



AGENDA FOR THE MEETING OF TOTNES TOWN COUNCIL

MONDAY 4TH MARCH 2024 IN THE GUILDHALL

Please note that public question time will be held prior to Full Council from 6.30pm. There are stairs to the Council Chamber but if any member of the public has mobility issues the Council can relocate to the Main Chamber.

You are hereby **SUMMONED** to attend a meeting of the Council, on **Monday 4th March 2024** at **7.00pm** for a maximum of 120 minutes the purpose of transacting the following business:

1. WELCOME TO ALL ATTENDING AND OBSERVING

The Chair will read out the following statement:

Welcome to everyone attending and observing the meeting.

A reminder that open proceedings of this meeting will be video recorded. If members of the public make presentations, they will be deemed to have consented to being recorded. By entering the Council Chamber attendees are also consenting to being recorded.

This meeting is limited to 120 minutes and therefore members are asked to raise their points succinctly and not repeat the same view expressed by colleagues if it does not add to the debate.

2. APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS

To receive apologies and to confirm that any absence has the approval of the Council. The Mayor will request confirmation that all Members have completed or made any necessary amendments to their Declaration of Interests.

The Council will adjourn for the following items:

Reports from County and District Councillors.

- a. County Cllr Hodgson – no document.
- b. District Cllr Allen – no document.
- c. District Cllr Birch – document attached.
- d. District Cllr Presswell – document attached.

The Council will convene to consider the following items:

3. CLERK'S REPORT (Standing Item)

To note the Clerk's Report for February 2024 (general updates and correspondence). Document to follow.

4. CONFIRMATION OF MINUTES

To approve and sign the minutes of the following Meeting:

(Please note confidential minutes can be agreed but any discussion must be held in Part 2)

- a. Full Council 5th February 2024 – document attached.

To note the following minutes:

- b. Council Matters 12th February 2024 – document attached.
- c. Planning Committee 19th February 2024 – document attached.

5. CONSIDERATION OF ANY MATTERS ARISING REQUIRING A DECISION

To consider any matters arising from the Minutes and to approve any recommendations from Committees (document enclosed):

(Please note confidential minutes can be agreed but any discussion must be held in Part 2)

- a. Full Council 12th February 2024.
- b. Council Matters 12th February 2024.
- c. Planning Committee 19th February 2024.

6. STRATEGIC PLAN 2024-27

To consider the draft Strategic Plan for 2024-27. Document to follow.

7. COMMUNITY DEVELOPMENT BUDGET

To consider the detailed breakdown of the Community Development Budget for financial year 2024/25. Document attached.

8. DEVON-TORBAY DEVOLUTION DEAL CONSULTATION

To consider a Council response to the Devon and Torbay Devolution Deal consultation (deadline for responses 24th March 2024). Document attached and to view the Devon and Torbay Combined County Authority draft proposal see <https://www.devontorbaydeal.org.uk/document/devon-and-torbay-combined-county-authority-draft-proposal/>

9. ALCOHOL PUBLIC SPACE PROTECTION ORDER CONSULTATION

To consider South Hams District Council Alcohol Public Space Protection Orders consultation for areas in Totnes (deadline for responses 19th March 2024). Document attached.

10. MARTYN'S LAW STANDARD TIER CONSULTATION

To consider a Council response to the Terrorism (Protection of Premises) Bill, also known as 'Martyr's Law', Standard Tier Consultation (deadline for responses 18th March 2024). Document attached.

11. LIST OF MEETING DATES, COMMUNICATIONS POINTS AND LINK COUNCILLOR UPDATES

To note a list of upcoming meeting dates, Council communications points and link Councillor/Councillor representatives on outside bodies updates. Documents attached.

12. NEXT MEETING

To note the next meeting date of Monday 8th April 2024, 6.30pm public session, 7.00pm formal meeting in the Guildhall.

The Council will be asked to RESOLVE to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960.

13. CONFIDENTIAL ITEMS FROM COMMITTEE (Standing Item)

To consider any recommendations or matters arising that are considered confidential in nature. No document.

14. ELMHIRST PROJECT (Standing Item)

To consider any update on the Elmhirst Site project (commercially sensitive). Verbal update.

Agenda produced by:

Catherine Marlton

Town Clerk

28th February 2024

USE OF SOUND RECORDINGS AT COUNCIL & COMMITTEE MEETINGS

The open proceedings of this Meeting will be audio and video recorded. If members of the public make a representation, they will be deemed to have consented to being recorded. By entering the Council Chamber or Zoom meeting, attendees are also consenting to being recorded.

John Birch

SHDC Member for Totnes

**Report to the Totnes Town Council meeting to be held on
Monday 4 March 2024**

I report on the following

MAJOR DEVELOPMENT AT BALTIC WHARF

Exeter developer Acorn Properties has submitted a planning application for a major development at Baltic Wharf in Totnes consisting of 194 dwellings, 55 bed care home, 12 commercial buildings and a reduced boatyard.

Having seen the Acorn's development plans I question the merit of its proposals. I believe Acorn's plans will result in a substantial number of overpriced houses that local people do not want and cannot afford, whilst also reducing the boatyard to an unacceptable size and compromising its future viability.

The planning application submitted by Acorn makes no proper provision for affordable housing. The SHDC Local Development Plan requires schemes such as this to have a minimum of 30% affordable housing. Acorn fails in this respect.

What's more, Acorn's scheme doubles up on the numbers provided for in the Local Development Plan (95 dwellings) on top of failing to provide proper provision for affordable housing.

We have a housing crisis in South Hams. We have young working families in desperate need of quality homes that they can afford. We do not need more of the overpriced developments that have shot up in our towns and villages.

Acorn's scheme appears to ignore our housing crisis. This is not acceptable and is one of several reasons why I believe the application should be refused.

Another reason is the sheer volume of additional traffic that will be generated by the proposed scheme. The application states that 324 car parking spaces will be provided for the use of residents and businesses. The increased volume of traffic will have an adverse impact on the air quality in the adjoining areas of the town as well add to the current congestion.

There is an alternative. I, along with other councillors, would like to see a Centre of Marine Excellence and Skill built that would continue the town's long association with the sea and create the potential for hundreds of highly skilled and well paid jobs for the area. To find out more about this, and about how to

lend your support to the alternative proposal, please visit:
<https://www.balticwharf.org.uk/>"

The Acorn planning application documents can be found on the South Hams District Council website at

<https://southhams.planning-register.co.uk/Planning/Display/3995/23/FUL>

Below are my comments on Acorn's planning application by reference to the adopted JLP policies.

1. The JLP Policy TTV21 provides for an allocation of 190 dwellings, 95 have already been built along Baltic Way, leaving 95 outstanding. Acorn's proposal is for 194 dwellings and is well in excess of the policy allocation resulting in overdevelopment. The increase in the number of dwellings appears to be at the expense of the boatyard that should be retained (TTV21-2)
2. The JLP Policy TTV21 provides for up to 80 assisted living units. Acorn wishes to substitute these units for dwellings in order to increase the allocation for new homes from 95 to 194. Such a reallocation should be resisted. Assisted living units are generally small one bedroom flats and are not equivalent in scale to the general term 'dwelling'. In any event the applicant has not produced any evidence to show that there is no longer a requirement for an assisted living facility that in my opinion is a key part of Policy TTV21 and as such should be provided.
3. The JLP Policy TTV21 requires the retention of the boatyard and its facilities. Acorn's proposal significantly reduces the boatyard and its facilities and removes the undercover facilities that can accommodate vessels up to 6m in height. Such a reduction is contrary to JLP Policy TTV21-2
4. JLP Policy DEV14 along with the relevant Supplementary Planning Document requires the preservation of quayside employment facilities. This policy appears to have been ignored by Acorn. The importance of the site is detailed in the independent economic report commissioned by the SHDC. The SPD further requires that a market report is generated to justify any change of use. This has not been supplied.
5. JLP Policy DEV14.3 does not allow development that will adversely affect an employment site, which the proposed 194 dwellings would clearly do.
6. It has been suggested that the current boatyard is not viable. This is as a result of the yard being run down to give credence to the application and to avoid the full weight of DEV 14. A full economic analysis needs to be supplied to justify this claim.
7. The proposals do not provide a full assessment of the carbon cost of this development (DEV 32).

8. There is a possibility the site is contaminated. There should be a full investigation and mitigation plan as required by JLP Policy TTV21-3. This is not mentioned or provided in the application.

9. Policy TTV21-6 provides for an appropriate strategy to mitigate for any impact on the A385 Air Quality Management Area. No such strategy has been provided and furthermore the proposal for over 300 car parking spaces within the development would appear to run counter to any mitigation measures. The increase in traffic volume arising to and from the development will have an adverse impact on the already overcrowded road layout in the town centre and A385.

10. The planning application submitted by Acorn makes no provision for affordable housing. The JLP provides for such schemes to have 30% affordable housing. Acorn in a financial viability assessment claims it will not make enough profit for the scheme to provide affordable housing. It claims its projected profit of just under £13 million is insufficient. This approach in my view is not acceptable and provides another ground for the application to be refused.

WHY CALL IT DEVOLUTION WHEN IT ISN'T?

I comment on the proposed Devon and Torbay devolution deal recently published by the government.

Local Conservative politicians along with the government have announced the setting up of another tier of local government for Devon and Torbay and dressed it up as devolution. It is to be called the Devon and Torbay Combined County Authority (CCA).

It appears that only Adult Education is being devolved to this new authority. Meanwhile it will share responsibility for economic development, housing and transport with the existing local authorities in return for some additional funds from central government.

Tucked away in the detail there appears to be a move afoot to abolish district councils including South Hams District Council. The district councils' responsibilities will pass to a remote and bureaucratic authority based in Exeter. True local government seems to be on the way out.

What seems to be happening is a power grab rather than devolution. Why is this additional tier of local government being promoted as devolution when this is just not the case? It is just a preamble to the abolition of true local government in Devon.

Who is going to pay for this additional tier of government? There is no mention of the dreadful financial state of the Devon County Council and

Torbay Council. Both will continue to operate with massive debts. Their futures look grim.

Who will pay for all the added bureaucracy and layer of government? No doubt it will be the council taxpayers.

Details at <https://www.gov.uk/government/publications/devon-and-torbay-devolution-deal>

COMMUNITY SAFETY PARTNERSHIP

South Hams District Council is a key member of the local Community Safety Partnership and it has recently recruited a new Anti-Social Behaviour officer.

With regards to the work the Community Safety Partnership carries out, in March every year it hosts an annual South Devon and Dartmoor Community Safety Forum which showcases the work the CSP does. This year it is being held at Kilworthy Park in Tavistock and there is an online TEAMS option available.

The link to the forum is <https://www.eventbrite.co.uk/e/south-devon-and-dartmoor-csp-forum-tickets-835613972887>.

Alternatively, it has a recording available on YouTube giving an overview of some of the work of the CSP and the link to that recording is <https://youtu.be/7NJbmFayFk0>

With reference to the Public Space Protection Orders (PSPO), the consultation period for renewing the existing PSPO is now live and details can be found at <https://www.southhams.gov.uk/news/2024/lets-talk-about-alcohol-public-spaces>. Any information that can be provided during this consultation is valuable in identifying possible problems areas.

NEW BUSINESS AT 6 THE PLAINS

SHDC has received an application for a new premises licence from Loungers UK Limited for Lounge, at 6 The Plains, Totnes, TQ9 5DR. The business is described as a food led café and bar

The application is for:

1. The sale of alcohol between the hours of 10:00 and 24:00 daily for consumption on and off the premises.
2. The provision of late-night refreshment between the hours of 23:00 and 00:30 daily.

Those who wish to make a representation to this application, please email the Licensing Authority at South Hams District Council, at licensing@swdevon.gov.uk.

Representations must be received no later than 22 March 2024.

EMPTY HOMES IN SOUTH HAMS

At a recent SHDC Full Council meeting the council addressed the need for additional council tax to be paid by those owning empty properties. The following was agreed.

1. An empty homes premium of an additional 100% is levied on properties that have remained unoccupied and unfurnished for at least one year, but less than five years;
2. That an empty homes premium of an additional 200% is levied on properties that have remained unoccupied and unfurnished for at least five years, but less than ten years;
3. That an empty homes premium of an additional 300% is levied on properties that have remained unoccupied and substantially unfurnished for at least ten years;

These are the number of empty homes in South Hams as at 15 February 2024

- a) 1 to 2 years -- 259
- b) 2 to 5 years – 77
- c) 5 to 10 years –10
- d) Over 10 years – 6
- e) Through major repairs –58

The additional council tax being charged for empty homes may not be sufficient to bring these properties into occupation and therefore other options should be considered. I will be taking up this issue up with my fellow Executive Members at SHDC. To have so many empty homes in times of a local housing crisis is not a situation that should be tolerated or accepted.

Cllr John Birch, SHDC Member for Totnes

27 February 2024

District Councillor Report 28/02/2024
Anna Presswell

Dentistry:

A meeting has been set up with NHS Dentistry regarding the Dartmouth Dentistry model for cheaper Dental Care, to which I've been invited.

I hope if considered in a positive light, that we can approach the Totnes Dentist to see if they might consider a similar formula, if it has been proved viable for both patients and professionals.

Overview and Scrutiny Committee:

Yealm Community Energy is being assessed over the next few months to see if it appears a good investment for SHDC, to further the councils adopted goals on climate and biodiversity. It presently only benefits a couple of hamlets within their area.

It will also be assessed as an example for a future framework for climate and biodiversity or community grants or investment, which can be used to approve other community projects.

Audit and Governance:

We are in the process of reviewing the Treasury management strategy, the Investment strategy, and the Capital strategy of SHDC. This is to support the review of the Annual Accounts.

We are assured that the SHDC accounts and financial forecasts are robust, which is important to hear when we see some of the other councils, nationwide, struggling and going bankrupt.

Camomile Lawn estate Steps and Benches:

Over the next few months we hope to have both a picnic and seating area overlooking the river plus steps and handrail at the East side of the plateau up the steep bank as you first drive into the estate.



DRAFT MINUTES FOR THE MEETING OF TOTNES TOWN COUNCIL
MONDAY 5TH FEBRUARY 2024 IN THE GUILDHALL

Present: Councillors E Price (Chair), G Allen, L Auletta, C Beavis, T Bennett, J Chinnock, S Collinson, T Cooper, J Cummings, J Hodgson, B Piper, A Presswell, N Roberts and L Smallridge.

Apologies: Cllrs Hannam and Peters.

In Attendance: Members of the press and public, C Marlton (Town Clerk) and P Bethel (Town Sergeant).

1. WELCOME TO ALL ATTENDING AND OBSERVING

2. APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS

To receive apologies and to confirm that any absence has the approval of the Council. The Mayor will request confirmation that all Members have completed or made any necessary amendments to their Declaration of Interests.

The apologies were received and agreed unanimously. Cllr Allen updated that she had become a trustee of Naturesave.

The Committee will adjourn for the following items:

Reports from County and District Councillors.

- a. County Cllr Hodgson
- b. District Cllr Allen
- c. District Cllr Birch
- d. District Cllr Presswell

*It was **RESOLVED** to suspend standing orders.*

The Chair invited questions only on those reports that had been circulated in advance.

- a. County Cllr (C Cllr) Hodgson was present but had not circulated a report.
- b. District Cllr Allen was present but had not circulated a report.
- c. District Cllr Birch was not present and had not circulated a report
- d. District Cllr Presswell had circulated a report and updated on responsibility for the Leechwell and C Cllr Hodgson agreed to ask Devon County Council on the ownership records they have for it.

The Council reconvened.

3. CLERK'S REPORT (Standing Item)

To note the Clerk's Report for November 2023 (general updates and correspondence).

Noted. It was **AGREED** that the Clerk would write to the District Councillors and officer about the overflowing bins on Longmarsh.

4. CONFIRMATION OF MINUTES

To approve and sign the minutes of the following Meeting:

(Please note confidential minutes can be agreed but any discussion must be held in Part 2)

a. **Full Council 8th January 2024.**

It was **RESOLVED** unanimously to approve and sign the minutes.

To note the following minutes:

b. **Council Matters Committee 15th January 2024.**

Noted.

c. **Planning Committee 22nd January 2024.**

Noted.

d. **Town Matters Committee 29th January 2024.**

Noted.

5. CONSIDERATION OF ANY MATTERS ARISING

To consider any matters arising from the Minutes and to approve any recommendations from Committees:

(Please note confidential minutes can be agreed but any discussion must be held in Part 2)

a. **Full Council 8th January 2024.**

No matters arising.

b. **Council Matters Committee 15th January 2024.**

No recommendations.

c. **Planning Committee 22nd January 2024.**

Item 6. Peninsula Transport Consultation – It was **RESOLVED** that the Council has submitted the response to the questionnaire as drafted in the minutes.

d. **Town Matter Committee 29th January 2024.**

Item 4. Emergency Plan Review – It was **RESOLVED** that the Emergency Plan is adopted subject to the following amendments:

The inclusion of community groups in the communications section; and

Community Preparedness – link councillors to liaise with community organisations to see what processes are in place.

Item 5. Road Markings – It was **RESOLVED** that the Council writes to Devon Highways to: raise the issue; ask what is to be done and on what timeline; and if Devon Highways do not propose remedial works if they can advise on other routes that the Town Council can take to get the markings replaced. Cllr Collinson is to provide a couple of examples to include in the letter.

6. LIST OF MEETING DATES AND COMMUNICATIONS POINTS

To note a list of upcoming meeting dates, including a revised calendar of meeting dates, and Council communications points.

Noted.

7. NEXT MEETING

To note the next meeting date of Monday 4th March 2024, 6.30pm public session, 7.00pm formal meeting in the Guildhall.

Noted.

The Council will be asked to RESOLVE to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960.

8. CONFIDENTIAL ITEMS FROM COMMITTEE (Standing Item)

To consider any recommendations or matters arising that are considered confidential in nature.

No recommendations.

9. MARKET SQUARE

To consider an update on the Market Square (legal).

It was **RESOLVED** that the Clerk would write to South Hams District Council to request a meeting to discuss the Market Square and future improvements.

10. ELMHIRST PROJECT (Standing Item)

To consider any update on the Elmhirst Site project (commercially sensitive).

No further updates to report.

The meeting closed at 8pm.

Cllr Emily Price
Chair



DRAFT MINUTES FOR THE MEETING OF COUNCIL MATTERS MONDAY 12TH FEBRUARY 2024 AT 6.30PM IN THE GUILDHALL

Present: Councillors B Piper (Chair), C Beavis, J Chinnock, J Hannam, J Hodgson, D Peters and E Price.

Apologies: Cllr T Bennett.

In Attendance: Cllrs Allen and Auletta, 2 Members of the public, C Marlton (Town Clerk) and C Bewley (Finance, HR and Lettings Manager).

1. APOLOGIES FOR ABSENCE

The Chair read a statement about how the meeting would be conducted and recorded. The apologies were accepted.

The Committee will adjourn for the following items:

PUBLIC QUESTION TIME

Members of the public raised concerns about: the freeport; graffiti in the town and it not being reported to the police; and business waste and cleanliness in the Civic Square.

The Committee will reconvene to consider the following items:

2. CONFIRMATION OF MINUTES

To approve the minutes of 15th January 2024 and update on any matters arising.

The minutes were **AGREED** as an accurate record of the proceedings.

3. BUDGET MONITOR

To:

- a. **Consider the 2023/24 Budget Monitor;**
This was considered and **AGREED** unanimously.
- b. **Note the indicative 2023/24 to 2026/27 reserve projection.**

Noted.

4. STRATEGIC PLAN 2024-27

To consider the draft Strategic Plan for 2024-27 and make a recommendation to Full Council.

It was **AGREED** that the Strategic Plan in its current form would be tabled for consideration at Full Council in March 2024.

5. COMMUNITY DEVELOPMENT BUDGET

To consider the detailed breakdown of the draft Community Development Budget for financial year 2024/25.

To **RECOMMEND** to Full Council the following budget allocations within the Community Development Budget:

AGREED COMMUNITY DEVELOPMENT BUDGET	£194,00
ENVIRONMENT	
Remaining S106 funding for Green Travel	£3,095
Totnes Gardens	£3,000
Sub-Total	£6,095
ECONOMY	
Nil at this time	£0
COMMUNITY	
Grant Funding – an initial round open to all projects with a priority for those working in partnership with other groups	£25,000
Christmas Lights Switch On Event	£3,000
Christmas Late Nights	£14,000
Christmas Tree, erection of lights and cross street repair	£15,000
Newsletters, publicity and Annual Town Meeting	£3,000
Defibrillator pads and servicing	£500
Sub-Total	£60,500
TOTAL ALLOCATED	£66,595
Remainder to be allocated as ‘Strategic Plan and Council Priorities’ for future detailed allocation	£127,405

6. COUNCIL GRANTS

To consider:

- a. **A review of the Council Grants Policy (previously Community Grants Policy);**

To **RECOMMEND** to Full Council that the revised Council Grants Policy is adopted.

- b. **A proposed timeline for the awarding of grants (subject to Full Council’s decision on the proposed Community Development Budget).**

The proposed timeline was **AGREED** unanimously, subject to Full Council’s decision on the proposed Community Development Budget.

7. COUNCIL RISK ASSESSMENTS

To consider a summary of the Council’s Risk Assessments.

The risk assessment summary was **AGREED** unanimously.

8. PENSIONS DISCRETION POLICY

To consider a Pensions Discretion Policy for staff.

The Pensions Discretion Policy was **AGREED** unanimously.

9. BUILDING CONDITIONS SURVEY

To consider the requirement for a building conditions survey on a 5-yearly basis.

It was **AGREED** that a quote for a 5-year conditions survey should be obtained and tabled at a future Council Assets and Public Realm Working Group.

10. FIXED ASSET REGISTER

To note the Council’s Fixed Asset Register.

Noted.

11. ARTS AND EVENTS WORKING GROUP

To note the minutes of the Arts and Events Working Group held on 24th January.

Noted.

12. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 11th March 2024 at 6.30pm in the Guildhall.

Noted.

*The Committee will be asked to **RESOLVE** to exclude the press and public “by reason of the confidential nature of the business” to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

13. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

To consider the bank statements and reconciliations for January (financial).

These were reviewed and unanimously **AGREED**.

14. TOTNES GARDENS

To consider purchasing the services of Totnes Garden for annual maintenance of spaces in the town (financial).

It was **AGREED** unanimously that the work of Totnes Gardens provides excellent value for money and that Full Council should be asked to ratify the recommended £3,000 payment for costs associated with annual maintenance for financial year 2024/25 financial year, as set out under item 5.

15. STAFFING UPDATE

For any general or urgent updates that required confidential sharing with Councillors (staffing), including:

a. A work experience request.

Noted. It was **AGREED** unanimously to permit one work experience placement as requested. This must be subject to any insurance requirements and any regulations around supervising a young person. Councillors are keen to hear feedback after the placement in terms of how successful it was for the student and how much management/oversight time was involved.

The meeting closed at 8.45pm

Catherine Marlton

Town Clerk

February 2024



Items 4c + 5c

DRAFT MINUTES FOR THE PLANNING COMMITTEE

MONDAY 19TH FEBRUARY 2024 IN THE GUILDHALL

Present: Councillors T Bennett (Chair), G Allen (from 1833), L Auletta, T Cooper, S Collinson (from 1836), J Cummings (from 1834), J Hodgson (from 1838).

Apologies: Cllr Smallridge.

In Attendance: Five members of the public, Cllr Beavis, Chair of the Traffic and Transport Forum, S Halliday (Governance and Projects Manager).

1. WELCOME AND APOLOGIES FOR ABSENCE

To receive apologies and to confirm that any absence has the approval of the Council.

Cllr Bennett read out a statement about how the meeting would be conducted and recorded.

The apologies were accepted.

The Committee will adjourn Standing Orders for the following items:

PUBLIC QUESTION TIME

The Chair of the Traffic and Transport Forum read from a note that he, as Chair, had circulated to the Committee about the Baltic Wharf application with regards to S106 contributions for travel and transport projects. The note calls for liaison with South Hams District Council (SHDC) and Devon County Council (DCC) Highways, and making sure that robust S106 considerations are in place to maximise safeguards for local communities. In considering the S106 requirements SHDC and DCC should have regard to the following: Totnes Neighbourhood Plan policies E7 (Sustainable Transport) and E8 (Walking and Cycling); the Town Council's Traffic, Transport and Pedestrian Policy; existing significant challenges to active travel in Totnes; focus on active travel; and the physical measures that need funding on St Katherine's Way and The Plains.

Members of the public spoke against the Baltic Wharf Phase 2 application (reference 3995/23/FUL) including: St Katherine's Way congestion; pedestrian route from the development – there is a pavement on one side of the road (not both) at New Walk; tight corners for construction and boatyard traffic; infrastructure – do the current doctors' surgeries and pharmacies have the capacity to absorb the additional pressure based on existing provision; the area is the only remaining space to enhance marine industry in the town this will be lost by building houses; insufficient car parking in the plan, particularly for visitors to residents; flood risk area.

The Committee reconvened Standing Orders.

2. CONFIRMATION OF MINUTES

To approve the minutes of 22nd January 2024 and update on any matters arising.

The minutes were approved as an accurate record of proceedings. There were no matters arising.
DRAFT Planning Committee, 18th February 2024 1

3. PLANNING APPLICATIONS

To make recommendations on the following planning applications:

Note: Cllrs Allen and Hodgson observes and do not vote on any applications which would potentially be discussed at a Development Management Committee meeting at SHDC.

3a. 3995/23/FUL - Full planning application for the phased delivery of a mixed-use development comprising marine workshops (Use Class B2) and boat storage, offices (Use Class E), care home (Use Class C2), houses and apartments (Use Class C3), mixed commercial uses (Use Class E) and associated infrastructure. Baltic Wharf Boatyard, St Peters Quay, Totnes, TQ9 5EW.

Object. It was **AGREED** that:

- Councillors would provide detailed comments to be circulated out of Committee for agreement (for submission by the officer on 28th February) on the following themes – access, public realm, boatyard, design (including scale and massing), impact on the town (health and education), biodiversity, flooding, lack of affordable housing, travel/traffic;
- the note from the Traffic and Transport Forum Chair regarding S106 contributions for travel would be submitted as part of the Committee's comments;
- the Committee supports the points made by the South Hams Society on the application; and
- the Committee commends the SHDC officer pre-application input on the designs.

3b. 3231/23/OPA - Outline application with some matters reserved for mixed use 8 Houses and three commercial units. Land At Ngr Sx797614, Nellies Wood View, Dartington.

As a site is part of the gateway to Totnes and as a neighbouring council, the Committee wishes to object. The application does not comply with the Joint Local Plan and what is being proposed is neither residential nor industrial/employment space and doesn't meet the housing need of affordable housing. The Committee would expect to see a biodiversity net gain on site and has concerns about the flood risk.

The Committee voted to extend the meeting by 15 minutes.

3c. 0344/24/FUL - Proposed reverting 'Archway House' from a single house back to two cottages as it was previously arranged. Archway House, 4 South Street, Totnes, TQ9 5DZ.

Support.

3d. 0135/24/LBC – Listed building consent for minor internal works to fit out the existing premises to become a Childrens Hospice South West charity shop. First Floor, 57 High Street, Totnes, TQ9 5NP.

Support. However, the Committee is concerned that internal work has already commenced.

3e. 4130/23/FUL - Proposed installation of four opening roof windows to a building in a Conservation Area. The Forge, Collins Road, Totnes, TQ9 5PJ.

Support.

3f. 0063/24/LBC - Listed Building Consent for front elevation repairs, roof covering & 3 No windows replacement. 2 Seymour Lodge, Bridgetown Hill, Totnes, TQ9 5BA.

Comment – the fan light (window #1) isn't in keeping and a casement window to match window #2 would be more appropriate as window #1 is visible from a longer view.

3g. 0081/24/HHO - Householder application for replacement of existing boundary fence with hazel hurdle boundary fence. Seymour Terrace, Bridgetown, Totnes, TQ9 5AQ.

Cllr Allen declared a personal interest. Comment – the Committee supports the hazel hurdle fence but objects to the retention of the close boarded gate.

4. BALTIC WHARF S106 FOR TRAVEL

To consider travel/transport projects for S106 funding from Phase 2 of the Baltic Wharf development and make a recommendation to Full Council.

To **RECOMMEND** to Full Council that it responds to Devon Highways:

- to seek S106 contributions for physical improvements outside of the Baltic Wharf site boundary in the vicinity of the development (St Katherine's Way and The Plains) to improve active travel and pedestrian safety for new and existing residents and the wider community;
- to seek S106 contributions to address the Air Quality Action Plan issues in Totnes;
- registering concerns about the traffic data used in the planning application which records lower vehicle movements than the DCC Highways data; and
- endorsing the note produced by the Traffic and Transport Forum Chair.

5. TRAFFIC AND TRANSPORT FORUM

To note the minutes from the Traffic and Transport Forum Annual General Meeting held on 31st January 2024 including the recommendation under item 10 (Totnes to Buckfastleigh cycle link) and make a recommendation to Full Council.

Noted. To **RECOMMEND** to Full Council that it writes to Sustainable Staverton in support of the Totnes to Buckfastleigh cycle link.

6. PARISH PATHS PARTNERSHIP

To note the annual Parish Paths Partnership return for footpaths and bridleways in Totnes.

Noted. The Committee thanks the Chair of Totnes Ramblers in carrying out this work.

7. EVENTS ON SOUTH HAMS DISTRICT COUNCIL LAND

To note the following event taking place on South Hams District Council land:

- a. Teignbridge Trotters Totnes 10K Event, Sunday 4th August 0700-1530hrs, Borough Park.

Noted.

8. DATE OF NEXT MEETING

To note the date of the next meeting of the Planning Committee – Monday 18th March 2024 at 6.30pm in the Guildhall.

Noted.

The meeting closed at 8.20pm

Sara Halliday
Governance and Projects Manager
February 2024

ITEM 5 – CONSIDERATION OF RECOMMENDATIONS

5a. Full Council, 5th February 2024

No recommendations.

5b. Council Matters Committee, 12th February 2024

Item 4. Strategic Plan – to be considered under Full Council agenda item 6.

Item 5. Community Development Budget – to be considered under Full Council agenda item 7.

Item 6a. Review of the Council Grants Policy (previously Community Grants Policy) - To **RECOMMEND** to Full Council that the revised Council Grants Policy is adopted.

5c. Planning Committee, 19th February 2024

Item 4. Baltic Wharf S106 for Travel - To **RECOMMEND** to Full Council that it responds to Devon Highways:

- to seek S106 contributions for physical improvements outside of the Baltic Wharf site boundary in the vicinity of the development (St Katherine's Way and The Plains) to improve active travel and pedestrian safety for new and existing residents and the wider community;
- to seek S106 contributions to address the Air Quality Action Plan issues in Totnes;
- registering concerns about the traffic data used in the planning application which records lower vehicle movements than the DCC Highways data; and
- endorsing the note produced by the Traffic and Transport Forum Chair.

Item 5. Traffic and Transport Forum - To **RECOMMEND** to Full Council that it writes to Sustainable Staverton in support of the Totnes to Buckfastleigh cycle link.

ITEM 7 – COMMUNITY DEVELOPMENT BUDGET

To **RECOMMEND** to Full Council the following budget allocations within the Community Development Budget:

AGREED COMMUNITY DEVELOPMENT BUDGET	£194,00
ENVIRONMENT	
Remaining S106 funding for Green Travel	£3,095
Totnes Gardens	£3,000
Sub-Total	£6,095
ECONOMY	
Nil at this time	£0
COMMUNITY	
Grant Funding – an initial round open to all projects with a priority for those working in partnership with other groups	£25,000
Christmas Lights Switch On Event	£3,000
Christmas Late Nights	£14,000
Christmas Tree, erection of lights and cross street repair	£15,000
Newsletters, publicity and Annual Town Meeting	£3,000
Defibrillator pads and servicing	£500
Sub-Total	£60,500
TOTAL ALLOCATED	£66,595
Remainder to be allocated as 'Strategic Plan and Council Priorities' for future detailed allocation	£127,405

Item 8 – Devon-Torbay Devolution Deal Consultation

The Devon and Torbay Devolution Deal can be viewed in full at:

<https://www.gov.uk/government/publications/devon-and-torbay-devolution-deal>

and

<https://www.devontorbaydeal.org.uk/>

Introduction

Devolution differs from local government reorganization in key ways:

- Local government reorganization involves merging existing authorities into new unitary ones to improve efficiency and representation.
- Devolution typically involves existing two-tier authorities forming an additional statutory body called a Combined Authority. This allows access to increased powers and funding from the government in certain areas, while authorities continue in their current form.

The highest level of devolution (Level 3) does effectively reorganize local government by creating a single institution with an elected mayor. Lower levels maintain existing structures but allow joint working (Level 1) or a single institution without an elected mayor (Level 2).

The government prefers mayoral combined authorities (Level 3). However, these have faced political challenges in shire counties. Past failed initiatives for unitary councils and mayoral combined authorities in Devon and Cornwall indicate likely opposition.

This report focuses on 'devolution' not fundamental 'reorganization' of local government structures.

Summary

The proposed Devon and Torbay devolution deal was announced in January 2024. The public consultation runs until late March.

The deal involves:

- Forming the Devon and Torbay Combined County Authority (CCA), with a leadership group and nominated chair, to provide vision, accountability, and value.
- New skills powers including the Adult Education Budget to shape training to meet economic needs.
- £16 million funding for housing, net zero, and business transition.
- Collaboration with Homes England on affordable housing and regeneration.
- New transport powers including bus franchising.
- Shared Prosperity Fund planning/delivery role potential from 2025/26.
- Integrating the Heart of the South West LEP functions into the CCA but retaining an independent business voice.
- Cooperation with the Police and Crime Commissioner.

- A clear resilience and emergency planning role.

This is seen as a starting point with potential for evolution over time.

Recommendations to consider:

- a) Note report content and decide consultation response as a body corporate
- b) Respond as individuals
- c) Make no response
- d) Encourage stakeholder responses

Benefits

- Tackling housing shortage
- New training opportunities
- Improved transport
- Investment in business/jobs
- Local decision making
- Stronger national voice
- Productivity and pay increases

Priorities

- Economic potential
- Housing
- Transport
- Net zero
- Investment
- Strong sustainable economy

Based on Levelling Up White Paper principles:

- Effective leadership
- Sensible geography
- Flexibility
- Accountability

With additional principles:

- Partnership
- Inclusivity

- Additionality
- Subsidiarity
- Collaboration

Governance

Devon County Council and Torbay Council are constituent members. Proposed CCA governance:

- 3 elected members per constituent council, including Leader
- 4 non-constituent district council members
- 2 associate business/skills members

Notes:

- District councils cannot be constituents
- Chair alternates every 2 years

Joint Team Devon committee replaces LEP, with county, districts, national parks, DALC etc. Gives voice and collective position.

Constituents have overall responsibility and voting rights. Decision-making split between reserved/general matters.

Possible advisory boards e.g. Growth, Skills, Housing etc. Formal but no decision powers.

Separate overview/scrutiny and audit committees required.

Central funding guaranteed initially but constituent contributions may be needed after 2026/27.

Officer points:

- This is not devolution to town/parish level and therefore does not address the issue of service/asset/liability transfer to our sector.
- This does not correct the issue of the budget challenges faced by District and County authorities. Also insufficient project funding (£16m) for long term sustainability in my view.
- Our sector needs a clear and consistent outline of principal authority statutory functions for effective engagement/communication – and to plan ahead for devolution of services due to budget constraints.
- Downward consultation with our sector is needed, not just information provision.
- Clarification needed of DALC role and capacity given the large number of Town and Parishes in Devon and the wide variety of needs/challenges. There is a huge disparity in size and precepts to consider as well.

Consultation

The six week consultation period was launched on 12th February and will run until 24th March.

The consultation will include:

- an online survey with alternative options provided on request to meet the needs of participants (translations, paper copies and easy-read versions);
- stakeholder engagement with businesses, the voluntary sector, and other stakeholders identified; and
- events to engage residents and stakeholders of the proposed CCA area.

Findings from the consultation will be analysed and published in April 2024 and the results of which will be considered by Devon County Council and Torbay Council as part of the final proposal discussions.

Consultation questions

Councillors are asked to consider the questions highlighted if they wish to submit a corporate response.

What is the Devon and Torbay Combined County Authority?

On 25 January 2024 the Government announced the potential for a devolution deal for Devon and Torbay. Devon County Council and Torbay Council have produced a draft proposal (the 'Proposal') and have agreed to consult on the Proposal to create a new entity called the Devon and Torbay Combined County Authority (CCA). The proposed CCA is a legal requirement to oversee new powers and funding devolved from Government for a range of local priorities including housing, jobs and training, and transport.

If the Proposal is implemented, existing funding and powers will move from central government to Devon and Torbay, with further powers also being available to the CCA. This will enable local voices to play a greater role in decision-making in the area to secure more investment and deliver better outcomes for local communities.

The Proposal would not mean removing or merging local councils. Each council would continue to exist and would still be responsible for public services in their area. Funding to establish the CCA would be provided by the Government.

Maximising our economic potential

We will make sure we have the skilled workforce our local economy needs for the future. We'll work to secure new investment to help create additional high value jobs.

- The Deal would devolve the budget for adult education to the Devon and Torbay CCA. The CCA would be responsible for making funding allocations to adult education providers meaning we would have the flexibility to tailor provision to local needs and priorities.
- Funding for Free Courses for Jobs will also be devolved and ring-fenced.
- The CCA will work with the Devon and Plymouth Chamber of Commerce providing input to and supporting the development of the Local Skills Improvement Plan for the area. The Plan will help build a stronger and more dynamic partnership between employers and further education providers.

- The Department for Education will continue to work with Devon and Torbay to commission a local programme of Skills Bootcamps.
- We want to ensure that we retain a shared focus on careers education and advice for young people. The Government will work with the CCA and other partners to continue the work within the Careers Hub.
- The Department for Work and Pensions, through the Job Centre Plus and the Partnership teams, will work with the CCA on shared strategic priorities recognising the crucial link between local skills, education, health and workforce development.
- The CCA will take on the relevant functions and roles of the Heart of the South West Local Enterprise Partnership (LEP) in line with published guidance. We will work together so that the business voice is represented with Devon and Torbay.
- The Government will work closely with the CCA to make it easier for businesses to access the information, advice and support they need. This will draw on the Department for Business and Trade's global and sector offer.
- With the Department for Science, Innovation and Technology and UK Research and Innovation we will explore opportunities for closer long-term collaboration to strengthen Devon and Torbay's research and innovation capacity.
- We will look to make the most of the opportunities for further joint working around farming, fishing and coastal matters, building upon local good practice and programmes around farm resilience, aquaculture and renewable energy policy and practice.
- Exploratory conversations will be held between the CCA and the Department for Digital, Culture, Media and Sport and its Arms Length Bodies on the region's appetite and capacity for partnership working across the culture, heritage, sport, communities and visitor economy as applicable.
- We will have regular engagement with the Government on the digital connectivity delivery plans for the region, particularly where they involve hard to reach rural and coastal areas.

2. To what extent do you agree or disagree with the proposal to maximise our economic potential through the Devon and Torbay Combined County Authority?

(If you have any comments you would like to make around the proposal to maximise our economic potential, you will have the opportunity at the end of the questionnaire.)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Addressing our housing pressures

In partnership, we will deliver additional investment in affordable housing schemes for local people, reducing homelessness. Greater Community Land Trust-led delivery will support rural and coastal affordable housing delivery.

- The CCA will work with Homes England, with the support of the Department for Levelling Up, Housing and Communities, to combine our skills and capacity to reduce

the barriers to affordable housing delivery, regeneration and wider housing growth. We will develop a shared development pipeline which will be underpinned by a clear action plan.

- There will be potential investment through current and future funding streams, including the Affordable Homes Programme and Brownfield, Infrastructure and Land Fund.
- The CCA will explore, collectively with Homes England and the Department for Levelling Up, Housing and Communities, how wider measures, such as facilitating greater Community Land Trust-led delivery, could better support our plans to increase much needed rural and coastal affordable housing delivery, especially across small sites.
- Part of the Government's capital commitment to the CCA will be available to support the development of a small sites Green Homes investment programme.
- The Government has recognised the differentiated nature of local housing markets across Devon and Torbay and work that is underway by the Devon Housing Commission.
- The CCA will have access to additional land assembly powers for housing, regeneration and economic purposes. It will work in partnership with the Government on additional solutions for individuals who are homeless and on the challenges around second homes and holiday lets.

3. To what extent do you agree or disagree with the proposal to address our housing pressures through the Devon and Torbay Combined County Authority?

(If you have any comments you would like to make around the proposal to address our housing pressures, you will have the opportunity at the end of the questionnaire.)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Improving local transport

We will strengthen our joined-up approach as equal partners, helping to improve the efficiency and co-ordination of public transport. Shared responsibility for strategic transport will support economic growth.

- The CCA will become the Local Transport Authority for Devon and Torbay taking on the strategic coordination role and accountability for the associated responsibilities and local public transport powers

- As the Local Transport Authority, the CCA will develop an area-wide Local Transport Plan. The Department for Transport will use this Plan as a basis for future local transport investment
- The CCA will design and deliver a pipeline of transport interventions which align with Devon and Torbay's wider priorities including local growth, improving transport user experience, decarbonisation and reducing environmental impact.
- The CCA will be accountable for the receipt and allocation of Government local transport funding to Devon County Council and Torbay Council, whilst highways funding will go directly to those councils as highways authorities. The operational responsibility for highways will remain with constituent councils.
- Peninsula Transport Sub-National Transport Body (STB) will develop its Regional Centre of Excellence, which will offer bespoke capability and tools to support to all LTAs in the STB area.
- As the Local Transport Authority, the CCA will be responsible for:
 1. Bus Service Improvement Plans
 2. Enhanced Partnerships
 3. Subsidised bus services
 4. Concessionary fare schemes
- Where practical, the CCA will work towards streamlining Devon and Torbay's engagement with commercial bus operators and coordinate existing separate arrangements into a single Enhanced Partnership. If the CCA considers that bus franchising is likely to deliver better outcomes, Government will consider conferring franchising powers to the CCA.

4. To what extent do you agree or disagree with the proposal to improve local transport through the Devon and Torbay Combined County Authority?

(If you have any comments you would like to make around the proposal to improve local transport, you will have the opportunity at the end of the questionnaire.)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Meeting our net zero ambitions

We will unlock Devon and Torbay's huge green economic potential, with more investment in green business growth and attracting inward investment to the area. Our transition to a net-zero economy will be accelerated, capitalising on our area's world-leading expertise in green science and technology.

- Part of the Government's capital commitment to the CCA will be available to support business to invest in green business transition activity. This will offer Devon and Torbay's business community an opportunity to both modernise and decarbonise activity at a faster rate.

- The capital commitment will also enable the CCA to support the development of green skills capacity building within the further and higher education sector.
- The CCA will work with Government on planning our future energy system for net zero.
- The CCA will become the heat network Zoning Co-ordinator, playing a key role in the delivery of heat decarbonisation infrastructure. The Government will support the CCA to take forward heat network zoning in collaboration with the private sector to utilise all available low carbon heat sources.
- The CCA will work with the Government to explore the benefits of and design options for a place-based approach to delivering retrofit measures.
- We will be provided with opportunities to work with the South West Net Zero Hub to explore sources of funding for projects within our area.
- The CCA will work with Government on local environment policies to support the delivery of England's new Environmental Improvement Plan. Devon and Torbay will be considered as a test-bed geography for future policies such as new carbon codes for soils and the restoration of marine habitats.

5. To what extent do you agree or disagree with the proposal to meet our net zero ambitions through the Devon and Torbay Combined County Authority?

(If you have any comments you would like to make around the proposal to meet our net zero ambitions, you will have the opportunity at the end of the questionnaire.)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Delivering investment in Devon and Torbay

There will be local democratic accountability for big investment decision in the local economy. Business and skills representatives will have a strong voice and a direct route to locally-elected decision-makers.

- From 2025/2026, the CCA could have delivery responsibility for the UK Shared Prosperity Fund (or its successor). In doing so, the CCA will engage with constituent councils, district councils and other local partners to make sure that the needs of residents can be effectively addressed.
- £16 million of capital funding will be provided to the CCA from the Government to support local priorities. This will accelerate Devon and Torbay's transition to a net-zero economy. It will help us to capitalise on our expertise in environmental science and technology, with a focus on new green jobs, homes, skills and business growth. Alongside this we will seek to attract additional private sector investment into these areas.

- The CCA would have direct control over £11 million per year of funding for adult education until 2030. This will enable us to create up to 50,000 new training and re-training opportunities.
- There will be democratic control of Local Enterprise Partnership assets and funding.

6. To what extent do you agree or disagree with the proposal to deliver investment in Devon and Torbay through the Devon and Torbay Combined County Authority?

(If you have any comments you would like to make around the proposal to deliver investment in Devon and Torbay, you will have the opportunity at the end of the questionnaire.)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Creating a strong and sustainable local economy

We will support high growth business sectors such as marine engineering, defence, photonics and digital, as well as our traditional strengths of tourism, agritech and food production. Through creating a strong and sustainable local economy, we can increase productivity and pay across Devon and Torbay.

- Part of the Government's capital commitment to the CCA will be made available to enable the development of crucial coastal and marine energy infrastructure to allow for the transition to low carbon shipping. This will complement existing planned Levelling Up investment in Northern Devon and Torbay.
- The CCA and VisitEngland will work with the accredited Local Visitor Economy Partnership for the region to help further develop the region's visitor economy, harnessing the region's potential to grow domestic and international visitor spend and encouraging visits throughout the year.
- The Government and the CCA will seek to maximise the impact of our core sectors through:
 1. Aligning activity around our High Growth Opportunities including marine manufacturing, specialist innovation assets and the photonics sector;
 2. Maximising opportunities linked to Floating Offshore Wind development;
 3. Fully realising opportunities within the Advanced Engineering and Manufacturing sector;
 4. Working closely with the Department for the Environment, Food and Rural Affairs around the agritech and fishing sectors;
 5. Exploring the potential of the small but nationally significant health and life sciences cluster

7. To what extent do you agree or disagree with the proposal that it will support industries that are important to Devon and Torbay?

(If you have any comments you would like to make around the proposal to create a strong and sustainable local economy, you will have the opportunity at the end of the questionnaire.)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Delivering Our Ambitions

We will implement streamlined management and decision-making arrangements with a strong business and skills voice to address the big opportunities and challenges for Devon and Torbay. These arrangements will need to accord with the provisions of the Levelling-up and Regeneration Act 2023.

In order that powers and funding are available, suitable management and decision-making arrangements must be put in place. These arrangements provide the Government with assurance that funding will be spent appropriately, and statutory functions will be delivered effectively and efficiently.

To achieve this, our proposals include the integration of the Heart of the South West Local Enterprise Partnership (insofar as they relate to Devon and Torbay) with wider structures and the formation of a new Devon and Torbay Growth Board. There will also be a Skills and Employment Board created. This will help ensure there continues to be strong and independent local business and skills voices that inform local decision-making and strategic economic planning.

The governance model proposed would build upon existing structures and recognises the significant role for the eight district councils (who would be able to nominate two representatives to the proposed CCA alongside the creation of a Team Devon Joint Committee to further strengthen local partnership working arrangements).

8. To what extent do you agree or disagree with the proposed delivery arrangements for the Devon and Torbay Combined County Authority?

(If you have any comments you would like to make around the delivery proposal, you will have the opportunity at the end of the questionnaire.)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Your comments

9.If you have any comments you would like to make about the proposals for the Devon and Torbay Combined County Authority, please tell us using the space below.

ITEM 9 - ALCOHOL PUBLIC SPACE PROTECTION ORDER CONSULTATION

South Hams District Council is consulting on extending the Public Space Protection Orders (PSPOs) in the District that tackle alcohol related disorder. The consultation closes on 19th March 2024. The information below is taken from the SHDC website:

Public Space Protection Orders are one of a number of powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. They are designed to deal with a particular nuisance or problem in an area which is having a harmful effect on the quality of life of those in the community.

A Public Spaces Protection Order (PSPO) is a positive way to help prevent anti-social behaviour. It can provide a good response to some of the issues that local people and businesses face on a daily basis.

A PSPO is not there to stop people enjoying our open spaces, we simply want to make sure that everyone is able to enjoy those spaces safely. This is done by introducing requirements in specific areas telling people what they can or cannot do within it. They are designed to address issues within that area. In this case, the drinking of alcohol.

There are PSPOs in certain parts of the South Hams that helps the Police to ask people to stop drinking alcohol in public spaces and give up their alcohol. If they fail to follow these instructions when asked, it can lead to a Fixed Penalty Notice or prosecution.

The current areas of the existing PSPO is set to run out in July 2024. We are consulting to see if there is a need to extend, vary or remove the PSPO.

How long does a PSPO last for?

A PSPO last for a period of three years, although it can be varied or extended following a public consultation during the time the Order is in place.

Does the PSPO mean there is a ban on drinking alcohol in a public place?

The current PSPO is not a blanket ban on drinking alcohol in public spaces: the focus remains on tackling anti-social behaviour related to drinking in public spaces where there is risk of issues. The option for people to drink responsibly is kept, while the PSPO is there to support the Council and the Police in working together to tackle anti-social behaviour, supporting community safety and the quality of life for residents is the main objective.

Who will enforce the PSPO?

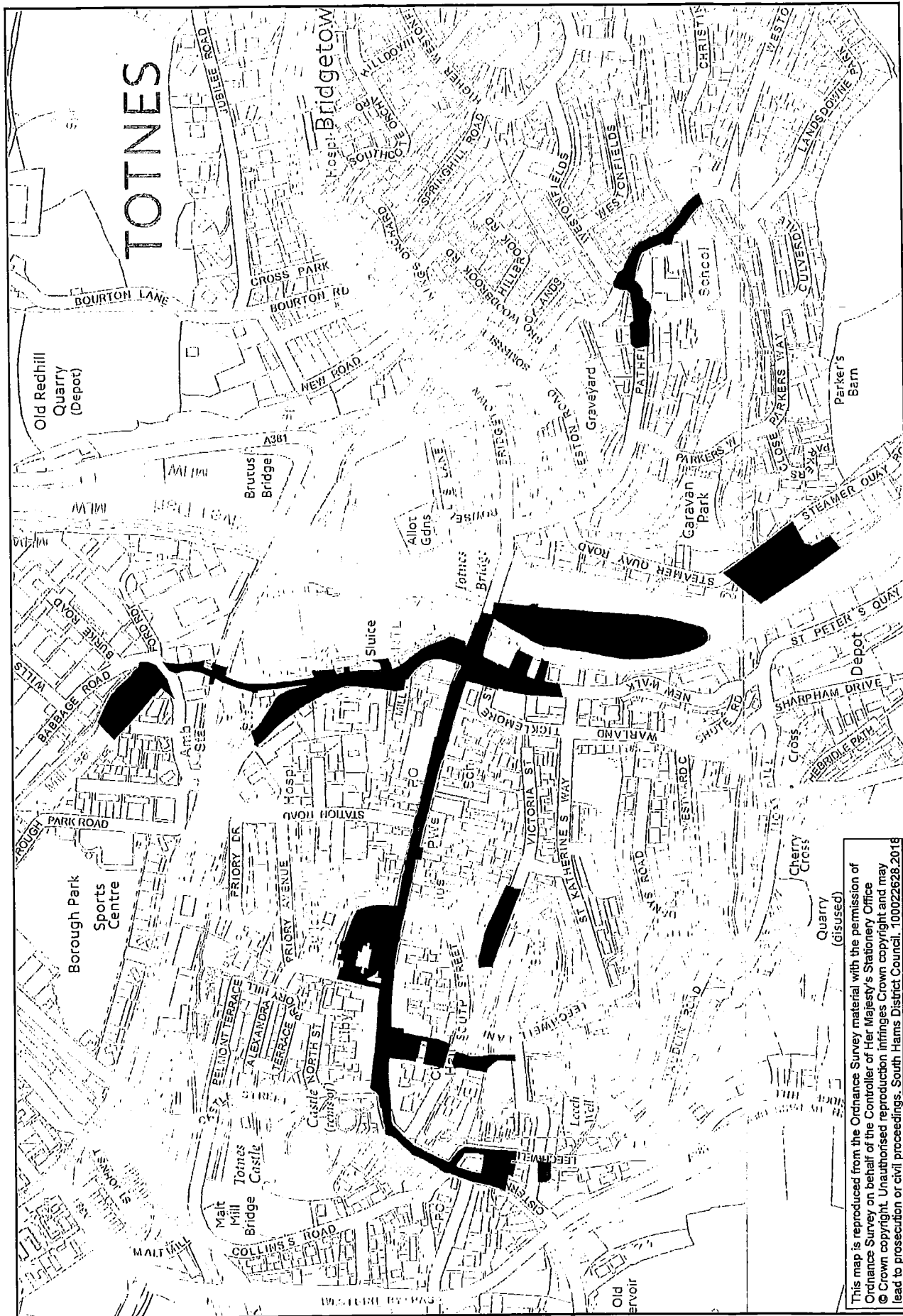
The Order will be enforced by Devon and Cornwall Police. Policing the activity will be based on up to date information to identify hotspots which will inform patrols.

What happens if a person breaches the PSPO?

A person breaching the PSPO Order will be liable to pay a Fixed Penalty Notice (FPN) of £100. If the fixed penalty notice is paid within the timescale no further action will be taken. If they do not pay within this time they could be prosecuted to a maximum penalty of £500 on conviction.

The areas for Totnes (shown in the attached map) are:

TOTNES - Fore Street, High Street, Rotherfold, Cistern Street (excluding south of Rotherfold), Leechwell Street, Church Close Guildhall Yard, Ramparts Walk, footpath adjacent to Civic Hall car park, Civic Square, The Plains, Coronation Road (to the entrance of the Fire Station). Open space at Rotherfold, Civic Hall car park, St Mary's churchyard, The Lamb and Heath's Gardens, the footpath from Coronation Road to Babbage Road, pedestrianised area around Town Mill, forecourt of Totnes United Free Church, Vire Island, Town Quay, Symons Passage. Steamer Quay Car Park and adjacent road. Longmarsh park area. In addition, there are PSPOs for alcohol outside of The Grove School and St John's School.



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Item 10 - Martyn's Law Consultation

The full bill and consultation link can be found here -

<https://www.gov.uk/government/publications/terrorism-protection-of-premises-draft-bill-overarching-documents>

Introduction

The new legislation aims to improve preparedness and protection against terrorist attacks at public venues, while ensuring requirements are proportionate for smaller businesses.

Martyn's Law is named after Martyn Hett, who was killed in the 2017 Manchester Arena attack. It will require venues to take necessary but proportionate steps to protect the public, according to their capacity.

The updated requirements for smaller venues focus on outcomes rather than processes. For example, specific terrorism training will no longer be mandated. Instead, venues will need to implement procedures for evacuation, lockdowns, etc. in the event of an attack.

This "reasonably practicable" approach is better suited for the range of smaller venues within the standard tier. It allows them to assess and implement suitable procedures based on their circumstances, similar to health and safety regulations.

A regulator will be established to monitor compliance and advise venues. Standard tier venues must notify the regulator that they fall under the new legislation.

Responsibilities

The legislation places responsibility on the person(s) controlling the venue or event. There is also a requirement for cooperation from others involved (e.g. venue owner) to implement the measures.

For community venues, responsibilities fall to trustees/owners and event organizers. This raises questions for unstaffed venues like village halls, parks, places of worship etc. run by charities, community groups or local authorities.

Summary of Requirements

Key requirements for standard tier venues (capacity 100-799) include:

- Notify regulator
- Implement attack response procedures (evacuation, invacuation, lockdown, communication)
- Tailor plans and procedures
- No specific training mandated
- Take reasonably practicable steps based on circumstances

Regulator can issue notices and penalties for non-compliance. Significant implementation period of 18-24 months after legislation passes.

Considerations

We have an evacuation plan for hirers. Additional steps needed:

- Register with regulator once appointed
- Develop invacuation, lockdown, communication procedures
- Review physical security (doors, barriers)
- Update hire terms and conditions
- Require hirers to provide assurances on event management
- Additional staff time may be needed to support hirers' compliance

Unclear if town council or trust will be deemed responsible body. Guidance needed once regulator is announced.

Proposed consultation responses

Can Councillors please vote on the proposed responses recommended by the officer as highlighted below

Which of the following best describes you or your organisation?

I own or operate premises

Do you own and/or operate any premises that would fall within the Standard Tier?

Please select one answer only.

Yes

What is the estimated capacity of your Standard Tier premises based on capacity calculations you already have in place?

500-599

How many people work for you or your organisation (whether paid or not) at your chosen Standard Tier site (in relation to which you are answering this survey)?

Zero

Which of the following best describes the nature of your organisation?

Local government

In which of the following sectors do you or your organisation primarily operate?

Village hall/community centre

In which part of the UK are you based?

South West

Thank you for your responses so far. The next section of this survey is about the proposed Standard Tier

The current threat picture is complex, evolving, and enduring, with terrorists choosing to attack a broad range of locations. Martyn's Law will ensure premises in the UK are better prepared for and protected from terrorist attacks, therefore reducing their impact. The UK Government's view is that the Standard Tier will drive good preparedness outcomes. Those responsible for Standard Tier premises will be required to undertake simple yet effective activities designed to increase staff awareness of the right protocols and procedures to follow in the event of a suspected attack. The ultimate aim of this approach is to reduce harm to staff and the general public.

To what extent do you agree or disagree that those responsible for premises within the Standard Tier should have a legal obligation to be prepared for a terrorist attack?

Please select one answer only.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

As outlined in paragraph 18, we (the UK Home Office) have revised the requirements in the Standard Tier. Those responsible for Standard Tier premises will be required to have in place reasonably practicable procedures to follow in the event of an attack. We have also removed the requirement for specific terrorism protection training. Instead, training or instruction will be what is sufficient and appropriate to ensure procedures are effectively in place in light of their circumstances and that staff are aware of the actions to take and protocols to follow in the event of an attack. Guidance will assist those responsible for standard duty premises.

To what extent do you agree or disagree that 'the revised requirements for the Standard Tier are more appropriate for the broad spectrum of premises in scope, as outlined at paragraph 18 (e.g. village halls to a 799-seater theatre), than the previous requirements outlined in the Draft May 2023 Bill' (key changes outlined at paragraphs 40 and 41)?

Please select one answer only.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

How successful, if at all, do you think the revised Standard Tier requirements will be at improving feelings of safety for staff and visitors at premises within the Standard Tier?

- Please select one answer only.
- Very successful
- Moderately successful
- Slightly successful
- Not at all successful
- Don't know

How easy or difficult do you think it will be for those responsible for Standard Tier premises to take forward the revised requirements?

- Please select one answer only.
- Very easy
- Easy
- Neither difficult nor easy
- Difficult
- Very difficult
- Don't know

What unintended consequences, if any, do you think could result from taking forward the revised Standard Tier requirements?

Any comments?

Following on from Impact Assessment detail in paragraphs 42-45, below is a summary of the costs of the Standard Tier of Martyn's Law.

The Standard Tier has an estimated total cost of between £387 million and £1.63 billion with a central estimate of £860 million (PV/Present Value) over the full appraisal period of 10 years. This is an economic cost from working hours being taken up to complete counter-terrorism planning and training, with no financial burden on sites. For an individual site, it is estimated to cost between £160 and £525 per year, with a central estimate of £310 per year. This is likely an upper estimate, with the addition of a reasonably practicable test meaning that some sites will face reduced costs. For more information, you can read Annex A.

How concerned, if at all, are you that the cost of meeting the Standard Tier requirements will affect your organisation's financial ability to continue operating?

Please select one answer only.

- Not at all concerned
- Slightly concerned
- **Somewhat concerned**
- Very concerned
- Extremely concerned
- Don't know

Following on from Impact Assessment detail in paragraphs 42-45 below is a summary of the costs of the Standard Tier of Martyn's Law.

The Standard Tier has an estimated total cost of between £387 million and £1.63 billion with a central estimate of £860 million (PV/Present Value) over the full appraisal period of 10 years. This is an economic cost from working hours being taken up to complete counter-terrorism planning and training, with no financial burden on sites. For an individual site, it is estimated to cost between £160 and £525 per year, with a central estimate of £310 per year. This is likely an upper estimate, with the addition of a reasonably practicable test meaning that some sites will face reduced costs. For more information, you can read Annex A.

Given this cost assessment, how would you think any costs of the Standard Tier should be met?

Please select one answer only.

- All the cost should be met by the customers of the premises where possible
- Most of the cost should be met by customers of the premises
- The costs should be shared equally by the premises owner/operator and the customers of the premises
- Most of the cost should be absorbed by the premises owner/operator and only a minimum passed on to the customers
- All of the cost should be absorbed by the premises owner/operator and none should be met by the customers of the premises
- Don't know

As outlined in paragraphs 29-32, the training expected as a result of the proposals is now limited to that which forms part of ensuring that there are effective procedural measures to reduce the risk of harm in the event of a terrorist attack. Workers must have sufficient awareness of what they need to do in the event of an attack, i.e. the procedure to be followed, for such measures to be in place. Organisations should ensure training is right for their specific needs and relevant to the roles of specific staff.

How does this approach differ from the published Bill?

40) We have removed the requirement for specific terrorism protection training. This required certain individuals to complete training that was not limited to the carrying out of procedures in the event of an attack. Now, those responsible for Standard Tier premises must ensure that sufficient training is provided for their procedural measures to be put in place effectively. Information on appropriate training will be included in guidance.

41) We have removed the requirement to complete the Standard Terrorism Evaluation. Instead, the requirement is simpler and more meaningful in requiring that reasonably practicable procedures to follow in the event of an attack are in place at Standard Tier premises. A template will remain available as part of guidance on the proposed requirements, guiding users through their consideration of the appropriate procedures for their premises.

Do you think the new approach to training places more or less burden on Standard Tier organisations compared to the previous approach? By "burden", we mean any burden including financial, time, effort or other.

- Much more burden with the new approach
- More
- About the same
- Less
- Much less burden with the new approach
- Don't know

Standard Tier requirements will focus on procedures to be enacted in the event of an attack as set out at paragraph 22. These surround evacuation, invacuation, securing the premises and communicating with individuals on the premises. Security partners advise that consideration of these activities, in the event of an attack, will lead to the most relevant and effective actions to save lives. These procedures focus on activities that will help to keep people away from danger.

Do you think the Standard Tier procedures in Martyn's Law place more or less burden on Standard Tier premises compared to procedures for Health & Safety and Fire Safety? By "burden", we mean any burden including financial, time, effort or other.

- Much more burden in Martyn's Law than for Health & Safety and Fire Safety
- **More**
- About the same
- Less
- Much less burden in Martyn's Law than for Health & Safety and Fire Safety
- Don't know

If volunteers work at your premises, who is responsible for planning Health & Safety and Fire Safety policies and procedures?

Only paid employees are responsible

If volunteers work at your premises, what arrangements do you make for training on Health & Safety and Fire Safety?

Please select one answer only.

Not applicable – no volunteers working at my premises

Next steps

1. Respond to the consultation as above
2. Continue to read updates and attend briefings on actions required
3. Share the consultation and the proposed changes in legislation with local businesses and partners who manage venues (for example Bridgetown Community Hall, The Mansion, Barrel House)

ITEM 11 – LIST OF MEETING DATES, COMMUNICATIONS POINTS AND LINK COUNCILLOR UPDATES

Month	Full Council, 7pm	Council Matters Committee, 6.30pm	Planning Committee, 6.30pm	Town Matters Committee, 6.30pm
March 2024	Monday 4 th	Monday 11 th	Monday 18 th	Monday 25 th
April 2024	Monday 8 th	Monday 15 th	Monday 22 nd	Monday 29 th
May 2024	Monday 13 th	Monday 20 th	TBC – 22 nd or 28 th	None

Arts and Events Working Group (12pm in the meeting room) – 20th March and 15th May.

Council Assets and Public Realm Working Group (12pm in the meeting room) – 17th April and 19th June.

March

Full Council – 4th March at 6.30pm
 Council Matters Committee – 11th March at 6.30pm
 Planning Committee – 18th March at 6.30pm
 Arts and Events Working Group – 20th March at 12.00pm
 Town Matters Committee – 25th March at 6.30pm

April

Full Council – 8th April at 6.30pm
 Council Matters Committee – 15th April at 6.30pm
 Council Assets and Public Realm Working Group – 17th April at 12.00pm
 Planning Committee – 22nd April at 6.30pm
 Traffic and Transport Forum meeting – 24th April at 6.30pm
 Town Matters Committee – 29th April at 6.30pm

May

Annual General Meeting of Totnes Town Council – 13th May at 6.30pm
 Council Matters Committee – 20th May at 6.30pm
 Arts and Events Working Group Working Group – 15th May at 12.00pm
 Planning Committee – TBC either 22nd or 28th May at 6.30pm (to be discussed at March Committee)
 Mayor Making Ceremony (not a public event) – Thursday 23rd May
 Annual Town Meeting – Wednesday 29th May at 6pm

June

Full Council – 10th June at 6.30pm
 Council Matters Committee – No meeting
 Planning Committee – 17th June at 6.30pm
 Council Assets and Public Realm Working Group – 19th June at 12.00pm
 Town Matters Committee – 24th June at 6.30pm
 Traffic and Transport Forum meeting – 24th April at 6.30pm

Communications Points

Countering misinformation around the fee paid to Miss Ivy Events for the Christmas Markets.

The fee paid to Miss Ivy Events to co-ordinate the events was £8,360 and covers 400hours+ of work across the whole year. For a breakdown of the costs of running the Christmas events, please see below or get in touch if you'd like more details:

- Event management: including, Miss Ivy Events co-ordination fees, stewarding costs (including manning road closures) and advertising: -£13,190
- General: including, road closure, waste collections, Bob the Bus Park and Ride fee, space hire etc: -£11,220
- Entertainment: -£5,810
- Stall income: +£16,350
- Grant from GWR: +£2,710

River Dart Bathing Water Consultation

The current consultation around making the River Dart at Steamer Quay (and x3 other locations on the Dart) a designated bathing site - you can take part in the consultation here: <https://www.gov.uk/government/news/plan-revealed-for-dozens-of-new-bathing-water-sites> If designated, sites will receive regular water monitoring from the Environment Agency, who will investigate pollution sources and identify steps to be taken in response, which could include actions by water companies and others. So it's a good thing we want to happen.

Link Councillor/Councillor Representative on Outside Body Updates

None received.