



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

## AGENDA

### WITHAM TOWN COUNCIL

Date: **Monday, 17<sup>th</sup> April 2023** Time: **7:30 p.m.**

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

**Members are hereby summoned to attend the above Meeting to transact the following business. Members are respectfully reminded that each item on the Agenda should be carefully examined. If you have any interest, it must be duly declared.**

To be present:	Councillors	J.	Bayford	(Town Mayor)
		J.	Goodman	(Deputy Town Mayor)
		S.	Ager	
		K.	Atwill	
		P.	Barlow	
		P.	Heath	
		S.	Hicks	
		C.	Jay	
		A.	Kilmartin	
		C.	Lager	
		M.	Lager	
		T.	Pleasance	
		S.	Rajeev	
		M.	Weeks	
		J.	Williams	
		R.	Williams	

#### **1. APOLOGIES FOR ABSENCE**

To receive and approve apologies for absence.

#### **2. MINUTES**

To receive the Minutes of the Meeting of Town Council held 20<sup>th</sup> March 2023 (previously circulated).

**3. INTERESTS**

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

**4. QUESTIONS AND STATEMENTS FROM THE PUBLIC**

An opportunity to enable members of the press and public present to comment.

*Order Note: A maximum of 30 minutes is designated for public participation time with no individual speaker exceeding three minutes unless otherwise granted an extension by the Chairman under Standing Order 3(F) & 3(G)*

**5. ESSEX COUNTY AND BRAINTREE DISTRICT COUNCIL UPDATE**

To receive reports from Essex County and Braintree District Councillors on matters relating to Witham.

**6. TOWN MAYOR'S ENGAGEMENTS**

To receive details of the Town Mayor's engagements attended for period 14<sup>th</sup> March to 11<sup>th</sup> April 2023 attached at page 4 .

**7. TOWN CLERK'S REPORT**

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

**8. FINANCIAL RISK ASSESSMENT**

To receive the Financial Risk Assessment and recommendations from the Financial Scrutiny Panel attached at page 5 .

**9. KING'S CORONATION EVENT UPDATE**

To receive a verbal report.

**10. CODE OF CONDUCT COMPLAINT**

To receive the decision notice for the code of conduct complaint made against Councillor Kilmartin and consider the recommendations, attached at page 12 .

**11. COMMITTEE REPORTS**

- (a) **Planning and Transport Committee held 20<sup>th</sup> March and 3<sup>rd</sup> April 2023**  
Minutes 261 to 274 and 275 to 286 (inclusive).

To receive a report of the Meetings.

- (b) **Environment Committee held 3<sup>rd</sup> April 2023**  
Minutes 39 – 50 (inclusive).

To receive a report of the Meeting.

**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 (S3) of the Local Government Act 1972.

**13. A12 – LAND ACQUISITION**

To receive correspondance.

**14. FUNDING REPORT**

To receive the Funding Report.

**15. LAND TRANSFER UPDATE**

To receive the Land Transfer Update.

**16. S104 AGREEMENT**

To receive an S104 agreement for consideration and signing relating to the Gimsons development, previously circulated.



Nikki Smith  
Town Clerk

NS/11.04.2023



## **LIST OF MAYOR'S ENGAGEMENTS BETWEEN MARCH 14<sup>TH</sup> TO APRIL 11<sup>TH</sup>**

### **Saturday 18<sup>th</sup> March 2023, Rickstones Church Audit**

Attended a meeting at Rickstones Church to provide them with feedback for her audit.

### **Saturday 25<sup>th</sup> March 2023, Afternoon Tea**

Held an afternoon tea at the Town Hall for the winners of the Mayor's Civic Awards.

### **Tuesday 28<sup>th</sup> March 2023, Police HQ Award Ceremony**

Attended an Essex Police award ceremony at Police HQ.

### **Wednesday 29<sup>th</sup> March 2023, Witham Town Luncheon Club**

Attended Witham Town Luncheon Club at the Royal British Legion Hall, Witham.

## **LIST OF MAYOR'S ENGAGEMENTS BETWEEN MARCH 14<sup>TH</sup> TO APRIL 11<sup>TH</sup>**

### **Saturday 25<sup>th</sup> March 2023, Afternoon Tea**

Attended an afternoon tea at the Town Hall held for the winners of the Mayor's Civic Awards.



# Financial Risk Assessment

CONDUCTED BY THE FINANCIAL SCRUTINY PANEL

~~Interim Assessment~~ / End of Year Assessment

## PANEL MEMBERS:

Councillor	P.R Barlow
Councillor	J.C Goodman
Councillor	K Atwill

## OFFICERS:

N. Smith	(Responsible Financial Officer)
C. Strachan	(Assistant RFO)

Panel date: 9<sup>th</sup> March 2023

The financial scrutiny panel was constituted by resolution to ensure a thorough and transparent process is in place to actively scrutinise the actions of officers who control the financial administration of Witham Town Council.

The panel exists to make recommendations to officers and suggest process changes and new processes where required, with any such recommendations being endorsed by the Policy & Resources Committee.

## **Summary of Recommendations:**

### **Section 1: Budget Management**

### **Section 2: Administration**

### **Section 3: Policy & Internal Control**

### **Section 4: Tenders**

### **Section 5: Other Recommendations**

## FINANCIAL RISK ASSESSMENT

### SECTION ONE: BUDGET MANAGEMENT

Item	YES	NO	REC	Evidence:
1. Have the Council's Financial Regulations been followed?	√			Voucher scheme operating successfully
2. Has each committee approved a draft budget and corresponding business plan for the current financial year?	√			Gold status will be applied for in Sep 23
3. Did the Estimates Sub-Committee make recommendations to Full Council on each budget ahead of setting the precept?	√			
4. Have the budgets set by Council been followed by the relevant committees?	√			
5. Has the Council followed due process in setting the annual precept?	√			
6. Has the Council kept within its respective committee budgets for the year to date?	√			Exception reports on P&R agenda
7. Has each committee received a budget report as part of its agenda papers?	√			
8. Have regular reports on the financial status of the Council been made to the Policy and Resources Committee?	√			
9. Has the Clerk sought approval from the Council for expenditure and emergency expenditure outside of the Scheme of Delegation?	√			
10. Have Members received recommendations on appropriate budget virements where required?	√			
11. Are all earmarked reserves duly accounted for and up to date?	√			Published to P&R quarterly
12. Can officers provide the panel with an up to date analysis of the general reserves and balances of the Council?	√			Published to P&R quarterly

## FINANCIAL RISK ASSESSMENT

## SECTION TWO: ADMINISTRATION

Item	YES	NO	REC	Evidence:
1. Have officers complied with Financial Regulations in terms of general administration?	√			
2. Have accounting procedures been followed in accordance with the Account & Audit Regulations 2015?	√			Demonstrated by internal/external auditors report
3. Was the Annual Governance & Accountability Statement (AGAR) completed as soon as practically possible and referred to Council?	√			
4. Have members considered a supporting set of accounts that correspond to the AGAR?	√			One page summary agreed by FSP
5. Have arrangements been made for an end of year internal audit to take place?	√			Due to take place May 23
6. Are adequate arrangements in place for the public inspection of documents including minutes and agenda papers?	√			
7. Is the financial scrutiny panel meeting as planned?	√			Recommend review of panel membership in future due to new members
8. Has the Policy & Resources Committee considered copies of receipts, payments and corresponding bank reconciliations?	√			
9. Are reconciliation documents supported by a corresponding bank statement?	√			Evidence noted by FSP
10. Where used, have cheques received the correct number of signatures and all stubs countersigned?	√			Evidence noted by FSP
11. Have BACS schedules been duly signed by the current number of signatures and corresponding payments countersigned?	√			
12. Have three signatures been sought for all expenditure in excess of £4,000?	√			
13. Is the petty cash account balanced with all supporting paperwork present?	√			
14. Has the RFO/Assist RFO countersigned each petty cash receipt?	√			
15. Do all receipts booked have a corresponding invoice present?	√			
16. Have all invoices for payment been initialled by signatories?	√			



Item	YES	NO	REC	Evidence:
17. Are a range of signatories being used for all payments being made by the Council?	√			
18. Has a mandate been sought by officers for any borrowing of funds including from the DMO (if applicable)?		√		
19. Is the VAT control account in order and supported with a corresponding VAT file detailing return claims, dates of claims and items of expenditure being claimed for?	√			Evidence noted by FSP
20. Have all Direct Debit mandates been accounted for and duly signed by at least two signatories?	√			
21. Have all receipts payable to the Council been deposited within 48 hours of receipt?	√			Cash not accepted by Post Office from May 23. Review Financial Regulations
22. Do all paying-in books correspond with receipts present in the cashbook?	√			
23. Have payments to staff to defray expenses incurred on behalf of the Council been made?	√			Occasional occurrences
24. Are credit card statements supported by corresponding VAT invoices and all credit card expenditure made in accordance with financial regulations?	√			
25. Has the Council published a Privacy Notice which has been reviewed in the last twenty four months?	√			
26. Does the Council possess a Data/Document retention policy and actively file, archive and dispose of data in accordance with that policy?	√			

## FINANCIAL RISK ASSESSMENT

## SECTION THREE: POLICY &amp; INTERNAL CONTROL

Item	YES	NO	REC	Evidence:
1. Has the Council reviewed its schedule of hire charges within the last twelve months?	√ √	√		Ad hoc interim reviews carried out by Town Clerk
2. Are all investments being managed in accordance with the Town Council's Treasury and Investment Management Policy?	√			Examples of movement of funds from Lloyds 95 Day Notice account to Unity Bank and new Savings Account applied for
3. Are all insurances schedules up to date and provide adequate cover for all services provided including fidelity guarantee insurance?	√			
4. Is a current copy of Employer's Liability insurance present and in date?	√			Evidence noted by FSP
5. Can officers demonstrate that all vehicles have Vehicle Excise Duty, a current MOT paid and in date and up to date vehicle insurance?	√			Changed car servicing company
6. Is an up to date copy of the Council's registration with the Information Commissioners Office present and available for inspection?	√			Evidence noted by FSP
7. Have all internal payments (E.g Information Centre Payment Requests) been raised via an Internal Payment Request form?	√			
8. Examine the payments folders. Has each invoice been duly marked with an 'Approved for Payment' stamp and initialled by the approving officer?	√			
9. Have all invoices been conspicuously marked with a four digit nominal code?	√			
10. Can officers provide evidence that all BACS payments made in relation to salaries correspond to payroll schedules?	√			
11. Are all payments of sums due to HMRC correctly accounted for?	√			
12. Are all LGPS payments supported with a balancing PN11 return?	√			Evidence noted by FSP
13. Have all travel claims been duly marked with an 'Approved for Payment' stamp? Where parking or other expenses are claimed, are supporting tickets or receipts attached to the claim?	√			Evidence noted by FSP
14. Has a stock check been conducted for the Information Centre within the last twelve months?	√			Mini check completed monthly. Full check completed annually
15. Have the financial regulations been reviewed by the Council in the last twelve months?	√			

## FINANCIAL RISK ASSESSMENT

### SECTION FOUR: TENDERS

Item	YES	NO	REC	Evidence:
1. Have any tenders in excess of £25,000 been made within the last twelve months?		√		None since last review
2. Has capital expenditure made from the Earmarked Reserves been approved by the relevant committee?	√			Work on Ebenezer
3. Have all sealed tenders been opened by an officer with a Member present and a record kept?		√		N/A during current period
4. Are all contracts awarded supported with an appropriate order letter and basic contract terms?	√			If relevant
5. Are officers capable of demonstrating that value for money is being sought for general expenditure and procurement?	√			Regular comparisons carried out by Town Clerk and ARFO
6. Has there been any incidents of contract dispute in the last twelve months and a record of disputes and outcomes kept?		√		None since last review. Register in place for open disputes

## FINANCIAL RISK ASSESSMENT

### SECTION FIVE: OTHER RECOMMENDATIONS

Suggest finance training to be initiated for new members May 23

Approved by the Financial Scrutiny Panel: (Councillor) \_\_\_\_\_

Endorsed by the Responsible Financial Officer: \_\_\_\_\_



## Decision Notice

<b>Date of Determination:</b>	5 <sup>th</sup> April 2023
<b>Complainant:</b>	Ashleigh Keen, Tina Pool, Michael Mainstone and Le Cullen.
<b>Councillor:</b>	Councillor Angela Kilmartin
<b>Monitoring Officer</b>	Kim Mayo
<b>Investigating Officer:</b>	Mrs Crowe (Independent Person)

### Summary of Complaint:

The background to the complaint relates to a posting placed on the Witham Community Facebook page by Councillor Kilmartin, which related to the displaying of Pride Progress Flags in shop windows along Witham High Street.

### Code of Conduct

The Complaint was considered against the following provisions set out within the Witham Town Council Code of Conduct:

- a. Not bring the role of a councillor or the local authority into disrepute.

### Findings of the Monitoring Officer:

The Monitoring Officer has determined that the behaviour of Councillor Kilmartin are in breach of the Town Councils Code of Conduct, having regards to the full facts of this matter, and the views of the Independent Person.

However, was not minded, to instigate a full investigation of the matter. With agreement of the Independent Person, the Monitoring Officer does not believe that this situation warrants a full investigation. The elements identified were quite clear and the findings of a full investigation will not bring about a different outcome.

### Monitoring Officer Advice

The Monitoring Officer has advised that it would be beneficial for Councillor Kilmartin to undergo Equality Act and emotional intelligence training.

Further in light of the upset caused to the community, Cllr Kilmartin is invited to issue an apology for the comments made on Facebook.

**Kim Cole**  
**Head of Governance and Monitoring Officer**