

**AGENDA FOR THE MEETING OF TOTNES TOWN COUNCIL  
MONDAY 6<sup>th</sup> NOVEMBER 2017 AT THE GUILDHALL TOTNES**

You are hereby SUMMONED to attend the Meeting of the Council, which is to be held in the Guildhall, Totnes on **Monday 6<sup>th</sup> November 2017 at 7pm** for the purpose of transacting the following business:

| No | Subject   | Comments   |
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| 1  | To receive apologies.   |  |
| 2  | The Mayor will request confirmation that all Members have made any amendments necessary to their Declaration of Interests, if appropriate.  |  |
| 3  | <p><i>The Council will adjourn for the following items:</i></p> <p><u>Public Question Time:</u> A period of 15 minutes will be allowed for members of the public to ask questions or make comment regarding the work of the Council or other items that affect Totnes.</p> <p><u>Reports from County and District Councillors</u></p> <p><u>Police Report if submitted</u></p> <p><i>The Council will convene.</i></p>  | <p>3a) Report Cllr J Green</p> <p>3b) Report Cllr J Birch</p>  |
| 4  | <p>To approve and sign the Minutes of the following Meetings :</p> <p>a) Operations Committee - 25<sup>th</sup> September 2017</p> <p>b) Full Council October – 2<sup>nd</sup> October 2017</p> <p>c) Place Committee – 5<sup>th</sup> October 2017</p> <p>d) Extraordinary Full Council – 16<sup>th</sup> October 2017</p> <p>e) Operations Committee – 2<sup>nd</sup> November 2017</p>   | <p>Enclosure</p> <p>Enclosure</p> <p>Enclosure</p> <p>Enclosure</p> <p>Enclosure to follow following 2<sup>nd</sup> November Operations Committee</p>      |
| 5  | <p>To discuss matters arising and consider committee recommendations (Please note confidential recommendations can be agreed but any discussion must be held in Part 2):</p> <p>a) Operations Committee - 25<sup>th</sup> September 2017</p> <p>b) Full Council October – 2<sup>nd</sup> October 2017</p> <p>c) Place Committee – 5<sup>th</sup> October 2017</p> <p>d) Extraordinary Full Council – 16<sup>th</sup> October 2017</p> <p>e) Operations Committee – 2<sup>nd</sup> November 2017</p> | <p>Enclosures as 4a) to 4d)</p> <p>Including Members Code of Conduct</p> <p>Enclosure to follow following 2<sup>nd</sup> November Operations Committee</p> |
| 6  | To consider Cllr Marianne Parker being added to the People Committee  |  |
| 7  | To note the cancellation of People and Place Committee in November due to Councillor absence  |  |
| 8  | <p>To consider urgent Place Committee items:</p> <p>a) 3231/17/VAR – Application for removal or variation of a condition 2</p>  | <p>Applications available on the SHDC website – <a href="http://www.southhams.gov.uk">www.southhams.gov.uk</a></p>   |

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|    | <p>following grant of planning permission (56/3099/14/RM). Development Site at Sx 8102 5980 [Riverside], Weston Lane, Totnes. Conditions are: Change the approved timber or concrete crib retaining walls to Redi-Rock Cobblestone; Removal of trees along South West elevation of the building; Introduction substation and associated landscaping in the southern corner of the site, adjacent to the entrance; Introduction of external lights to patio/balconies of all flats; and removal of coloured film/glazing.</p> <p>b) 3271/17/FUL – Change of use from D1 (day nursery) to C1 (guest house) and owners accommodation. Cocos Nursery, Ashburton Road, Totnes, TQ9 5JZ.</p> <p>c) 3330/17/LBC – Listed building consent for replacement entrance signage (Totnes Cinema). 27A High Street, Totnes, TQ9 5NP.</p> |   |
| 9  | To receive an update on Community Budgeting  | Verbal update from the Town Clerk   |
| 10 | To consider the draft Traffic and Transport minutes from 27 <sup>th</sup> September 2017   | Enclosure   |
| 11 | To consider a recommendation from Operations Committee regarding the format, date and location of the Neighbourhood Plan Public meeting.   | Enclosure to follow following 2 <sup>nd</sup> November Operations Committee |
| 12 | <p>To confirm future dates:</p> <ul style="list-style-type: none"> <li>• Remembrance Sunday - 12th November 2017</li> <li>• Neighbourhood Plan Public Meeting – 7pm 28<sup>th</sup> November</li> <li>• Full Council – 7pm 4<sup>th</sup> December</li> <li>• Community Budgeting Feedback Session – 6pm 11<sup>th</sup> December</li> <li>• Planning and Place Committee – 4pm 14<sup>th</sup> December</li> <li>• Informal Christmas get together – Midday on Thursday 21<sup>st</sup> December (in place of post Full Council in December)</li> <li>• Full Council – including budget setting – 7pm 8<sup>th</sup> January</li> </ul>   |   |



Catherine Marlton

Town Clerk

Future items:

- Standing Orders
- GDPR

## District Councillor's Monthly Report October 2017

**John Green, SHDC Councillor for Totnes**

### Key message

- **KEVICCs.** It is of vital importance for the community that improvements are made to the buildings and infrastructure at the school. I have not seen the Aecom report on KEVICCs, so I am not in a position to decide on the best way forward, though I doubt that anyone would prefer to have the report released immediately if this then meant that the chances of making improvements to the school were severely affected. Transparency and openness are of vital importance to the community (and to me) and I would have liked the report to have been released back in March, or asap, however, if the Governors of the school feel that it would be beneficial to the community if it was released as part of a public consultation on changes that could be made to the site, then I do respect their opinion and on balance I could support this. There is obviously a risk, as keeping it from the public domain could lead to further speculation and fears about its content. In addition, whilst I have no decision-making rights with respect to the report, I think it would be normal practice for Town Councillors to be given access to the report and for them to see the importance of only releasing it further when it is best to do so.
- **One Council.** The decision by SHDC on whether to progress with a proposal to the Secretary of State for the creation of one District Council covering South Hams and West Devon, made on Tuesday 31<sup>st</sup> October, has significant consequences for the people of South Hams. I would like to make a short comment at the meeting.
- **TAP funds.** The deadline for applications for the 2017/18 Town And Parish (TAP) Fund has been set at 12 noon on Friday, 15 December 2017. Whilst cooperation with other Town and Parish Councils is encouraged, it is not essential.
- **Community Re-investment Funds.** The deadline for applications for the Community Re-investment Projects Fund is 8<sup>th</sup> January 2018. The town councils and voluntary/community groups are eligible to apply for some of the £153,900 being allocated for community infrastructure projects such as play spaces, upgrades to community building.
- **Safeguarding the wellbeing of our children.** Drug dealers are reported to be targeting teenagers in Totnes and there is concern about the impact upon the wellbeing and mental health of our children. A group of parents and others are meeting to see what can be done on 21st November at 11am at the Rushbrook Centre.
- **Electric charging of vehicles.** South Hams District Council is in the process of installing four electric vehicle charging points at Follaton House for use by staff who work on site.

**John Birch**  
SHDC Member for Totnes

Report for Totnes Town Council  
meeting to be held on Monday 6 November 2017

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I report on the following matters

**Proposed SHDC/West Devon merger**

At a Full Council of South Hams to be held on 31 October 2017 there will be a vote on the proposed merger with West Devon. I will be voting against the proposal and in my previous reports I have set out the reasons why.

It appears that some of the Conservative councillors at SHDC are ignoring the fact that 86% of those participating in the consultation in South Hams opposed the proposed merger with West Devon. In addition to the 86% opposition 37 Town and Parish Councils throughout South Hams stated that they are opposed to the proposed merger.

At a recent meeting of the SHDC Overview & Scrutiny Committee opposition councillors put forward a proposal that there be a recommendation to Full Council on 31 October that the merger be rejected. Unfortunately the opposition councillors were outvoted by the Conservatives, who appear to be favouring a merger and at the same time ignoring public opinion.

This report is written prior to the meeting on 31 October 2017 and I will report on the decision at the Town Council to be held on 6 November.

**Totnes Leisure Centre**

Fusion Lifestyle, the UK's leading leisure charity, in partnership with South Hams District Council and TADPOOL are planning to invest at least £250,000 in improving Totnes Leisure Centre

Additional gym space, improved fitness equipment and the creation of a new café area are just some of the ideas currently under consideration.

Taking over operations earlier this year, Fusion is working in partnership with Totnes swimming charity, TADPOOL, to draw up plans for the centre, which they hope to deliver as soon as possible in 2018. South Hams District Council is kick-

starting Fusion's improvement programme with a loan that will be paid back over the course of their contract. The council has also indicated that they may be able to lend additional capital to support further investment with a viable business case.

Exact improvement works are currently under consideration by Fusion and TADPOOL, and the public is invited to share their ideas for the centre by emailing [totnes-feedback@fusion-lifestyle.com](mailto:totnes-feedback@fusion-lifestyle.com). Just some of the Improvement and refurbishment works currently being reviewed include the following:

- Creation of additional and improved gym space, including re-equipping the gym
- Creation of additional and improved group exercise space
- Refurbishment of the pool changing rooms
- Refurbishment / replacement of the sauna and associated areas
- Reconfiguration and improvement to the entrance and reception areas
- Creation of new café facilities
- Creation of new soft play facilities

### **Guinness 60 Apartment Development, Totnes.**

Guinness has made a planning application to vary the planning conditions on its 60 apartment development in Totnes.

It wants to;

1. Change the approved timber or concrete crib retaining walls to Redi-Rock Cobblestone
2. Remove trees along the south west elevation of the building
3. Introduce a substation and associated landscaping in the southern corner of the site, adjacent to the entrance
4. Introduce external lights to the patio/balconies of all flats
5. Remove coloured film/glazing

Full details of the application can be found on the SHDC website at "search planning application" and the application reference no is 3231/17/VAR..

No doubt the Town Council will making its views know during the consultation process.

### **The Neighbourhood Plan**

As the Town Council is aware the draft Totnes Neighbourhood Plan contains references to two reports produced by planning consultants known as AECOM. The two reports considered development opportunities at Steamer Quay and the KEVICC site.

There appears to have been a reluctance by leading members of the Neighbourhood Plan Steering Group to disclose the two reports even though they are referred to in the draft Plan.

After some pressure the AECOM Steamer Quay report was disclosed and this contained development proposals for up to 80 dwellings.

However there appears to be a reluctance to disclose the AECOM KEVICC report. It is my belief that this reluctance is due to the report possibly containing proposals for over 200 dwellings on the KEVICC site, which I believe will attract widespread opposition.

The reason for my belief is that earlier this year there was a last minute move to include a housing figure of 240 in the District Council's Local Plan for the KEVICC site. During the public consultation the figure had been 130 and yet at a late stage this was increased to 240. I protested against this increase and with the support of others the addition of 110 dwellings was withdrawn.

Where did the addition of 110 dwellings come from at the last minute? Did it come from the AECOM KEVICC report? It may have done. Hopefully the disclosure of the report will prove this not to be the case.

The events of the last few weeks involving the non-disclosure of reports has given rise to concerns that the draft Neighbourhood Plan, if implemented, could possibly give rise to overdevelopment in Totnes and especially in the following areas;

- Steamer Quay - possibly up to 80 dwellings
- KEVICC - possibly up to 110 additional dwellings
- Central car parks - possibly up to 70 dwellings

It should not be forgotten that the District Council's Local Plan already provides for the development of 529 dwellings in Totnes. The additional development in the three areas mentioned above could possibly increase this number by just by over 40%.

I believe one of the purposes of the Neighbourhood Plan is to protect the community from overdevelopment bearing in mind Totnes has had more than its fair share over the past few years. The Plan, as currently drafted, does not offer that protection and in my opinion should be revised to prevent the opportunity of any possible overdevelopment in Totnes.

John Birch  
SHDC Member for Totnes  
27 October 2017



ITEM 4A

**DRAFT MINUTES FOR THE OPERATIONS COMMITTEE  
MONDAY 25<sup>th</sup> SEPTEMBER 2017 AT THE GUILDHALL TOTNES**

Present: Councillor M Adams (Chairman), Paine, Westacott MBE, R Adams, Barker and Sweett

Apologies: None

In Attendance: Catherine Marlton (Town Clerk), 1 member of the press

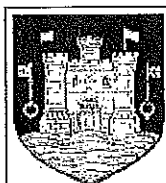
| No   | Subject  | Comments   |
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| 1  | To receive apologies and to confirm that any absence has the approval of the Council.  | Apologies were accepted for Cllr Barker.   |
| <i>The Committee will adjourn for the following item:</i>          |  |  |
|  | 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. | None.  |
| <i>The Committee will convene to consider the following items:</i> |  |  |
| 2  | To discuss any matters arising from the minutes of the last meeting.   | None   |
| 3  | To consider the budget monitor and any virements needed  | <p>The budget monitor was considered and it was <b>AGREED</b> to make the following virements:</p> <ul style="list-style-type: none"> <li>£4000 from Cemetery Chapel Maintenance to Cemetery Grounds Maintenance for additional tree survey works.</li> <li>£275 from Cemetery Chapel Maintenance to Cemetery Works to cover additional waste collection costs.</li> </ul> <p>The Town Clerk was asked to query the increase in business rates with SHDC. Town Clerk to <b>ACTION</b>.</p> |
| 4  | To consider an updated paper on the Mayoral role   | The document was reviewed and it was agreed that amendments were required. Cllrs M Adams and J Westacott to <b>ACTION</b> and bring back to the committee.   |
| 5  | To consider an updated Code of Conduct policy  | The policy was <b>RECOMMENDED</b> to Full Council for adoption.  |
| 6  | To consider the letter from Totnes Museum Trust regarding hosting any future Visitor Information Officer role  | It was discussed and <b>AGREED</b> that it was not possible to confirm location of a Visitor Information Officer in the museum because no budget allocation had been made and because the location in the Guildhall had worked well. It was <b>AGREED</b> that the Clerk would write to the museum to confirm this and ask if they would be happy to host a leaflet/information display.   |
| 7  | To consider the terms of the Museum lease and health and safety obligations  | The draft letter outlining the responsibilities of the Museum and the Town Council was <b>AGREED</b> subject to the Town Clerk checking the latest lease wording held at Windeatts.  |
| 8  | To consider a review of the Totnes Cemetery fees   | <p>It was <b>RECOMMENDED</b> to Full Council that:</p> <ul style="list-style-type: none"> <li>The fees should be put up by approximately 20% across all burial/internment fees and grave purchases.</li> </ul>   |

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|  |   | <ul style="list-style-type: none"> <li>• The triple rate should be discontinued, so in future it would be a single rate for residents and double for anyone outside of Totnes.</li> <li>• A £50 discretionary admin fee should be applied to transfer of ownership of graves, as agreed by the Town Clerk.</li> <li>• There should be a flat fee of £280 for all monument applications with the exception of vases.</li> <li>• There should be a flat fee of £95 for vase applications.</li> </ul> |
| 9  | To receive an update on the Civic Hall rigging remedial works   | Noted.   |
| 10   | To receive an update on the handing over of St Mary's Churchyard maintenance                                  | Noted.   |
| 11   | To consider the terms of reference for the Council Venues Working Group                                       | It was <b>AGREED</b> that meetings should take place every other month and any actions taken back to this committee for authorisation.   |
| 12   | To receive an update on licensing of street furniture and 'pavement cafes' in Totnes                          | It was <b>AGREED</b> to bring this matter back to committee when considering the 2018/19 budget and staffing structures that may potentially enable the administration of licences.  |
| 13   | To consider closing the Tourist Information account and amalgamating funds with the main Town Council account | This was <b>AGREED</b> following the completion of the current year Totnes Guide. Future years would need to pay advertising fees directly to the Town Council bank account.   |
| 14   | To receive an update on health and safety issues  | Noted.   |
| 15   | To receive an update on the Town Mill lease status  | Noted.   |
| <i>The Committee will be asked to <b>RESOLVE</b> 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.</i> |   |  |
| 16   | To consider a quote for building survey works to provide a 5 year remedial asset management programme         | It was <b>AGREED</b> that in principle a 5 year programme was needed but a second quote was needed. Town Clerk to <b>ACTION</b> and bring back to Operations Committee for consideration.  |
| 17   | To note the date of the next meeting on <b>Monday 23<sup>rd</sup> October 2017</b> at 5pm.                    | Noted. Subsequently rearranged for Thursday 2 <sup>nd</sup> November at 5.30pm due to Councillor absence.  |

Catherine Marlton

Town Clerk





**MINUTES OF THE MEETING OF TOTNES TOWN COUNCIL**  
**MONDAY 2<sup>nd</sup> OCTOBER 2017 AT THE GUILDHALL TOTNES**

Present: Councillors R Adams (Chair), Paine, Westacott MBE, Whitty, Simms, Vint, Piper, Elliot-Smith, Barker, Hodgson, Henriksen, M Adams, Sermon, Sweett and Parker.

Apologies: Councillor Hart-Williams.

In Attendance: Catherine Marlton (Town Clerk), Christina Bewley (Deputy Clerk), Peter Bethel (Town Sergeant), District Councillor Green, District Councillor Birch, Soundart Radio, 1 member of the press and 15 members of the public.

| No | Subject  | Comments  |
|----|--|---|
| 1  | To receive apologies.  | Apologies were given by Councillor Hart-Williams. It was <b>RESOLVED</b> to accept the apologies.   |
| 2  | The Mayor will request confirmation that all Members have made any amendments necessary to their Declaration of Interests, if appropriate.   | The Clerk advised that there is a new Monitoring officer at SHDC.<br>All Councillors should ensure their declarations which they submitted to SHDC are up-to-date.  |
| 3  | <p><i>The Council will adjourn for the following items:</i></p> <p><b>Public Question Time:</b> A period of 15 minutes will be allowed for members of the public to ask questions or make comment regarding the work of the Council or other items that affect Totnes.</p> | <p>A Manager from the Citizens Advice Bureau (CAB) explained the purpose of the charity and provided details on the volunteers, the work that is done to support residents of the town, and the funding issues that the organisation faces. They have a shortfall in funding for this financial year of £50k and have already secured contributions from SHDC and DCC. A request was made for TTC to also provide some funding support.</p> <p>A member of the Totnes Boating Association expressed concern at the suggested development of Steamer Quay in the draft Neighbourhood Plan.</p> <p>A member of the public explained changes that Sainsbury's are planning to make to their Fairtrade standard that will reduce its effectiveness. He asked that the town Council writes to Sainsbury's to object to the changes, and advised that a petition will be compiled soon.</p> <p>A second member of the public added further information about the changes to the Fairtrade standard being brought in by Sainsbury's and the impact it will have on overseas growers and farmers. A national day of protest is being planned. The Mayor <b>AGREED</b> to add it to the next Full Council meeting agenda.</p> <p>A second member of the Totnes Boating Association expressed concern at the suggested development of Steamer Quay in the draft Neighbourhood Plan.</p> |

A member of the public raised concerns about scaffolding on the Town Mill. He also asked why the bench was moved because it has not had the desired effect of discouraging drinking and drug takers from sitting there.

A member of the Central Totnes Campaign raised concerns about the draft Neighbourhood Plan. Their organisation donate £100 towards the preparation of the document but they do not feel the consultation has been thorough enough and therefore it has not been democratic. He was very disappointed with the AECOM report relating to Steamer Quay which was funded by Locality. The report was not shared with the NP Steering Committee, Town Councillors or District Councillors which is unacceptable. He suggested the Steering Committee should be reformed.

#### Reports from County and District Councillors

District Councillor Green when through the written report he provided. He has not seen the AECOM report on Steamer Quay but the Neighbourhood Plan is still only in draft form. There are currently no plans to develop the area but the land belongs to SHDC so development could be considered in the future.

District Councillor Birch when through the written report he provided. He expressed concern over the proposals for Steamer Quay in the AECOM report included in the draft Neighbourhood Plan. He confirmed that SHDC are not looking to make money from Steamer Quay. He recommended that the Town Council ask for the removal of these proposals in the Neighbourhood Plan.

District Councillor Vint when through the written report he provided. He advised that four Town Councillors attend the Neighbourhood Plan Steering Group meetings. He gave background to the commissioning and purpose of the AECOM reports on Steamer Quay and KEVICCS, and spoke about the concerns that have been raised as a result of the reports.

County Councillor Hodgson referred to the written report provided. With regard to highways, street lighting issues in Castle Street and Lansdowne Park are being addressed. Pothole repairs have been deferred until November but reports should still be submitted. The Welcome to Totnes sign has been knocked down and is to be relocated. DCC are running a public consultation on waiting times. The proposal for double yellow lines at Moat Hill has been postponed until the pothole work is completed. DCC would welcome 20mph speed limit proposals.

#### Police Report if submitted

No one from the Police was in attendance to provide a report.

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|   | <i>The Council will convene.</i>  |   |
| 4 | <p>To approve and sign the Minutes of the following Meetings :</p> <ul style="list-style-type: none"> <li>a) Full Council - 4<sup>th</sup> September 2017 (Part 1 and 2)</li> <li>b) Place Committee – 14<sup>th</sup> September 2017</li> <li>c) People Committee – 14<sup>th</sup> September 2017</li> <li>d) Operations Committee - 25<sup>th</sup> September 2017 (Part 1 and 2)</li> </ul>   | <p>It was <b>RESOLVED</b> to approve and sign the Minutes of the following meetings:</p> <ul style="list-style-type: none"> <li>a) Full Council - 4<sup>th</sup> September 2017 (Part 1 and 2)</li> <li>b) Place Committee – 14<sup>th</sup> September 2017</li> <li>c) People Committee – 14<sup>th</sup> September 2017</li> <li>d) Deferred as minutes not yet available.</li> </ul>   |
| 5 | <p>To discuss matters arising and consider committee recommendations (Please note confidential recommendations can be agreed but any discussion must be held in Part 2):</p> <ul style="list-style-type: none"> <li>a) Full Council - 4<sup>th</sup> September 2017 (Part 1 and 2)</li> <li>b) Place Committee – 14<sup>th</sup> September 2017</li> <li>c) People Committee – 14<sup>th</sup> September 2017</li> <li>d) Operations Committee - 25<sup>th</sup> September 2017 (Part 1 and 2)</li> </ul> | <p>The following matters arose:</p> <ul style="list-style-type: none"> <li>a) <u>Full Council - 4<sup>th</sup> September 2017 (Part 1 and 2)</u> <p>Item 8 – DAAT and the P.Bethel met at the Bowls Club. The Bowls Club confirmed they can obtain an electrical certificate.</p> <p>Item 10 – Cllr M Adams queried why Cllr Whitty stated the Neighbourhood Plan's aim is to safeguard Steamer Quay from development when the recent AECOM report suggests the opposite. It was agreed that this would be clarified in discussions under agenda item 11.</p> </li> <li>b) <u>Place Committee – 14<sup>th</sup> September 2017</u> <p>None</p> </li> <li>c) <u>People Committee – 14<sup>th</sup> September 2017</u> <p>Item 4 - It was <b>RESOLVED</b> to accept the recommendation.</p> </li> </ul> |
| 6 | To receive an update on Community Budgeting.  | <p>The Clerk advised that a meeting was held to agree how Community Budgeting fits into the Precept setting process. A questionnaire is to be circulated to Councillors after this meeting to get feedback.</p> <p>An open session for the public is planned for 7pm on 30<sup>th</sup> October 2017. Feedback from the meeting will need to be in by the 15<sup>th</sup> November 2017.</p> <p>At 7pm on the 11<sup>th</sup> December 2017 there will be a public session for Councillors to receive feedback.</p> <p>The Precept must then be set in January 2017.</p>  |
| 7 | To note the draft Traffic and Transport notes from 26 <sup>th</sup> July 2017.  | Noted.  |

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| 8  | To note the draft Caring Town 'Keeping Young People Safe' minutes from 25 <sup>th</sup> September 2017.  | Noted.  |
| 9  | To note the statement from Paul Bennett, Chair of the Neighbourhood Planning Steering Group.   | Noted.  |
| 10 | To discuss the South Hams District Council grass cutting cycle on the Nursery Car Park banks and its impact on the bee and butterfly ecosystem.  | <p>Cllr Sweett read out an e-mail from a concerned resident regarding grass cutting and the ecosystem on the Nursery Car Parks banks. It would be better for the ecosystem if the grass cutting were restricted. The carpark is being resurfaced and it was proposed that SHDC are asked to erect a sign explaining why the bank is not being cut frequently.</p> <p>It was <b>RESOLVED</b> that SHDC would be contacted to ask that grass cutting on the bank is restricted to once a year and a sign erected to explain this.</p> |
|    | <i>The Council will be asked to <b>RESOLVE</b> 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.</i>   | <p>Cllr Whitty expressed concerns that the item to be discussed in part II is not commercially sensitive and is a general issue that should not need to refer to individuals, and should therefore not require the press and public to be excluded.</p> <p>The Clerk confirmed that she has taken advice and the item must be covered in part II.</p> <p>Following a vote it was <b>RESOLVED</b> to exclude the Press and Public.</p>   |
| 11 | To discuss a staffing matter (confidential commercial/personal information).   | See confidential Part II minutes.   |
| 12 | <p>To confirm future dates:</p> <ul style="list-style-type: none"> <li>• Paige Adams Meetings - Monday 6th November at 6pm</li> <li>• Full Council Meetings - Mondays at 7pm - 6th November, 4th December</li> <li>• Operations at 5pm - Monday 23rd October, Monday 27th November.</li> <li>• Personnel at 5pm - Monday 9th October, Monday 20th November</li> <li>• Planning and Place 4pm - 5th October, 26th October, 16th November, 7th December.</li> <li>• People 9.45am - 12th October, 9th November, 14th December.</li> <li>• Civic Service - Thursday 19th October</li> <li>• Remembrance Sunday - 12th November</li> </ul> | This was noted and the meeting ended at 10pm.   |

Christina Bewley  
Deputy Clerk

**MINUTES OF THE PLANNING AND PLACE COMMITTEE  
THURSDAY 05<sup>TH</sup> OCTOBER 2017 AT THE GUILDHALL TOTNES**

Present: Councillors R Vint (Chair), R Hendriksen, P Paine, and A Simms.

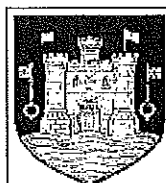
In Attendance: Sara Halliday (Administrator).

Apologies: Councillors N Hart-Williams, J Hodgson, and K Sermon.

| No   | Subject  | Comments   |
|--|--|--|
| 1  | To receive apologies and to confirm that any absence has the approval of the Council.  | It was <b>RESOLVED</b> to accept the apologies.  |
|  | <i>The Committee will adjourn for the following items:</i>   |  |
|  | 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.   | No members of the public were present at the meeting.  |
|  | <i>The Committee will convene to consider the following items:</i>   |  |
| 2  | To approve the minutes of the meeting of 14 <sup>th</sup> September 2017.  | Agreed. There were no matters arising.   |
| 3  | To note or make recommendations on the following tree works orders:<br><br><b>Works to Trees in a Conservation Area:</b><br><br>3.1) 2979/17/TPO T1: Ash – fell, danger of falling branches and excessive shading. 48 Denys Road, Totnes, TQ9 5TL.   | No objections.   |
| <b>NOTE: Cllrs JH and RV observe and do not vote on any applications which would potentially be discussed at a Development Management Committee meeting at SHDC.</b> |  |  |
| 4  | To make recommendations on the following planning applications:<br><br>4.1) 2917/17/FUL – New 3 bedroom house in the garden of 75 Higher Westonfields. 75 Higher Westonfields, Totnes, TQ9 5QZ.<br><br>4.2) 3071/17/FUL – Replacement of existing 2 no.2 storey dwellings with a single new dwelling with room in the roof and roof top terrace. 18A & 18B Leechwell Street, Totnes, TQ9 5SX.<br><br>4.3) 2339/17/LBC – Listed Building Consent for replacement of skylight, gate and frame. Tudor Cottage, Atherton Lance, Off Fore Street, Totnes.<br><br>4.4) 3088/17/HHO – Householder supplication for formation of single off-road parking space. 35 Swallowfields, Totnes, TQ9 5LA. | Applications available on the SHDC website – <a href="http://www.southhams.gov.uk">www.southhams.gov.uk</a><br><br>No objections.<br><br>No objections.<br><br>No objections.<br><br>Objection, based on the reasons stated by Devon Highways. |
| 5  | To consider the Devon County Council consultation on the draft Mineral Safeguarding Supplementary  | Cllr Vint will circulate comments out of committee. The consultation deadline is 16 <sup>th</sup> October.   |

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|   | Planning Document.   |                   |
| 6 | To note the following event requests received by SHDC:<br><br>6.1) Fashion Show, Civic Hall, Civic Square, 6 <sup>th</sup> October 2017. | Noted.            |
| 7 | To note the proposed date of the next meeting – 26 <sup>th</sup> October 2017 at 4pm in the Guildhall.                                   | Noted and agreed. |

CHAIR



**MINUTES OF THE EXTRAORDINARY MEETING OF TOTNES TOWN COUNCIL**  
**MONDAY 16<sup>TH</sup> OCTOBER 2017 AT THE GUILDHALL TOTNES**

Present: Councillors R Adams (Chair), Paine, Westacott MBE, Whitty, Simms, Piper, Elliot-Smith, Barker, Hodgson, Henriksen, M Adams, Sermon, Sweett and Parker.

Apologies: Councillors Hart-Williams and Vint.

In Attendance: Catherine Marlton (Town Clerk), Christina Bewley (Deputy Clerk), District Councillor Green, District Councillor Birch, Paul Bennett (Neighbourhood Plan Steering Group Chair), Mary Coughlan-Clarke (Neighbourhood Plan Co-ordinator), 2 x member of the press and 23 members of the public.

| No | Subject  | Comments  |
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| 1  | To receive apologies.  | Apologies were given by Councillors Hart-Williams and Vint.<br>It was <b>RESOLVED</b> to accept the apologies.  |
| 2  | The Mayor will request confirmation that all Members have made any amendments necessary to their Declaration of Interests, if appropriate.   | Cllrs M Adams and Cllr Hodgson declared that they are Foundation Governors at KEVICCS.  |
| 3  | <p><i>The Council will adjourn for the following items:</i></p> <p><u>Public Question Time:</u> A period of 15 minutes will be allowed for members of the public to ask questions or make comment regarding the work of the Council or other items that affect Totnes.</p> <p><i>The Council will convene.</i></p> | <p>13 members of the public spoke and raised the following issues:</p> <ul style="list-style-type: none"> <li>- Voicing support for the Neighbourhood Plan Steering Group and the work already done on the Plan.</li> <li>- Concerns over the time and late notice of this meeting.</li> <li>- Concerns over any development of Steamer Quay.</li> <li>- Lack of consultation with the businesses on Steamer Quay.</li> <li>- Why the AECOM report for KEVICCS has not been made available to the public.</li> <li>- The need for more transparency with the Neighbourhood Plan process.</li> <li>- Concerns over traffic congestion that could arise from any development on Steamer Quay.</li> <li>- The impact any development on Steamer Quay or the campsite could have on tourism.</li> </ul> |
| 4  | To confirm the date of next Full Council meeting – 6 <sup>th</sup> November 2017 at 7pm.   | Agreed.   |
|    | <i>It was agreed to continue with the agenda in open session.</i>  | <p>Cllr M Adams declared an interest as Commodore of the TBA.</p> <p>Councillors voted on whether to keep the next part of the meeting open to the press and public and the vote was upheld.</p> <p>The Clerk cautioned the Councillors that individuals must not be named in discussions held in open meeting.</p>   |

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| 5 | <p>To discuss the public responses to the pre-consultation informal draft of the Totnes Neighbourhood Plan with the Totnes Neighbourhood Plan Steering Group (dispute/legal process).</p> <p>5.1) Membership and Declaration of Interest of Totnes Neighbourhood Plan Steering Group Members.</p> <p>5.2) Remit of the Totnes Neighbourhood Plan Steering Group.</p> <p>5.3) How the Totnes Neighbourhood Plan Steering Group has consulted with the public and communicated with the Totnes Town Council so far.</p> <p>5.4) The AECOM Report:</p> <ul style="list-style-type: none"> <li>- How was it commissioned?</li> <li>- Who agreed to its commissioning?</li> <li>- What was the original remit given to AECOM?</li> <li>- How was the AECOM report signed off?</li> </ul> | <p>The Chair, Cllr R Adams, declared herself to be impartial and asked that discussions remain civil.</p> <p><i>Standing Orders were suspended to allow the Neighbourhood Plan (NP) Steering Group Chair and Co-ordinator to speak in the meeting.</i></p> <p>5.1) These have been received but Cllr R Adams believes they are not complete.</p> <p>5.2) A copy is held by the Town Council.</p> <p>5.3) The NP Co-ordinator explained that a Consultation Statement is required before the Plan can be submitted. The Consultation Plan has been circulated to the Town Councillors, displayed on the NP website and tabled at NP Steering Group meetings. She ran through a list of various exercises already undertaken as part of the public consultation process and advised that around 2500 members of the public have been involved. She confirmed that the results of the recent consultation on policies will be shared with the Council and built into the final draft.</p> <p>Cllr Simms felt the recent consultation was poorly advertised and signposted.</p> <p>The NP Steering Group Chair and the NP Co-ordinator explain the methods they had used to advertise the event which included leafleting households, poster in shops around the town, a display in the Library foyer and through social media.</p> <p>Cllr Hodgson commented that it can be very hard to get public engagement.</p> <p>Cllr Barker questioned how those who say they were not consulted could have been contacted.</p> <p>The Clerk reminded Councillors that the Plan is still in draft form and there is still time for more consultation. Cllr Westacott expressed concern that the Council's Planning and Places Committee has not received regular reports from the NP Steering Group which is a concern when Councillors rely on information coming from the Committees.</p> <p>5.4) The NP Steering Group Chair explained that the AECOM Reports were originally commissioned for a different purpose when two Neighbourhood Development Orders (NDO) were being proposed. Grant funding for technical support was agreed from Locality funding and the reports were commissioned by Locality as the bill payer. The purpose was to identify options. It was later decided that there were insufficient resources</p> |
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| <p>5.5) Where to go from here.</p> | <p>to manage the production of two NDOs alongside the Neighbourhood Plan so the reports were not considered. It was decided to put policies in the Neighbourhood Plan instead.</p> <p>Cllr Simms questioned why the AECOM report on Steamer Quay states it was commissioned by the NP Steering Group. The NP Steering Group Chair explained that they were the client but Locality commissioned it.</p> <p>Questions were raised about why the AECOM report on Steamer Quay was not shared with the Town Council and why the local traders were not consulted about the proposals.</p> <p>The NP Steering Group Chair explained that efforts had been made to consult all stakeholders but apologised if some had been missed. He advised that the consultation period has been extended and that all responses will be considered. He explained that the report only went to SHDC because they own the site.</p> <p>District Councillor Green suggested a public consultation specifically for Steamer Quay should be held. He advised that SHDC has seen the report but currently has no funds available to act on it. Totnes needs to give a clear message to SHDC on their views.</p> <p>Cllr Whitty explained that the important issue is to protect the Steamer Quay through policies in the Neighbourhood Plan.</p> <p>Cllr Hodgson commented that SHDC are under pressure to build houses and they are proposing more housing in Totnes and Dartington in the Joint Local Plan (JLP). To counter this the Neighbourhood Plan has to provide a robust response to future development. It is important to have the Neighbourhood Plan ready to represent Totnes at the JLP inspection in January.</p> <p>It was agreed that there is no support for the proposals in the AECOM report on Steamer Quay.</p> <p>Questions were raised about why the AECOM report for the KEVICCs site has not been made available publicly. The NP Steering Group Chair explained that the School Governors did not want it released. G.Tomlin, a member of the NP Steering Group and a Governor at KEVICCS, explained that the school accepted the offer of the report as a means of information gathering only. The school has to first consult with parents to decide what its plans for the future are before considering any of the information in the report and whether it should be published. The School Governors all have a copy of the report but it is not currently under consideration.</p> <p>5.5) District Councillor Birch told Councillors that he told the NP Steering Group in July that the policy included in</p> |
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the draft NP on Steamer Quay would be a problem, and he raised it at the Full Council meeting. He was only able to get a copy of the report via a request to a SHDC Officer and expressed his concerns to the Chair of the Steering Group that the report was not available publicly. He suggested the NP policy for the Steamer Quay area is reworded to refer to enhancing the facilities that are already there.

Cllr Whitty advised that it is important for the policies in the NP to be in a planning format so that any future planning applications can be judged against them. The policies need to be a protection against future developments. Reference to the AECOM report can come out as the NP is still only draft.

Cllr Simms asked that the NP is amended to remove the AECOM report and the Chair of the Steering group agreed this would be done.

*Standing Orders were re-instated and the Full Council reconvened.*

Cllr M Adams proposed the NP Steering Group is dissolved and a new group established to take the NP forward.

Cllr Whitty proposed that the Steering Group is allowed to continue with extra support from the Town Council. Seconded by Cllr Hodgson.

Cllr Westacott proposed an addition to Cllr Whitty's proposal whereby the Steering Group is asked to reword the policy on Steamer Quay according to District councillor Birch's suggestion.

Cllr Adams believes the public need more input and proposed a Town Meeting. Seconded by Cllr Simms with the amendment that the NP Steering group provide a copy of the KEVICCS AECOM report. Seconded by Cllr Paine.

Cllr Piper proposed that the Council disown both AECOM reports and that any reference to them is removed from the NP.

Cllr Whitty proposed that the current Steering Group is empowered to continue its work on the Neighbourhood Plan with increased support and resources from the Town Council. This would include enhanced engagement with the community, starting with the proposed open meeting in the Civic Hall once the extended consultation period has been completed and amendments compiled. This could also include potentially a master planning exercise for Steamer Quay including a revised policy

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|  |  | <p>statement.</p> <p>A vote was held and it was <b>RESOLVED</b> to agree this proposal.</p> <p>Cllr Simms proposed that the Town Council declare there is no support for the AECOM reports and they should not be included in the Neighbourhood Plan.</p> <p>A vote was held and it was <b>RESOLVED</b> that the AECOM report for Steamer Quay is rejected by the Town Council and any references to it should be removed from the Neighbourhood Plan.</p> <p>The Clerk advised Councillors that Cllr Whitty's agreed proposal will have resourcing and budget implications.</p> |
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Ended 7.40pm

Christina Bewley  
Deputy Clerk





**Totnes Town Council**

# **Members Code of Conduct**

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## PART 1 - GENERAL PROVISIONS

### Public Duty and Private Interests: An introduction

- 1 This Code applies to you as a Member or a Co-opted Member of Totnes Town Council ('the Council').
- 1.2.1 When acting in your capacity as a Member or Co-opted Member of the Council, you should have regard to the Principles of Public Life namely:
  - Selflessness
  - Honesty/Integrity
  - Objectivity
  - Accountability
  - Openness,
  - Personal judgment,
  - Respect for others
  - Duty to uphold the law,
  - Stewardship and
  - Leadership.
- 1.3 When acting in your capacity as a Member or Co-opted Member of the Council:
  - (a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, a member of your family or close associate;
  - (b) you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;
  - (c) when carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;
  - (d) you are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office;
  - (e) you must be as open as possible about your decisions and actions and the decisions and actions of the Council and should be prepared to give reasons for those decisions and actions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council or contained in its Constitution/Standing Orders,
  - (f) you must declare any private interests, whether disclosable or personal, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out at Part 2 of this Code;
  - (g) you must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and that any use is in accordance with the Council's reasonable requirements;

(h) you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or any similar Communications Protocol or Code produced by the Council;

(i) you must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

(j) you must undertake training to support you in your role as a councillor.

1.4 Whilst you may be strongly influenced by the views of others, it is your responsibility alone to decide what view to take on any question which Members have to decide.

1.5 Do nothing as a Member which you could not justify to the public.

1.6 The reputation of the Council depends on your conduct and what the public believes about your conduct.

1.7 It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.

1.8 It is your responsibility to comply with the provisions of this Code.

## Definitions

2. In this Code:

**"interest or interests"** have the meanings set out in Part 2 of this Code

**"meeting"** means any meeting of:

- the Council;
- any of the Council's Committees, Sub-Committees or Joint Committees,
- one or more Members, formal or informal relating to the discharge of the Council's functions where a formal record is made by a Council Officer.

**"member"** includes a co-opted member

**"Relevant person"** means:

- you or
- your spouse or civil partner, or
- a person with whom you are living as husband and wife or as civil partners and you are aware that that other person has an interest

**"relevant period"** means a period of 12 months ending with the date on which you notified the Monitoring Office of an interest

**"the Regulations"** means 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI2012/1464)' or any statutory amendment of them

## Scope

3. You must comply with this Code whenever you are acting in your official capacity, when:



(a) you are engaged on the business of the Council; or

(b) you behave so as to give a reasonable person the impression that you are acting as a representative of the Council.

### **General obligations**

4. You must:

(a) treat others with courtesy and respect,

(b) when reaching decisions on any matter, do so on the merits of the circumstances and in the public interest and have reasonable regard to any relevant advice provided to you by an officer of the Council.

5. You **must not**:

(a) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;

(b) do anything which may cause the Council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010);

(c) bully any person (bullying may be characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear);

(d) intimidate or attempt to intimidate any person who is or is likely to be:

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that any Member has failed to comply with the Council's Code of Conduct;

(e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;

(f) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is:

(a) in the public interest; and

(b) made in good faith and

(c) in compliance with the reasonable requirements of the Council;

(g) prevent another person from gaining access to information to which that person is entitled by law;

(h) conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.

## PART 2 - INTERESTS

### Registration of Interests

6. You **must**, within 28 days of:

- (a) this Code being adopted by, or applied to, the Council; or
- (b) your taking office as a Member or Co-opted Member of the Council, whichever is the later, and annually thereafter, provide written notification to the South Hams District Council's Monitoring Officer of:
  - (i) any disclosable pecuniary interest as defined by Regulations, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with such as a husband or wife; and
  - (ii) any other personal interest laid down by the Council, as set out at paragraph 7 below; which will be recorded in the Council's Register of Members' Interests and made available for public inspection including on the Council's website at: [www.southhams.gov.uk](http://www.southhams.gov.uk)

6.1 Within 28 days of becoming aware of any new interest or change to any interest already registered, you must register details of that new interest or change by providing written notification to the South Hams District Council's Monitoring Officer.

6.2 Whether or not an interest within paragraphs 7.1 and 7.2 below has been entered onto the Council's register, you must disclose any interest to any meeting at which you are present in any matter being considered, in line with paragraph 8 below, where the matter is not a 'sensitive interest'.

6.3 Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the South Hams District Council's Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

6.4 In relation to **disclosable pecuniary interests** in this Part of the Code the expressions in the left hand column below have the meanings attributed to them in the right hand column:

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| "body in which the relevant person has a beneficial interest" | means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director or in the securities of which the relevant person has a beneficial interest |
| "director"  | includes a member of the committee of management of an industrial and provident society   |

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| "land"               | excludes an easement, servitude, interest, or right over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income  |
| "relevant authority" | means the authority of which you are a member   |
| "relevant person"    | means you, your spouse or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living with as if you are civil partners  |
| "securities"         | means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society |

### Disclosable Pecuniary Interests

7. The interests you **must** register are:

7.1 Those **disclosable pecuniary interests** defined by the Regulations, namely:

(a) **Employment** - any employment, office, trade, profession or vocation carried on for profit or gain by you or a relevant person;

(b) **Sponsorship** - any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your expenses, including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;

(c) **Contracts** - any contract which is made between you or, so far as you are aware, a relevant person (as defined at Paragraph 2 above) (or a body in which the relevant person has a beneficial interest) and the Council:

- (1) under which goods or services are to be provided or works are to be executed; and
- (2) which has not been fully discharged

(d) **Land** - any beneficial interest in land held by you, or so far as you are aware, a relevant person, which is within the area of the Council;

(e) **Licence** - any licence (alone or jointly with others) to occupy land held by you, or so far as you are aware, a relevant person in the area of the Council which will last for a month or longer

(f) **Corporate Tenancies** - any tenancy where (to your knowledge):

- (1) the landlord is the Council; and
- (2) the tenant is a body in which you or, so far as you are aware, a relevant person has a beneficial interest.

(g) **Securities** - any beneficial interest that you or, so far as you are aware, a relevant person has in securities of a body where:

(1) that body (to your knowledge) has a place of business or land in the area of the Council and

(2) either:

(a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

### **Personal or other interests**

7.2 **Those other personal interests** - you have a non-pecuniary interest where a decision in relation to a matter being determined or to be determined:

(a) might reasonably be regarded as affecting the financial position or well being of you; a member of your family or any person with whom you have a close association; or any body or group which you are a member of more than it might affect the majority of council tax payers, rate payers or inhabitants in the parish; and

(b) the interest is such that a reasonable person with knowledge of all the relevant facts would consider your interest so significant that it is likely to prejudice your judgement of the public interest.

(c) any other area which, in your view, might create a conflict of interest in carrying out your duties as a Councillor, including but not confined to the receipt of gifts or hospitality to a value greater than £50.

7.3 Where the South Hams District Council's Monitoring Officer agrees that any information relating to your interests is "**sensitive information**" namely information whose availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation, you need not include that information when registering that interest, or, as the case may be, any change to that interest.

7.4 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer sensitive information, notify the South Hams District Council's Monitoring Officer asking that the information be included in the Council's Register of Members' Interests.

### **Declaration of Interests and participation in meetings**

8. Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest as defined by the Regulations and you must also observe any restrictions the Council may place on your involvement in matters where you have any interest as defined by the Council and shown at Paragraph 7 above.

- 8.1 If you are present at a meeting and you are aware that you have a non-pecuniary interest or a disclosable pecuniary interest in any matter being considered or to be considered at the meeting you must disclose the existence and nature of that interest to the meeting if that interest is not already entered in the register. Unless you have the benefit of a current and relevant dispensation in relation to that matter you must withdraw from the meeting for a disclosable pecuniary interest, in relation to a non-disclosable pecuniary/personal interest you must apply the test set out in paragraph 7.2 above and thereby establish whether, having declared the interest, to:

- (i) continue to participate in the meeting;
- (ii) not participate, or participate further, in any discussions on the matter at the meeting;
- (iii) not participate in any vote, or further vote, taken on the matter at the meeting;
- (iv) not seek to influence improperly any decision about that business;
- (v) withdraw from the room or chamber where a meeting considering the business is being held at the commencement of the consideration of that business in which you have the interest, or (if later) the time at which the interest becomes apparent to you.

## **PART 3 - MEMBER/OFFICER RELATIONS**

*PREAMBLE - Mutual trust and respect between Councillors and Officers is essential to ensure good governance and the effective running of a council. To help ensure that relationships do not go awry this written protocol, incorporated in the Code of Conduct, covers:*

- *The respective roles and responsibilities of the Councillors and the Clerk, and all other staff employees;*
- *Relationships between Councillors and Officers;*
- *Where/Who the Clerk should go to if they have concerns;*
- *Who is responsible for making decisions.*

### **9 Background**

Totnes Town Council has adopted the following Protocol as part of the Code of Conduct for Members.

- i) This protocol is intended to assist Councillors and the Clerk, in approaching some of the sensitive circumstances which arise in a challenging working environment.
- ii) The reputation and integrity of the Council is significantly influenced by the effectiveness of Councillors, the Clerk and other staff working together to support each other's roles.
- iii) The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Close personal familiarity should be avoided.

### **10. Roles of Councillors and Employees**

- 10.1 The respective roles of Councillors and employees can be summarised as follows: Councillors and Officers are servants of the public and they are indispensable to one and other, but their responsibilities are distinct:

- Councillors are responsible to the electorate and serve only so long as their term of office lasts.
- Officers are responsible to the Council. Their job is to give advice to Councillors and to the Council, and to carry out the Council's work under the direction and control of the Council and relevant committees.

## **11 Councillors**

### **11.1 Councillors have four main areas of responsibility:**

- To determine Council policy and provide community leadership;
- To monitor and review Council performance in delivering services;
- To represent the Council externally; and
- To act as advocates for their constituents.

11.2 All Councillors have the same rights and obligations in their relationship with the Clerk and other employees, regardless of their status or political party, and should be treated equally.

11.3 Councillors shall not involve themselves in the day to day running of the Council. This is the Clerk's responsibility, and the Clerk will be acting on instructions from the Council or its Committees, within an agreed job description.

## **12 Chairmen and Vice-Chairmen of Committees**

Committee Chairmen and Vice-Chairmen have additional responsibilities. These responsibilities mean that their relationships with employees may be different and more complex than those of other Councillors. However, they must still respect the impartiality of Officers and must not ask them to undertake work of a party political nature, or to do anything which would prejudice their impartiality.

## **13 Meetings**

### **13.1 Attendance**

Councillors are required to attend punctually for all meetings of any Committees or Working Groups they are appointed to.

Apologies should be given to the Town Clerk or the Committee Clerk no later than 2 hours before the start of the meeting.

Authorised or non-authorised absence from meetings, or late arrival, on three consecutive occasions for any Committee or Working Group will result in the Member being removed from the Committee/Working Group and a replacement being appointed at the next Full Council meeting.

### **13.2 Alcohol and Drugs**

Councillors are not allowed to attend any meetings whilst under the influence of alcohol or drugs.

The Mayor or Town Clerk are entitled to ask any Member to leave the meeting if it is suspected that they are under the influence of alcohol or drugs.

### 13.3 Food and Drink

Councillors are not permitted to consume food or drink during any meetings being held in the Guildhall Chambers other than the drinking water provided.

### 13.4 Use of Electronic Devices

All mobile phones must be switched to silent during meetings.

Answering calls or messages on mobile phones should only be done in an emergency situation and the Member should leave the meeting to respond to the call/message.

The use of any recording devices should be declared at the start of any meetings.

Mobile phones and any recording devices must be switched off during the confidential Part II of any meetings.

## 14 Officers

The role of Officers is to give advice and information to Councillors and to implement the policies determined by the Council.

In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and recommendations. An Officer may report the views of individual Councillors on an issue, but the recommendation should be the Officer's own. If a Councillor wishes to express a contrary view they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

## 15 Expectations

### 15.1 All Councillors can expect:

- a commitment from Officers to the Council as a whole, and not to any individual Councillor, group of Councillors or political group;
- a working partnership;
- Officers to understand and support respective roles, workloads and pressures;
- A timely response from Officers to enquiries and complaints;
- Officer's professional advice, not influenced by political views or personal preferences;
- regular, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Officers to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from Officers;
- training and development opportunities to help them carry out their role effectively;

- not to have personal issues raised with them by Officers outside the council's agreed procedures;
- that Officers will not use their contact with Councillors to advance their personal interests or to influence decisions improperly;
- that Officers will at all times comply with the relevant code of conduct.

15.2 Officers can expect from Councillors:

- a working partnership;
- an understanding of, and support for, respective roles, workloads and pressures;
- leadership and direction;
- respect, courtesy, integrity and appropriate confidentiality;
- not to be bullied or to be put under undue pressure;
- that Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- that Councillors will at all times comply with the Council's adopted Code of Conduct.

15.3 Some General Principles:

- Close personal relationships between Councillors and Officers can confuse their separate roles and get in the way of the proper conduct of Council business, not least by creating a perception in others that a particular Councillor or Officer is getting preferential treatment.
- Special relationships with particular individuals or party political groups should be avoided as it can create suspicion that an employee favours that Councillor or political group above others.

## 16 Political Groups

- 16.1 The operation of political groups is becoming more of a feature within town/parish councils, but Totnes Town Council endorses NALC policy that party politics should have no place in town/parish councils. Town/parish Councillors are there to serve their community as members of the community, and should not be distracted by party political issues. Party politics within a town council can pose particular difficulties in terms of the impartiality of the Clerk and other employees, and the relationship between Councillors and the staff generally.
- 16.2 Party political groups have no power to require the Clerk or any other employee to attend group meetings or to prepare written reports for them and employees can legitimately refuse to do so. The Clerk and other Officers are responsible to the Council as a whole and should not take action under instructions from any individual Councillor, even if he/she has been styled as 'Leader' of the Council.

## 17 When things go wrong

- 17.1 From time to time the relationship between Councillors and the Clerk (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, through conciliation by an appropriate third party, it is important that the Council follows a formal grievance protocol or procedure.
- 17.2 The law requires all employers to have disciplinary and grievance procedures. Adopting a grievance procedure enables individual employees to raise concerns,



problems or complaints about their employment in an open and fair way when things go wrong.

- 17.3 If a Councillor is dissatisfied with the conduct, behaviour or performance of the Clerk or another employee, the matter should be raised with the Clerk in the first instance (unless the matter relates to the Clerk when it shall be raised with the Mayor). If the matter cannot be resolved informally, it may be necessary to invoke the council's disciplinary procedure.

## **18 Gifts and Hospitality**

- 18.1 The Standards Board Guidance on the Code of Conduct requires Members to register any gifts or hospitality worth £25 or over that are received in connection with any official duties, and the source of the gift or hospitality. Members must complete the registration within 28 days of receiving it.

As with other registered interests, a member has a personal interest in any matter under consideration at a meeting if it is likely to affect a person giving a member a gift or hospitality. Members must declare the existence and nature of the gift or hospitality as an interest at the meeting. Members will also need to consider whether the interest is prejudicial.

The receipt of gifts or hospitality can be misinterpreted. Guidance is provided in Appendix A to help Members to consider the implications of receiving gifts and hospitality and to make an appropriate judgement.

## GUIDANCE ON GIFTS AND HOSPITALITY

### General Caution

Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally which may possibly be perceived to be in connection with your position as a Town Councillor.

Your personal reputation and that of the town council can be seriously jeopardised by the inappropriate acceptance by you of gifts or hospitality.

The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you, in every case, is whether or not it is appropriate to accept any gift or hospitality that might be offered to you having regard to how it might be perceived.

No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. The following general principles will enable you to make your own decision.

### Criminal Law

It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing, or forbearing to do anything, in respect of any transaction involving the town council.

The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the town council.

### Limits of Guidance

The Code of Conduct does not apply to:

- Gifts given to the town council that you accept formally on your council's behalf and are retained by the council and not by you personally.

### Meaning of Gifts and Hospitality

The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible.

Gifts and hospitality include:

- The free gift of any goods or services;
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public;
- The opportunity to obtain goods or services not available to the general public;
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event;
- The use of a free car.

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. When making purchases you should be cautious if additional services, privileges or advantages are offered which might be related to your position as a Member of the town council.

### Appropriate Gifts and Hospitality

There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a Member:

- Civic hospitality provided by another public authority;
- Normal and modest refreshment in connection with any meeting in the course of your work as a Town Council Member (e.g. tea, coffee and other normal beverages and biscuits);
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the town council or bodies to which you have been appointed by the town council, and the tickets are offered in relation to that sponsorship or promotion;
- Small low value gifts (below £25.00 such as pens, calendars, diaries, flowers and other mementos and tokens);
- Drinks or other modest refreshment received in the normal course of socialising arising consequentially from town council business (e.g. inclusion in a round of drinks after a meeting);
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the town council has a business connection;
- Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

### Principles to Apply in Relation to Gifts and Hospitality

In deciding whether it is appropriate to accept any gift or hospitality you must apply the following principles:

- Do not accept a gift or hospitality as an inducement or reward for anything you do as a Town Council Member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.
- "Reward" includes remuneration, reimbursement and fee.
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
  - From parties involved with the town council in a competitive tendering or other procurement process.
  - From applicants for planning permission and other applications for licences, consents and approvals in which the town council has an involvement.
  - From applicants for grants, including voluntary bodies and other organisations applying for public funding from the town council.
  - From parties in legal proceedings with the town council.
- Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.

- Do not solicit any gift or hospitality and avoid giving any perception of so doing.

#### Gifts Received and Donated to a Chair's Appeal

It may be customary for some Members on receiving gifts of value not to retain these personally but to pass them to the Chair for use in relation to a charity appeal. Members may continue to do this, but should indicate this intention to the provider and make this clear on the registration form.

#### Reporting of Inappropriate Gifts and Hospitality offered

It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the town council.

You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.

You may thereafter be required to assist the Police in providing evidence.

## Totnes and District Traffic and Transport Forum

Advisory Body to Totnes Town Council

Co-Chairs: Peter Rees (pvrees@fiscali.co.uk) and John Birch (jpb1@hotmail.co.uk)

Vice-Chair: Alan Langmaid (alanlangmaid@hotmail.com)

### Draft Minutes of Meeting held in the REconomy Centre, The Lamb, Totnes on Wednesday 27 September 2017.

Present: John Birch, Peter Rees, Robert Vint, James Bellchambers, Alan Langmaid, Simon Harrington, Julian Burn, Sandi Whale, Jacqi Hodgson and Tracy Cheesman

Apologies: Helen Kumar, Mary Popham, Tony Whitty and Jack Patterson

#### 1. Redworth Junction proposal

The meeting started with the viewing of a live camview of various examples of traffic roundabouts in Amsterdam which accommodated both motor vehicles and cyclists. A proposal in respect of the Redworth Junction, and based on the examples just viewed, was tabled by JBu and a copy is attached to these minutes. The proposal met with approval and it was agreed that a meeting should be set up with DCC. JH to organise a meeting with Andrew Hardy of DCC.

2. Minutes of meeting held on 26 July 2017 were agreed as correct.

#### 3. Matters arising not on this agenda:

In respect of item 2(a) of the previous minutes concerning the Plymouth Road/Smithfields turning the proposal showing bollards was to be forwarded by JBu to JH for her to take up with DCC. In respect of item 2(b) concerning the Plymouth Road pedestrian crossing at Follaton – this will be followed up by TC. JH to follow up the True Street Junction proposal at HATOC.

#### 4. EV Charge Points

EV Charge Points are mentioned in the draft Neighbourhood Plan and this is welcomed after PR raised the matter with Neighbourhood Plan Steering Group. The possibility of EV Points at the railway station was discussed.

#### 5. Neighbourhood Plan

PR reported on the informal consultation process and highlighted areas of the draft plan where he was of the view that there should be further detail or policies especially in respect of the town's traffic issues. Shared space in the High Street was

discussed. PR will bring to the next meeting proposals for improved access to the railway station from the Industrial Estate.

#### 6. Parking Group Progress Report

The on-street car parking policy was to be reviewed later this year by DCC. AL's previous proposal for a public meeting to be called was to be progressed by JH.

#### 7. Bob the Bus report

SM reported that BtB was continuing its discussion with SHDC officers on the possibility of leasing property on the Industrial Estate to form its HQ and general overnight parking area. Matters were being delayed as a result the flood prevention scheme works. SH raised the possible threat to services being provided by private transport concerns as a result of pending legislation. However he didn't believe it would affect BtB. The proposed legislation was currently the subject of consultation.

#### 8. Emergency Services

JBe reported on the meetings with the emergency services and this highlighted the problems of access to various parts of Totnes being experienced by the Fire Service. This matter to be progressed with the Fire Service and the restricted areas to be publicised

#### 9. Town, District and County Councillors' Reports:

JH provided a comprehensive report on DCC matters including highway remedial works, cycle routes and various matters to be raised at HATOC.

RV reported on monies that had previously been allocated for pothole repairs and yet works still to be carried out. He also highlighted the need for repair works to be carried out at Heath's Nursery Car Park.

#### 10. Any other business

SH reported on the problems that BtB had experienced as a result of Blue Badge holders parking in such a way so as to cause an obstruction and holding up services.

TC was welcomed as Mary Popham's replacement as the Follaton Oak transport co-ordinator.

Date of Next Meeting: Next meeting will be held on **Wednesday 25 October 2017** at 1830 in REconomy Centre, The Lamb, Totnes.