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

AGENDA

Meeting of: **Town Council**

Date: **Monday, 2nd September 2019** Time: **7.30 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 8th July 2019 (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.

6. TOWN CLERK'S REPORT

To receive a verbal report from the Town Clerk.

7. TOWN COUNCIL REPRESENTATIVE

To nominate a Town Council representative to serve on Citizens Advice.

8. CONSIDERATION OF APOLOGIES

To receive advice from the Town Clerk that in future receipt of apologies must now be voted upon as is proper practice and Members should either accept or reject reasons for absence or note their lack of reasoning.

9. MEMBERS' SURGERIES

To receive a report and to give consideration of Ward Members' surgeries (attached at page 5).

10. GOVERNANCE

(a) Standing Orders

To receive the recommendation from the Policy and Resources Committee Meeting held 19.8.2019 – **That the Standing Orders, as agreed at this Meeting, be adopted.** (Revised Standing Orders attached at page 6).

(b) Model Code of Conduct

To receive the recommendation from the Policy and Resources Committee Meeting held 19.8.2019 – **That the Model Code of Conduct be adopted.** (Revised Code of Conduct attached at page 26).

(c) Members' Gift Protocol

To receive the recommendation from the Policy and Resources Committee Meeting held 19.8.2019 – **That the three sentences be adopted into the Model Code of Conduct.**

11. HATFIELD PEVEREL NEIGHBOURHOOD PLAN

To receive an email from Braintree District Council (attached at page 29).

12. TOWN MAYOR'S ENGAGEMENTS

To received details of the Town Mayor's Engagements (attached at page 31).

13. COMMITTEE REPORTS

(a) **Community Committee Meeting held 5th August 2019**

Minutes 19 – 33 (inclusive).

(b) **Environment Committee Meeting held 23rd July 2019**

Minutes 15 – 33 (inclusive).

(c) **Policy and Resources Committee Meeting held 19th August 2019**

Minutes 21 – 35 (inclusive).

Minute 35 – Period Garden

To receive details relating to the appointment of a Planning Consultant (attached at page 32).

EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED That under the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the Meeting for the following items of business on the grounds that publicity would be prejudicial to the public interest and legal proceedings.

14. COMMITTEE REPORTS (Continued)

(a) **Community Committee Meeting held 5th August 2019**

Minutes 34 and 35.

(b) **Policy and Resources Committee Meeting held 19th August 2019**

Minutes 36 – 38 (inclusive).

15. LEGAL ADVICE

To receive a verbal report from the Town Clerk.

16. ALLOTMENTS

To receive a report (attached).

17. PUBLIC DOMAIN

To consider whether any item discussed in Private Session should be moved into the Public Domain.

James Sheehy
Town Clerk

JS/GK/27.8.2019

Witham town council

ITEM NO: 9

Officer Report: Ward Members' Surgeries

Issue:

Members are asked to give consideration to the request to hold Ward Members' Surgeries.

In the past surgeries have been held on a Saturday

- in the Town Hall - This had staffing implications and proved unpopular with the public.
- in the library in conjunction with the MP but residents wished to talk with the MP only.
- at a Councillors' stall in the Grove Centre.

With better contact with Members through emails, phone and the opportunity to attend Meetings, the public are these days less inclined to want to wait for a Members' Surgery. The Town Hall was considered to be 'out of the way' which was why the library was used but this too was proved inefficient of Members' time. A branded gazebo is available for Members should they wish to publicise the Town Council, combined with the surgery, at either the Grove or Newlands Centre, or at any other event.

Advice:

To consider whether a Members' Surgery as a stand alone event is time efficient for Members or if a Members' stall should be considered again.

GK/23.8.2019

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Witham town council

STANDING ORDERS

RULES OF DEBATE AND GOVERNANCE

Adopted by Full Council on:

Next Review Date:

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1. RULES OF DEBATE AT MEETINGS

a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.

b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.

c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.

d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.

e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.

f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.

g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.

h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.

i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.

j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.

k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.

l A councillor may not move more than one amendment to an original or substantive motion.

m The mover of an amendment has no right of reply at the end of debate on it.

n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:

i. to speak on an amendment moved by another councillor;

ii. to move or speak on another amendment if the motion has been amended since he last spoke;

iii. to make a point of order;

iv. to give a personal explanation; or

v. to exercise a right of reply.

p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.

q A point of order shall be decided by the chairman of the meeting and his decision shall be

final.

r When a motion is under debate, no other motion shall be moved except:

i. to amend the motion;

ii. to proceed to the next business;

iii. to adjourn the debate;

iv. to put the motion to a vote;

v. to ask a person to be no longer heard or to leave the meeting;

vi. to refer a motion to a committee or sub-committee for consideration;

vii. to exclude the public and press;

viii. to adjourn the meeting; or

ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.

t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the chairman of the meeting.

2. DISORDERLY CONDUCT AT MEETINGS

a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.

b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

c If a resolution made under standing order 2(b) is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. MEETINGS GENERALLY

Full Council meetings ●

Committee meetings ●

Sub-committee meetings ●

a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**

b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**

c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**

d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**

e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 30 minutes unless directed by the chairman of the meeting.

g Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.

h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.

i A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort) at meetings of the Full Council. The chairman of the meeting may at any time permit a person to be seated when speaking.

j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.

k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.

l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**

m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**

n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**

p **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**

r **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.

s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

t The minutes of a meeting shall include an accurate record of the following:

i. the time and place of the meeting;

ii. the names of councillors who are present and the names of councillors

who are absent;

iii. interests that have been declared by councillors and non-councillors with voting rights;

iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;

v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;

vi. if there was a public participation session; and

vii. the resolutions made.

u **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**

v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

See standing order 4d(vii) for the quorum of a committee or sub-committee meeting.

w **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

x Any meeting of the Council and its committees shall not exceed a period of two hours from commencement.

y All meetings of the Planning Applications & Transport Sub-Committee must close by 7:30pm.

4. COMMITTEES AND SUB-COMMITTEES

a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**

b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**

c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

d The Council may appoint standing committees or other committees as may be necessary, and:

i. shall determine their terms of reference;

ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;

iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;

iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;

v. shall, after it has appointed the members of a standing committee, appoint the chairman and vice chairman of the standing committee;

vi. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;

vii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;

viii. shall determine if the public may participate at a meeting of a committee;

ix. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;

x. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and

xi. may dissolve a committee or a sub-committee.

5. ORDINARY COUNCIL MEETINGS

a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**

b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**

c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**

d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**

e **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**

f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**

g **The Vice-Chairman of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**

h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.**

i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**

j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:

i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**

ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;

iii. Receipt of the minutes of the last meeting of a committee;

iv. Consideration of the recommendations made by a committee;

v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;

vi. Review of the terms of reference for committees;

vii. Appointment of members to existing committees;

viii. Appointment of any new committees in accordance with standing order 4;

ix. Review and adoption of appropriate standing orders and financial regulations;

x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.

xi. Review of representation on or work with external bodies and arrangements for reporting back;

xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;

xiii. To appoint a Leader of the Council, if the Council so wishes:

xiv. Review of inventory of land and other assets including buildings and office equipment;

xv. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**

b **If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**

c The chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.

d If the chairman of a committee or a sub-committee does not call an extraordinary meeting within three days of having been requested to do so by seven members of the committee or the sub-committee, any seven members of the committee or the sub-committee may convene an extraordinary meeting of the committee or a sub-committee.

7. PREVIOUS RESOLUTIONS

a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least eight councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. VOTING ON APPOINTMENTS

a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.

b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 10 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.

d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least seven clear days before the meeting.

e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

g Motions received shall be recorded and numbered in the order that they are received.

h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

a The following motions may be moved at a meeting without written notice to the Proper Officer:

i. to correct an inaccuracy in the draft minutes of a meeting;

ii. to move to a vote;

iii. to defer consideration of a motion;

iv. to refer a motion to a particular committee or sub-committee;

v. to appoint a person to preside at a meeting;

vi. to change the order of business on the agenda;

vii. to proceed to the next business on the agenda;

viii. to require a written report;

ix. to appoint a committee or sub-committee and their members;

x. to extend the time limits for speaking;

xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;

xii. to not hear further from a councillor or a member of the public;

xiii. to exclude a councillor or member of the public for disorderly conduct;

xiv. to temporarily suspend the meeting;

xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);

xvi. to adjourn the meeting; or

xvii. to close the meeting.

11. MANAGEMENT OF INFORMATION
See also standing order 20.

a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**

b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**

c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**

d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

12. DRAFT MINUTES

Full Council meetings ●

Committee meetings ●

Sub-committee meetings ●

a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.

b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).

c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**

f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. CODE OF CONDUCT AND DISPENSATIONS

a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.

b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.

c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.

d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

e A decision as to whether to grant a dispensation shall be made by the proper officer.

f A dispensation request shall confirm:

i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;

ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;

iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and

iv. an explanation as to why the dispensation is sought.

g Subject to standing orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.

h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**

i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;

ii. granting the dispensation is in the interests of persons living in the Council's area; or

iii. it is otherwise appropriate to grant a dispensation.

14. CODE OF CONDUCT COMPLAINTS

a Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.

b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).

c The Council may:

i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;

ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

d **Upon notification by the District Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

15. PROPER OFFICER

a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

b The Proper Officer shall:

i. **at least three clear days before a meeting of the council, a committee** or a sub-committee**,**

- **serve on councillors by delivery or post at their residences or by email**

authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and

- **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;

ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it;

iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**

iv. **facilitate inspection of the minute book by local government electors;**

v. **receive and retain copies of byelaws made by other local authorities;**

vi. hold acceptance of office forms from councillors;

vii. hold a copy of every councillor's register of interests;

viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;

ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);

x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;

xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);

xii. arrange for legal deeds to be executed;
(*see also standing order 23);*

xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;

xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;

xv. Provide an urgent response to planning applications that are unable to be referred to committee within the statutory consultation time frame in consultation with the Chairman or Vice-Chairman of the Planning Applications & Transport Sub-Committee.

xvi. manage access to information about the Council via the publication scheme; and

xvii. retain custody of the seal of the Council which shall not be used without a resolution to that effect.
(*see also standing order 23).*

xviii. Discharge all council functions and relevant duties as specified within the Council's scheme of delegation.

16. RESPONSIBLE FINANCIAL OFFICER

a The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

17. ACCOUNTS AND ACCOUNTING STATEMENTS

a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".

b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.

c The Responsible Financial Officer shall supply to each meeting of the Policy & Resources Committee, statements to summarise:

i. the Council's receipts and payments (or income and expenditure) for each quarter;

ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;

iii. the balances held at the end of the period being reported

iv. relevant committee and central service budget reports

d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

i. The policy and resources committee with the Council's balance sheet and supporting statement summarising the Council's receipts and payments (or income and expenditure) for the year to date for information; and

ii. to the Council, draft public accounts and statutory accounting statements for the year in the form of Section 2 of the annual governance and accountability return (AGAR), as required by proper practices, for consideration and approval.

e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

18. FINANCIAL CONTROLS AND PROCUREMENT

a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

   i. the keeping of accounting records and systems of internal controls;

   ii. the assessment and management of financial risks faced by the Council;

   iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;

   iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and

   v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.

b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**

d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:

   i. a specification for the goods, materials, services or the execution of works shall be drawn up;

   ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the pre-scribed process;

   iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;

   iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;

   v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;

   vi. tenders are to be reported to and considered by the appropriate meeting of the

Council or a committee or sub-committee with delegated responsibility.

e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**

g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

19. HANDLING STAFF MATTERS

a A matter personal to a member of staff that is being considered by a meeting of Staffing & Accommodation Sub-Committee is subject to standing order 11.

20. RESPONSIBILITIES TO PROVIDE INFORMATION
See also standing order 21.

a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**

The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION
(Below is not an exclusive list).

See also standing order 11.

a The Council may appoint a Data Protection Officer.

b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**

c **The Council shall have a written policy in place for responding to and managing a personal data breach.**

d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**

e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**

f **The Council shall maintain a written record of its processing activities.**

22. RELATIONS WITH THE PRESS/MEDIA

a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

23. EXECUTION AND SEALING OF LEGAL DEEDS
See also standing orders 15(b)(xii) and (xvii).

a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.

b **Subject to standing order 23(a), the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.**

24. COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS

a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council representing the area of the Council.

b A copy of each letter sent to the District and County shall be sent to the ward councillor(s) representing the area of the Council upon resolution by the appropriate committee or Council.

25. RESTRICTIONS ON COUNCILLOR ACTIVITIES

a. Unless duly authorised no councillor shall:

i. inspect any land and/or premises which the Council has a right or duty to inspect; or

ii. issue orders, instructions or directions.

26. STANDING ORDERS GENERALLY

a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least eight councillors to be given to the Proper Officer in accordance with standing order 9 or by recommendation of the Policy & Resources Committee.

c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.

d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

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Agenda Item 10 (b)

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

Code of Conduct for Members

Promoting and Maintaining High Standards of Conduct in Local Government

Last Reviewed: **Town Council Meeting held 2nd September 2019**
Next Review: **Town Council Meeting to be held 11th May 2020**

You are a member or co-opted member of the [name] council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member.

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, including your membership of any Trade Union, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register or which you consider should be included if you are to fulfil your duty to act in conformity with the Seven Principles of Public Life. These non-pecuniary interests will necessarily include your membership of any Trade Union.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by

regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

Members are under a duty to report any gifts offered or received to the Monitoring Officer at Braintree District Council. The reportable sum is £50 or above. Members must do this within 28 days.

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Agenda Item 11

Dear Mr Sheehy,

Thank you very much for the phone conversation early regarding Hatfield Peverel Neighbourhood Plan.

I attach a map showing the new parish boundary in black and the old boundary in red. The hatched area in the middle is still covered by the Neighbourhood Area for Hatfield Peverel as it was designate before the boundary change (2015).

Once the Hatfield Peverel Neighbourhood Plan has been adopted as part of the development plan for Braintree District, Hatfield Peverel parish have indicated that they will agree to reduce the extent of the neighbourhood area so it is coterminous with their new parish boundary. This is a straight forward process involving an exchange of letter between Hatfield Peverel parish and Braintree District Council.

In the meantime it would be very helpful if Witham Town Council can confirm or otherwise that they do not object to Braintree District Council adopting the Hatfield Peverel Neighbourhood Plan as per the current extent of its neighbourhood area.

I am on leave until the 9th September, so if you have any questions in the meantime please e-mail Emma Goodings.

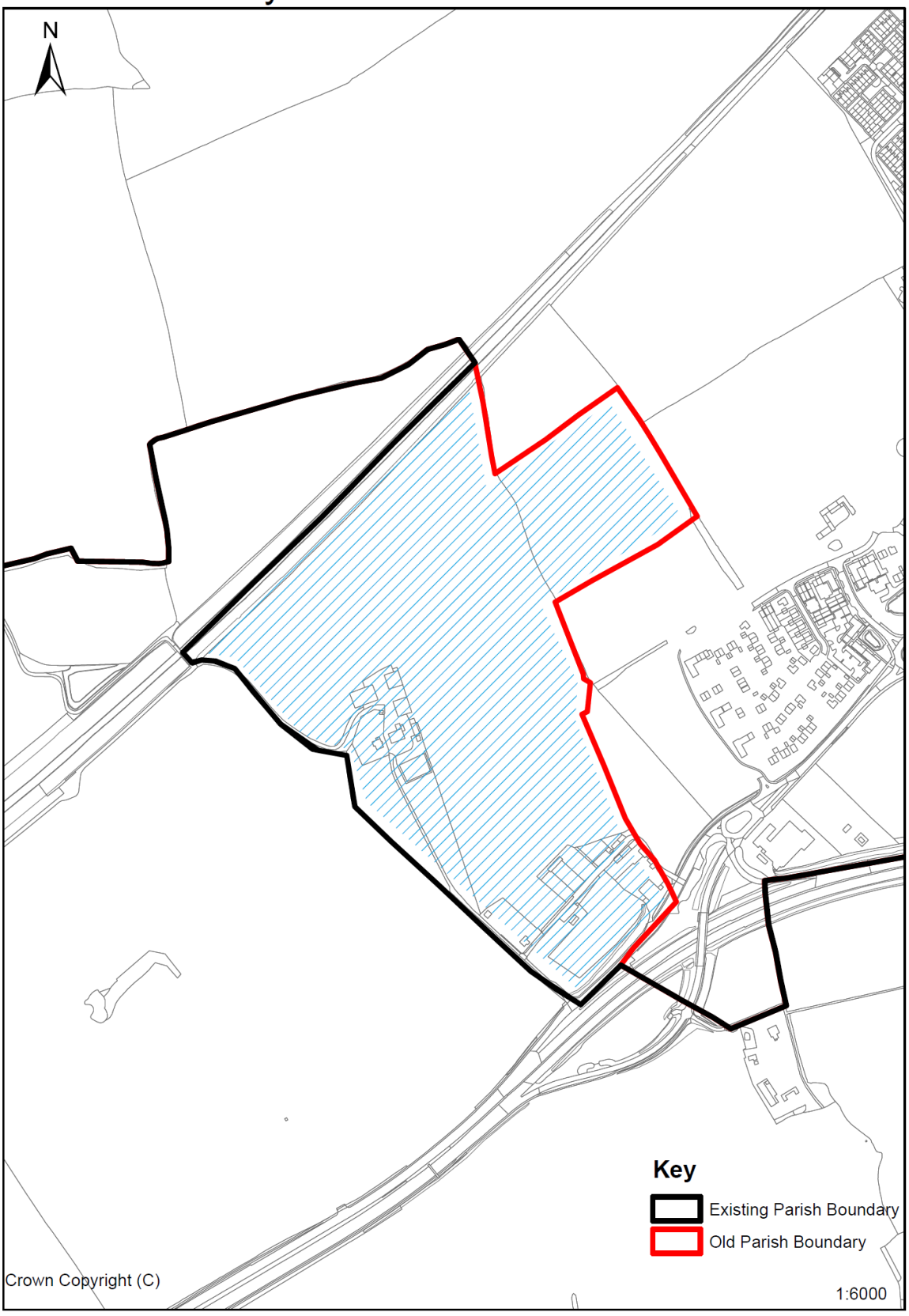
Thank you for your assistance in this matter.

Yours sincerely,

Alan Massow MRTPI

Principal Planning Policy Officer

Parish Boundary Hatifeld Peverl and Witham



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Agenda Item 12

LIST OF MAYORAL ENGAGEMENTS

COUNCILLOR MRS CLARE LAGER

9 JULY 2019 TO 2 SEPTEMBER 2019

Wednesday, 10 July	**Rural Community Council of Essex** Attended the Annual General Meeting of the RCCE at Chelmsford City Racecourse.
Saturday, 13 July	**Carnival Day** Judged the floats at Witham's Carnival Day and helped run the Mayor's fund raising stall.
Thursday, 18 July	**Elm Hall School** Attended the Special Assembly and undertook a tour of the school hosted by the head teacher Michael Wood.
Friday, 19 July	**Chairman of Essex County Council** Attended the Reception hosted by Councillor John Jowers at Chelmsford City Race Course.
Saturday, 27 July	**Lime Tree Place** Attended the Grand Opening and tour of the newly refurbished former Mid Essex Health Building in Collingwood Road.
Friday, 2 August	**Witham Ambulance Trust** Attended the Cheque Presentation at the Town Hall to the beneficiaries of the Trust.
Friday, 16 August	**Coffee with the Mayor** Hosted the first of three "Coffee with the Mayor" events in the Town Hall.

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Agenda Item 13 (c)

PLAINVIEW
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Our costs

Total fee estimate: £2,300 excluding VAT and optional stages.

Total optional stages: £460 excluding VAT.

Inclusions: The above fees include reasonable client correspondence in relation to the project. This is based on an estimated project length of 43 weeks.

Exclusions: Fees exclude VAT, third party consultants, and statutory application fees. We have not allowed for meetings unless specifically included above. Meetings can be arranged on a time-spent basis. For more information see our Terms and Conditions.

Statutory application fee: Calculating the statutory application fee can be difficult as there are lots of variables. However, at this very early stage we estimate that it will be in the region of £462.

Notes: We invoice monthly for time spent on the project. Our fee estimates are based on our previous experience and we consider them to be realistic. However, they depend on a wide range of variables including prompt instruction, the timeliness of the Council, the timeliness of third party consultants, the level of client correspondence, and unexpected difficulties on the project.

We monitor budgets on an ongoing basis and if matters become protracted and/or the project requires more time than anticipated (for example if matters are more complex than we initially believe or if the council does not determine the application within the statutory 8/13 week period) we may need to agree additional fees. We will notify you in advance in such circumstances. This is a rare occurrence and we are normally within or under budget on all our projects.

Our hourly rates range as follows: £115 (Planning managers); £95 (Senior Planner); £80 (Consultant Planner); and £55 (Junior Planner).

For full details please refer to the attached Terms and Conditions.

PLAINVIEW
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Stage 1				
Task	Description	Estimated completion		*Optional*
Initial research	To start with we need to review the ins and outs of your case. We have licensed access to a wide range of information sources to assist in policy, precedent and case law research. We also have access to over 100,000 appeal decisions which can provide a helpful steer on strategy. Read more here: http://plainview.co.uk/appraisal-strategy/.	September		
Team review	We never work in isolation and ensure to seek views from other Directors and Managers at Plainview Planning. We have weekly project review sessions which allow us to draw upon the team's collective knowledge. This leads to better advice and results.	September		
Conference call	Once we have completed the initial research, we will arrange a call with you to discuss our initial thoughts on the project, and chat through our findings and suggestions on: (1) development options; and (2) the best strategy to maximise your chances of success.	September		
		Fee estimate *(and optional fee)*	**£230**	*£0*

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Stage 2				
Task	Description	Estimated completion		*Optional*
Project coordination	Whilst we are not formal project managers, we can help you build and manage your project team. We'll source quotes and manage the team. We've worked with 100s of property professionals and can advise on architect selection too.	September		
Planning statement	This is the key document that we produce. The goal of the document is to introduce the proposal and demonstrate why it should be granted planning permission. It sets out the site context, local/national policy, other material considerations, precedents, and analysis of case law if necessary. http://plainview.co.uk/news/what-is-a-planning-statement/	September		
Collation and submission	We collate all the necessary documents and prepare the final submission pack. This is then uploaded in Planning Portal and submitted electronically.	September		
		Fee estimate *(and optional fee)*	**£1,380**	*£0*

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Stage 3				
Task	Description	Estimated completion		*Optional*
Validation and initial contact	We liaise with the Council to ensure the application is validated correctly, and make initial contact with the case officer to ensure they have everything they need.	September		
Negotiation with Council and consultees	We make regular contact with the case officer and statutory consultees, with negotiation where necessary. This quote assumes the application will be determined within the statutory determination period (8 weeks for minor applications and 13 weeks for major). Should the project take longer or more info is requested from consultees then a fee extension may be required.	November		
Presentation at Planning Committee	If your application is determined at committee then you generally have an opportunity to address the councillors for 2-3 minutes. We can present on your behalf if you wish. http://plainview.co.uk/news/what-to-say-at-planning-committee-meetings/	November		*£460*
		Fee estimate *(and optional fee)*	**£575**	*£460*

Stage 4				
Task	Description	Estimated completion		*Optional*
Review Decision Notice	We will review the decision notice. If approved we can advise on the conditions attached to the decision. If refused, we can advise on resubmission or appeal.	November		
		Fee estimate *(and optional fee)*	**£115**	*£0*

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