

# **AGENDA FOR THE MEETING OF TOTNES TOWN COUNCIL**

# **MONDAY 7TH OCTOBER 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 7th October 2024** at **7.00pm** for a maximum of 120 minutes the purpose of transacting the following business:

### **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.

### **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.

1. County Cllr Hodgson – no document.
2. District Cllr Allen – no document.
3. District Cllr Birch – document attached.
4. District Cllr Presswell – document attached.

*The Council will convene to consider the following items:*

### **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)*

1. Full Council 2nd September 2024 – document attached.

To note the following minutes:

1. Council Matters Committee 9th September 2024 – document attached.
2. Planning Committee 16th September 2024 – document attached.
3. Town Matters Committee 23rd September – document attached.

### **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)*

1. Full Council 2nd September 2024.
2. Council Matters Committee 9th September 2024.
3. Planning Committee 16th September 2024.
4. Town Matters 23rd September 2024.

### **ENVIRONMENT AND PUBLIC REALM WORKING GROUP – GROUNDS MAINTENANCE SPECIFICATION**

To consider the Environment and Public Realm Working Group’s recommendation on the grounds maintenance specification required to begin a tender process for 2025. Document attached.

### **SCHEME OF DELEGATION**

To consider a Scheme of Delegation for the Council. Document attached.

### **LIST OF MEETING DATES**

To note a list of upcoming meeting dates (including a 2025 meeting calendar), Councillor communications points and link Councillor/Councillor representatives on outside bodies updates. Documents attached.

### **NEXT MEETING**

To note the next meeting date of Monday 4th November 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.*

### **CONFIDENTIAL ITEMS FROM COMMITTEE (Standing Item)**

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

### **ELMHIRST PROJECT (Standing Item)**

To consider an update on the Elmhirst project and the delegation of costs associated with the bid process (commercially sensitive). Verbal update.

Agenda produced by:

Catherine Marlton

Town Clerk

2nd October 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.**

**Televised, vision and sound recordings or live broadcastings by members of the press or public at Council or Committee debates are permitted and anyone wishing to do so is asked to inform the Chairman of the respective Committee of their intention to record proceedings.**

# **ITEM 2C – DISTRICT COUNCILLOR BIRCH REPORT**

**John Birch**

**SHDC Member for Totnes**

**Report to the Totnes Town Council meeting to be held on**

**Monday 7 October 2024**

I report on the following**.**

**TOTNES HERITAGE FESTIVAL – A SUCCESS**

Everyone agrees the first Totnes Heritage Festival held on 28 September was a resounding success with record attendances especially at the Totnes Image Bank, the Totnes Museum, the Totnes Fashion and Costume Museum and the Totnes Castle. The special events held at each of the Totnes historic buildings were just part of 10 events taking place which attracted visitors and locals to enjoy the town’s heritage.

A big thanks to the following groups and organisations for working in partnership with the Totnes Heritage Trust to create a successful town festival.

* Totnes Image Bank
* Totnes Cinema
* Totnes Museum
* Totnes Fashion and Costume Museum
* English Heritage – Totnes Castle
* Totnes Town Council
* The Mansion
* Totnes Trust
* St John’s Church
* St Mary’s Church.

**Motor Fuel Limited application to vary the timing of its drinks licence at Morrisons Daily Totnes Service Station.**

Following the hearing before the Licensing Sub-Committee on 11 September Motor Fuel Ltd was granted its application to sell alcohol throughout the day and night at the Morrisons Service Station subject to the following conditions.

Conditions included in the Operating Schedule: The Prevention of Crime and Disorder

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
7. An incident book/register shall be maintained to record:
	* i)  all incidents of crime and disorder occurring at the premises
	* ii)  details of occasions when the police are called to the premises
8. This book/register shall be available for inspection by a police officer or other authorised officer on request.

9. There shall be no self-service of spirits except for spirit mixtures.

Public Safety

10. There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police.

The Prevention of Public Nuisance

11. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

The Protection of Children from Harm

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form or method of identification that complies with any mandatory condition that may apply to this licence.
2. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.
3. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive training in age restricted sales.
4. Induction training must be completed and documented prior to the sale of alcohol by the staff member.
5. Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.
6. Training records will be available for inspection by a police officer or other authorised officer on request.
7. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:
	* i)  details of the time and date the refusal was made;
	* ii)  the identity of the staff member refusing the sale;
	* iii)  details of the alcohol the person attempted to purchase.
8. This book/register shall be available for inspection by a police officer or other authorised officer on request.
9. All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.

Additional conditions offered by the Applicant and included on the licence (as amended by the Licensing Sub-Committee)

1. Alcohol displayed within the premises must be located so that staff can view these displays at all times.
2. There shall be no sale of single cans of beer, lager or cider from the premises.
3. There must be no alcohol displayed within 2 metres of the store entrance save for spirits displayed behind the counter.
4. Notices shall be prominently displayed at all exits and the night pay window requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
5. There shall be no sale of beer, lager, or cider with an ABV content of 6 % ABV or above save for craft and premium beers.
6. There shall be at least 2 members of staff on duty between the hours of 2300 and 0600.
7. There shall be no sales of alcohol or provision of late-night refreshment or any other sales through a night pay window. All sales must be through the store.
8. The licence holder shall invite neighbours to a meeting at least quarterly for the period of 12 months starting from 11 September 2024
9. A dedicated telephone number for the Designated Premises Supervisor or the duty manager shall be displayed at the premises for use by any person who may wish to make a complaint during the operation of the licence

**Second Home Premium**

Devon County Council has indicated that it will ignore the request by all the Devon district councils to allocate the additional monies collected in respect of the second home council tax premium be used exclusively for housing purposes.

In response SHDC at its Full Council resolved that the Council

1. Agrees, as a matter of principle, that it is the Council’s view that all the extra revenue raised by 200% Council Tax on Second Homes should be allocated to housing;

2. Lobbies Devon County Council and seeks assurances that, in line with the above principle, all the money raised within the South Hams for use to benefit those residents and businesses most affected by the impacts of those second homes; and

3. Asks all South Hams County Councillors, as well as those standing in the 2025 election, to vote against any budget that does not allocate second home tax money to housing.

**Winter Fuel Allowance**

At the last Full Council meeting Members passed the following resolution relating to the cut in the Winter Fuel Allowance for pensioners

This Council RESOLVES to:

1. Condemn the proposal to remove the Winter Fuel Payment from pensioners who do not claim Pension Credit or are on other benefits, recognising the disproportionate impact this will have on our most vulnerable residents, particularly those in our rural communities; and

2. Commit to write to the Secretary of State for Housing, Communities and Local Government to ask for funding for a local advertising and outreach campaign to raise awareness about Pension Credit and other benefits, targeting pensioners who may be eligible but are not currently claiming.

**Cycling, wheeling and walking across the district**

SHDC would like to hear from residents about cycling and walking opportunities across the District.

SHDC is developing a Local Cycling and Walking Infrastructure Plan (LCWIP) as part of its priorities to support communities, help improve community wellbeing and fight against climate change by promoting greener journeys.

The LCWIP looks at cycling and walking in an area and aims to identify what can be done to encourage more people to cycle and walk on journeys locally. This is achieved by identifying improvements on existing routes so as to make them safer or more appealing and thus resulting in more people using them.

SHDC has launched a consultation that ends on 11 October on walking and cycling in the South Hams and is inviting people to take part and have their say. There were consultation meetings throughout the district including Totnes.

There is an online consultation at <https://activetravelshwd.commonplace.is/>

Cllr John Birch

SHDC Member for Totnes

2 October 2024

# **ITEM 2D – DISTRICT COUNCILLOR PRESSWELL REPORT**

**District Councillor Report - for Totnes Town Council 28/09/2024 Cllr Anna Presswell**

**Fusion Totnes (OSSR (Open Space, Sport and Recreation) meeting**

Fusion management will meet with stakeholders of Borough Park (Rugby club, tennis, bowls) Wednesday afternoon and with District Councillors on Friday. Pressure is kept up to deliver on the revamping of the Sports Centre, the solar panels due to be sited on the roof, and the retrofit that is sorely needed. Fusion have so far not fulfilled their obligation for a number of reasons, but we will not loose sight of the importance of the Sports Centre at the heart of the Community for health and wellbeing and of course mental health referral schemes that take place.

**SWW Working Group – Meeting with the Managing Director of SWW and Managing Director of Waste water, Pollution and Affairs**

A meeting with the two Managing Directors is arranged for October 17th for the Overview and Scrutiny group at SHDC. We are inviting questions from the charitable and volunteer groups monitoring the state of play with our water and waste situation, plus individuals. There will also be probing questions regarding the Cryptosporidium outbreak in Brixham, how it was handled and lessons for the future. These questions will be grouped and presented as one question per topic, so there is not duplication and time wasted.

**Mental Health drop-in Hub in Totnes – Devon Mental Health Alliance Update**

A drop-in hub has been agreed for Ivybridge, opening 2nd October by the Devon Mental Health Alliance. This week I have asked for a meeting to see if this can be replicated in Totnes, once I have more statistics for the need which I believe there is. There is provision of sorts already, but I feel a place that responds to a more spontaneous need is important. I’m in the process of attaining what provision there already is, plus protocol they require. A support group exists at one of the doctors surgeries but has a waiting list. Other provisions exist but in a much less formal and less professional capacity, though of huge benefit.

There are quite a number of Mental Health hubs across Devon and our nearest are Torquay, Kingsbridge and now Ivybridge (just opened 2nd October).

For information they also provide an online service that is free.

[Drop-ins — Devon Mental Health Alliance | Working together for better mental health (mentalhealthdevon.co.uk)](https://www.mentalhealthdevon.co.uk/learning-network/drop-ins)

**Play Galleon – Steamer Quay**

The galleon will be receiving an overhaul and this should be completed before next summer. The approach will be to renew the base of the ship and its foundations, as a degree of rot has been found there, as well as revamp the upper part of the ship, with considerations for additional play apparatus attached.

**Full District Council Resolutions update**

It was agreed that all extra revenue raised by 200% Council Tax on Second Homes should be allocated to housing, benefitting those residents and businesses most affected by the impact of those second homes, and asked that all South Hams County Councillors, as well as those standing in the 2025 County Council election, to vote against any budget that does not allocated second home tax money to housing.

It was also resolved to condemn the proposal to remove the Winter Fuel Payment from pensioners who do not claim Pension Credit or are on other benefits, recognising the disproportionate impact this will have on our most vulnerable residents, particularly those in our rural communities. The council committed to write to the Secretary of State for Housing, Communities and Local Government to ask for funding for a local advertising and outreach campaign to raise awareness about Pension Credit and other benefits, targeting pensioners who may be eligible but are not currently claiming.

# **ITEM 3A AND 4A – FULL COUNCIL 2ND SEPTEMBER 2024**



**DRAFT MINUTES FOR THE MEETING OF TOTNES TOWN COUNCIL**

**MONDAY 2ND SEPTEMBER 2024 IN THE GUILDHALL**

## Present: Councillors E Price (Chair), L Auletta, C Beavis, T Bennett, J Chinnock (left at 19.14), S Collinson, T Cooper, J Cummings, J Hannam, J Hodgson, D Peters, A Presswell, N Roberts, T Robshaw, and M Trant.

Apologies: Cllr L Smallridge.

## In Attendance: Members of the press and public, District Cllrs Allen and Birch, 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 accepted. There were no amendments to declarations of interest.

***The Committee will adjourn for the following items:***

**Reports from County and District Councillors.**

1. **County Cllr Hodgson**
2. **District Cllr Allen**
3. **District Cllr Birch**
4. **District Cllr Presswell**

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

a. County Cllr (C Cllr) Hodgson was present and gave a verbal update on her report circulated prior to the meeting including: a petition to ask Devon County Council (DCC) to divest its investments in companies supplying arms to Israel; concern about DCC maintenance of hedges and verges; a reduction in Horseshoe bat numbers in Buckfastleigh; flooding; and community composting. Cllr Chinnock left the meeting during this item.

b. District Cllr Allen was present and had not submitted any report. She updated on enforcement issues at Morrision’s petrol station around planning and alcohol licencing.

c. District Cllr Birch was present and gave a verbal update on his written report including: DCC will not ringfence additional council tax revenue from second homes for housing; the Heritage Festival in Totnes on 28th September; meeting with the Dartington Trust about Schumacher College; and requesting Town Council support for the South Hams Festival.

d. District Cllr Presswell was present and gave a verbal update on her written report, including meetings with: Network Rail about the condition and appearance of the railway station and railway bridges; and about the investment required for the Pavilions Leisure Centre.

*The Council reconvened.*

**3. CLERK’S REPORT (Standing Item)**

**To note the Clerk's Report for August 2024 (general updates and correspondence).**

Noted. It was **AGREED** that the Clerk’s report will be tabled bi-monthly (next due in November).

### **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 1st July 2024.**

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

**To note the following minutes:**

**b. Council Matters Committee 8th July 2024.**

Noted.

**c.** **Planning Committee 15th July 2024.**

Noted.

**d. Town Matters Committee 22nd July.**

Noted.

**e. Planning Committee 19th August 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 1st July 2024.**

No matters arising.

**b. Council Matters Committee 8th July 2024**

Item 6 – Financial Regulations. It was **RESOLVED** to adopt the revised Financial Regulations.

Item 8 – Information and Data Protection Policy. It was **RESOLVED** to adopt the reviewed Information and Data Protection Policy.

Item 9 – Freedom of Information Publication Scheme. It was **RESOLVED** to adopt the updated Freedom of Information Publication Scheme.

Item 10 – Complaints Procedure. It was **RESOLVED** to adopt the reviewed Complaints Procedure.

Item 11 – Vexatious Behaviour Policy. It was **RESOLVED** to adopt the reviewed Vexatious Behaviour Policy.

**c. Planning Committee 15th July 2024**

No recommendations.

**d. Town Matters Committee 22nd July 2024**

Item 3 – Open Spaces, Sports, Recreation and Wellbeing Plan Review. It was **RESOLVED** to adopt the Totnes Town Council Open Space, Sports, Recreation and Wellbeing Plan.

Further updates and a review of the South Hams District Council comments will be considered by the Town Matters Committee in November.

**e. Planning Committee 19th August 2024**

Item 5 – National Planning Policy Framework Consultation. It was **RESOLVED** to respond to the consultation with the following comments:

• Housing Numbers – there is not enough evidence on the topography and landscape of an area to be able to support the new-build numbers required in the proposed changes.

• Community Infrastructure Levy should be included for all new builds.

• No mention of the proportion of social housing to affordable housing that should be attained.

• No mention of the environmental standards required of the new buildings.

• Insufficient detail about, and no commitment to provide, the infrastructure required (roads, schools, health, flood risk) to support the year-on-year house building targets.

Item 6 – Traffic and Transport Forum, Engagement with Peninsula Transport. It was **RESOLVED** to that the Town Council supports the intension of being an official stakeholder with Peninsula Transport but that engaging solely at Town Council Level has previously met with limited response, and therefore the Town Council should also seek District and County Councillor representation with Peninsula Transport.

### **6. ECONOMY WORKING GROUP – COMMUNITY ECONOMIC PLAN**

**To consider the Economy Working Group’s recommendation identifying stakeholders to take part in South Hams District Council’s Community Economic Plan project**

The proposed Community Economic Plan stakeholder engagement list was **RESOLVED**.

### **7. COUNCILLOR MEMBERSHIPS**

**To consider (no document):**

**a. Cllr Trant joining the Planning Committee;**

It was **RESOLVED** to appoint Cllr Trant to the Planning Committee.

**and**

**b. a request from Stepping Stones for a councillor representative and appoint an individual(s).**

It was **RESOLVED** unanimously that Cllrs Hannam and Robshaw are appointed as Councillor representatives to Stepping Stones.

**8. LIST OF MEETING DATES** **AND COMMUNICATIONS POINTS**

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

Noted.

### **9. NEXT MEETING**

**To note the next meeting date of Monday 7th October 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.*

### **10. CONFIDENTIAL ITEMS FROM COMMITTEE (Standing Item)**

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

None.

### **11. SOUTH HAMS FESTIVAL FUNDING**

### **To consider a request for funding for the South Hams Festival (commercial).**

It was **RESOLVED** by majority to pledge the requested £2500 to this arts project.

### **12. STAFFING CAPACITY AND UPDATE**

**To note an update on staffing and capacity (staffing).**

Noted

### **13. ELMHIRST PROJECT (Standing Item)**

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

There were no updates at this time.

The meeting closed at 8.35pm.

Cllr Emily Price

Chair

# **ITEM 3B AND 4B – COUNCIL MATTERS COMMITTEE 9TH SEPTEMBER 2024**

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**DRAFT MINUTES FOR THE MEETING OF COUNCIL MATTERS**

**MONDAY 9TH SEPTEMBER 2024 AT 6.30PM IN THE GUILDHALL**

**Present:** Councillors D Peters (Chair), C Beavis, T Bennett, J Chinnock, J Hannam, J Hodgson and E Price.

**Apologies:** None

**In Attendance:** C Marlton (Town Clerk).

**1. APOLOGIES FOR ABSENCE**

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

*The Committee will adjourn for the following items:*

PUBLIC QUESTION TIME

There were no members of the public present.

*The Committee will reconvene to consider the following items:*

**2**.  **CONFIRMATION OF MINUTES**

**To approve the minutes of 8th July 2024 and update on any matters arising.**

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

**3. BUDGET MONITOR**

**To consider:**

**a. the Budget Monitor including the reserves projection.**

The Clerk updated that there was an amendment required for future budget monitors for: cemetery income is already higher than expected; and the Christmas Light overspend was predicted to be £1025 not £3003. Subject to these points the budget monitor was **AGREED**.

**b. the purchase of a gazebo for Council events (and what budget should fund this).**

It was **AGREED** to fund £900 on a new gazebo from the Community budget

**c. an overspend on the Christmas Lights due to infrastructure costs.**

The overspend was **AGREED** as the works are essential.

**4. COMMUNITY WORKING GROUP**

**To consider the actions from the Community Working Group – point 3: support for Community Transport.**

It was **AGREED** to discuss the relationship between various community groups and seek advice from them on what research is needed locally before committing to any endorsement or proposing a pledge of funding to support.

To **RECOMMEND** to Full Council that Cllr Robshaw is added to the Community Working Group membership.

**5. ECONOMY WORKING GROUP**

**To consider the actions from the Economy Working Group - point 9: funding for the Christmas window competition for businesses.**

It was **AGREED** to allocate £675 from the Economy budget for this project.

**6. SCHEME OF DELEGATION**

**To note a Scheme of Delegation for the Council.**

Noted. To **RECOMMEND** to Full Council that the Scheme of Delegation is adopted.

**7. INVESTMENT STRATEGY**

**To review the Council’s investment Strategy**

This item was not required as the policy was agreed earlier in the year due to audit requirements.

**8. EQUALITY AND DIVERSITY POLICY**

**To review the Equality and Diversity Policy.**

It was **AGREED** to adopt the updated Equality and Diversity Policy..

**9. HEALTH, SAFETY AND WELLBEING POLICY**

**To review the Health, Safety and Wellbeing Policy.**

It was **AGREED** to adopt the updated Health, Safety and Wellbeing Policy.

**10. PAY POLICY**

**To review the Pay Policy.**

It was **AGREED** to adopt the updated Pay Policy.

**11. EXTERNAL AUDITY CERTIFICATE**

**To note the external audit certificate**

This item was deferred as the certificate had not yet been received.

**12. DATE OF NEXT MEETING**

**To note the date of the next meeting of the Council Matters Committee – Monday 14th October 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 July and August (financial).**

These were reviewed and **AGREED**.

**14. CHRISTMAS MARKET CONTRACT**

**To consider the contract terms document for the Christmas Markets (commercial).**

It was **AGREED** unanimously to extend the Christmas Market contract by one year as outlined in the report.

**15. CLOSED CIRCUIT TELEVISION (CCTV) SHARING WITH THE POLICE**

**To consider a request for real-time CCTV data sharing with the police (legal).**

To **RECOMMEND** to Full Council that:

Two local police officers are permitted real-time access to the CCTV footage around the Guildhall (via phone app), subject to:

a. Accessing the footage should only be for the prevention and investigation of criminal activity, and

b. The app should not be installed on the officers personal phones, and

c. There is a signed agreement that no footage shall be shared and used without the usual completed CCTV request form being completed.

Full Council will be made aware of the detail in the prepared report which outlines that the Town Council, in law, retains responsibility for the CCTV data at all times.

**16. STAFFING UPDATE**

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

**a. to note a parental leave request.** Noted.

**b. to consider the approval of professional fees.** After discussing the impact of the Strategic Plan process, the proposed staffing changes were unanimously **AGREED** in principle and the Clerk was instructed to start the process under delegated authority, including:

* It was unanimously **AGREED** to appoint Cllr Price as the Cllr representative in the process.
* It was unanimously **AGREED** to appoint legal support.
* It was unanimously **AGREED** to offer an increase of 4 hours week to the Assistant Town Maintenance Officer, from 1st January 2025.

The meeting closed at approx. 8.40pm

Catherine Marlton

Town Clerk

September 2024

# **ITEM 3C AND 4C – PLANNING COMMITTEE 16TH SEPTEMEBR 2024**



# **DRAFT MINUTES FOR THE PLANNING COMMITTEE**

# **MONDAY 16TH SEPTEMBER 2024 IN THE GUILDHALL**

Present: Councillors T Bennett (Chair), L Auletta, S Collinson (from 1835), T Cooper, J Cummings, J Hodgson.

Apologies: Cllrs Smallridge and Trant.

In Attendance: Members of the public, Cllrs Beavis, District Cllr Allen and 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**

There were no members of the public who wished to speak.

### **2. FORMER TOTNES CONSERVATIVE CLUB BUILDING**

### **To receive an update on the planned works to the former Conservative Club building on Station Road.**

### The new owners of the former Conservative Club outlined their plans to return the building to a Victorian villa creating a family home (4-5 bed). There had been no commercial interest in the property and there has always been a residential element on the first floor of the building. Planned works include: demolishing the 1970s flat roof extensions; removing suspended ceilings on the ground floor to reveal the original features; creating a garden by taking up the tarmac car park; and potentially building a small separate dwelling within the footprint in the future. The owners have been advised to first apply for a change of use from ‘Sui Generis’ to Class C3 dwellinghouse, and if this is granted they would then submit the detailed listed building consent applications required for the works proposed. An invite was extended to the Committee to make a site visit if it would be helpful to do so. The Committee thanked the members of the public for their time, accepted a site visit but explained that they are unable to endorse any proposals at this stage due to predetermination of future planning applications that will come to them for comment.

*The Committee reconvened Standing Orders.*

### **3. CONFIRMATION OF** **MINUTES**

**To approve the minutes of 19th August 2024 and update on any matters arising.**

The minutes were approved as an accurate record of proceedings. Matters arising:

Item 5 – National Planning Policy Framework Consultation. It was **RESOLVED** to respond to the consultation with comments as drafted.

Item 6 - Traffic and Transport Forum, Engagement with Peninsula Transport. It was **RESOLVED** to accept the recommendation.

### **4. TREE WORKS APPLICATIONS**

**To make recommendations on the following tree works applications:**

4a. 2645/24/TPO - T1: Oak Tree - Pollard just above first limb approx 8m high by removing dead crown, T2: Oak Tree - Remove one dead branch approx 150mm diameter from mid crown. 20 Jordons Brook, Totnes, TQ9 5FR.

Support.

### **5. PLANNING APPLICATIONS**

**To make recommendations on the following planning applications:**

*Note: Cllr Hodgson observes and does not vote on any applications which would potentially be discussed at a Development Management Committee meeting at SHDC.*

5a. 2760/24/PIP - Application for permission in principle for erection of detached dwelling. Land adjacent 5 Christina Parade, Totnes.

Object. Due to lack of detailed plans the Committee is unable to offer specific comments but has concerns about the following:

* The height of the building, how it will be viewed from and the effect of its light spillage onto a natural open space and overlooking the play area;
* Impact on the scrub woodland and wildlife corridor, particularly the impact on bats.
* Poor quality scrub will provide less screening of the mass of the proposed dwelling on the top and into the bank than the woodland provides for neighbouring new dwelling built into the bank/slope.
* Access to, and lack of space in, the car park for the shop on Christina Parade during the construction phase and after.

5b. 2403/24/FUL – Extension of flat into vacant store. Brutus Centre, Unit 2 - 3 Flat 2, Fore Street, Totnes, TQ9 5RW.

Support.

5c. 2478/24/HHO – Householder application for two storey extension. Attic House, Jubilee Road, Totnes, TQ9 5BW.

Object. Overmassing/overdevelopment of the site. The loss of the existing gable end and rubble wall to timber cladding will change the visual appearance of and the character on Jubilee Road as the building abuts the road rather than being set back. The overall ridge height and monolithic design will impact on what feels like a rural setting when descending the hill.

5d. 2559/24/LBC - Listed Building consent for replacement rear windows, replacement roof windows, internal alterations & external re rendering. 10 Plymouth Road, Totnes, TQ9 5PH.

Support. However, given the narrow pavements outside of the properties and existing parking on pavement issues, the Committee would request a condition that a construction management plan is produced which takes into account the timing of construction deliveries to avoid the hours when the school run takes place.

5e. 2527/24/HHO - Householder application for alteration, extension, rear & side extension. 10 Hillbrook Road, Totnes, TQ9 5AT.

Support.

5f. 2799/24/HHO - Householder application for extensions & alterations. The Gardens, Priory Avenue, Totnes, TQ9 5HR.

Support. However, the Committee would request that the tree is retained and is concerned that the use of UPVC windows is not sustainable.

5g. 2669/24/HHO – Householder application for alterations to roof and installation of rear dormer. Louan, Weirfields, Totnes TQ9 5JS.

Object. The Committee has concerns that the heights shown on the plans are insufficient to accommodate the fabric of the building and useable head height and would request that a detailed section drawing is produced. The Committee objects to the continuous rear dormer and would request that an element of pitched roof is retained to complement the surrounding street scape which is predominantly bungalows.

5h. 2428/24/HHO - Householder application for replacement of garage roof & roof lights to create garden room, reorientate front door & replace garage door with new front window. 42 Weston Lane, Totnes, TQ9 5UN.

Support. However, the Committee is concerned that the use of UPVC windows is not sustainable.

5i. 2769/24/LBC and 2770/24/FUL – Listed Building Consent for installation of Air Source Heat Pump, mounting of compressor on east corner of outer south wall of church. St John’s Church, Bridgetown, Totnes, TQ9 5AB.

Comment – support in principle but more details are required on the insulation methods required for heat pump efficiency.

5j. 2585/24/LBC - Listed Building Consent for internal finishes (Phase 4). 29 High Street, Totnes, TQ9 5NP.

Support. The Committee is concerned about the use of non-breathable PIR insulation in the roof and would welcome the Heritage Officer’s view.

5k. 2667/24/CLE - Certificate of lawfulness for existing use of property as a single dwellinghouse (C3). The Kingsbridge Inn, 9 Leechwell Street, Totnes, TQ9 5SY.

The Council has no evidence to support this CLE application. However, the public has raised concerns with the Council about the use and disregard of enforcement action for unlawful use.

5l. 2640/24/CLE - Certificate for lawfulness for existing use of 17c as dwellinghouse. 17C Fore Street, Totnes, TQ9 5DA.

The Council has no evidence to support this CLE application.

### **6. PARISH HOUSING PROFILE**

### **To consider the Parish Housing Profile for Totnes and make a recommendation to Full Council of any comments to be submitted to South Hams District Council.**

To **RECOMMEND** to Full Council that the following comments are made to South Hams District Council:

* The total number of properties is not included;
* Concern that the average rental statistics data is not granular enough;
* Concern that rental figures have been distorted by the residents of Baltic Wharf being moved into rental accommodation in the town whilst remedial works were ongoing; and
* How will these figures be used in relation to the proposed new National Planning Policy Framework guidelines to address housing demand targets? The Council is concerned that unless the data is accurate, the figures could be misleading and the town could be recommended for more housing building/development, and/or not of the type needed, than is required.

### **7. PROPOSED DISABLED PARKING AND CONTROL OF WAITING ORDER**

### **To consider the proposed Disabled Parking and Control of Waiting Order 37 for Totnes issued by Devon County Council, for a section of Babbage Road and Borough Park Road.**

### Support.

### **8. DATE OF NEXT MEETING**

**To note the date of the next meeting of the Planning Committee – Monday 21st October 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.*

**9. E-BIKE SCHEME**

**To consider in principle support for the logistics of an e-bike scheme in Totnes and make a recommendation to Full Council (commercial).**

To **RECOMMEND** to Full Council that in principle it supports the logistics required (the loss of one parking space, location to be confirmed) for the South Hams District Council e-bike scheme.

The meeting closed at 8.25pm.

Sara Halliday

Governance and Projects Manager

September 2024

# **ITEM 3D AND 4D – TOWN MATTERS COMMITTEE 23RD SEPTEMBER 2024**

 

# **DRAFT MINUTES FOR THE TOWN MATTERS COMMITTEE**

# **MONDAY 23RD SEPTEMBER 2024 IN THE GUILDHALL**

Present: Councillors J Cummings (Deputy Chair), L Auletta, C Beavis, J Chinnock, D Peters, A Presswell, N Roberts and T Robshaw.

Apologies: Cllrs Collinson and Price.

## In Attendance: 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 Cummings read out 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**

There were no members of the public present.

*The Committee reconvened.*

**2. CONFIRMATION OF MINUTES**

### **To approve the minutes of 22nd July 2024 and update on any matters arising.**

The minutes were **AGREED** as an accurate record of proceedings. Matters arising:

Item 3 – Open Spaces, Sports, Recreation and Wellbeing Plan Review. It was **RESOLVED** by Full Council to adopt the Totnes Town Council Open Space, Sports, Recreation and Wellbeing Plan.

### **3. STRATEGY DELIVERY GROUP AND WORKING GROUPS**

**To consider the notes and any actions from:**

1. **Strategy Delivery Group, 23rd July 2024.**

Noted.

1. **Community Working Group, 29th July 2024.**

Noted.

1. **Economy Working Group, 13th August 2024.**

Noted.

1. **Environment and Public Realm Working Group, 7th August and 18th September 2024.**

Noted. Item 5 – Mosaics from the 18th September 2024 Working Group. To **RECOMMEND** to Full Council that the mosaics are located at public transport entry points in the town where some overhead protection is afforded:

* 2 x mosaics in Town Council bus shelter on Coronation Road;
* 1 x mosaic in SHDC bus shelter on Coronation Road; and
* 2 x mosaics at the railway station, one on each platform.

This is subject to landowner agreement. The Rotherfold should be kept in reserve as an area to display the mosaics.

### **4. COMMUNITY COMPOSTING**

**To consider a request to support a community composting scheme on Steamer Quay Road and make a recommendation to Full Council.**

The Committee discussed the location of the proposed site and raised concerns about: it being in the flood plain area; on hard surface (and run off into the river); not easy to access without transport; loss of seven parking spaces; whether there is public demand for such a facility; and its proximity to the retirement flats and future care home in terms of aerosol pollutants.

To **RECOMMEND** to Full Council that whilst the principle of community composting is supported, further work is required to determine: public need and support for a facility in Totnes; a suitable, accessible location; how it will be maintained and by who; who has the long-term responsibility/ liability for the facility; and long-term funding arrangements.

### **5. DEVON COUNTY COUNCIL PENSION FUND INVESTMENTS**

### **To consider a motion requesting Devon County Council devest its investments in companies who are selling weapons to Israel and make a recommendation to Full Council.**

To **RECOMMEND** to Full Council that it fully endorses and supports the principles and the sentiments of the following motion being put to Devon County Council seeking immediate withdrawal of its investments and pension funds in companies selling arms to Israel as these are contributing to the war in Gaza.  We urge Devon County Council to support this motion and adopt an ethical investment policy.

*“Further to withdrawing over £2 million in investments from companies selling arms to Israel. Devon County Council now commits to investigating withdrawing the £84 million that remains invested through its investments and pension funds in such companies, including Rolls Royce (£1,951,241), Barclays Bank (£12,889,533), BAE Systems (£4,969,449), and Babcock (£360,850).*

*Devon County Council seeks immediate withdrawal of these investments, particularly in light of the tragic loss of over 20,000 children in Gaza. Our pension fund should not support activities contributing to such atrocities.*

*Devon County Council seeks to fully divest from these companies and to uphold values of peace, justice, and ethical responsibility.”*

### **6. VE-DAY 80TH ANNIVERSARY COMMEMORATIONS**

### **To consider taking part in lighting a beacon (representing the ‘light of peace’) as part of national VE (Victory in Europe) 80th anniversary commemorations on 8th May 2025.**

It was **AGREED** to defer discussion of this item until November when the officer will have more information to share. Cllr Presswell said that she has made a number of useful contacts having arranged the D-Day anniversary events, but any similar VE-Day events would need the appropriate funding.

### **7. SOUTH HAMS DISTRICT COUNCIL GAMBLING POLICY CONSULTATION**

**To consider the South Hams District Gambling Policy consultation and make any recommendations to Full Council.**

To **RECOMMEND** to Full Council that it supports the proposed policy changes and asks that it includes advertising in public places, for example on bus stops, to ensure gambling advertising is not permitted.

It was **AGREED** that the next Committee will consider the Council’s position on advertising on its bus stops and whether the contract needed revising to prohibit the advertising of gambling, alcohol, smoking/vaping, junk food.

### **8. SOUTH HAMS DISTRICT COUNCIL POLLING STATION CONSULTATION**

**To consider the South Hams District Polling Station consultation and make any recommendations to Full Council [no proposed changes to the current Totnes and Bridgetown locations].**

As there are no proposed changes to polling stations in Totnes and no concerns have been raised, the Committee **AGREED** that there is no requirement to respond to the consultation.

### **9. CHRISTMAS MARKETS AND LIGHTS SWITCH ON UPDATE**

### **To receive an update on the Christmas lights switch-on event, Christmas late night markets and the lantern procession.**

To **RECOMMEND** to Full Council that it considers taking part in the lantern procession if individual Councillors can commit to: taking part in the procession on 17th December; and carrying out any potential repairs to Pegasus in advance. It was also suggested that Ben Piper is invited to take part in the procession.

The Committee voted to extend the meeting by 15 minutes to 8.15pm.

### **10. OPEN SPACE, SPORTS, RECREATION AND WELLBEING PLAN REVIEW**

**To update on any general matters linked to the Open Spaces, Sport Recreation and Wellbeing (OSSRW) Plan (standing item).**

The officer updated that the comments received from South Hams District Council on the OSSRW Plan will be considered at the November meeting. A Borough Park User Group meeting is arranged for 2nd October and link councillor and councillor representatives have been invited.

### **11. DATE OF NEXT MEETING**

### **To note the date of the next meeting of the Town Matters Committee – Monday 25th November 2024 at 6.30pm.**

### Noted.

The meeting closed at 8.15pm.

Sara Halliday

Governance and Projects Manager

# **ITEM 4 – CONSIDERATION OF RECOMMENDATIONS**

**5a. Full Council, 2nd September 2024**

No recommendations.

**5b. Council Matters Committee, 9th September 2024**

Item 6 – Scheme of Delegation.To **RECOMMEND** to Full Council that the Scheme of Delegation is adopted. To be considered under item 6.

Item 15 – Closed Circuit Television Sharing with the Police. To **RECOMMEND** to Full Council that:

Two local police officers are permitted real-time access to the CCTV footage around the Guildhall (via phone app), subject to:

a. Accessing the footage should only be for the prevention and investigation of criminal activity, and

b. The app should not be installed on the officers personal phones, and

c. There is a signed agreement that no footage shall be shared and used without the usual completed CCTV request form being completed.

**5c. Planning Committee, 16th September 2024**

Item 6 – Parish Housing Profile. To **RECOMMEND** to Full Council that the following comments are made to South Hams District Council:

* The total number of properties is not included;
* Concern that the average rental statistics data is not granular enough;
* Concern that rental figures have been distorted by the residents of Baltic Wharf being moved into rental accommodation in the town whilst remedial works were ongoing; and
* How will these figures be used in relation to the proposed new National Planning Policy Framework guidelines to address housing demand targets? The Council is concerned that unless the data is accurate, the figures could be misleading and the town could be recommended for more housing building/development, and/or not of the type needed, than is required.

Item 9 – E-Bike Scheme. To **RECOMMEND** to Full Council that in principle it supports the logistics required (the loss of one parking space, location to be confirmed) for the South Hams District Council e-bike scheme.

**5d. Town Matters Committee, 23rd September 2024**

Item 3d – Environment and Public Realm Working Group. Mosaics.To **RECOMMEND** to Full Council that the mosaics are located at public transport entry points in the town where some overhead protection is afforded:

* 2 x mosaics in Town Council bus shelter on Coronation Road;
* 1 x mosaic in SHDC bus shelter on Coronation Road; and
* 2 x mosaics at the railway station, one on each platform.

This is subject to landowner agreement. The Rotherfold should be kept in reserve as an area to display the mosaics.

Item 4 – Community Composting Scheme on Steamer Quay Road. To **RECOMMEND** to Full Council that whilst the principle of community composting is supported, further work is required to determine: public need and support for a facility in Totnes; a suitable, accessible location; how it will be maintained and by who; who has the long-term responsibility/ liability for the facility; and long-term funding arrangements.

Item 5 – Devon County Council Pension Fund Investments.To **RECOMMEND** to Full Council that it fully endorses and supports the principles and the sentiments of the following motion being put to Devon County Council seeking immediate withdrawal of its investments and pension funds in companies selling arms to Israel as these are contributing to the war in Gaza.  We urge Devon County Council to support this motion and adopt an ethical investment policy.

*“Further to withdrawing over £2 million in investments from companies selling arms to Israel. Devon County Council now commits to investigating withdrawing the £84 million that remains invested through its investments and pension funds in such companies, including Rolls Royce (£1,951,241), Barclays Bank (£12,889,533), BAE Systems (£4,969,449), and Babcock (£360,850).*

*Devon County Council seeks immediate withdrawal of these investments, particularly in light of the tragic loss of over 20,000 children in Gaza. Our pension fund should not support activities contributing to such atrocities.*

*Devon County Council seeks to fully divest from these companies and to uphold values of peace, justice, and ethical responsibility.”*

Item 7 - South Hams District Gambling Policy consultation.To **RECOMMEND** to Full Council that it supports the proposed policy changes and asks that it includes advertising in public places, for example on bus stops, to ensure gambling advertising is not permitted.

Item 9 – Christmas Markets and Lantern Parade.To **RECOMMEND** to Full Council that it considers taking part in the lantern procession if individual Councillors can commit to: taking part in the procession on 17th December; and carrying out any potential repairs to Pegasus in advance. It was also suggested that Ben Piper is invited to take part in the procession.

# **ITEM 5 – ENVIRONMENT AND PUBLIC REALM WORKING GROUP – GROUNDS MAINTENANCE SPECIFICATION**

To **RECOMMEND** to Full Council that:

* The grounds maintenance specification is used in the tender documents as drafted, with an amendment in relation to the wild areas being cut twice yearly in June and late Sumer (rather than annually);
* Town Council Officers are NOT asked to allocate time price up the cost of providing an in-house service to be considered as part of the tender process;
* The initial contract length is increased to two years (previously one) in order to attract more tender submissions;
* The quote to maintain the wild areas is requested separately, as there is concern that not all contractors will have the necessary skills to successfully perform the task and references for this work are requested; and
* TUPE – the contractor is asked whether any persons will be employed solely to fulfil this work.

DRAFT GROUNDS MAINTENANCE SPECIFICATION FOR 2025/26 FOR TENDER DOCUMENT (additional text in red, text for removal shown struck through)

The contract is for Grounds Maintenance at Totnes Cemetery and ~~the hedges enclosing~~ Castle Meadow.

Maintenance shall include the removal from the site of all cuttings which are to be disposed of legally.

Hedge and shrub cutting must comply with seasonal restrictions relating to bird nesting.

Grass cutting will include maintaining the grass and any other growth around headstones /monuments/ benches / boundaries to the same height as the surrounding grass. Grass to be cut up to boundary fences or walls.

The Contractor will comply with all relevant Health & Safety legislation in respect of both the Contractor’s employees and the general public. Suitable and sufficient risk assessments on all work processes must be provided. Machinery and equipment used must be subject to the necessary servicing and safety inspections.

The Contractor will give consideration to the area of work and noise levels when funerals are in progress and not start before 0800 hours given the proximity of residential properties.

The Contractor must hold adequate and current Public Liability Insurance.

The Contractor must comply with the Council’s policy banning any use of Glyphosate on Town Council owned land.

Totnes Cemetery

The Cemetery is shown on the enclosed map A and consists of approximately 7.01 acres.

Grass cutting - 17 cuts per annum, as close to the ground as practicably possible, on the following frequency

* 1 cut in January or February (prior to wild flower blooming)
* 1 cut in March (before Easter)
* 2 cuts per month April to September
* 1 cut per month October and November
* 1 cut in December by the 15th of the month

No grass cutting to take place on the wild areas on the ~~grassed~~ roundabout or on the island containing the Chapel.

Raised graves – growth on raised graves to be kept below 30cm as part of the monthly grass cutting schedule.

Garden of Rest – area to be cut/strimmed and grass blown off the memorial stones/tablets.

Hedge cutting – 1 cut per annum. To be cut on internal sides and tops only.

Shrubs and bushes (see plan provided) – to be trimmed/cut back tight once a year between September-November to form rounded shapes and to remove the year’s growth.

Roadside dry stone wall bank – to be kept trimmed and tidy on top and both sides. Any shrubs or brambles on the bank or overhanging the wall to be kept trimmed and cleared so as not to cause an obstruction to the public footpath.

Pathways – to be kept clear of any up growing and overhanging vegetation. Weeds to be strimmed. All debris to be blown off paths.

Itemised quote requested for annual maintenance of the Wild Areas on the roundabout and the Chapel – to be cut back twice yearly in June and late summer, cuttings left for up to two weeks for seed to drop and then cleared. [Paths on the roundabout to be cut monthly.]

Winter leaves and debris from trees to be cleared before Easter and before Christmas.

Castle Meadow

Castle Meadow is shown on the enclosed map B and the hedge runs along Collins Road and Lower Collins Road as highlighted in pink.

Hedge cutting - 1 cut per annum. To be cut on both sides and on top. In the area enclosed by allotments only outside to be cut.

Grass Cutting – ~~1~~ 2 cuts per annum of Castle Meadow to be carried out in June and October.

Term of contract

The initial contract will be for the year from 1st April 2025 to 31st March 2027.

If both parties are satisfied with the conduct of the contract during the first two years’, the contract will continue into subsequent years with a review after five years.

The Contractor is expected to provide and pay for their own tools, machinery, equipment, materials, transport and support staff.

Either party shall have the right at any time to terminate this contract by giving not less than 3 months’ notice in writing to the other party.

Contract monitoring

The contractor will be required to co-operate in meeting with the Town Council’s appointed officer to review progress with the contract, and to promptly address any failure in service identified at those meetings. Contract monitoring meetings will be held ~~monthly~~as required either on site at Totnes Cemetery or in the Town Council offices.

Pricing and payment

The agreed cost of the contract, together with VAT (if applicable), will be paid in equal monthly payments in arrears by the 30th day of the month immediately following the month in which the Services have been performed.

# **ITEM 6 – SCHEME OF DELEGATION**

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**TOTNES TOWN COUNCIL SCHEME OF DELEGATION**

**Drafted: July 2024**

**Adopted:**

**Review date: July 2026**

**1. THE POWER TO DELEGATE**

1.1 The power to delegate function by local councils is set out in the Local Government Act 1972 S.101 as follows:

1. that a council may delegate its powers (except those incapable of delegation) to a committee or an officer (not a working group, forum or individual councillor).
2. a committee may delegate its powers to an officer.
3. the delegating body may exercise Powers that have been delegated (i.e. Full Council).

1.2 Any delegation to a Committee or the Proper Officer shall be exercised in compliance with the Council’s Standing Orders, any other policies or conditions imposed by the Council and within the law.

1.3 The Proper Officer may nominate another named Officer to carry out any powers and duties which have been delegated to that Officer.

1.4 Where officers are contemplating any action under delegated powers which is likely to have a significant impact in a particular area, they should also consult the Members and must ensure that they obtain appropriate legal, financial, and other specialist advice before action is taken.

**2. FINANCIAL REGULATIONS (EXCERPT)**

2.1 Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

1. the Council for all items over £10,000;
2. the Council Matters Committee for items over £5,000; or
3. the Clerk/RFO for any items below £5,000.
4. members of the management team for specific budget lines as decided by the Clerk/RFO for any items below £1000.

**3. DELEGATION TO OFFICERS**

3.1 The following matters are delegated to the Council’s Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council’s Standing Orders and Financial Regulations and any approved policy framework and budget.

3.2 The Council may at any time, following resolution, revoke any delegated authority.

3.3 Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to a Committee or the Council. Similarly, where Officers have no delegated power to make a decision, they report the matter to Committee or the Council for a decision.

**Responsible Financial Officer (currently Town Clerk)**

3.4 The Responsible Financial Officer to the Council shall be responsible for the Town Council’s accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

**Proper Officer (Town Clerk)**

3.5 The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

1. To receive Declarations of Acceptance of Office.
2. To receive and record notices disclosing personal and prejudicial interests.
3. To receive and record notices of requests for dispensations.
4. To receive and retain plans and documents.
5. To sign notices or other documents on behalf of the Council.
6. To receive copies of by-laws made by the local authority.
7. To certify copies of by-laws made by the Council.
8. To sign summonses to attend meetings of the Council.
9. To arrange insurance.

3.6 In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:

a. The day-to-day operation of services, together with routine inspection and control.

b. Day-to-day supervision and control of all staff employed by the Council.

c. The day-to-day administration and oversight for organised events and activities.

d. Authorisation of routine expenditure within the agreed budget (up to £5,000 unless otherwise resolved by Council).

1. Emergency expenditure up to £5,000 outside the agreed budget (see Financial Regulations).
2. Matters and increased expenditure specifically delegated by Council or Committee.
3. Payment of authorised continuing contracts, including but not limited to monthly salary payments.

**4. FULL COUNCIL**

4.1 The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations for the Council’s consideration:

a. Approval of the budget.

b. Setting the precept.

c. Approval of the Annual Return and Audit of Accounts.

d. Agreement to write off bad debts.

e. Approval by resolution, before payment, of any grant or single commitment in excess of £10,000.

f. Authorisation as to terms and purpose for any application for Borrowing Approval and subsequent arrangements for the loan.

g. Approval of any financial arrangement which does not require formal borrowing approval from the Secretary of State (eg hire purchase or leasing of tangible assets).

h. Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property £10,000 or over.

i. Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land).

j. Approval of changes in earmarked reserves as part of the budgetary process.

k. Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.

l. Making, amending or revoking by-laws.

m. Making of orders under any statutory powers.

n. Matters of principle or policy.

o. Appointment of Standing Committees.

p. Appointing Council Representatives to outside bodies.

q. Confirming the appointment of the Proper Officer (Town Clerk) – all other appointments can be agreed by Council Matters.

r. Elect Chairs of committee.

s. All other matters which must, by law, be reserved to the Full Council.

**5. COMMITTEES**

5.1 The following matters are delegated to the Council’s Committees to make decisions on behalf of the Council. They must be exercised in accordance with the law, the Council’s Standing Orders and Financial Regulations and any approved policy framework and budget.

5.2 The Council may at any time, following resolution, revoke any delegated authority.

5.3 Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly, where a Committee has no delegated power to make a decision it makes a recommendation to Council.

All Committees are authorised to:

1. Elect a deputy Chair from within the membership of that Committee.
2. Approve the Minutes of the last meeting of the Committee.
3. Spend money from budget headings under that Committee’s remit up to the limit of the budget and/or named reserve.
4. Make recommendations on the budget requirement for the Committee for the coming Financial Year.
5. Delegate any of their functions to a Sub Committee or Officer of the Council (not a working group, forum or individual Councillor)

**Overview**

|  |  |
| --- | --- |
| **Committee/Working Group** | **Delegation** |
| Full Council | Detail above.**Approval of single expenditure over £10K.** |
| Council Matters Committee | The Council Matters Committee will act as the Scrutiny Committee of the Council, monitoring the operational, civic, administrative, staffing and financial responsibilities as well as the assets of the Council. **The Council Matters Committee may approve the income and expenditure of the Council on behalf of the Council, within the remit of existing agreed Town Council financial regulations (single commitment over £5K up to £10K). The Council Matters Committee has delegated powers to act on behalf of the Council in all matters relating to staff appraisals, staff appointments, staff grievances, staff disciplinaries and dismissals, the setting of staff salary scales and staff training.**  |
| Planning Committee | The Planning Committee will consider on behalf of the Town Council any matters, including the physical nature of the town, and anything concerning the quality of life of people who live, work in or visit the town. This will include:planning applications, tree orders; Neighbourhood Plan; Traffic and Transport; Housing; licensing.**The Planning Committee has full delegated powers to make a Council decision regarding representations to South Hams District Council or other appropriate bodies on all planning applications in the town unless the Committee decides, following Council guidelines, that the application should be passed to Full Council due to its size, controversial nature or potential effect on local people.****The Committee may also comment on behalf of the Town Council on licenses or street naming if requested to do so.** **On all other aspects of its activity, the Committee does not have delegated authority, and will be expected to make recommendations to Full Council for consideration.** |
| Town Matters Committee | Town Matters Committee will consider on behalf of the Town Council any matters, excluding the physical nature of the town, and anything concerning the quality of life of people who live, work in or visit the town. This will include: welfare of the elderly and vulnerable; enrichment for children and young people; provision of social, leisure, sporting and recreational facilities; provision of adult education, cultural and library services; employment strategy; tourism development; crime and anti-social behaviour; climate emergency; community arts. **The Committee does not have delegated authority, and will be expected to make recommendations to Full Council for consideration.** |
| Strategy Delivery Group | None. Recommendations with budgetary implications to the Council Matters Committee. Recommendations seeking support/agreement of details to the Town Matters Committee. |
| Strategy Delivery Working Groups:- Community- Economy- Environment and Public Realm | None. Actions/recommendations to the Strategy Delivery Group for consideration. |
| Traffic and Transport Forum | None. Advisory group to the Town Council. Any recommendations to the Planning Committee. |
|  |  |
| **Mayor** | Civic Budget for: the funding of formal and informal civic events associated with the role of Mayor; civic events supported by the Council; cost of events attended or hosted by the Mayor; supporting the Mayor in raising money for their chosen charity. Appoint a Deputy Mayor.**Civic Budget - Up to £500 (through reimbursement) with authorisation by the Town Clerk. Amounts of £500 and over need to be agreed by the Council Matters Committee in advance of agreement.** |
|  |  |
| **Council Officers** | **Delegation** |
| Clerk/Responsible Financial Officer (RFO)/Proper Officer | As above, management of day-to-day operation of Council services and staff management matters. Approval of payments and expenses up to £5K. Emergency expenditure up to £10,000 in liaison with the Chair (if possible). |
| Finance, HR & Lettings Manager | Approval of payments up to £1K on the following budget lines: staff training, travel & expenses; office supplies; Guildhall cleaning; Guildhall marketing & licences; Civic Hall caretaking, cleaning & supplies; Civic Hall Misc and marketing expenditure; Civic events; civic regalia; mayoral travel.  |
| Marketing & Communications Manager | Approval of payments up to £1K on the following budget lines: marketing; other Tourist Information Centre expenses; Totnes Guide & Website. |
| Governance & Projects Manager | Approval of payments up to £1K on the following budget lines: Cllr IT equipment; Cllr training & travel; cemetery grounds maintenance; cemetery maintenance. |
|  |  |
|  **Contracts** | Over £1K and up to £5K – 3 estimates (ideally)Over £5K (ex VAT) – 3 quotationsOver £50K (ex VAT) – tender process and award.  |
|  |  |
| **Legal Deeds** | Authorisation through Council resolution.Signed by 2 x Councillors or the Chair and Clerk as required.Witnessed by the Proper Officer [Clerk] |

Chart showing the Council's scheme of delegation including reporting chains for working groups and forums to committees and Full Council.



# **ITEM 7 - LIST OF MEETING DATES**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Month** | **Full Council, 7pm** | **Council Matters Committee, 6.30pm** | **Planning Committee, 6.30pm** | **Town Matters Committee, 6.30pm** |
| **October 2024** | Monday 7th | Monday 14th | Monday 21st  | None |
| **November 2024** | Monday 4th  | Monday 11th  | Monday 18th  | Monday 25th  |
| **December 2024** | Monday 2nd  | Monday 9th  | Monday 16th  | None |

**October**

Full Council – 7th October at 6.30pm

Council Matters Committee – 14th October at 6.30pm

Planning Committee – 21st October at 6.30pm

Strategy Delivery Group – 22nd October at 6pm

Town Matters Committee – no meeting

Traffic and Transport Forum and Steering Group – 30th October at 6.30pm

**November**

Full Council – 4th November at 6.30pm

Council Matters Committee – 11th November at 6.30pm

Planning Committee – 18th November at 6.30pm

Strategy Delivery Group – No meeting

Town Matters Committee – 25th November at 6.30pm

Christmas Lights Switch On Event – 26th November 3-6pm in the Civic Hall

Environment and Public Realm Working Group – 27th November at 4.30pm

**December**

Full Council – 2nd December at 6.30pm

Council Matters Committee – 9th December at 6.30pm

Planning Committee – 16th December at 6.30pm

Strategy Delivery Group – 18th December at 12pm

Town Matters Committee – no meeting

**Communications Points – please check the Totnes Town Council ‘News’ page** Further verbal updates to be given by the Clerk at the meeting.

**Link Councillor/Councillor Representative on Outside Body Updates**

Cllr Auletta

* Continued liaison with new skatepark committee re fundraising/plans and Leechwell Gardens Association.
* Meeting with Paul Bradbury (Incredible Edibles) re 30x30 project for wildlife gardening in Totnes.
* Meeting with Friends of Totnes Museum (and agreed co-option onto their Committee).
* Meeting with other Cllrs and Chair TTF re Traffic and Transport issues. Also meeting with SHDC  re Active Travel.

**CALENDAR OF TOTNES TOWN COUNCIL MEETINGS 2025**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|   | **Full Council** | **Council Matters Committee** | **Planning Committee** | **Town Matters Committee** | **Strategy Delivery Group** | **Traffic and Transport Forum** |
|   | Monthly | Monthly | Monthly | Bimonthly | Bimonthly | Quarterly  |
| **Officers attending**  | Catherine Marlton  | Catherine Marlton (Cover by Christina Bewley) | Sara Halliday  | Sara Halliday (Cover by Lucy Ferrier) | Catherine Marlton(cover by the management team) | Lisa Baumback (Forums only) |
| **Jan = 5** | **Full Meeting****6th**  | **Meeting****13th**  | **Meeting****20th**  | **Meeting****27th**  | None | **Forum & AGM 29th @ 6.30pm** |
| **Feb = 4** | **Full Meeting****3rd**  | **Meeting****10th**  | **Meeting****17th**  | None | **SDG Meeting****25th @ 6pm** | None |
| **Mar = 5** | **Full Meeting****3rd**  | **Meeting****10th**  | **Meeting****17th**  | **Meeting****24th**  | **SDG Meeting****22nd@ 6pm** | Steering Group if required\* |
| **Apr = 4** | **Full Meeting****7th**  | **Meeting****14th**  | **Meeting****28th**  | None | None | **Forum (30th @ 6.30pm) & SG** |
| **May = 4** | **Annual Meeting****12th**  | **Meeting** **19th**  | **Meeting****21st**  | None | **SDG Meeting****27th @ 6pm** | None  |
| **Jun = 4** | **Full Meeting****2nd**  | **Meeting****9th** | **Meeting****16th**  | **Meeting****23rd**  | None | Steering Group (SG) if required\* |
| **Jul = 6** | **Full Meeting****7th**  | **Meeting****14th**  | **Meeting****21st**  | **Meeting****28th**  | **SDG Meeting****29th @ 6pm** | **Forum (30th @ 6.30pm) & SG**  |
| **Aug\* = 2**  | **Full Meeting\*****4th**  | None | **Meeting\*****18th**  | None | None | None |
| **Sep = 4** | **Full Meeting****1st**  | **Meeting****8th**  | **Meeting****15th**  | **Meeting****22nd**  | None |  None |
| **Oct =**  | **Full Meeting****6th**  | **Meeting****13th**  | **Meeting****20th**  | None | **SDG Meeting****21st @ 6pm** | **Forum (29th @6.30pm) & SG**  |
| **Nov =**  | **Full Meeting****3rd**  | **Meeting****10th**  | **Meeting****17th**  | **Meeting****24th**  | None | Steering Group if required\* |
| **Dec =**  | **Full Meeting****1st**  | **Meeting****8th**  | **Meeting****15th**  | None | **SDG Meeting****17th @ 12pm**  | None |

\*If required. These Traffic and Transport Steering Group meetings will be held if required – please check with the TTF Chair and these meetings are not open to all (Steering Group members only).