



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

AGENDA

WITHAM TOWN COUNCIL

Date: **Tuesday, 5th September 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

SS/GK/30.8.2023

1. APOLOGIES FOR ABSENCE

To receive and approve apologies for absence.

2. MINUTES

To receive the Minutes of the Meeting of Town Council held 7th August 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 note that the Town Mayor has not attended any engagements attended for period 3rd to 30th August 2023.

7. TOWN CLERK'S REPORT

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

8. ALLOTMENTS AND COMMUNITY ORCHARDS

To receive the following recommendation from the Community Committee –

That Allotments and Community Orchards should come under the remit of the Environment Committee.

9. SECTION 106 STEERING GROUP

To review the membership of the Section 106 Steering Group and to appoint an additional member.

10. COUNCILLOR SURGERIES

To receive a motion regarding Councillor Surgeries attached at page 4

11. FINANCIAL REGULATIONS

To receive proposals for amendments to the current Financial Regulations attached at page 5

12. FINANCE SCRUTINY PANEL

To consider the membership of the Finance Scrutiny Panel and to appoint an alternative member.

13. COMMITTEE REPORTS

(a) **Planning and Transport Committee held 7th and 21st August 2023**

Minutes 66 to 87 (inclusive)

To receive a report of the Meetings.

(b) **Community Committee held 21st August 2023**

Minutes 22 to 37 (inclusive)

To receive a report of the Meeting.

14. 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.

15. COMMITTEE REPORT – CONTINUED

Community Committee held 21st August 2023

Minutes 38 to 40 (inclusive)

16. LAND TRANSFER

To receive a report attached at page 7

17. FUNDING

To receive a report attached at page 8



ITEM NO: 10

Councillor: Councillor Billy Taylor

Ward: North Ward

Title: Councillor Surgeries

Motion: To introduce Councillor Surgeries at the Town Hall

Supporting Information: As a council we need to make ourselves more available to residents who need advice and support. Although we hold pop up stalls it would also be of benefit to hold monthly surgeries where residents can come and seek advice and support from councillors.

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ITEM 11

Financial Regulation Summary Recommendations:

1. At 11d) add-

Waivers should only be used where at least one of the following circumstances applies:

- i. with an organisation already engaged by the Council for a similar and related procurement and where there is significant benefit to extending the contract to cover this additional requirement, without exposing the Council to unacceptable risk;
 - ii. involving cases of genuine, unforeseen urgency, where it is not possible to operate a competitive procedure;
 - iii. for the purchase of a work of art or museum specimen, to meet the specific requirements of an artistic, cultural, or performing arts event, or otherwise for the protection of exclusive rights which cannot be procured competitively due to the nature of the requirement;
 - iv. in relation to time-limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this;
 - v. where relevant UK or EU legislation not otherwise referred to in these regulations prevents the usual procurement process from being followed.
- 2) Replace 11e with- Invitations to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
 - 3) Add 11f) Invitations to tender shall make clear whether tenders are to be assessed on the basis of lowest price, or a balance of price and quality and, in the latter case, the weightings applied to each of these criteria.
 - 4) Add 11g) All sealed tenders shall be opened at the same time on the prescribed date by the Town Clerk (or their Deputy) in the presence of at least one member of council. Tenders submitted via email should be left unopened until the prescribed date and opened at the same time as hard copies.
 - 5) Add 11h) If no tenders are received, or if all of the tenders received are non-compliant, the council may, at its discretion, make such arrangements as it sees fit, with a competent supplier, to meet the requirements of the contract.
 - 6) Add 11i) Any invitation to tender issued under this regulation shall be subject to Standing Order 18, Financial controls and Procurement.
 - 7) Add 11j) The council shall not be obliged to accept the lowest or any tender, quote or estimate.
 - 8) Add 11k) Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a

later tender, estimate or quote who was present when the original decision making process was being undertaken.

- 9) Add 11l) The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 shall apply and the terms of the Public Contracts Regulations 2015 and the including thresholds shall be followed.
- 10) Add 11m) Where openly advertising a contract opportunity by any other means, such as appropriate newspapers, the council will also ensure an appropriate advertisement is placed on the Contracts Finder website
- 11) Add 11n) The award of any contract worth more than £25,000 shall be publicised by a notice on Contracts Finder or equivalent. This includes contracts which have not been subject to prior advertising.

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