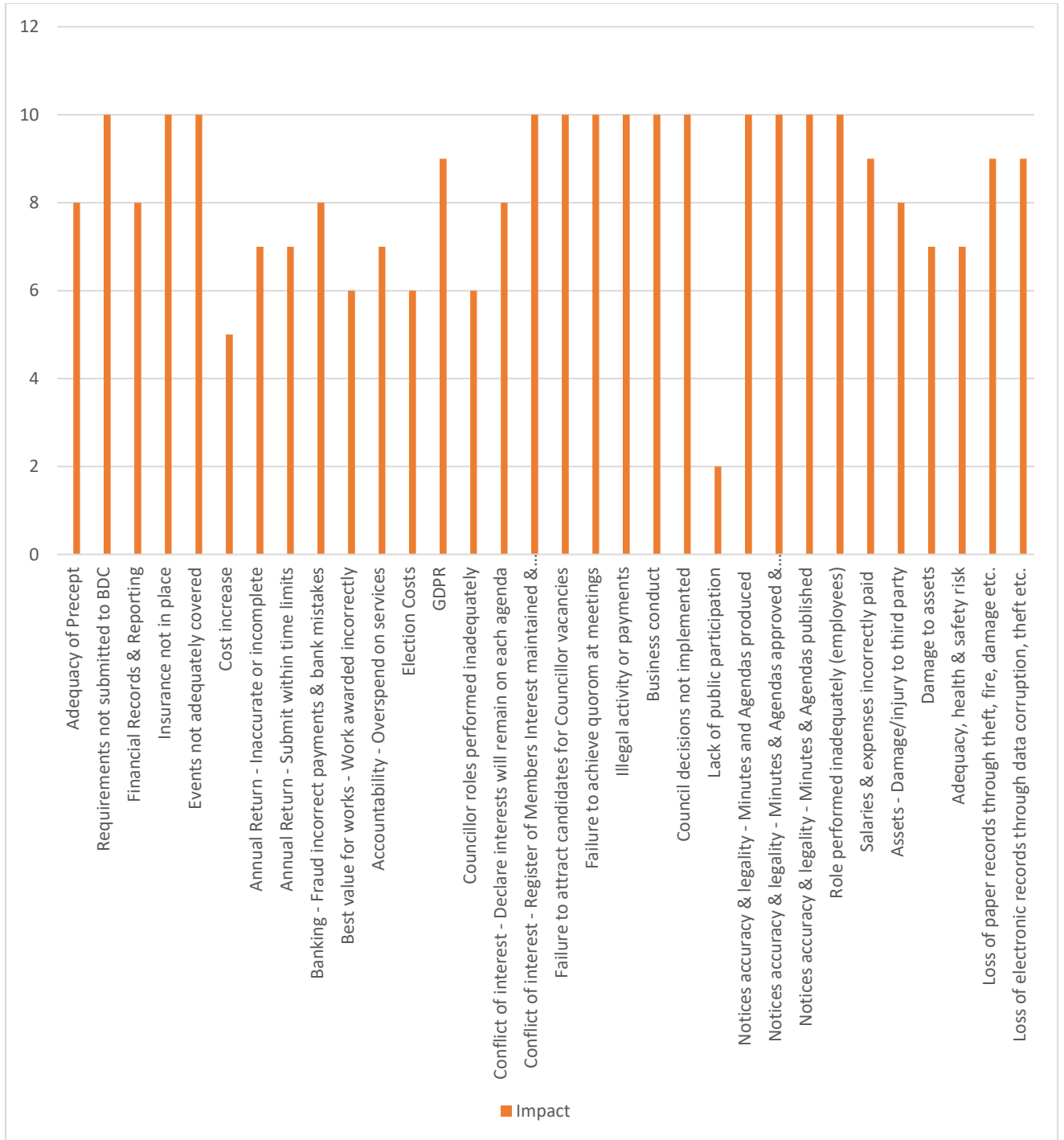
Low impact 1 High impact 10



**Scores**

1 – Very unlikely

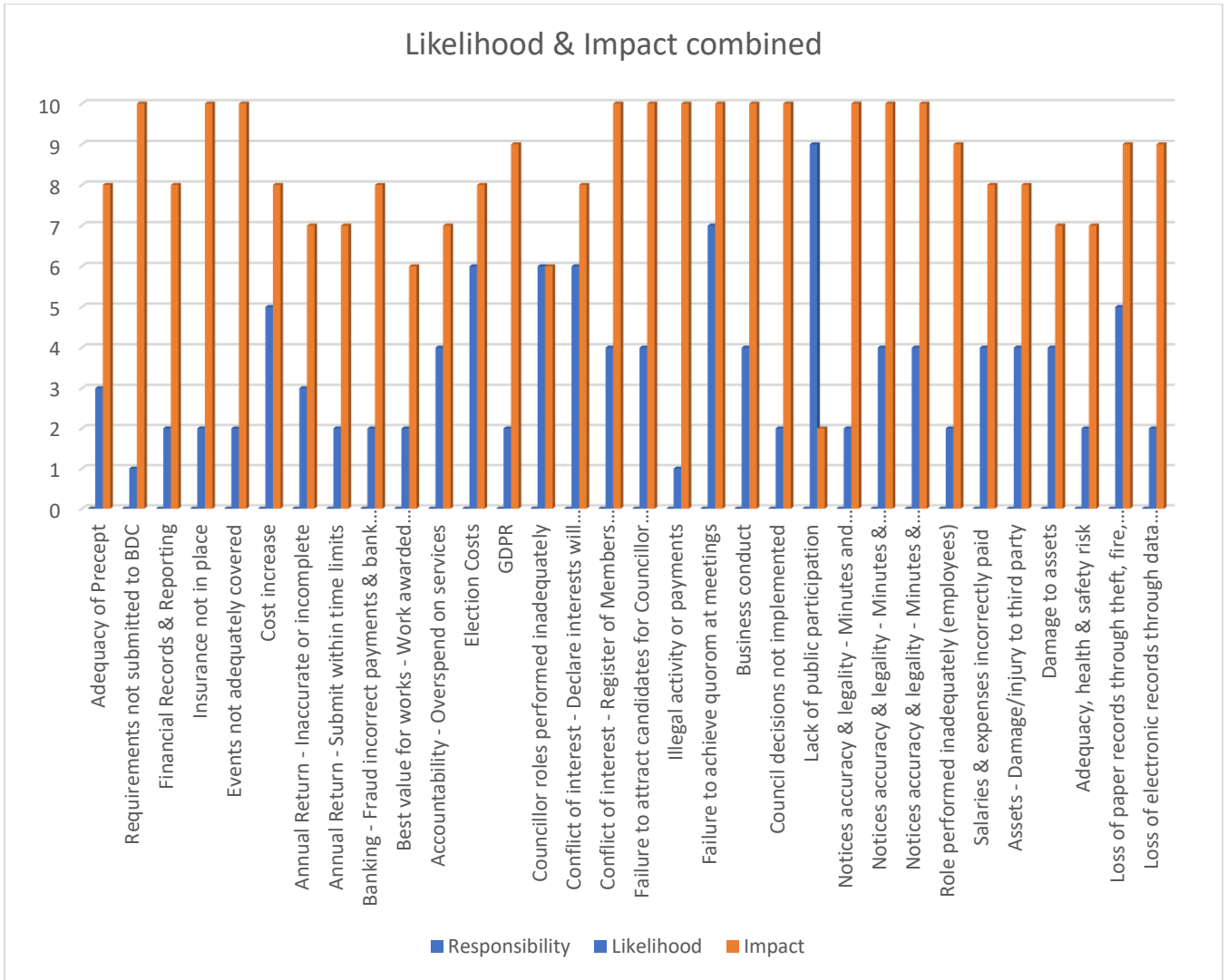
10 – Very likely



**Scores**

1 – Low Impact

10 – High Impact



Back to Agenda



## Witham Town Council: Sexual Harassment Prevention Policy

### Policy Overview

This policy is designed to prevent sexual harassment in the workplace and to provide a framework for addressing incidents if they occur. Witham Town Council is committed to providing a safe, respectful, and inclusive work environment for all employees, councillors, contractors, and visitors.

### Scope

This policy applies to all employees, councillors, contractors, and anyone else engaged with Witham Town Council, regardless of their position or status. It covers conduct in the workplace, at work-related events, and in any work-related communications.

### Definition of Sexual Harassment

As per the Equality Act 2010, sexual harassment is defined as unwanted conduct of a sexual nature which has the purpose or effect of:

Violating someone's dignity, or

Creating an intimidating, hostile, degrading, humiliating or offensive environment for them

This can be from someone of the same or a different sex.

### Examples of Sexual Harassment

Sexual harassment can take various forms, including but not limited to:

- Unwelcome sexual advances or touching
- Requests for sexual favours
- Displaying sexually explicit materials
- Sending sexually suggestive emails or messages
- Making sexual comments or jokes
- Intrusive questions about a person's private life or body
- Unwelcome comments about a person's appearance
- Spreading sexual rumours about a person

### Prevention Measures

In line with the Worker Protection (Amendment of Equality Act 2010) Act 2023, Witham Town Council will take reasonable steps to prevent sexual harassment of its workers. These steps include:

- Providing training on sexual harassment prevention for all staff and councillors
- Displaying information about the council's zero-tolerance approach to sexual harassment
- Ensuring all employees understand the complaints procedure
- Regularly reviewing and updating this policy



- Fostering a culture of respect and dignity in the workplace

## Reporting Procedure

Any employee who experiences or witnesses sexual harassment should report it immediately to the Town Clerk, or if this is not appropriate, the Chair of Staffing.

All reports will be taken seriously and investigated promptly, thoroughly, and confidentially.

The rights of both the complainant and the accused will be respected throughout the process.

Retaliation against anyone who reports sexual harassment or participates in an investigation is strictly prohibited.

## Investigation Process

Upon receiving a complaint, the Town Clerk (or designated person) will initiate an investigation.

Both the complainant and the accused will be interviewed separately.

Any witnesses will be interviewed.

All interviews and findings will be documented.

Confidentiality will be maintained to the extent possible.

## Consequences

If sexual harassment is found to have occurred, appropriate disciplinary action will be taken, up to and including termination of employment or Code of Conduct complaints for Councillors.

## Support for Affected Individuals

The council will provide support to individuals affected by sexual harassment, which may include counselling or other appropriate services.

## False Accusations

While the council encourages reporting of genuine concerns, knowingly making a false accusation of sexual harassment will be treated as a serious disciplinary matter.

## Review

This policy will be reviewed annually to ensure it remains up-to-date and effective. By implementing this policy, Witham Town Council affirms its commitment to creating a workplace free from sexual harassment and to complying with all relevant legislation, including the Equality Act 2010 and the Worker Protection (Amendment of Equality Act 2010) Act 2023.

[Back to Agenda](#)



Agenda Item 10(a)

## 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 us in the course of our work, are treated with dignity, respect and consideration. We aim to create a workplace where there is zero tolerance for harassment and bullying*

### Scope

This policy covers bullying and harassment of and by clerks/chief 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 this 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.

**This policy also applies to council members in their dealings with staff and other council members. Any complaints about council members will be dealt with under the Code of Conduct for members and the council's adopted procedures for handling such complaints.**

### 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 we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g., physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We 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.

We expect you to demonstrate respect 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 we will assume 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/ the council 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. We all have 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.~~

**Informal approach: Anyone who feels they are being bullied or harassed should try to resolve the problem informally in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour that their conduct is unacceptable, offensive or causing discomfort.**



Formal approach: Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Town Clerk or Chair of Staffing Committee if more appropriate.

Alternative routes: Employees may also wish to get confidential advice from their trade union representative or the ACAS helpline. Employees may also contact the Equality Advisory Support Service for advice.

### **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.



The council should also consider whether there is a need to separate the alleged perpetrator and the complainant in the workplace during the investigation, taking into account the nature of the allegations and the potential impact on both parties.

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. You should ensure that the grievance policy adopted adheres to any local policies and procedures, with consideration of any timescales and escalation routes in your locally adopted policy.

### **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 (clerk/chief 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.

**WTC/50**

**Approved at Full Town Council 29.09.2022  
(minute 101)**

**Reviewed: Full Town Council 30.10.2024**

**Review Date: October 2025**

[Back to Agenda](#)



Agenda Item 10(b)

## Witham Town Council: Member/Officer Relations Policy

*This protocol is intended to assist Councillors and employees in approaching some of the sensitive circumstances which 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.
- **Clear guidelines on information that is considered confidential or personal between them and officers;**
- **Access to a formal complaint procedure if there is an unresolved dispute between them and an Officer;**
- **Adequate resources to be provided by the Council to enable Officers to effectively carry out their duties.**

## 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.
- **Recognition of and respect for the role of Officers in providing professional advice, even when it does not accord with the views of the Councillor(s)**

## 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, and must pay heed to existing protocol that states that Members should communicate with Members, and Officers should communicate with Officers.

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.

**Members and Officers should be aware of the potential for conflicts of interest and should declare any personal relationships that might affect their professional roles.**





### **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.

### **WTC/51**

**Approved at Full Town Council 29.09.2022 (minute 102)**

**Reviewed: Full Town Council 29.10.2024**

**To be Reviewed: October 2025**

[Back to Agenda](#)



ITEM NO: 11

**Officer Report: Essex Police Report****The following matters are for members to note:**Essex Police Business Unit

The Town Clerk, Street Warden and S/Sgt Jesse met with PC Mike Lee from Essex Police Business Crime Unit to discuss the issue of shoplifting within Witham. The issue of non-reporting was discussed alongside how businesses could help to protect themselves. PC Lee also suggested the use of a Street Link Radio which is being successfully used in other towns such as Braintree and Colchester. PC Lee, S/Sgt Jesse and our Street Warden then went for a walk around Witham and spoke directly to the shops and businesses about the issues they were facing.

Braintree Police

Correspondence has been sent to both the District Commander and CPT Inspector regarding ASB in Witham. Unfortunately the number of incidents being reported on social media do not match the incidents reported to the police so resources are allocated accordingly. Members of the public are to be reminded about the importance of reporting every incident no matter how insignificant.

The police are dealing with multiple anti-social behaviour caused by groups of children after school, continuing into the evening. Two arrests have been made after an incident in The Grove Centre and the police are providing a greater presence in the town on the run up to Halloween where there has historically been issues.

**Advice:**

To receive and note.

Agenda Item 12

*I want to begin by acknowledging the significant challenges we've faced this year regarding grounds maintenance. I understand the frustration and disappointment that residents have felt, and I apologise for the service falling short of our expectations.*

*Following a competitive tender process, we awarded a new contract earlier this year. While there were early good signs, it then became evident with the changing of the season that the contractor was struggling to meet standards in terms of consistency, quality, and overall performance.*

*To address these issues, we implemented a series of measures, including:*

- ***Regular meetings:*** *We held twice-weekly meetings to monitor the contractor's performance and identify areas for improvement.*
- ***Recovery plan:*** *We requested a detailed recovery plan from the contractor to outline their strategies for addressing the issues.*
- ***Ranger team support:*** *We provided support from our Ranger Team to assist with grass cutting at high-risk sites.*

*Unfortunately, despite these efforts, the contractor's performance continued to decline. We were left with no choice but to terminate the contract and bring in a new provider with a proven track record.*

*The recovery process has been challenging due to the growing conditions and the neglect that our areas suffered under the previous contractor.*

*However, we're pleased to report that our new contractor is making significant progress.*

*While there's still work to be done, particularly regarding shrub and hedge pruning, we're confident that we're on the right track.*

*Our goal is to deliver a significantly improved service for our residents moving forward.*

*I'm committed to working closely with the Town Council, residents, and our new contractor to ensure that our grounds are well-maintained and meet the high standards we all expect.*

**Chris Ward**

Estate Safety Manager

Eastlight Community Homes Limited

[Back to Agenda](#)