



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

MINUTES

WITHAM TOWN COUNCIL

Date: **Monday, 17th April 2023**

Place: **Council Chamber, Town Hall, Newland Street, Witham, CM8 2FE**

Present: Councillors

J.	Bayford	(Town Mayor)
J.	Goodman	(Deputy Town Mayor)
S.	Ager	
P.	Barlow	
P.	Heath	
S.	Hicks	
A.	Kilmartin	
C.	Lager	
M.	Lager	
T.	Pleasance	
S.	Rajeev	
M.	Weeks	
J.	Williams	
R.	Williams	
N.	Smith	(Town Clerk)
H.	Andrews	(Deputy Town Clerk)
S.	Puckey	(Open Spaces Admin Assistant)

Three members of the public were present.

212. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K. Atwill and C. Jay.

RESOLVED That the apologies be received, approved and noted.

213. MINUTES

RESOLVED That the Minutes of the Meeting of Town Council held 20th March 2023 be confirmed as a true record and signed by the Town Mayor.

214. INTERESTS



Councillors Hicks and Kilmartin declared a non-pecuniary interest in Minute 221.

215. QUESTIONS AND STATEMENTS FROM THE PUBLIC

There were three members of the public and no members of the press present.

A member of the public told Members that he was a supporter of free speech and as a member of the gay community in Witham, who had suffered from depression and loneliness, he had personally found Councillor Kilmartin to be supportive and agreed with her views on flags in Witham. He told Members that he did not believe that Councillor Kilmartin needed any training.

A second member of the public told Members that she found Witham Town Council to be supportive to all its residents and that Councillor Kilmartin had dedicated many years to the Witham community which should be taken into consideration when considering the Code of Conduct complaint.

The members of the public were thanked for their contribution.

216. ESSEX COUNTY AND BRAINTREE DISTRICT COUNCIL UPDATE

No reports were received.

217. TOWN MAYOR'S ENGAGEMENTS

Details of the Town Mayor's engagements attended for the period 14th March to 11th April 2023 were received. It was noted that the second half of the list should read "Deputy Mayor's Engagements". Members were informed that The Civic Reception was excluded in view of it being an internal event.

RESOLVED That the details be received and noted.

218. TOWN CLERK'S REPORT

The Town Clerk advised that under Section 85 of the Local Government Act 1972, Councillor Kilmartin was no longer a Councillor for Braintree District Council by reason of not attending a meeting since 10th October 2022. Witham Town Council's website had been updated to reflect this.

The Town Clerk updated Members on the recent gas mains issue affecting some Witham residents. It was noted that the emergency protocols put in place by Braintree District Council had been effective although direct communication from Cadent had been lacking.

RESOLVED That the report be received and noted.

219. FINANCIAL RISK ASSESSMENT

Members were advised that the risk assessment is a valuable exercise and it would be beneficial if the new administration continued with this process.

It was noted that marrying up bank statements with bank reconciliations, reviewing the reserves in context and checking the bank rating agency would be useful additions to the risk assessment in future.

RESOLVED That the risk assessment and the recommendations with additional comments be received and noted.

220. KING'S CORONATION EVENT UPDATE

The Town Clerk advised members that the music festival on Saturday 6th May would run from 3-10pm with BBC Essex undertaking their afternoon broadcast from the event.

Members were reminded that a Coronation Lunch courtesy of Witham Luncheon Club would be taking place for the elderly on May 5th at Witham Public Hall.

RESOLVED That the details be received and noted

Councillor A Kilmartin left the Chamber at 8.06pm

221. CODE OF CONDUCT COMPLAINT

Councillor Lager and Councillor Goodman declared that they knew one of the members of the public who spoke about their support of Councillor Kilmartin.

It was noted that this was the first occasion that Witham Town Council have had to receive a decision from the Monitoring Officer. It was hoped that the final resolution showed kindness and a genuine attempt to resolve the situation for all parties and to safeguard the reputation of the authority.

RESOLVED That Witham Town Council support the Monitoring Officer's Decision Notice but in the form of one-to-one counselling, , on the significance of equalities legislation coupled with counselling on emotional intelligence.

RESOLVED That Councillor Kilmartin to issue a form of words stating her regret for the hurt caused to certain sections of the community

It was noted that Councillor Kilmartin be reminded of Section 8.4 of Witham Town Council's Code of Conduct that requires her to co-operate with the Council's determination.

Councillor A Kilmartin and Hayley Andrews returned to the Chamber at 8.32pm

Two members of the public left the Chamber at 8.32pm

222. COMMITTEE REPORTS

(a) **Planning and Transport Committee held 20th March and 3rd April 2023**
Minutes 261 to 286 (inclusive).

RESOLVED That the Report of the Planning and Transport Committee be received and noted.

(b) **Environment Committee held 3rd April 2023**
Minutes 39 – 50 (inclusive).

Members were informed that the minutes were not yet signed but item 44 on an overspend exemption report was noted

RESOLVED That the Report of the Environment Committee be received and noted

The remaining member of the public left the Chamber at 8.39pm

223. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED That under the Public Bodies (Admissions to Meetings) Act 1960, the press and public be excluded from the Meeting for the consideration of the remaining items of business on the grounds they involve the likely disclosure of exempt information falling within Schedule 12A (S3) of the Local Government Act 1972.

224. A12 LAND ACQUISITION

The correspondence was received

RESOLVED That the correspondence be received and noted.

225. FUNDING REPORT

The funding report was received

RESOLVED That the funding report be received and noted.

226. LAND TRANSFER UPDATE

The Land Transfer Update was received.

RESOLVED That the update be received and noted.

227. S104 AGREEMENT

The S104 was approved, signed and sealed.

RESOLVED That the agreement be approved, signed and sealed.

There being no further business the Town Mayor closed the Meeting at 8.45 p.m.

Councillor J. Bayford
Town Mayor

NS/HA/SP/19.4.2023