



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

## AGENDA

### WITHAM TOWN COUNCIL

Date: **Monday, 30<sup>th</sup> October 2023** 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:

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

Nikki Smith  
Town Clerk

NS/GK/25.10.2023

**1. APOLOGIES FOR ABSENCE**

To receive and approve apologies for absence.

**2. MINUTES**

To receive the Minutes of the Meeting of Town Council held 2<sup>nd</sup> October 2023 (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 22nd October 2023 attached at page 4.

**7. TOWN CLERK'S REPORT**

To receive the Town Clerk's report on matters arising.

**8. INTERIM INTERNAL AUDIT**

To receive the Town Council's Interim Internal Audit Report for the financial year 2023/2024 attached at page 5.

**9. DIGNITY AT WORK**

To receive and review the Dignity at Work policy attached at page 11.

**10. MEMBER/OFFICER RELATIONSHIPS**

To receive and review the Member/Officer Relationships at work policy attached at page 16.

**11. WHETMEAD NATURE RESERVE**

To receive an update regarding the Whetmead Nature Reserve in relation to the widening of the A12 and to consider possible improvements.

**12. COMMITTEE REPORTS**

- (a) **Planning and Transport Committee held 2<sup>nd</sup> and 16<sup>th</sup> October 2023**  
Minutes 109 to 130 (inclusive)

To receive a report of the Meetings.

(b) **Environment Committee Meeting held 16<sup>th</sup> October 2023**  
Minutes 18 – 31 (inclusive)

To receive a report of the Meeting.

**13. 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.

**14. LAND TRANSFER**

To receive a report

**15. FUNDING**

To receive a report



## **LIST OF MAYOR'S ENGAGEMENTS BETWEEN SEPTEMBER 25<sup>th</sup> TO OCTOBER 22<sup>ND</sup> 2023**

### **High Sheriff of Essex Justice Service, Sunday 8th October 2023**

Attended the High Sheriff of Essex Justice Service at the Chelmsford Cathedral.

### **Great Dunmow's Last Night of the Proms, Saturday 14th October 2023**

Attended Great Dunmow's Last Night of the Proms at Foakes Hall.

### **Braintree District Council Volunteer and Active Braintree Awards, Thursday 19th October 2023**

Attended the Braintree District Council Volunteer and Active Braintree Awards.

### **Witham Carnival Presentation Evening, Saturday 21<sup>st</sup> October 2023**

Attended the Witham Carnival Presentation evening.

### **The Mayor of Witham's Civic Service and Awards, Sunday 22<sup>nd</sup> October 2023**

Held a Civic Service and Civic award ceremony at the Witham United Reformed Church.

## **LIST OF ENGAGEMENTS ATTENDED BY THE LEADER OF THE COUNCIL ON BEHALF OF THE MAYOR**

### **Essex Army Cadets Force Awards Presentation, Saturday 14th October 2023**

Attended the Essex Army Cadets Force Awards Presentation at the Anglia Ruskin University in Chelmsford.

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# HEELIS & LODGE

## Local Council Services • Internal Audit

### **Interim Internal Audit Report for Witham Town Council – 2023/2024**

The following Internal Audit was carried out on the adequacy of systems of control in accordance with the requirements of the Audit and Accounts Regulations 2015 and the guidance and instruction in the Practitioners Guide 2023. The following recommendations/comments have been made:

**Proper book-keeping** Cash Book, regular reconciliation of books and bank statements. Supporting vouchers, invoices and receipts

*All were found to be in order. LGA1972 s137 is not used as the Council use the General Power of Competence. VAT payments are tracked and identified within the accounts. The cashbook is referenced and supporting paperwork is in place and well referenced. The Council use the RBS Omega software which provides comprehensive reports and a clear audit trail.*

**Financial regulations** Standing Orders and Financial Regulations  
Tenders  
Appropriate payment controls including acting within the legal framework with reference to council minutes  
Identifying VAT payments and reclamation  
Cheque books, paying in books and other relevant documents

Standing Orders in place: Yes  
Reviewed: 15/5/2023 (Ref: 18)  
Financial Regulations in place: Yes  
Reviewed: 5/9/2023 (Ref: 90) and 15/5/2023 (Ref: 19)

VAT reclaimed during the year: Yes Registered: No

*It is noted that the Council are currently reviewing their VAT status and may be registering for VAT in the 2023-2024 financial year.*

General Power of Competence: Yes Reaffirmed: 15/5/2023 (Ref: 22)

Code of Conduct adopted: 15/5/2023 (Ref: 20)

*There was one tender during the year that exceeded the £25,000 Public Contract Regulations threshold for a CCTV system. The tender process was followed and the tender advertised on the Contract Finders Website in accordance with the Regulations.*

*The Council adopted a Co-option Policy at a meeting held on 12/6/2023 (Ref: 41).*

*The Council reviewed its committee structure and approved the Scheme of Delegation at the annual meeting held on 15/5/2023 (Ref: 11 & 12).*

*The Council reviewed the Treasury & Investment Policy at the annual meeting held on 15/5/2023 (Ref: 26).*

*The following policies were reviewed at a meeting held on 26/6/2023 (Ref: 6):*

- *Attendance Policy*
- *Health & Safety Policy*
- *Biodiversity Policy*
- *Crime & Disorder Policy*
- *Social Media Policy for Members and Officers*

## **Risk Assessment**

Appropriate procedures in place for the activities of the council  
Compliance with Data Protection regulations

Risk Assessment document in place: Yes  
Data Protection registration: Yes (Ref: Z6922290)

### **Data Protection**

*The General Data Protection Regulations have changed and the new Regulations came into force on 25 May 2018. It is likely that this will affect the way in which the Council handles its data. Due to the financial risk associated with the General Data Protection Regulations, the Council have included this in their Risk Assessment.*

Privacy Policy published: Yes

*Insurance was in place for the year of audit. Insurance is in place for the Council's agricultural vehicles. The Financial Risk Assessment was reviewed at a meeting held on 18/9/2023 (Ref: 23).*

*The Council have effective internal financial controls in place. The Clerk provides financial reports to council meetings. Councillors are provided with information to enable them to make informed decisions.*

*Bank signatories were reviewed and approved at the annual meeting held on 15/5/2023 (Ref: 21).*

*The Council run a community voucher scheme to support local shops. Effective internal controls are in place for reimbursement and monitoring.*

*Effective internal controls are in place for BACS payments. BACS schedules are referenced, signed and supporting invoices countersigned.*

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*An internal Financial Risk Assessment has been conducted by the Financial Scrutiny Panel on 8/9/2023 covering the following areas:*

- *Budget Management*
- *Administration*
- *Policy and Internal Control*
- *Tenders*

***Recommendation:*** *Due to the financial risk associated with the General Data Protection Regulations, the Council have included this in their Financial Risk Assessment. It is recommended that this is also included in the Risk Register.*

Fidelity Cover: £894,000

*The level of Fidelity cover is just below the recommended guidelines of year end balances plus 50% of the precept.*

## Transparency

Under the **Transparency code for smaller authorities**, smaller councils with income/expenditure under £25,000 should publish on their website from 1 April 2015:

Smaller Council: No

Website: <https://www.witham.gov.uk/>

*The Council is not subject to the requirements of the Transparency Code for smaller Councils. The Transparency Code for Councils with a turnover exceeding £200,000 is not covered as part of the Internal Audit.*

Under **The Accounts & Audit Regulations 2015 15** councils must publish on their website:

External audit report

*2023 Annual Return, Section One Published – Yes*

*2023 Annual Return, Section Two Published – Yes*

*2023 Annual Return, Section Three Published – Yes*

Under **The Accounts & Audit Regulations** councils must publish on their website:

Notice of period for the exercise of public rights

*Published – Yes*

Period of Exercise of Public Rights

Start Date **14/6/2023**

End Date **25/7/2023**

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Under the requirements of the **Accounts and Audit Regulations 2015 13(2b)** council are required to display AGARs for the five years 2018-19, 2019-20, 2020-21, 2021-22 and 2022-23 on their website.

*The Council have met the publication requirements.*

**Budgetary controls**  
supporting documents

Verifying the budgetary process with reference to council minutes and

Precept: £797,941 (2023-2024) Date: 23/1/2023 (Ref: 170)

*Effective budgetary procedures are in place. The precept was agreed in full council and the precept decision and amount has been clearly minuted. The Clerk ensures the council are aware of responsibilities, commitments, forward planning and the need for adequate reserves. Budget papers are prepared to ensure councillors have sufficient information to make informed decisions. Budgets are monitored during the year.*

**Income controls**

Precept and other income, including credit control mechanisms

*All were found to be in order. Income controls were checked alongside a sample of income received and banked.*

**Petty Cash**

Associated books and established system in place

*A satisfactory petty cash system is in place with supporting paperwork. A sample of receipts were examined from April 2023 to September 2023 and cross referenced with vouchers and the cash book. Regular reconciliations are undertaken.*

**Payroll controls**

PAYE and NIC in place where necessary.  
Compliance with Inland Revenue procedures  
Records relating to contracts of employment

PAYE System in place: Yes  
Employer's Reference: 245/WW723

*The Council continue to operate RTI in accordance with HMRC regulations. Payroll is outsourced. All supporting paperwork is in place and a P60 has been produced as part of the year end process. Eligible employees have joined the nominated pension scheme.*

*Audit trails were carried out on a sample for each month for the period April 2023 to September 2023 and all was found to be in order. Timesheets are completed and overtime claim forms are in place when required.*

**Recommendation:** *It is noted that the payments made to event volunteers may be classed as taxable income. It is recommended that advice is sought to clarify the situation.*

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<b>Asset control</b>	<p>Inspection of asset register and checks on existence of assets Cross checking on insurance cover</p> <p><i>A separate asset register is in place with a review undertaken on 15/5/2023 (Ref: 23). A further examination will take place at the year end audit.</i></p>																				
<b>Bank Reconciliation</b>	<p>Regularly completed and cash books reconcile with bank statements</p> <p><i>All were in order. Bank Reconciliations are carried out regularly. The bank statements reconciled with the end of year accounts and bank reconciliations for all accounts.</i></p> <p><i>Bank Balances were confirmed as:</i></p> <table border="0" style="margin-left: 40px;"> <tr> <td><i>Lloyds Business</i></td> <td><i>xxxx2286</i></td> <td><i>£22,019.80</i></td> <td><i>(26/9/2023)</i></td> </tr> <tr> <td><i>Lloyds Deposit</i></td> <td><i>WITHAMCOUN</i></td> <td><i>£378,792.68</i></td> <td><i>(29/9/2023)</i></td> </tr> <tr> <td><i>Unity Trust</i></td> <td><i>xxxx4430</i></td> <td><i>£51,246.09</i></td> <td><i>(1/9/2023)</i></td> </tr> <tr> <td><i>Unity Trust</i></td> <td><i>xxxx5851</i></td> <td><i>£263,722.71</i></td> <td><i>(30/9/2023)</i></td> </tr> <tr> <td><i>Petty Cash</i></td> <td></td> <td><i>£3.52</i></td> <td><i>(31/8/2023)</i></td> </tr> </table>	<i>Lloyds Business</i>	<i>xxxx2286</i>	<i>£22,019.80</i>	<i>(26/9/2023)</i>	<i>Lloyds Deposit</i>	<i>WITHAMCOUN</i>	<i>£378,792.68</i>	<i>(29/9/2023)</i>	<i>Unity Trust</i>	<i>xxxx4430</i>	<i>£51,246.09</i>	<i>(1/9/2023)</i>	<i>Unity Trust</i>	<i>xxxx5851</i>	<i>£263,722.71</i>	<i>(30/9/2023)</i>	<i>Petty Cash</i>		<i>£3.52</i>	<i>(31/8/2023)</i>
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<b>Reserves</b>	<p>General Reserves are reasonable for the activities of the Council Earmarked Reserves are identified</p> <p><i>The Council have adequate general reserves and identified earmarked reserves which are monitored .</i></p>																				
<b>Year-end procedures</b>	<p>Appropriate accounting procedures are used and can be followed through from working papers to final documents Verifying sample payments and income Checking creditors and debtors where appropriate.</p> <p><i>To be covered at the year end audit.</i></p>																				
<b>Sole Trustee</b>	<p>The Council has met its responsibilities as a trustee</p> <p><i>The Council is not a sole trustee.</i></p>																				
<b>Internal Audit Procedures</b>	<p><i>The year end 2023 Internal Audit report was considered by the Council at a meeting held on 12/6/2023 (Ref: 36).</i></p> <p><i>Heelis &amp; Lodge were appointed as Internal Auditor at a meeting held on 15/5/2023 (Ref: 24).</i></p>																				
<b>External Audit</b>	<p><i>The Council formally approved the 2023 AGAR at a meeting of the full Council held on 12/6/2023 (Ref: 38 &amp; 39).</i></p>																				

*The External Auditor's report was considered at a meeting held on 2/10/2023 (Ref: 110).*

*There were no matters arising from the External Audit.*

**Additional Comments/Recommendations**

- The Annual Town Council meeting was held on 15/5/2023. The first item of business was the Election of Mayor, in accordance with Standing Orders.
- There are no additional comments/recommendations to make in relation to this audit.
- I would like to record my appreciation to the Clerk to the Council for her assistance during the course of the audit work and the quality of documentation presented for the audit.



**Heather Heelis**  
**Heelis & Lodge**  
17 October 2023

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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 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.

### **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.

### **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. 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 to 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 30.10.2023**

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## 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 Councillors 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, 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.

### **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 30.10.2023**

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