



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

AGENDA
Zoom Meeting ID 588 266 3052
Password 456412

Meeting of: **Town Council**

Date: **Monday, 3rd August 2020** Time: **7.00 p.m.**

Place: **Town Hall, 61 Newland Street, Witham.**

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	Mrs	S.C.	Lager	(Town Mayor)
			R.P.	Ramage	(Deputy Town Mayor)
		Mrs	S.	Ager	
			K.L.	Atwill	
			P.R.	Barlow	
			J.C.	Bayford	
			J.C.	Goodman	
			S.E.	Hicks	
		Miss	C.	Jay	
		Mrs	A.	Kilmartin	
			M.C.M.	Lager	
			C.S.	Livermore	
			T.A.	Pleasance	
			P.M.	Ryland	
		Miss	M.L.	Weeks	
			R.	Williams	

1. APOLOGIES

To receive apologies for absence.

2. MINUTES

To receive the Minutes of the Meeting of the Town Council held 6th July 2020 (previously circulated).

3. INTERESTS

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

4. QUESTIONS AND STATEMENTS FROM THE PUBLIC

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

5. ESSEX COUNTY AND BRAINTREE DISTRICT COUNCIL UPDATE

To receive reports from Essex County and Braintree District Councillors on matters relating to Witham ([attached](#) at page 4).

6. TOWN CLERK'S REPORT

To receive a verbal report from the Town Clerk regarding matters arising.

7. COVID – 19 GOVERNANCE OVERVIEW

To receive and review the current Covid – 19 Governance Overview ([attached](#) at page 6).

8. DELEGATED DECISIONS

To receive the delegated decisions from 6th to 24th July 2020 ([attached](#) at page 8).

9. REVIEW OF COUNCIL'S FINANCIAL POSITION

To receive a report and figures ([attached](#) at page 9).

10. ACCOUNTABILITY AND SCRUTINY OF OFFICERS

To receive a report ([attached](#) at page 12).

11. FINANCIAL REPORTING

To debate a recommendation by the Leader of the Council for additional information to be contained in the Budget Sheets for each Committee (budget details [attached](#) at page 13).

12. NITROUS OXIDE USE

To receive a reply from the MP, Priti Patel ([attached](#) at page 15)(Minute 141 refers).

13. NEIGHBOURHOOD PLAN

(a) To receive the Neighbourhood Plan Notes from the Meeting held 7th July 2020 ([attached](#) at page 17).

(b) To establish a Neighbourhood Plan Steering Group with the following Terms of Reference:

Purpose:

to support the community of Witham in the preparation of a Neighbourhood Plan ("NP") as a Supplementary Planning Document within the Braintree District Local Plan;

Outcome: a Neighbourhood Plan confirmed by referendum and adopted by the Local Planning Authority;

Process:

- 1. establish a Steering Group membership representative of the community of Witham;*
- 2. develop a project plan to deliver the outcome on time and within budget;*
- 3. oversee the preparation of the NP, providing advice and support as required;*
- 4. provide regular progress reports to the Council.*

Note that the Steering Group does not have the power to approve or commit Council expenditure, this being within the delegation to the Town Clerk.

The Council may wish to determine that no more than 5 councillors should serve, one of whom should chair the Steering Group.

(c) To appoint Members to serve on the Neighbourhood Plan Steering Group.



James Sheehy
Town Clerk

JS/GK/28
28.7.2020

Agenda Item 5

Report by Cllr Derrick Louis, Essex County Council Member for Witham Southern

Essex Libraries

- A further 44 libraries across Essex reopened in mid-July, following the 16 Libraries which have already reopened. The final 14 libraries are also being reviewed and, where it is safe and possible, plans are in place for them to open by the end of July
- The Essex Library Service has also recently launched a new mobile app, called *Iguana*. The new app allows you to search the catalogue, renew items, scan books with an in-app ISBN barcode scanner, and manage your account wherever you are. You can also view library opening times and location information, linking directly to Google Maps.
- Essex County Council has joined **The Libraries Consortium** (TLC), the UK's largest library consortium made up of 18 other library authorities.
- By joining the consortium, Essex residents will have access to over 6 million items of stock via the shared TLC library catalogue, including books, e-books, e-magazines and audio books. This will be in addition to the current 1.9 million titles Essex Libraries already has available.
- For more information on opening times, and new developments at Essex Libraries please visit: <https://libraries.essex.gov.uk> , or go to your device app store and search for 'Iguana Library' (available on Android and iOS).

Support to Working Families

- Working Essex families are set to benefit from a new range of support from the County Council. One of the key schemes launched last week is the Summer Holiday Clubs programme which will see around £240,000 of investment to offer families in Essex 21,600 free activity camp sessions during the 6 week summer holiday.
- Sessions will be inclusive and will provide opportunities for young people with disabilities as well. The holiday activity clubs, developed by ECC and Active Essex, aim to encourage children, to be physically active and socially connected while supporting parents who are seeking to return to work over the coming weeks, by providing some safe and localised childcare options.
- A new [Facebook page](#) for working parents has also been launched which will act as a fountain of information, guidance and support.

COVID -19

- Essex County Council released a report on its response to COVID-19 which was debated at the Full Council I attended on Tuesday 14th July. The link to the report is at: <https://cmis.essex.gov.uk/es-sexcmis5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRB-coShgo=3TL4dOQzMUz2yizl%2f8lkpxl8GgnfVVu5oymDB9A2ydKN00%2bLVCplag%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNlh225F5QMa-QWCtPHwdhUfCZ%2fLUQzGA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFFxsDGW9IXnlg%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bA-JvYtyA%3d%3d=ctNJff55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdUR-QburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJff55vVA%3d&WGew-moAfeNR9xqBuxOr1Q8Za60lavYmz=ctNJff55vVA%3d&WGew-moAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJff55vVA%3d>

- Public services across Greater Essex, (Essex, Southend and Thurrock) have set up a task group to respond to the disproportionate impact of COVID-19 on people from Black, Asian and minority ethnic (BAME) backgrounds.
- Its first output is a [five-point coronavirus safety guidance for people from Black, Asian and minority ethnic backgrounds](#).
- The task group of councils, health and emergency services, set up by Essex Resilience Forum and supported by Essex County Council, is working with BAME employee networks and faith and community organisations to identify and address local concerns and action that can be taken to reduce disparities in risks and outcomes.
- ECC's local outbreak plan outlines how they will deliver the Test and Trace service and also approaches to managing any future outbreaks. <https://www.essex.gov.uk/local-outbreak-control-plan>

Local Highways Panel

- The Maldon Road j/w Blue Mills Hill signal timings trial has concluded and following consultation with both myself and Witham Town Council has been deemed successful.
- I supported the request for a box junction to be installed next to Lawn Chase and this should be completed by the end of the financial year.
- Following a request from a local resident, I have submitted a request for speed reduction measures on Blunts Hall Road to Dancing Dicks Farm.
- The next LHP is on Thursday 17th September although at this time all schemes are on hold as Highways' Officers assigned to delivering schemes for the Panels were now working on COVID-19 recovery measures.
- Work is also not currently taking place on the validation of proposed schemes and speed and volume surveys are not being carried out as restrictions associated with COVID-19 mean that current traffic levels were not truly representative of normal traffic flows.

A12 Widening

- I have been invited to attend the upcoming Highways England (HE) A12 Members' forum on Wednesday 19th August. The purpose of this forum is to provide an update on the A12 scheme, including work that has taken place to date. HE will also discuss their plans for the preferred route announcement for junction 23 to 25.

Blackwater Rail Trail

- Having sort the agreement from the Cabinet Member to receive a Business Case from the Town Council, I am pleased to see that this has now been submitted.

A12 Bridge Delays due to Highways England Traffic Lights

- Having previously raised this with the Highways Cabinet Member I am concerned that there appears to be no improvement. I have raised this again with him and have requested a Highways Surgery slot with him to discuss its impact on traffic leaving Witham London bound.

If any Cllr requires help or advice, please don't hesitate to contact me on 07967 830277 or cllr.Derrick.Louis@essex.gov.uk

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Agenda Item 7



Covid-19: Emergency Provisions for Governance

Summary of emergency changes to Standing Orders & Financial Regulations including delegation of powers to officers, consultation requirement with Members and restrictions to general working practices.

These provisions will be in place from approval by the Council on Wednesday 25th March 2020 until week commencing Monday 3rd August 2020.

Drafted: 23rd March 2020

For: 3rd August 2020 (Full Council)

To be reviewed at two monthly interviews by Town Council

Summary Provisions



STANDING ORDERS:

MEETINGS (GENERALLY)

- Meetings will no longer be conducted in person at the Town Hall with all but Town Council meetings postponed.
- Town Council meetings will be held monthly via Zoom.
- The Proper Officer is delegated authority to make all and any decisions necessary to discharge the Council's business, save for where such authority cannot be delegated under statute.
- Any action taken under delegated powers will be recorded in a register of Officer's Decisions to be considered by the Council.
- The Proper Officer is required to create 'agendas' of business for Community, Environment and Policy and Resources Committees to discuss proposed actions for delegated decisions at an informal Zoom meeting.
- In the case of Planning Applications and Transport Committee an 'agenda' of business is created for the Chairman prior to making decisions, save for where that decision is an emergency.

ACCOUNTS AND ACCOUNTING STATEMENTS

- Under Item 17c, Statements are now seen by the Policy & Resources Committee and will be signed at the first normal meeting after the expiration of these emergency provisions.

FINANCIAL REGULATIONS:

PAYMENT OF ACCOUNTS

- Payments made by BACS as per schedules will no longer be signed in person by those present at a meeting. BACS schedules should be emailed to all signatories for express approval by the required number of signatories as advised in each individual payment batch. BACS schedules will be supported with all available corresponding bills and invoices where possible.
- Full details of all payments made under the Emergency Provisions will be reported at the informal meetings of Policy & Resources.

GENERAL PROVISIONS:

- The Town Clerk is delegated authority to implement all and any necessary steps as advised or imposed by HM Government in relation to the Covid-19 (Coronavirus)
- The Town Hall will be shut to all public enquiries, visits and appointments for the duration of these emergency provisions with the exception of the Information Centre.
- The Town Hall is open to Members subject to prior appointment.
- All correspondence will be sent via email, with hard copy Agendas posted to Members as and when necessary.
- Staffing levels are now back to normal but there is now an accepted practice of some working-from-home but this may vary if required by the necessity of Covid-19 restrictions for the duration of these emergency provisions.

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Agenda Item 8

PLANNING COMMITTEE	6.7.2020	20/00949/FUL - Rex Mott Court Guitahvon Street - No objection
PLANNING COMMITTEE	6.7.2020	20/00154/TPOCON - The Manor House, 53 - 55 Chipping Hill - No objection subject to the advice of the District Council's Landscape Officer and a replacement tree being planted.
PLANNING COMMITTEE	6.7.2020	20/00155/TPOCON - 2 Old Waterworks Cottage, Newland Street - Recommend refusal on the grounds that the proposed works are excessive and the option of pruning or pollarding has not been explored.
PLANNING COMMITTEE	6.7.2020	20/00850/HH - The Old Vicarage, Chipping Hill - No objection subject to the BDC Planning Officer being content with the choice of bricks
PLANNING COMMITTEE	6.7.2020	20/00143/TPO - 62 Cressing Road Witham - No objection subject to the advice of the District Council's Tree Officer
PLANNING COMMITTEE	6.7.2020	20/00160/TPOCON - 8 Old Magistrates, Court - No objection subject to the advice of the District Council's Landscape Officer
PLANNING COMMITTEE	6.7.2020	20/00148/TPOCON - Holly Trees Nursery, Newland Street - Recommend Refusal on the grounds that reductions by four and six metres is excessive and unnecessary, and that reducing the tree by two metres should be sufficient and subject to the advice of the District Council's Landscape Officer
PLANNING COMMITTEE	6.7.2020	20/00717/LBC - AKA Restaurant, 47 Newland Street - recommend no object subject to the advice of the Historic Buildings Officer with regard to the trough lighting in accordance with RLP 108 and RLP109
PLANNING COMMITTEE	6.7.2020	20/00863/FUL - Grove House, Newland Street - no objection subject to the Planning Officer being satisfied that any noise levels will not increase
PLANNING COMMITTEE	6.7.2020	20/00172/TPOCON - Land behind Flat 5 Bridge Court, Bridge Street recommend refusal as the work is unjustified and would be detrimental to the health of the trees with the exception of the branch touching the roof being cut back and the advice of the District Council's Landscape Officer
PLANNING COMMITTEE	6.7.2020	20/00369/LBC - Timbers Moat Farm Chase - recommend refusal on the grounds of the Listed Buildings Officer's advice and await further information.
ENVIRONMENT COMMITTEE	20.7.2020	It was agreed to identify budget lines where spare money could be better utilised elsewhere.
ENVIRONMENT COMMITTEE	20.7.2020	It was agreed that Members check their own Wards for possible tasks that could be completed under the devolution scheme.
ENVIRONMENT COMMITTEE	20.7.2020	It was agreed that Councillor S.E. Hicks be appointed as the new Chairman of the Open Spaces Management Sub-Committee.
ENVIRONMENT COMMITTEE	20.7.2020	It was agreed that a sum of £3,000 be taken from earmarked reserves to employ a qualified surveyor to advise on the proposed work to the pathways/cycleways on the River Walk.
ENVIRONMENT COMMITTEE	20.7.2020	It was agreed that promotional videos would be a good idea and Officers would pursue the suggestion.
ENVIRONMENT COMMITTEE	20.7.2020	It was agreed that the Town Clerk would issue a press release on this project.
ENVIRONMENT COMMITTEE	20.7.2020	It was agreed that a letter should be written to Braintree District Council supporting the Heart of Witham's petition to preserve the railings be heard at Full Council and that a press release be issued.
PLANNING COMMITTEE	24.7.2020	20/00968/HH (58 Market Lane) - No objection
PLANNING COMMITTEE	24.7.2020	20/00657/ADV (137 Newland Street) - No objection subject to the advice of the Historic Buildings Officer in relation to the lighting
PLANNING COMMITTEE	24.7.2020	20/00995 - 1 Claudius Way - No objection
PLANNING COMMITTEE	24.7.2020	20/01005/FUL - Waterside Business Park - No objection

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ITEM NO: 9

Officer Report: Review of the Financial Position of the Council

This report should be read in conjunction with the Council's balance sheet and historic tax base document included with agenda papers.

Member's attention is drawn to the tax-base projection for early consideration ahead of the budget setting process. In light of the significant economic changes caused by the global pandemic, the Council should consider the potential scope for tax-base reduction from a greater number of households potentially claiming council tax relief and support.

Included in the tax-base projection is a calculation that has been weighted against the lowest historic precept on record, demonstrating that in a "worst case scenario" the Town Council could be faced with a deficit of over £80,000 if no precept increase was sought. Provision exists to supplement the next financial year's income via the reserves however; reserves have historically dwindled and may soon decrease below what can be considered acceptable in terms of financial risk.

The purpose of this report is to notify the Council as early as possible of impending financial change in order to give as much time as possible to consider all options open

Advice:

To receive and note.

28/07/2020
09:54

Witham Town Council Current Year
Detailed Balance Sheet - Excluding Stock Movement
Month 3 Date 01/06/2020

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<u>A/c</u>	<u>Description</u>	<u>Actual</u>	
<i>Current Assets</i>			
105	VAT Control Account	24,183	
110	Prepayments	3,531	
120	Stock	9,443	
200	Current Bank Account	17,505	
220	Mayor's Fund	776	
230	Fixed Term Deposit	221,563	
240	Petty Cash	32	
250	Unity Trust Account	259,720	
	Total Current Assets		536,753
<i>Current Liabilities</i>			
540	Mayors Appeal	7,316	
	Total Current Liabilities		7,316
	Net Current Assets		529,437
	Total Assets less Current Liabilities		529,437
<i>Represented by :-</i>			
300	Current Year Fund	127,267	
310	General Reserves	243,022	
321	EMR- Community Day	567	
322	EMR - Information Centre	8,278	
325	EMR - Riverwalk Cycleways	40,000	
330	EMR - Puppet Festival	2,172	
333	EMR - Community Safety /CCTV	20,000	
335	EMR - Highways Devolution	13,420	
336	EMR - Acquisitions	5,000	
340	EMR - Land Improvement	20,000	
346	EMR - Equipment Replacement	15,000	
356	EMR - Town Hall Development	27,511	
360	EMR - Election Expenses	4,000	
361	EMR - Members Allowance	3,200	
	Total Equity		529,437

<i>Figure 1: Historic Precept & Taxbase Figures</i>				
Year	Precept Requested	Tax Base	Band D Rate	
2011/12	£448,840.00	8505.60	£52.77	
2012/13	£449,900.00	8526.02	£52.77	
2013/14	£388,826.00	7368.32	£52.77	
2014/15	£392,845.00	7444.49	£52.77	
2015/16	£402,239.00	7622.50	£52.77	
2016/17	£422,556.00	7825.15	£54.00	
2017/18	£455,232.00	8028.78	£56.70	
2018/19	£500,776.00	8116.32	£61.70	
2019/20	£557,278.00	8231.58	£67.70	
2020/21	£624,473.00	8472.90	£73.70	
<i>Figure 2: Tax base Reduction Projection & Corresponding Band D for preservation of precept level)</i>				
2021/22	£543,021.00	7368.00	£73.70	0% increase
2021/22	£624,473.00	7368.00	£84.75	13% increase
<i>This projection assumes a tax base reduction to the historic low of 7368; in the event the tax base reduces to this level without a precept alteration, a deficit of £81,452 would be presented in financial year 2021/2022.</i>				

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Officer Report: Accountability and Scrutiny of Officers

- It has been suggested by the Leader of the Council that further steps should be taken to ensure that the scrutiny and accountability of officers and their decision making is effective.
- Members will note that the Town Council established the 'Finance Scrutiny Panel' in order to extend beyond the statutory basics for accountability in finance and this system has so far proved to be very effective at making robust recommendations and performing granular analysis of accounts procedures.
- Members may now wish to explore the scope and benefits of a wider Overview & Scrutiny committee to extend to the Council's business plans and long term strategy; such a body would create a forum for criticism and exploration of officer decisions and allow member led reports on the effectiveness of officer decisions to be made to Full Council.
- Members should also consider the effectiveness of existing scrutiny mechanisms within the committee structure including frequency of clerk's reports and availability of information, contactable nature of officers and whether or not a culture of porous information sharing already exists and how the nature of a scrutiny panel would operate against the annual appraisal process presided over by the Staffing & Accommodation Sub-Committee.

Advice:

It is a reserved matter for the Council to decide whether additional scrutiny is required of officers, specifically managers and whether 'value added' from such a body within a Town Council is justifiable.

Officers have raised no objection during internal discussions to the establishment of such an Overview & Scrutiny body, if it is felt appropriate by Members.

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Agenda Item 11

Budget Estimates for Year 2015-2016		To 31st March 2017					
Committee / Accounts Cost Head	Budget: 2016-2017		To date 31.10.16		Anticipated 31.3.17		
	Exp	Inc	Exp	Inc	Exp	Inc	
Central Services / Administration							
Salaries , Tax , National Insurance -Office	139,300		68,449		130,000		
Pensions	26,000		13,987		26,000		
Town Hall	30,000		18,187		30,000		
Gas	3,200		908		3,200		
Electric ty	3,400		1,512		3,400		
Repairs and Renewals	2,000		632		2,000		
Travel Expenses	600		63		600		
Photocopying	2,000		1,347		2,000		
Postage	2,000		954		2,000		
Stationery	1,600		921		1,600		
Office Equipment	3,800		2,345		3,800		
Website	2,000		720		1,800		
Telephone / fax	3,000		1,719		3,000		
Insurance	11,000		6,929		10,000		
Sundry receipts		3,000		0		2,500	
Sundry expenses	3,000		1,070		3,000		
Audit & Legal	3,000		1,536		3,000		
Affiliaticn Fees	3,000		2,718		3,000		
Members -Conferences and Training	1,200		1,055		1,200		
Staff -Conferences and Training	1,200		460		800		
Car Park Licence		9,500		4,322		8,920	
Payroll charges	600		293		600		
Petty cash	600		400		600		
Total Admin	242,500	12,500	126,205	4,322	231,600	11,420	
Proportioned across Committees							
Community Committee (40%)	97,000	5,000	50,482	1,729	92,640	4,568	
Environment Committee (40%)	97,000	5,000	50,482	1,729	92,640	4,568	
Policy and Resources Committee (20%)	48,500	2,500	25,241	864	46,320	2,284	

15/06/2020

Witham Town Council Current Year

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Detailed Income & Expenditure by Budget Heading 30/04/2020

Month No: 1

Cost Centre Report

	Actual Current Mth	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
100 Administration								
1100 Sundry Receipts	375	375	500	125			75.0%	
1110 Car Park Licence	0	0	8,780	8,780	8,783		100.0%	
2002 Admin-P & R Income 20%	0	0	0	0	1,500		0.0%	
Administration :- Income	375	375	9,280	8,905			4.0%	0
4100 I.T	126	126	2,800	2,674		2,674	4.5%	
4101 Charges	0	0	500	500		500	0.0%	
4105 Admin- LGPS	3,540	3,540	33,000	29,460		29,460	10.7%	
4106 NIL	0	0	0	0	1,500	(1,500)	0.0%	
4115 Travel Expenses	0	0	600	600		600	0.0%	
4120 Town Hall	5,581	5,581	31,000	25,419		25,419	18.0%	4,367
4121 Gas	92	92	3,500	3,408		3,408	2.6%	
4122 Electricity	1,154	1,154	3,700	2,546		2,546	31.2%	
4130 Photocopying	207	207	2,500	2,293		2,293	8.3%	
4135 Postage	47	47	900	853		853	5.2%	
4140 Stationery	(196)	(196)	1,500	1,696		1,696	(13.1%)	
4145 Admin Team PAYE	12,329	12,329	159,990	147,661		147,661	7.7%	
4150 Office Equipment	0	0	3,500	3,500		3,500	0.0%	
4160 Telephone/Fax	0	0	4,200	4,200		4,200	0.0%	
4165 Insurance	0	0	8,500	8,500		8,500	0.0%	
4170 Sundry Expenses	710	710	1,500	790		790	47.3%	
4175 Audit & Legal	240	240	10,000	9,760		9,760	2.4%	
4180 Affiliation Fees	2,014	2,014	2,800	786		786	71.9%	
4185 Members -Conferencing/Training	0	0	1,800	1,800		1,800	0.0%	
4190 Staff -Conferencing/Training	0	0	3,900	3,900		3,900	0.0%	
4195 Payroll Charges	0	0	700	700		700	0.0%	
4200 Petty Cash	27	27	670	644		644	4.0%	
Administration :- Indirect Expenditure	25,869	25,869	277,560	251,691	1,500	250,191	9.9%	4,367
Net Income over Expenditure	(25,494)	(25,494)	(268,280)	(242,786)				
7000 plus Transfer from EMR	4,367	4,367						
Movement to/(from) Gen Reserve	(21,127)	(21,127)						
300 Community								
1300 Information Sales Income	0	0	75,000	75,000			0.0%	
1310 Puppet Festival Income	0	0	5,000	5,000			0.0%	
1320 New Events Income	0	0	500	500			0.0%	
1321 Community Day	0	0	450	450			0.0%	
Community :- Income	0	0	80,950	80,950			0.0%	0

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Agenda Item 12



THE RT. HON. PRITI PATEL MP
WITHAM

HOUSE OF COMMONS
LONDON SW1A 0AA

Tel: 020 7219 3528
E-mail: withampp@parliament.uk
Website: www.pritipatelmp.com

Mr James Sheehy
Town Clerk
Witham Town Council
61 Newland Street
Witham
Essex CM8 2FE

Our Ref: ZA61037

24 July 2020

Dear Mr Sheehy,

Thank you for your letter regarding the misuse of nitrous oxide in Witham.

The growing misuse of nitrous oxide locally is deeply alarming and I share your concerns about the health and wellbeing of young people in our community and the environmental impact of nitrous oxide cannisters littering our public spaces.

Nitrous oxide is a psychoactive substance and is subject to the provisions of the Psychoactive Substances Act 2016. Under the Act, it is an offence to produce, supply, offer to supply, possess with intent to supply, import and export a psychoactive substance, subject to certain exemptions, and offenders may be subject to a maximum sentence of seven years imprisonment, an unlimited fine, or both. The Government currently has no plans in place to change the law to make the possession of nitrous oxide for personal use an offence, however please be assured that as Home Secretary, I am committed to tackling illicit drug use and protecting our communities from anti-social behaviour.

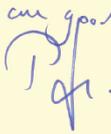
The Anti-Social Behaviour Crime and Policing Act 2014 introduced powers, such as Public Space Protection Orders, which the police and local authorities can use to prevent people from taking intoxicating substances in specific public spaces. I have raised concerns about the misuse of nitrous oxide in Witham directly with Essex Police and Braintree District Council to ask what urgent steps they are taking to prevent the reckless misuse of this substance in our community. I have also urged Braintree District Council to prioritise the removal and disposal of nitrous oxide cannisters and other litter to keep our public spaces clean and safe for the community.

I am enclosing a response I have received from Inspector Colin Cox at Essex Police about this issue for your reference. Inspector Cox has confirmed that Essex Police has increased its high visibility patrols in areas where this activity has been taking place. In addition to this, officers are engaging with youngsters found in these areas even if they are not participating in the activity at the time and they have also written to parents to inform them of the health risks associated with the use of nitrous oxide cannisters.

Putting the Witham Constituency, Essex and Britain first.

Thank you for taking the time to write to me about this important matter and please do not hesitate to contact me again if I can be of any further assistance.

Yours sincerely,

with our good wishes,


Rt Hon Priti Patel
Member of Parliament for Witham

Response from Policing Team

Dear Ma'am

I have been passed your correspondence regarding the increased use of nitrous oxide locally within Witham. The Community Policing Team are fully aware of these reported incidents and this issue is not just localised to Witham, but across various Districts and Nationwide.

Most reporting from residents is historic and this is due to the discovery discarded cannisters and littering. Simple possession of nitrous oxide is not illegal, however supplying for 'recreational purposes' is covered under the 2016 Psychoactive Substances Act. The challenge being faced by the Community Policing Team is that cannisters are easily obtainable via various online sources such as amazon who legally sell for lawful purposes, these cannisters are also fairly inexpensive (Box of 30 cannisters for £13).

In response to local concerns we have increased our high visibility patrols in areas where this activity has been taking place. We are engaging with youngsters found in these areas even if not participating in the activity at the time, we are also writing to parents to inform them of the health risks associated with the use of these cannisters.

This has also been raised through the Braintree Community Safety Partnership with our other statutory partners as an area of concern due to the increased use and associated health risks. We have also utilised our social media pages highlight the potential risks which has been shared 99 times.

Education is key and whilst among many it is seen as harmless fun, there is always a tragic story that can be linked to its use.

Kind regards

Colin

Inspector 70692 Cox
Braintree & Uttlesford Community Policing Team
Braintree Police Station

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Notes of a Zoom Meeting held 7th July 2020 with Jan Stobart to discuss a proposed Neighbourhood Plan.

Present: Councillors: J.C. Goodman (Chairman), Mrs S. Ager, K.L. Atwill, P.R. Barlow, Mrs A. Kilmartin, Miss C. Jay, M.C.M. Lager and Mrs S.C. Lager.

RCCE: Mrs J. Stobart

Officers: J. Sheehy, Mrs G. Kennedy, Miss N. Smith

Mrs Stobart gave a brief outline of the Neighbourhood Plan (NP) process and went through the different stages of the plan as detailed on her presentation (attached). She explained that it is a community led plan which becomes a planning policy document and carries the same weight at the District Council's Local Development Plan.

Set the period of the plan – Ask the question what do you want the town to look like by the end of the NP period? Aligning the NP period would be simpler and less expensive. (The Town Plan runs to 2037 – the eventual LDP will run to 2033).

Planning Objective – What policies would the town wish to be put in place? Site specific, infrastructure projects, etc.

The Plan has to align with the LDP. If a site has been allocated in the LDP then the NP can only influence infrastructure, style etc.

It will be necessary to employ a Planning Consultant at some stage.

She stressed that the Town Council is a qualifying body and the recognised area is within the Witham boundary. An application had already been made to BDC to begin a NP.

An independent examination will be required. 51% of those residents who vote will need to be in favour.

Community Engagement is key. She emphasised the need to ensure that there are no campaigns to vote against the NP and if necessary any contentious part of the plan should be omitted rather than risk the plan failing.

Mrs Stobart said it would be a long process but the advantages would be to designate (and therefore protect) areas as open space. Specific assets can be protected. The NP will add another layer of detail to the LDP. Local needs such as housing, employment and leisure can be addressed. Design codes specifying what a development would need to look like can be included. There will also be some protection against speculative development providing BDC has a three year supply of housing.

A NP can be used to specify how development money is used and a higher level of CIL (Community Infrastructure Levy) be obtained.

Mrs Stobart then detailed the finances¹ which would be available –

- £28,000 per Neighbourhood Area
- £10,000 from additional housing needs.

¹ Exact funding amounts to be confirmed by the Local Planning Authority.

This money can be used towards the Planning Consultant who will look at technical issues.

BDC is required to assist and Alan Masow's team will be very supportive particularly at drafting stage and formal comment. BDC pays Mrs Stobart's salary, will provide maps and the RCCE will assist through network councils, regular meetings, etc.

In answer to a question concerning finances, Mrs Stobart explained that this would depend on exactly what the Town Council wished to do. A landscape gathering assessment would cost in the region of £8,500 which would be essential in protecting landscape. The grants would cover the initial year before the need to precept for additional resources.

Members discussed how best to proceed. The NP is a community led exercise and the Town Council would give support and some membership. Support from residents would be required from the outset. The importance of a strong governance link was stressed whilst keeping freedom and autonomy. Financial decisions would need to be taken by the Town Council. A decision would be needed how best to steer the creation of a NP without mission creep. Contact could be made with other towns and villages such as Coggeshall and Hatfield Peverel for advice. Representatives from the Witham and Countryside Society, the Heart of Witham Group plus Residents Associations could be used. Members stressed the importance of not omitting individuals and groups which should be involved, such as youth, parents and the elderly.

Mrs Stobart advised not to launch into an exercise of asking people what their needs are. She advised that there were lots of demographics and statistics available. It was important not to ask questions about aspirations until there was a full understanding of needs from factual information. She reiterated that a NP was a lengthy process and initial work would be needed. She suggested a core team be set up and then other members can be added. She would send further information to assist.

Members thanked Mrs Stobart for her valuable information and advice. The Meeting then closed.

GK/10.7.2020

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