

## AGENDA FOR THE MEETING OF TOTNES TOWN COUNCIL

MONDAY 2<sup>ND</sup> NOVEMBER 2020 – HELD REMOTELY USING ZOOM

MEETING LINK: <https://zoom.us/j/97594763956?pwd=ZG5KeUpSVnZnWnkvU2tVRStZQU1xUT09>

MEETING ID: 975 9476 3956

PASSWORD: 862147

**Please note that public question time will be held prior to Full Council from 6.30pm**

PLEASE NOTE THAT MEMBERS OF THE PUBLIC  
WILL BE KEPT IN THE WAITING ROOM FACILITY IN ZOOM UNTIL THE MEETING COMMENCES.

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You are hereby SUMMONED to attend a Meeting of the Council, which is to be held using remote meeting service Zoom on Monday 2<sup>nd</sup> November 2020 at 7pm for the purpose of transacting the following business:

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.

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*The Committee will adjourn for the following items:*

Reports from County and District Councillors.

- a. County Cllr Hodgson – no documents.
- b. District Cllr Birch – document enclosed.
- c. District Cllr Rose – document enclosed.
- d. District Cllr Sweett – no documents.

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

3. CONFIRMATION OF MINUTES

To approve and sign the minutes of the following Meetings:

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

- a. Full Council 5<sup>th</sup> October 2020 – document enclosed.
- b. Council Matters Committee 12<sup>th</sup> October 2020 – document enclosed.
- c. Planning Committee 19<sup>th</sup> October 2020 – document enclosed.

4. CONSIDERATION OF ANY MATTERS ARISING REQUIRING A DECISION

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 5<sup>th</sup> October 2020 – document enclosed.
- b. Council Matters Committee 12<sup>th</sup> October 2020 – document enclosed.
- c. Planning Committee 19<sup>th</sup> October 2020 – document enclosed.

5. TOWN CENTRE SURVEY

To note the Devon Communities survey for circulation to all members of the community.

## 6. ROAD CLOSURE

As per the Standing Orders to reconsider a previous recommendation of Full Council in September 2020 (Formally requested by Cllrs C Allford, P Allford and Luker).

*That Totnes Town Council RECOMMENDS to Devon County Council that the temporary closure of upper Fore Street (from the access only signage opposite the King William) and the High Street and the Narrows to traffic for 4 hours on Saturday mornings be continued whilst Government social distancing guidelines remain in place to enable social distancing, pedestrian safety and accessibility during the COVID pandemic.*

## 7. TOTNES CAR PARKING TARIFFS

To consider the South Hams District Council proposed increase in car parking tariffs from April 2021. Documents enclosed.

## 8. PAVEMENT PARKING CONSULTATION

To consider the Government consultation 'Pavement Parking: options for change', and to make any recommendation to Full Council in how to respond. Document enclosed. See <https://www.gov.uk/government/consultations/managing-pavement-parking/pavement-parking-options-for-change>  
Document enclosed.

## 9. NEXT MEETING

To note the next meeting date of Monday 7<sup>th</sup> December 2020, 6.30pm public session, 7.00pm formal meeting.  
No document.

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*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.*

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

To consider any recommendations or matters arising that are considered confidential in nature (staffing/legal/commercial sensitivity) from the Council Matters Committee. No document.

## 11. LEGAL MATTER

To consider an update on an ongoing legal issue. Documents enclosed.

Agenda produced by:

Catherine Marlton

Town Clerk

28<sup>th</sup> October 2020

### 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.

John Birch

SHDC Member for Totnes

Report for Totnes Town Council  
meeting to be held on Monday 2 November 2020

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I report on the following matters;

### **Green Homes Policy**

In July 2020, the Government announced a £2 billion Green Homes Grant (GHG) scheme to save households money, cut carbon emissions and create jobs. The Council, as part of a consortium with West Devon Borough Council, submitted a capital bid and has been awarded a sum of £336,750. The money has to be spent by 31 March 2021.

The capital grant must be used to raise the energy efficiency of low income and low Energy Performance Certificate (EPC) rated households, through insulation measures and low carbon heating, such as heat pumps.

SHDC in declaring a Climate Change and Biodiversity Emergency has identified within its emerging Strategy the importance of reducing carbon emissions from existing private sector housing stock. Carbon emissions from existing housing contribute in the region of 24% of all CO<sub>2</sub> emissions across the District.

SHDC in delivering against its Climate Change and Biodiversity aims to reduce the district's carbon emissions to net zero by 2050 at the latest. In support it has been agreed a further £200,000 is to be allocated from the Disabled Facilities Grant/Regulatory Reform Order approved capital budget for 2020/21 in order to deliver further measures to reduce fuel poverty and reduce carbon emissions from the existing private sector housing stock.

Further it has been agreed that £20,000 be allocated from the Climate Change and Biodiversity Earmarked Reserve to support delivery of this area of work.

It is estimated that 10.8% of households within the South Hams live in Fuel Poverty, compared with a regional average of 9.4%. Energy usage within the existing housing stock remains one of the main sources of carbon dioxide emissions as identified within SHDC's emerging Climate Change and Biodiversity Strategy. The measures above are aimed at tackling this issue.

### **Climate Change and Biodiversity Community Board**

At the Full Council meeting held on 24 September 2020 it was agreed that SHDC will set up a Climate Change and Biodiversity Community Board and that it hold an initial meeting before the next Full Council meeting in December.

The Board will enable invited representatives from groups, Town Councils and Parish Councils to work with SHDC officers to coordinate existing and emerging activity and initiatives. The strategic direction would continue to be set by SHDC Members and to avoid any duplication and/or confusion as to roles, it is proposed that the new group would not include Members and be purely operational.

Forms of Expressions of interest have been sent to ask people if they would like to sit on the Community Board. There will be quarterly open meeting where the Council's actions, plans and strategy will be shared alongside an agenda giving the opportunity for attendees to develop tasks related to the objectives of the Climate Change and Biodiversity Strategy.

The Community Board will comprise of around 20 people and are fairly representative from across the South Hams in terms of geography, age, gender, expertise/area of interest. Priority will be given to Parish/Town Council representatives from each of the three hub areas (Totnes/Dartmouth, Kingsbridge/Salcombe and Ivybridge and

existing third sector community groups, such as community energy before individuals unless they have a particular area of expertise.

## GOVERNMENT PLANNING PROPOSALS - SOUTH HAMS DISTRICT COUNCIL'S RESPONSE

SHDC has submitted its response to the Government's proposals contained in the consultation document entitled "Changes to the current planning system". Below is an extract that illustrates SHDC's objection to the Government's proposals.

*The 300,000 dwellings per annum figure is an ambition or aspiration and not an assessment of the nation's housing need and type of housing needed. It is not underpinned by any evidence to support and justify the housing target which should have been produced to form part of the consultation on this document and the White Paper. On this basis the standard method therefore cannot be soundly referred to as an adequate assessment of housing need, rather it is an algorithm designed to ensure it adds up to a national housing target in excess of 300,000 homes. To quote one Conservative MP, we agree that it is an "imposition of housing numbers handed down by Central Government and [we] strongly resisted this new 'Stalinist' approach".*

*The new National Housing Target ought to be subject to a Strategic Environmental Assessment, particularly given that the figure appears to have no evidential basis to it and is likely to lead to a significant loss in green spaces for development in rural, less sustainable locations. Alternative options/targets ought to have been considered, as a lower housing target focusing on high levels of affordable housing provision as a portion of overall.*

*There is no clear evidence of past under delivery of housing numbers as a total, the issue is past under delivery of affordable homes when compared to public sector housebuilding numbers prior to the 1990's. The solution must be to focus on substantial increases in affordable housing as a portion of the overall total. An increase in the overall supply above current levels is not necessarily needed, and this should be considered alongside the impacts of climate change in establishing the most appropriate level and type of housing supplied.*

*The algorithm is not fit for purpose, it is an algorithm purely designed to arrive at a high housing number and is not an appropriate or justified assessment of actual housing need. It still directs growth to rural locations as is the case with the current algorithm, i.e. it inflates housing figures substantially in rural areas compared with urban areas.*

*The affordable housing/market signals adjustment methodology leads to inflated housing numbers in the wrong locations and is based on a flawed assertion that delivering more houses leads to greater levels of affordability. There is no clear correlation between higher house building numbers and greater levels of affordability, indeed the opposite is often the case due to wider economic effects. For example, within the Plymouth, South Hams and West Devon area there are periods of time where lower levels of house building have resulted in greater affordability and higher levels of house building have resulted in lower levels of affordability. Higher levels of house building normally take place in a buoyant economy when house prices rise at a rate higher than earnings, and lower levels of house building take place in an economic downturn when house prices fall at a rate greater than a decrease in earnings.*

*Furthermore, there are no mechanisms within this consultation nor in the White Paper to ensure house builders deliver the higher numbers generated by the algorithm. House builders will increase output dependent on an optimum price point. Therefore, if house prices fall, which is the government's clear aspiration in aiming for such a high house building figure, then house builders have and will always react by reducing output. It is a matter of simple supply and demand economics. It would be counterintuitive to house builders' business models to do anything to the detriment of reducing profit. To merely expect or hope house builders will operate differently without any incentive or penalties is a failure to understand how the house builders and the housing market operates. It is perhaps inevitable that the housing numbers generated by the algorithm are undeliverable and development plans as a result will be set up to fail and rendered out of date very quickly.*

*The housing crisis is an affordability crisis, yet there is insufficient attention to substantially increasing affordable housing provision as a portion of overall housing to deal with the affordability crisis. Moreover, the effects of having an undeliverable, high housing target in inappropriate locations results in reduced obligations and thus reductions in affordable housing provision in the interests of site viability. Leaving London to one side, affordability ratios in rural*

*locations are significantly higher than in urban locations. Therefore, the solution must be to ensure greater levels of provision of affordable housing in rural locations, rather than focusing on inflating overall housing numbers that are not deliverable and have the effect of reducing affordable housing provision. We suggest that the government considers requiring through national policy significantly higher levels of affordable housing provision in rural locations with a high affordability ratio, rather than inappropriate inflation of housing numbers in such locations.*

### **Travellers' site**

A report was put before the SHDC Executive meeting on 22 October 2020 on the situation concerning travellers.

The district has seen a significant rise in the number of Unauthorised Encampments (UEs) in recent years. Unfortunately SHDC does not have an authorised site that travellers can be directed.

Government guidance was provided in March 2020 about what Local Authorities should do with regard to travellers and providing sites throughout the pandemic. As the Council did not have any suitable sites the unauthorised encampment at Steamer Quay became a tolerated site throughout the pandemic.

The report stated that SHDC does not have any land holdings deemed appropriate for use by travellers. Therefore other solutions need to be sought to prevent car parks and other landholdings being used for this purpose.

SHDC has made a request to Devon County Council for it to consider making available land for this use. In 2017/18, officers made contact with landowners of potential sites and there was not a single response to the request to bring forward the land for this use. Second letters were also sent and again a response was not forthcoming.

Discussions have taken place between SHDC and Devon County Council officers at both an operational level and senior level to identify solutions for the provision of a site and the benefits to the authorities and communities involved.

In February 2020, SHDC hosted the first Gypsy and Traveller forum which was attended by over 25 people from the travelling community. This has started conversations between the Councils and that community which appeared to be very positive.

Meanwhile SHDC continues to engage with Devon County Council to seek a site for Gypsies and Travellers.

The Executive Members called on officers to bring forward a policy for accommodating Gypsies and Travellers as well as dealing with unauthorised encampments

Cllr John Birch  
SHDC Member for Totnes  
27 October 2020

## **ITEM 2C**

**Report for Totnes Town Council Meeting 02/11/2020**  
**Clr Joseph Rose SHDC**

### **Regenerative Economics & Community Wealth Building**

After the Regenerate Devon Summit in the beginning of June, I attempted to organise a member workshop with Jay Tompt to look at the potential for regenerative economics in South Hams. Nearly five months later (on the 21st of October) the workshop took place for the executive committee and the climate change & biodiversity working group. I think the workshop was a great success, providing essential information to help bring forth a wider perspective of the changes that we are facing. For example, during lockdown it was celebrated that our emissions (UK) fell by 7%. Whilst this was indeed worth celebrating, our emissions are now rising again and, considering that we have committed to cutting our emissions by 50% over the next decade, it is clear that we have a long way to go.

The workshop also provided a foundation and a common language to talk about systems change, decentralised networks, grassroots innovation and a shift towards a new paradigm. Before the workshop these kind of topics were usually met with a stony silence or scoffed at as left wing nonsense but, since the workshop, there is a greater level of understanding which has led to some constructive conversations.

In the workshop, I mentioned a webinar series on community wealth building run by Gill Wescott, New Prosperity Devon, and, SHDC paid for officers and councillors to sign up. Two other councillors, two officers and I just attended the first of these, looking at the Preston Model. It was fantastic and I look forward to the rest of the webinars, if any of you are interested in this series, I have also attached some information in a separate PDF.

### **Malt Mill Warehouse**

I have had a number of conversations with the enforcement officer in charge of the case about the continued lack of action regarding the terrible state of Malt Mill Warehouse. SHDC is awaiting a works schedule from the owner. I have advised the officer that if this does not come very soon then we should proceed with legal action. I hope to have something more to report verbally at the TTC meeting.

### **Community Consultation & Engagement**

I believe that community engagement, consultation and empowerment has never been more important than it is today. We are entering a time of great change, which calls for a massive mobilisation of resources and will power whilst facing crises on almost every level of society. I was very excited to be asked to chair a working group to develop a community engagement strategy for SHDC but I am incredibly disappointed and, frankly, quite angry at the way this group and its task has been belittled until now it seems to be little more than a joke. Due to organisational mess and executive interference our work has been squashed into one month and reduced to providing some core principles and values for community engagement. We will do the best we can with what we have but I have little to no hope of this piece of working living up to a tenth of its original potential.



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

**MONDAY 5<sup>th</sup> OCTOBER 2020 HELD REMOTELY USING ZOOM**

Present: Councillors J Hodgson (Chair), P Paine, V Trow, M Adams, E Price, C Allford, D Matthews, G Allen, C Luker, S Collinson, P Allford, A Galvin, B Piper, S Skinner and L Webberley.

Apologies: Councillors R Henriksen.

In Attendance: C Marlton (Town Clerk), District Councillor Birch, and 12 members of the public.

**12. WELCOME TO ALL ATTENDING AND OBSERVING**

**13. 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.

Apologies were received from Cllr R Hendriksen. The reason for the absence was given by the Clerk and accepted by the Chair.

*The Committee will adjourn for the following items:*

Reports from County and District Councillors.

- e. County Cllr Hodgson – no documents.
- f. District Cllr Birch – documents enclosed.
- g. District Cllr Rose – no documents.
- h. District Cllr Sweett – no documents.

*It was RESOLVED to suspend standing orders.*

b. D.Cllr Birch provided a written report. With regards to the Morrisons appeal, the appeal was due to be heard in February but this will now not take place until April-June because their barrister is not available in February. In relation to the governments planning proposals in the report, SHDC have lodged an objection with the government ministry a copy of which D.Cllr Birch will send to the Clerk to circulate. Also to note is that waste collections days have changed for some residents and questions have been raised about why the new recycling system is not starting until next spring. This is due to the COVID crisis impacting on the manufacture of equipment but it should be in place by next March/April. Cllr Allen enquired about the Churchill Retirement Home appeal. D.Cllr Birch advised that in addition to the appeal Churchill are also lodging a revised application that has an amended design and addresses the issues that caused the refusal on the original application. Cllr Allen also advised that she will be attending a Zoom meeting which Devon's MPs will be attending to discuss the planning proposals. Cllr Collinson asked what

will happen next as a result of the Climate Change & Biodiversity Working Group proposals being turned down at the South Hams District Council (SHDC) Full Council meeting. D.Cllr Birch advised that £400k was put in the budget for climate change action and so far no proposals for spending the money have been put forward. He believes the proposals that were put forward by the Working Group were turned down because it was felt the funds may be needed to cover a shortfall in the Council's budget next year. Subsequent to that meeting it appears that stance has changed slightly and the Devon Climate Change Working Group will be bringing forward proposals.

c. D.Cllr Rose sent out a written report today.

Cllr Paine suggested this and other County and District Councillors reports should not be considered if they are not issued 3 days before the meeting as he has not seen the e-mail containing the reports. Cllr Adams confirmed she has also not seen the e-mails.

a. C.Cllr Hodgson sent out a written report today. C.Cllr Hodgson reported on a Black Lives Matter motion that was brought at the SHDC Full Council meeting last week on which there was a long debate and she has provided a link to the amendments that were eventually agreed. She is also a member of the Corporate Infrastructure and Regulatory Services Scrutiny Committee which discussed 5G mobile phone masts at the latest meeting. The Committee resolved to ask the Government for evidence that the masts are safe for the public and wildlife. To note is the fact that Devon County Council (DCC) estimate they will have an overspend of £4.5 million in the 4<sup>th</sup> month of the financial year due to the COVID crisis which they expect to be around £1.5 million at the year end. C.Cllr Hodgson also advised that the minutes of the latest Traffic & Transport Forum meeting are at the end of her report and they will be posted on the website.

d. D.Cllr Sweett sent out a written report today. She has met with the SHDC Outdoor Spaces Officer and raised the concerns relating to the Skatepark but can also arrange a site visit if the young people can put together a specific list of issues. The new Skatepark is being delayed because the Lottery Grant process has been put on hold due to COVID and also planning permission is required before the Lottery Grant can proceed. The former Dairy Crest site is in poor condition which the new leaseholders are aware of and are doing daily patrols. A planning application for the site is almost ready for submission. With regards to the road closures, businesses already have the worry of Brexit and the road closures are also impacting on businesses even though they are only half a day. Half a day is a significant amount of time for businesses. Which day the road closure takes place on needs to be discussed in order to move it to a quieter day.

*The Council reconvened.*

#### **14. CONFIRMATION OF MINUTES**

To approve and sign the minutes of the following Meetings:

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

- d. Full Council 7<sup>th</sup> September 2020 – document enclosed.
- e. Council Matters Committee 17<sup>th</sup> September 2020 – document enclosed.
- f. Planning Committee 21<sup>st</sup> September 2020 – document enclosed.
- g. Town Matters Committee 21<sup>st</sup> September 2020 – document enclosed.

It was **RESOLVED** to approve and sign the Minutes of the following meetings:

- a. Full Council 7<sup>th</sup> September 2020.
- b. Council Matters Committee 17<sup>th</sup> September 2020.
- c. Planning Committee 21<sup>st</sup> September 2020.
- d. Town Matters Committee 21<sup>st</sup> September 2020.



## 15. 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)

- d. Full Council 7<sup>th</sup> September 2020 – document enclosed.
  - e. Council Matters Committee 17<sup>th</sup> September 2020 – document enclosed.
  - f. Planning Committee 21<sup>st</sup> September 2020 – document enclosed.
  - g. Town Matters Committee 21<sup>st</sup> September 2020 – document enclosed.
- a. Full Council 7<sup>th</sup> September 2020.

Item 7 - Cllr Paine raised concerns that he was confused about what he was voting for. The Town Clerk explained that the motion and context had been reiterated at the meeting and Cllr Paine had confirmed he understood and his vote. Cllr Adams asked for it to be recorded that she believes it is wrong that the wording for Cllr Collinson's motion was not provided in advance of the meeting with the agenda. The Clerk explained the Standing Order section relating to this.

Item 12 – Cllr Luker noted that this item should be on the meeting agenda for this month. The Clerk advised that it had been omitted in error and would be on the agenda for a future meeting instead. Cllr Hodgson advised that the Climate Emergency Group meeting had been interrupted by a failure in the broadband service in Totnes. The next meeting will be held on 20<sup>th</sup> October when items that were not completed at the last meeting can be discussed.

- b. Council Matters Committee 17<sup>th</sup> September 2020.

Item 14 – see Part II minutes.

- c. Planning Committee 21<sup>st</sup> September 2020.

Public Question Time – Cllr Trow advised that this issue is covered in D.Cllr Rose's report. It was **RESOLVED** to approve the recommendation.

Item 5 – Cllr Allen referred to the letter she has drafted and sent round to the other Councillors for comment. Cllr Collinson raised concerns that air quality pollution is not covered in it. Cllr Luker advised that he wrote to the Officer about this omission and the latest version of the letter does have it in. It was **RESOLVED** to approve the letter in principle and to send a copy to SHDC, the local MP and neighbouring towns and villages for information.

Item 6 – Cllr Adams requested that we investigate who is responsible for closing the flood gates. The Clerk advised that the last correspondence she received on the matter stated that it would be investigated if volunteers from local community groups could be insured to take on this responsibility and if not then an Environment Agency Officer would be responsible. It was **RESOLVED** to approve the recommendation.

Item 7 – Cllr Hodgson advised that DCC notified her that resurfacing work will not take place until the beginning of the next financial year. As it is very dangerous she has requested that some of the re-surfacing is done while the road closures are in place for the Ash die-back works that are planned.

- d. Town Matters Committee 21<sup>st</sup> September 2020.

Item 6 – It was **RESOLVED** to approve the recommendation.

Item 8 – Amend wording in recommendation to "To **RECOMMEND** to Full Council that the Town Council writes to South Hams District Council and the Steamer Quay Caravan and Camper Van Club (Head Office) to encourage them to negotiate a long lease with South Hams District Council which would attract investment and all year round use, which the Town Council is supportive of. It was **RESOLVED** to approve the amended recommendation.

## **16. STANDING ORDERS AND COMMITTEE STRUCTURE**

To consider a revision to Standing Orders and a revised Committee structure for implementation from 1<sup>st</sup> January 2021.

Cllr Luker asked that the Council Strategy Group detailed in paragraph 28 of the Standing Orders should be expanded to include at least 2 other councillors. The Clerk explained that she needs that group to be small so that it can be responsive and to be consistent with the same members. Members need to be aware that much of what is discussed at the meetings of that group is confidential issues relating to staff where the Clerk can seek advice to help operational decision making (that the Clerk has delegated authority for) and that the group itself is not a decision making body.

It was suggested that the name of the group was misleading and therefore it was proposed that it is re-named to Operational Support Group and that membership be extended to include the Deputy Mayor and Deputy Chairs of the Committees. It was **RESOLVED** to agree this proposal.

It was **RESOLVED** to accept the revised Standing Orders and Committee structure to be implemented from the 1<sup>st</sup> January 2021.

## **17. CORONAVIRUS**

To note the update from Devon County Council regarding recent local case increases.

<https://www.devon.gov.uk.uk/coronavirus-advice-in-devon/coronavirus-data/>

Noted.

## **18. ROAD CLOSURE**

To consider the decision of Devon County Council for a four-week temporary road closure on Saturday mornings until 10<sup>th</sup> October 2020. Verbal update Town Clerk.

The Town Clerk advised that DCC have agreed 4 more weeks but our request, as agreed at the last Full Council meeting, was for the road closures to continue until social distancing stops. That decision cannot be re-visited for 6 months unless 3 councillors write to the Clerk prior to the agenda going out to request a review of a decision. DCC are considering whether to extend the 4 week period and the Clerk will reiterate the Council's recommendation from September, but the decision on any extension of the road closures will be made by DCC.

Cllr C Allford asked that the business database is used to inform all businesses about the Council's decision.

Cllr C Allford and Cllr P Allford asked for it to be recorded that they both object to any further road closures.

Cllr Adams also asked to be recorded as objecting to any further road closures.

Cllr Collinson wanted to highlight that there is no underlying agenda to pedestrianize the town centre. The measures are for the emergency situation with COVID to enable social distancing.

Cllr Matthews raised the issue that there are too many vehicles on the road and Cllr Allen suggested that she could include this in the letter responding to the planning changes proposal.

## **19. SOCIAL DISTANCING IN TOTNES**

To note the concerns raised about social distancing enforcement in the town centre. Verbal update Town Clerk.

The Clerk reported that there have been a number of complaints from members of the public that social distancing is not being enforced in the town. Some retail outlets are not insisting on masks being worn but there is no requirement for them to enforce it. The Clerk has raised it with the Police but enforcement is difficult.

## **20. LICENSE APPLICATION APPEAL BY MORRISONS**

To note the appeal by Morrisons in relation to alcohol sales at the supermarket and petrol station and nominate a representative of the Town Council to attend.

Cllr Hodgson has asked the Police to send in a comment.

Noted.

## **21. ELECTION OF MAYOR AND COMMITTEE CHAIRS**

To note that the election of the Mayor, Deputy and Chairs of Committee will be held during the December Full Council meeting on Zoom.

The intention is for the new post-holders to take up their roles in January when the new committee structure begins. Councillors were asked to consider what they would like to stand for in advance if possible.

## **22. NEXT MEETING**

To note the next meeting date of Monday 2<sup>nd</sup> November 2020, 6.30pm public session, 7.00pm formal meeting.  
Noted.

*The Council **RESOLVED** 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.*

## **23. CONFIDENTIAL ITEMS FROM COMMITTEE (Standing item)**

To discuss any recommendations or matters arising that are considered confidential in nature (staffing/legal/commercial sensitivity).

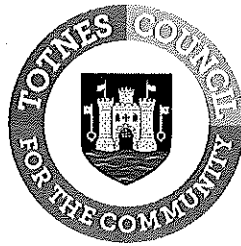
Council Matters Committee 17<sup>th</sup> September 2020

Item 14 (b) – The detailed staffing proposals and structure was provided to all Councillors. It was unanimously **RESOLVED** to agree the recommendations as below:

1. Delegated authority to the Town Clerk to administer the restructure process as outlined.
2. Agreement of the proposed structure, timeline and process.
3. Agreement of spend on professional HR support to advise during said process (if required)

Jacqi Hodgson

Mayor



**DRAFT MINUTES OF THE MEETING OF COUNCIL MATTERS  
MONDAY 12<sup>TH</sup> OCTOBER 2020 AT 7PM – HELD REMOTELY USING ZOOM**

**Present:** Councillors E Price (Chair), C Allford, J Hodgson, C Luker, P Paine, and B Piper.

**Apologies:** Cllr M Allen

**Not Present:** Cllr V Trow.

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

**1. APOLOGIES FOR ABSENCE**

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

It was **AGREED** to accept the apologies received from Cllr Adams.

*The Committee will adjourn for the following items:*

**PUBLIC QUESTION TIME**

A period of 15 minutes will be allowed for members of the public to ask questions or make comment regarding the work of the Committee or other items that affect Totnes.

There were no members of the public present.

*The Committee reconvened.*

**2. CONFIRMATION OF MINUTES**

**To update on any matters arising from the minutes of 17<sup>th</sup> September 2020.**

No matters arising. The minutes have already been ratified by Full Council.

**3. PUBLIC REALM WORKING GROUP**

**To consider any matters arising, updates or items of expenditure since the last meeting.**

Noted. It was **AGREED** to: pursue additional seating for Longmarsh with the consent of South Hams District Council and Berry Pomeroy Parish Council; and for a one-off grass cut of St Mary's Churchyard with the cut grass to be cleared and removed.

**4. ARTS WORKING GROUP**

**To consider any matters arising, updates or items of expenditure since the last meeting.**

Noted. The budget allocation was approved. Window Wonderland: it was suggested that if people enjoy the displays they could make a donation to Totnes Caring; and Cllr Piper will speak to English in Totnes about decorating the windows in Eastgate.

#### **5. VENUES WORKING GROUP**

**To consider any matters arising, updates or items of expenditure since the last meeting.**

Noted. Planning permission has been received to install automatic doors in the Civic Hall, which have been grant funded.

#### **6. BRIDGETOWN COMMUNITY HALL**

**To consider a request for funding.**

Cllr C Allford and Cllr J Hodgson declared a personal interest. Funding is being sought for a disability ramp and a new floor covering in the hall. It was **AGREED** to contribute £1344.00 towards these costs.

#### **7. GREEN TRAVEL**

**To consider the appointment of a Green Travel Coordinator, subject to references and pre-employment checks.**

It was **AGREED** to give the Clerk delegated authority to offer the green travel position to the highest scoring candidate.

#### **8. FUTURE AGENDAS**

**To consider a schedule for future agenda items for Council Matters.**

Noted.

#### **9. STANDING ORDERS**

**To note the change in time for the Council Matters committee from January 2021.**

Noted. Meetings will begin at 5.30pm from January 2021.

*The Committee **RESOLVED** 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)*

#### **10. TOTNES MUSEUM**

**To receive an update on a new lease for Totnes Museum and to consider the associated costs.**

It was **AGREED** that the Clerk would call a meeting with Museum Trustees, Cllr Piper and Cllr Price to discuss the detail.

#### **11. STAFF UPDATE**

**To note a general staff update.**

The verbal update was noted.

**12. DATE OF NEXT MEETING**

To note the date of the next meeting of the Council Matters Committee – Monday 9<sup>th</sup> November at 7.00pm.

Noted.

Catherine Marlton  
Town Clerk



## DRAFT MINUTES FOR THE PLANNING COMMITTEE

### MONDAY 19<sup>TH</sup> OCTOBER 2020 - HELD REMOTELY USING ZOOM

Present: Councillors G Allen (Chair), R Hendriksen, J Hodgson, C Luker and P Paine (joined at 10.15am).

Apologies: Councillors S Collinson and V Trow.

In Attendance: One member of the public and S Halliday (Committee and Cemetery Administrator).

#### 1. APOLOGIES FOR ABSENCE

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

It was resolved to accept the apologies.

#### PUBLIC QUESTION TIME

A member of the public spoke about application 2873/20/FUL for Rainbow View and considers the proposed additional floors to be too high, with the building being very prominent above the tree line and it would be visible from the Dartington Estate. Five additional properties will also bring more traffic and parking issues to an already congested road.

These comments will be considered as part of item 4a.

*The Committee reconvened.*

#### 2. CONFIRMATION OF MINUTES

**To update on any matters arising from the minutes of 21<sup>st</sup> September 2020.**

The minutes of the meeting have been agreed by Full Council on 5<sup>th</sup> October 2020.

Public Question Time – it was resolved that a letter would be drafted for the Clerk to send to South Hams District Council expressing concerns about the safety of the fabric of the Malt Mill warehouses.

Item 3d – no comments were received in relation to this tree works application.

Item 5 – Full Council resolved the proposed response to the 'Planning for the Future' consultation which the Clerk is due to sign off and submit on 20<sup>th</sup> October 2020, and copy the response as agreed.

Item 6 – Full Council resolved the proposed response to the Local Flood Risk Management Strategy which was submitted on 14<sup>th</sup> October 2020.

### 3. TREE WORKS APPLICATIONS

#### **To make recommendations on the following tree works 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.*

3a) 2854/20/TCA – T1: Hornbeam - Crown height reduction by up to 1m and reduction by up to 0.5m on all sides to maintain growth. T2: Beech - Crown height reduction by up to 1.5m and reduction by up to 1.5m on all sides to maintain growth and canopy shape. T3: Sweet Gum - Crown raise to 3m from ground level. T4, T5 & T6: Cherry Laurel - Fell and replace in more suitable location, trees overpowering garden. T7: Beech - Crown raise to 4m from ground level. T8: Crown raise to 2.5m from ground level. Woodlands One, Pomeroy Villas, Bridgetown, Totnes, TQ9 5BE.

Support.

Cllr Paine joined the meeting at 10.15am.

3b) 3111/20/TCA – T1, T2, T3 and T4: Ash - Fell and remove. Trees showing signs of ash dieback. 29 Fore Street, Totnes, TQ9 5HN.

Object. The Committee wishes to see specialist confirmation that the trees are suffering from Ash Die Back as the photographs appear to show healthy trees.

### 4. 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.*

4a) 2873/20/FUL - Additional storeys to existing building to create 5 new duplex units. Rainbow View, Parkers Way, Totnes, TQ9 5UF.

Object. The Committee has concerns about this application and would request that it is considered by the South Hams District Council Development Management Committee and not given delegated approval. The Committee's concerns about the application are as follows:

- Insufficient parking for the number of dwellings (20 spaces for 26 or 31 flats) which will impact on the neighbouring roads, particularly Parkers Way, that are already overcrowded with vehicle parking.
- Increased level of vehicle movements in the area and so close to St John's School.
- The height created by the additional floors is overbearing and unneighbourly for neighbouring properties.
- The adequacy of the number of fire escapes for the number of properties to be created and lack of information on fire prevention measures that will be installed, for example internal provision of sprinkler systems.
- Overdevelopment of the site.

4b) 2740/20/FUL – READVERTISEMENT (Revised plans received) Proposed construction of new dwelling. Land opposite 2 and 3 Argyle Terrace, Totnes.

Cllr Hodgson declared a personal interest.



Object. The Committee continues to have concerns about this application and would request that it is considered by the South Hams District Council Development Management Committee and not given delegated approval. The Committee's concerns about the application are as follows:

- No identified off-road parking space(s).
- Overdevelopment of the site.
- Increase in traffic levels that an additional dwelling will bring onto a congested residential road and out onto Station Road.
- Concerns about drainage and flooding in this area next to the railway line.
- The design is not in keeping with the properties in Argyle Terrace.

4c) 2625/20/ARM – Approval of reserved matters following outline approval reference 56/2221/15/O. Ashworth Lodge, Ashburton Road, Totnes, TQ9 5JZ.

The Committee has no objections to the proposed number or style of the houses being proposed but it does have concerns about access to the site and sharing the KEVICC drive with pedestrians/ students. The Committee is disappointed to see that the proposed buildings are not zero-carbon and do not appear to use any renewable energy sources.

4d) 2947/20/LBC – Listed Building Consent for additional works at Stage 1.5 including works to joists and floorboards, creation of cross ventilation to cellar, new bearing end to cellar structural beam, new studwork, new insulation to WC walls, removal of deteriorated structural gallows bracket, installation of oak goal post structure and remedial repairs to 5no. Butterwalk structural columns. 43 Bogan House, High Street, Totnes, TQ9 5NP.

Support.

4e) 2970/20/FUL & 2971/20/LBC – Listed Building Consent and change of use and conversion of office to single dwelling. Hopwood Swallow LLP, Pleases Passage, High Street Totnes, TQ9 5QN.

Support.

4f) 2827/20/HHO – Householder application for proposed addition of a first floor window on the front of the house. 2 Follaton Mount, Plymouth Road, Totnes, TQ9 5LX.

Support.

4g) 2838/20/LBC – Listed building consent for relocation of existing flue. Singer Cottage, Bowden House, Totnes, TQ9 7PW.

Support.

4h) 2931/20/ARC – Application for approval of details reserved by condition 3 of planning permission 0093/17/LBC. 60 High Street (Oxfam), Totnes, TQ9 5SQ.

Support.

4i) 2906/20/LBC – Listed building consent for renewal of roof replacing old asbestos slates with Spanish natural slate. 19 Pomeroy House, Bridgetown, Totnes, TQ9 7PW.

Support. The Committee would wish to ensure that the existing slates are removed in accordance with health and safety practices for the handling of such materials and would request the installation of bat and bird boxes on the property.

4j) 2957/20/HHO & 2958/20/LBC – Householder application and listed building consent for replacement of fire-damaged roofs to outbuildings. 2 Priory Gate, Priory Hill, Totnes, TQ9 5QD.

The Committee would wish to see the advice of the Heritage Officer in relation to the proposed works, in particular the replacement roof covering. The Committee would also like to see a biodiversity assessment carried out for any roosting bats in the stone structure. The Committee are concerned that the design and access statement makes no reference to the building's listed status.

4k) 3107/20/LBC – Listed building consent for proposed replacement roof slates. 3 & 3A Leechwell Street, Totnes, TQ9 5SX.

Support.

#### 5. CONSULTATION ON PAVEMENT PARKING – OPTIONS FOR CHANGE

**To consider the Government consultation 'Pavement Parking: options for change', and to make any recommendation to Full Council in how to respond.**

It was **AGREED** that this information would be circulated to all Councillors in advance of Full Council, with Option 2 looking the more favourable approach. Some residential roads are so narrow that a degree of pavement parking is necessary to provide sufficient room for emergency vehicle access. It is requested that Cllr Collinson seeks the views of Inclusive Totnes.

#### 6. LICENSING APPLICATION

**To consider an application for a new premises licence for Cormacks Seafood, The Plains Shopping Centre.**

It was **AGREED** to support this application as long as the hours requested are in line with other licensing times for premises in the area. District Councillors would be copied into the formal response for information.

#### 7. TRAFFIC AND TRANSPORT FORUM MINUTES

**To note the minutes of the Totnes and District Traffic and Transport Forum held on 30th September 2020.**

Noted. It was **AGREED** that the October meeting will be cancelled, and that the new Green Travel Co-ordinator will be invited to the November Planning Committee to give an overview of their role and work going forward.

#### 8. DATE OF NEXT MEETING

**To note the date of the next meeting of the Planning Committee – Monday 23<sup>rd</sup> November 2020 at 10.00am.**

Noted.

Sara Halliday

Committee and Cemetery Administrator

ITEM 7

South Hams - review of parking charges  
 Parking tickets sold 1st April 2017 - 31st March 2018

Proposed tariffs	1/2 hour	1 hour	2 hours	3 hours	4 hours	All day	Overnight/ 24 Hours	Gross	Net Income
<b>Totnes</b>									
Tariff	£0.70	£1.20	£2.00	£2.50	£3.50				
Tickets sold	4,024	3,654	3,307	1,997					
Income	£2,816.80	£4,386.80	£6,614.00	£4,992.50				£18,417.70	£ 15,348
<b>Victoria Street</b>									
Tariff	£0.60	£1.20	£2.00	£2.50					
Tickets sold	55,221.00	15,577.00	54,080.00	57,885.00					
Income	£32,932.60	£18,692.40	£108,160.00	£145,962.50				£184,667.50	£ 153,888
<b>Heatho Nursery</b>									
Tariff	£0.60	£1.20	£2.00	£2.50					
Tickets sold	13,468	21,198	28,320	17,005					
Income	£8,080.80	£25,437.60	£56,640.00	£42,512.50				£159,650.90	£ 133,283
<b>Pavilions Short Stay</b>									
Tariff	£0.60	£1.20	£2.00	£2.50					
Tickets sold	£2,827.00	£8,830.00	£5,280.00	£1,593.00					
Income	£1,696.20	£10,596.00	£10,560.00	£2,982.50				£29,816.70	£ 24,847
<b>Heathway</b>									
Tariff	£0.60	£1.20	£2.00	£2.50					
Tickets sold	17,631.00	23,221.00	3,565.00	2,895.00					
Income	£1,057.80	£27,864.00	£7,136.00	£7,232.50				£39,843.20	£ 33,286
<b>North Street</b>									
Tariff	£0.60	£1.20	£2.00	£2.50					
Tickets sold	1,782.00	3,791.00	4,586.00	2,618.00					
Income	£1,069.20	£4,549.20	£9,172.00	£6,545.00				£29,315.40	£ 29,379
<b>Old Market</b>									
Tariff	£0.60	£1.20	£2.00	£2.50					
Tickets sold	1,369.00	2,251.00	2,484.00	1,545.00					
Income	£821.40	£2,701.20	£4,968.00	£3,862.50				£20,953.60	£ 17,461
<b>Pavilions</b>									
Tariff	£0.60	£1.20	£2.00	£2.50					
Tickets sold	540.00	1,260.00	1,560.00	1,855.00					
Income	£324.00	£1,512.00	£3,120.00	£4,637.50				£19,969.50	£ 15,843
<b>Stamer Quay</b>									
Tariff	£0.60	£1.20	£2.00	£2.50					
Tickets sold	1,413	2,633	4,737	4,782					
Income	£847.80	£3,159.60	£9,474.00	£11,952.50				£38,049.40	£ 48,373
<b>Nursery</b>									
Tariff	£0.60	£1.20	£2.00	£2.50					
Tickets sold	1,292.00	2,783.00	581.00	528.00					
Income	£775.20	£3,339.60	£1,162.00	£1,320.00				£59,962.30	£ 49,959
<b>Longmarsh</b>									
Tariff	£0.20	£0.30	£1.00	£1.50					
Tickets sold	11,589	9,576	7,770	4,038					
Income	£2,307.80	£4,783.80	£7,770.00	£6,057.00				£14,988.00	£ 39,038
<b>Total:</b>								£673,575.00	£ 561,312.50
<b>+4%:</b>								£700,518.00	£583,765.00

Proposed tariffs	1/2 hour	1 hour	2 hours	3 hours	4 hours	All day	Overnight/ 24 Hours	Gross	Net Income
<b>Totnes</b>									
Tariff	£0.70	£1.20	£2.00	£2.50					
Tickets sold	4,024	3,654	3,307	1,997					
Income	£2,816.80	£4,386.80	£6,614.00	£4,992.50				£19,419.20	£ 16,183
<b>Victoria Street</b>									
Tariff	£0.70	£1.20	£2.00	£2.80					
Tickets sold	55,221.00	15,577.00	54,080.00	57,885.00					
Income	£38,554.70	£18,692.40	£108,160.00	£165,232.40				£196,556.50	£ 163,803
<b>Heatho Nursery</b>									
Tariff	£0.70	£1.20	£2.00	£2.80					
Tickets sold	13,468	21,198	28,320	17,005					
Income	£9,427.60	£25,437.60	£56,640.00	£47,514.00				£166,387.70	£ 138,956
<b>Pavilions Short Stay</b>									
Tariff	£0.70	£1.20	£2.00	£2.80					
Tickets sold	£2,827.00	£8,830.00	£5,280.00	£1,593.00					
Income	£1,578.90	£10,596.00	£10,560.00	£4,460.40				£30,577.30	£ 25,481
<b>Heathway</b>									
Tariff	£0.70	£1.20	£2.00	£2.80					
Tickets sold	17,631.00	23,221.00	3,565.00	2,895.00					
Income	£1,244.10	£27,864.00	£7,136.00	£7,655.70				£42,244.20	£ 35,201
<b>North Street</b>									
Tariff	£0.70	£1.20	£2.00	£2.80					
Tickets sold	1,782.00	3,791.00	4,586.00	2,618.00					
Income	£1,247.40	£4,549.20	£9,172.00	£7,330.40				£36,174.50	£ 30,988
<b>Old Market</b>									
Tariff	£0.70	£1.20	£2.00	£2.80					
Tickets sold	1,369.00	2,251.00	2,484.00	1,545.00					
Income	£958.30	£2,701.20	£4,968.00	£4,326.00				£22,049.50	£ 18,970
<b>Pavilions</b>									
Tariff	£0.70	£1.20	£2.00	£2.80					
Tickets sold	540.00	1,260.00	1,560.00	1,855.00					
Income	£376.00	£1,512.00	£3,120.00	£4,673.20				£21,053.20	£ 17,544
<b>Stamer Quay</b>									
Tariff	£0.70	£1.20	£2.00	£2.80					
Tickets sold	1,413	2,633	4,737	4,782					
Income	£986.10	£3,159.60	£9,474.00	£11,613.00				£31,375.30	£ 21,146
<b>Nursery</b>									
Tariff	£0.70	£1.20	£2.00	£2.80					
Tickets sold	1,292.00	2,783.00	581.00	528.00					
Income	£904.40	£3,339.60	£1,162.00	£1,320.00				£11,624.00	£ 9,579
<b>Longmarsh</b>									
Tariff	£0.30	£0.60	£1.20	£1.60					
Tickets sold	11,589	9,576	7,770	4,038					
Income	£3,461.70	£5,745.60	£9,324.00	£6,460.80				£50,910.10	£ 42,423
<b>Total:</b>								£710,616.90	£ 592,180.75

19 A.



## **ITEM 7 – TOTNES CAR PARKING TARIFFS**

### **Background**

At the South Hams District Council Full Council meeting held on 13<sup>th</sup> February 2020, the recommendation was to increase parking charges by 4% across all our District Council owned car parks.

### **Consultation**

The COVID-19 pandemic sees the Council facing unrepresented times. To secure the Council's financial position going forward, the consultation with towns and parishes regarding the proposed 4% increase in parking charges as of 1<sup>st</sup> April 2021 will continue.

### **The Proposal**

The Council operates a community-led tariff setting policy. We wish to consult and engage with each community where parking charges apply to establish how best to implement the 4% increase on charges, working with you to design tariffs which are suitable for your area. We have worked up an initial proposal for Totnes car parks, based on the previous tariffs in operation with figures based on the previous year's ticket sales. Please bear in mind there will be variation in ticket sales year on year. The suggested tariff changes are shown on the attached document highlighted yellow, for your review. SEE ATTACHED SHEET

### **Going Forward**

A report will be prepared and submitted to the Executive on the 3<sup>rd</sup> December. Ahead of this, we would like your feedback on the proposals and attached tariff changes. In the event that you are happy with the proposed increase then please confirm the same. Please ensure you submit all amendments or confirmation you agree with the proposed tariff changes by the 30<sup>th</sup> October 2020.

[Note: South Hams District Council has agreed an extension to 3<sup>rd</sup> November to enable Full Council consideration of this proposal.]

Once the reports have been taken through the Council, they would also be subject to a 21 day public consultation where further comments regarding the amendments can be made.

## ITEM 8 – GOVERNMENT CONSULTTION ON ‘PAVEMENT PARKING: OPTIONS FOR CHANGE’

### Introduction

Although the ‘pavement’ is defined as the ‘footway’ in legislation, the more commonly used term ‘pavement’ is used in this document to mean the part of a highway which shares its border with the carriageway (‘road’) on which there is a public right of way on foot. This is distinct from a ‘footpath’, which does not border a road.

Many towns and cities were not designed to accommodate today’s high traffic levels; and at some locations, especially in residential areas with narrow roads and no driveways, the pavement is the only place to park without obstructing the carriageway. However, irrespective of whether pavement parking is deemed necessary, there are inherent dangers for all pedestrians; being forced onto the carriageway and into the flow of traffic. This is particularly difficult for people with sight or mobility impairments, and those with prams or buggies. While resulting damage to the pavement and verges is, uppermost, a trip hazard, maintenance and personal injury claims are also a cost to local authorities.

Since 1974, parking on pavements, with certain exceptions, has been prohibited in Greater London by the Greater London Council (General Powers) Act 1974. Exemptions at specific locations can be permitted through an administrative resolution and indicated by traffic signs. A national prohibition was enacted in Scotland in November 2019 but has yet to come into force. The reverse applies elsewhere in England, where parking on pavements and verges is permitted unless specifically prohibited by a local authority (either street-by-street or zonally); the prohibition requiring a formal Traffic Regulation Order (TRO). The DfT is currently running a project looking at how the TRO legislative framework can be improved, to make TROs easier to implement, including for pavement parking.

As part of its wider agenda to improve accessible transport, the DfT’s commitment to review the laws on pavement parking was featured in its Inclusive Transport Strategy and Cycling and Walking Investment Strategy safety review. Last year, the DfT completed an exercise to gather evidence on the problems pavement parking causes, the effectiveness of current legislation, and the case for reform.

To further develop its understanding of the pavement parking problem, the DfT is seeking your views on:

- whether its ongoing work (Option 1), explained in more detail below, to improve the TRO process, under which local authorities can already prohibit pavement parking, is sufficient and proportionate to tackle pavement parking where it is a problem; or if not:
- which of 2 specific options you prefer. These were identified in the department’s review of the pavement parking problem, and echoed by the Transport Committee; are aimed at providing better tools for local authorities. These options, explained in more detail in this consultation document, are:
  - legislative change to allow local authorities with civil parking enforcement (CPE) powers to enforce against ‘unnecessary obstruction of the pavement’ (Option 2), or:
  - legislative change to introduce a London-style pavement parking prohibition throughout England (Option 3).
- any alternative proposals you may have for managing pavement parking

The DfT recognises that there are pros and cons for each of the options, and your responses on each will inform how this issue should be addressed.

### How to respond

The consultation period began on 31 August 2020 and will run until 22 November 2020 so ensure that your response reaches us before the closing date. If you would like alternative formats (Braille, audio CD, and so on), contact [pavement.parking@dft.gov.uk](mailto:pavement.parking@dft.gov.uk).

### **Current laws on parking**

The Traffic Management Act 2004 (TMA) places a network management duty on local authorities to manage their road network to reduce congestion and disruption. The TMA also provides specific powers for parking enforcement to be undertaken by local authorities rather than the police. Local authorities have powers under Part I of the Road Traffic Regulation Act 1984 (RTRA) to set restrictions or exemptions relating to parking within specific areas via the use of TROs, or Traffic Management Orders within London. For the purposes of this document, the term 'TRO' means either legal mechanism.

Local authorities can use a TRO to create local road traffic measures; for example, yellow line parking restrictions, 'no entry', 'no left turn' / 'no right turn' on roads for which they are responsible for managing. These measures can be applied to specific locations or larger areas. They can apply at all times or during specific time periods and can exempt certain classes of traffic. Under RTRA Sections 4 and 6, the conditions of a TRO are indicated to the road user by traffic signs and/or road markings, either prescribed by regulations (currently the Traffic Signs Regulations and General Directions 2016) or specially authorised by the Secretary of State.

### **Civil parking enforcement**

Part 6 of the TMA allows most types of parking contraventions to be enforced by local authorities as a civil matter, instead of as a criminal matter by the police. Local authorities are not forced to do so, but they may choose to take on these CPE powers by applying to the Secretary of State for the power to enforce parking restrictions within geographical local areas. As the parking offences are no longer criminal in such areas:

- enforcement ceases to be the responsibility of the police and becomes the responsibility of the local authority
- Civil Enforcement Officers (CEOs) instead of 'traffic wardens' place Penalty Charge Notices (PCNs) on offending vehicles
- the penalty charges are civil debts, due to the local authority and enforceable through a streamlined version of the normal civil debt recovery processes
- motorists wishing to contest the validity of a PCN may make representations to the local authority. If rejected, they may then appeal to independent adjudicators, whose decision is final (meaning there is no right of further appeal through the courts)
- the local authority retains the proceeds from the penalty charges, which are used to finance the enforcement and adjudication systems. Any surpluses must be used for prescribed purposes only.

Endorsable parking offences, like those involving dangerous parking (where a driver's licence can be endorsed with penalty points), remain criminal and can only be enforced by the police. Stopping offences at pedestrian crossings may be enforced by the police or the local authority, but police action takes precedence.

Currently, 96% of local authorities in England have acquired CPE powers. Elsewhere, all parking offences remain subject to criminal law and enforceable by the police. Furthermore, on trunk roads and motorways, the police are responsible for enforcing traffic regulations, so illegal parking on these roads is a criminal offence.

### **Powers to tackle pavement parking**

A pavement parking prohibition was introduced in London in 1974. Local authorities in England (outside London) can enforce against pavement parking where:

- vehicles are parked in contravention of existing waiting restrictions (for example yellow lines, which also apply to the verge and the pavement)
- a designated prohibition has been implemented through a TRO and prescribed, or authorised, traffic signs and bay markings; or
- the vehicle parked is a 'heavy commercial vehicle' with an operating weight of over 7.5 tonnes

Three options are proposed:

Option 1 – to rely on improvements to the existing Traffic Regulation (TRO) system

Option 2 – to allow local authorities with Civil Parking Enforcement (CPE) powers to enforce against 'Unnecessary obstruction of the pavement'

Option 3 – a national pavement parking prohibition