



Town Hall | 61 Newland Street | Witham | CM8 2FE
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AGENDA
Via Zoom Meeting
Meeting ID: 852 2311 7740
Password: 116079

Meeting of: **Town Council**

Date: **Monday, 14th December** Time: **7.00 p.m.**

To be present:	Councillors	Mrs	S.C.	Lager	(Town Mayor)
		Mrs	A.	Kilmartin	(Deputy Town Mayor)
		Mrs	S.	Ager	
			K.L.	Atwill	
			P.R.	Barlow	
			J.C.	Bayford	
			J.C.	Goodman	
			S.E.	Hicks	
		Miss	C.	Jay	
			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 23rd November 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.

6. TOWN CLERK'S REPORT

To receive a verbal report from the Town Clerk's Report on matters arising.

7. DELEGATED DECISIONS

To receive the Delegated Decisions for the period 30th November to 4th December 2020 ([attached](#) at page 4).

8. TOWN MAYOR'S ENGAGEMENTS

To receive details of Town Mayor's Engagements to 13th December 2020 ([attached](#) at page 5).

9. TREES

To receive an email from Councillor P.M. Ryland seeking action regarding trees in Witham ([attached](#) at page 6).

10. CLIMATE CHANGE

To consider the Town Council's role in climate change, report from Councillor Mrs S. Ager ([attached](#) at page 8).

11. INTERIM INTERNAL AUDIT REPORT

To receive the Town Council's interim internal audit report for financial year 2020-2021 ([attached](#) at page 9).

12. EXCLUSION OF THE PRESS AND PUBLIC

TO RESOLVE That under the Public Bodies (Admissions to Meetings) Act 1960, the press and public be excluded from the Meeting for the consideration of the remaining items of business on the grounds they involve the likely disclosure of exempt information falling within Schedule 12A (S5 of the Local Government Act 1972).

13. TOWN CENTRE REGENERATION

To receive the Notes from the Meeting held 25th November 2020 and to discuss the District Council's proposals regarding the regeneration of the Town Centre.

14. LEGAL MATTERS

To receive a report.

15. UNLAWFUL OCCUPATION

To receive a report.



James Sheehy
Town Clerk
JS/GK/8.12.2020

Agenda item 7

PLANNING COMMITTEE	4.12.2020	20/01459/FUL - Garage 1369, Walnut Drive, Witham - raises no objection
PLANNING COMMITTEE	4.12.2020	20/01411/FUL - Unit G, Briarsford Industrial Estate, Perry Road - raises no objection
PLANNING COMMITTEE	4.12.2020	20/01800/HH - 11 Chipping Hill, Witham, Essex - raises no objection
PLANNING COMMITTEE	4.12.2020	20/01762/HH & 20/01763/LBC - Roslyn House, 16 Newland Street, Witham - raises no objection subject to the caveats of (a) Historic England maintains its previous stance and (b) the District Council's Landscape Officer is consulted with regard to the possible need for root protection to a Horse Chestnut tree in the vicinity of the property and which is the subject of a Tree Preservation Order within a Conservation Area.
PLANNING COMMITTEE	4.12.2020	20/01794/FUL - Compass House, Eastways, Witham - raises no objections subject to (a) the planting of a replacement tree elsewhere at Compass House and (b) the applicant entering into satisfactory negotiations with Essex Highways with regard to the re-instatement of the pedestrian pathway and the dropped kerb.
PLANNING COMMITTEE	4.12.2020	20/00390/TPOCON - Croft House, 10 Bridge Street, Witham - raises no objection subject to the advice of the District Council's Landscape Officer.
PLANNING COMMITTEE	4.12.2020	20/00393/TPOCON - 21 Guithavon Street, Witham, Essex - recommends refusal on the grounds that felling the tree is excessive and unnecessary, there would be loss of amenity to neighbouring properties and that the removal of stems of the self-seeded shrubbery would be more appropriate.
PLANNING COMMITTEE	4.12.2020	20/01812/FUL - Witham Fire Station, Hatfield Road, Witham - raises no objection
PLANNING COMMITTEE	4.12.2020	20/01818/VAR - Beechen House, 16A Newland Street, Witham - raises no objection
PLANNING COMMITTEE	4.12.2020	20/00401/TPO - The Woodlanders, Maldon Road, Witham - raises no object subject to the advice of the District Council's Landscape Officer
PLANNING COMMITTEE	4.12.2020	Revised Plan - 20/01576/HH - 8 The Avenue - No objection but subject to the Listed Buildings Officer being satisfied with the revised plans.
COMMUNITY COMMITTEE	30.11.2020	Community Committee Corporate Strategy and Budget - to make CCTV and Community Transport a priority and that additional funds might need to be allocated for the town Christmas tree
COMMUNITY COMMITTEE	30.11.2020	Grant Aid Policy to amend transport heading to read the provision of transport interlinking with other funding priorities and to refer to P & R
COMMUNITY COMMITTEE	30.11.2020	Community Safety - to contact the Community Safety Team

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Town Mayor's Engagements

The Town Mayor undertook the following engagements –

On Tuesday, 24th November 2020, the Town Mayor and her Deputy, Councillor Mrs Angela Kilmartin, lit up the Christmas trees at St George's Nursing and Park View Care Homes provided by the Town Council.

On Friday, 27th November 2020, the Town Mayor joined by Members and friends, all socially distancing, lit up the Christmas lights in the town centre along with the Christmas tree and the Town Hall.

On Wednesday, 9th December 2020, the Town Mayor will judge the Christmas windows on the Templars estate.

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Officer Report: Trees

Issue:

Councillor Ryland has sent the following email regarding trees in Witham –

I understand you Council will look again at the matter of trees. It is currently an important subject if we are play our part in defeating climate change.

In the matter of the crack willows on the former Bramston site, they were cut down to the instructions of an unqualified tree officer. I reported the matter to the Forestry commission who told that the trees only needed to be pollarded. In light of the circumstances it is reasonable that the trees be replace with the same species.

Such behaviour also constitutes cruelty to the pups of the otters who used to play in the root structures.

I will also be grateful if Council will seek further advice as to how to significantly increase the number of trees & shrubs at Whetmead.

The Forestry commission will probably help us at no cost.

Yours Sincerely

Paul Ryland.

The issue of the trees near Lidl has been raised with the Landscape Officer at Braintree District Council on four occasions by two members of staff and a response is still awaited. Advice had also been sought from the Planning Department and the following was received –

Dear Hayley

Thank you for your email – it has been passed over to me to respond today. I will do my best to answer your query.

When an application of this nature is submitted it will be accompanied by an arboricultural report which assesses all of the vegetation on the site and categorises it depending on how good it is, condition etc. The Arboricultural report will set out the works required to the trees on the site including any removals. These get checked by our Landscape Services team to ensure that there is not the loss of any high grade trees, or indeed any unnecessary loss of trees.

If planning permission is forthcoming, Officers add landscaping conditions onto most developments that include new residential development and commercial development. These landscape conditions often read as follows:

Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and

turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate. All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority. All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority. All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier. Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Within the condition, the council will secure appropriate replacement planting as appropriate, while there is an obligation at the end that the trees should be replaced within a period of 5 years if damaged etc. The replacement planting will take time to become established and will be appropriate to the area.

In terms of monitoring the trees/landscaping, this is not something we are able to do due to resourcing. However, we rely on Members of the public to contact our enforcement team should there be any breaches.

I hope this is of some use to you, please let me know if you have any further queries in this regard.

Kind Regards,

Mathew Wilde MRTPI

Senior Planner – Development Management

Advice:

For Members to consider appropriate action to be taken.

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Essex Climate Action Commission Interim Report

In his email with the above report attached, Peter Davey Chairman of EALC, asked *'Parish and Then Councils to provide us with feedback and we would ask each of you to let us know the part you will play to respond to our recommendations and help us collectively reach our net zero target.'*

In view of this, and with the knowledge that, unless carbon dioxide emissions are drastically reduced by 2050, we are in grave danger of making our planet uninhabitable. It is forecast that if temperature rises by 4 degrees our summer temperature could rise to 42+degrees with a winter temperature of 20+degrees.

Among the foreseen consequences are:

- the inundation of coastal cities due to ice caps melting
- increasing risks for food production potentially leading to higher malnutrition rates; many dry regions becoming dryer and wet regions wetter;
- unprecedented heat waves in many regions, especially in the tropics;
- substantially exacerbated water scarcity in many regions;
- increased frequency of high-intensity tropical cyclones;
- irreversible loss of biodiversity, including coral reef systems.

This is not the end though because in future centuries if nothing changed we could see an increase in temperature by 6 degrees.

There are things that we can do and should be doing now. As a Council we could consider:

- Changing the fleet of vehicles to electric as soon as deemed viable
- Change all the hand tools used from fuel to electric.
- Commission a survey on the Town Hall for energy efficiency with a view to reaching as near a carbon neutral building as possible.

As a Council we could lobby for all new builds to have solar panels and battery storage to reduce electricity consumption.

Essex County Council plans to plant 375,000 trees across the county over the next five years. As these will be whips it is essential we lobby for these to be watered effectively for two years after planting.

We could expand on our own Green Infrastructure Policy.

I think Climate Change, although it will not fully impact on all of us, it will impact our descendants. If we do nothing, they will inherit the catastrophes we have caused and failed to deal with. We may be a small Town Council, but if every town, parish, district and county council took the necessary action to reduce carbon emissions it would go a small way towards healing our planet.

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HEELIS&LODGE

Local Council Services • Internal Audit

Interim Internal Audit Report for Witham Town Council – 2020/2021

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

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

Financial regulations Standing Orders and Financial Regulations

Tenders

Appropriate payment controls including acting within the legal framework with reference to council minutes

Identifying VAT payments and reclamation

Cheque books, paying in books and other relevant documents

Standing Orders in place: Yes

Reviewed: 2/9/2019 (Ref: 53)

Financial Regulations in place: Yes

Reviewed: 1/9/2020 (Ref: 172)

VAT reclaimed during the year: Yes (1/4/2020 – 30/9/2020)

Registered: No

General Power of Competence: Yes

There were no tenders during the year that exceeded the £25,000 Public Contract Regulations threshold.

The minutes reflect councillors' declarations of pecuniary and non-pecuniary declarations.

The Council adopted a Social Media policy on 6/7/2020 (Ref: 143).

With the exception of the Community Committee, who met on 30/11/2020, there have been no committee meetings during this financial year. The full Council have continued to meet virtually.

Risk Assessment

Appropriate procedures in place for the activities of the council

Compliance with Data Protection regulations

Risk Assessment document in place: Yes

Data Protection registration: Yes (Ref: Z6922290 Exp: 21/8/2021)

Data Protection

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

Privacy Policy published: Yes

Insurance was in place for the year of audit. The Risk Assessment, including Internal Controls are due to be reviewed prior to the 31/3/2021.

Reminder: *To undertake a formal review of the Risk Assessment and Internal Controls prior to 31/3/2021.*

The Year End Financial Risk Assessment was undertaken on 15/7/2020 by the Financial Scrutiny Panel.

The Council have effective internal financial controls in place. Cheque stubbs on the Lloyds account are initialled by signatories, however, the majority of payments are now processed via online banking. The Clerk provides financial reports to council meetings. Councillors are provided with information to enable them to make informed decisions.

In accordance with Financial Regulation 5.3 payments exceeding £4,000 are approved by 3 signatories. Online banking safeguards are in place.

Fidelity Cover: £500,000

The level of Fidelity cover is below the recommended guidelines of year end balances plus 50% of the precept (ie £662,000).

Recommendation: *To review the level of Fidelity cover in line with the recommended guidelines.*

Transparency

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

Smaller Council: No

Website: www.witham.gov.uk

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

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

External audit report

2019 Annual Return, Section Three Published – Not received from the External Auditor at the time of the Interim Audit.

Under **The Accounts & Audit Regulations 2015 15(2b)** councils must publish on their website:

Notice of period for the exercise of public rights for 2019-2020

Published – Yes

Period of Exercise of Public Rights

Start Date 17/6/2019 End Date 26/7/2019

The publication of the Notice on the Council's website for the 2020-2021 financial year will be examined at the year end audit.

Budgetary controls Verifying the budgetary process with reference to council minutes and supporting documents

Precept: £624,473 (2020-2021) Date: 20/1/2020 (Ref: 94)

Effective budgetary procedures are in place. The 2020-2021 precept was agreed in full council and the precept decision and amount has been clearly minuted. The Clerk ensures the council are aware of responsibilities, commitments, forward planning and the need for adequate reserves. Budget papers are prepared to ensure councillors have sufficient information to make informed decisions. Budgets are monitored during the year.

Income controls Precept and other income, including credit control mechanisms

All were found to be in order. Income controls were checked and income received and banked cross referenced with bank statements.

Petty Cash Associated books and established system in place

A satisfactory petty cash system is in place (£100 limit) with supporting paperwork. A sample of receipts were examined from April 2020 to November 2020 and cross referenced with vouchers and the cash book. Petty Cash reconciliations are in place from April – October 2020. A robust recording system is in place.

Payroll controls	<p>PAYE and NIC in place where necessary.</p> <p>Compliance with Inland Revenue procedures</p> <p>Records relating to contracts of employment</p> <p>PAYE System in place: Yes</p> <p><i>The Council continue to operate RTI in accordance with HMRC regulations. Payroll is outsourced. All supporting paperwork is in place and P60s have been produced as part of the year end process. The Council operate the LGPS.</i></p>
Asset control	<p>Inspection of asset register and checks on existence of assets</p> <p>Cross checking on insurance cover</p> <p><i>A separate asset register is in place. Values are recorded at cost value/insurance value. A further examination of the asset register will take place at the year end audit.</i></p>
Bank Reconciliation	<p>Regularly completed and cash books reconcile with bank statements</p> <p><i>All were in order. Bank Reconciliations are carried out regularly.</i></p> <p><i>A further examination will take place as part of the year end Internal Audit.</i></p>
Reserves	<p>General Reserves are reasonable for the activities of the Council</p> <p>Earmarked Reserves are identified</p> <p><i>To be carried out at the year end.</i></p>
Year-end procedures	<p>Appropriate accounting procedures are used and can be followed through from working papers to final documents</p> <p>Verifying sample payments and income</p> <p>Checking creditors and debtors where appropriate.</p> <p><i>To be carried out at the year end.</i></p>
Sole Trustee	<p>The Council has met its responsibilities as a trustee</p> <p><i>The Council is not a sole trustee.</i></p>
Internal Audit Procedures	<p><i>The 2020 Year End Internal Audit report was considered by the Council at a meeting held on 2/6/2020 (Ref: 117).</i></p>
External Audit	<p><i>The External Auditor's report has not yet been received. This will be examined at the year end Internal Audit.</i></p>

Additional Comments/Recommendations

- Due to the Coronavirus pandemic the requirement to hold the Annual Town Council meeting was removed until May 2021. The Council resolved at a meeting held on 5/5/2020 (Ref: 102.a) to defer the Annual Town Council meeting until May 2021. In the interim, all current positions would be held over for a further year.
- I would like to take this opportunity to congratulate the Council on the improvements to the Council Chamber, the Information Centre and especially the website, which is user friendly and informative.
- There are no additional comments/recommendations to make in relation to this audit.
- I would like to record my appreciation to the Clerk and Deputy Clerk to the Council for their assistance during the course of the audit work



Heather Heelis
Heelis & Lodge

4 December 2020

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