

AGENDA FOR THE MEETING OF TOTNES TOWN COUNCIL
MONDAY 3rd JUNE 2019 AT THE GUILDHALL, TOTNES



You are hereby SUMMONED to attend a Meeting of the Council, which is to be held in the Guildhall, Totnes on **Monday 3rd June 2019 at 7pm** for the purpose of transacting the following business:

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

No	Subject	Comments
1	To receive apologies.	
2	The Mayor will request confirmation that all Members have completed or made any necessary amendments to their Declaration of Interests.	
3	<i>The Council will adjourn for the following items:</i> <u>Reports from County and District Councillors</u> <i>The Council will convene.</i>	a) Cllr Hodgson b) Cllr Birch c) Cllr Sweett
4	To approve and sign the Minutes of the following Meetings: <i>(Please note confidential minutes can be agreed but any discussion must be held in Part 2):</i> a. Full Council 13 th May 2019 b. Council Matters 20 th May 2019 c. Planning 23 rd May 2019 d. Town Matters 28 th May 2019	Enclosures
5	To consider any matters arising from the Minutes and to approve any recommendations from Committees <i>(Please note confidential recommendations can be agreed but any discussion must be held in Part 2):</i> a. Full Council 13 th May 2019 b. Council Matters 20 th May 2019 c. Planning 23 rd May 2019 d. Town Matters 28 th May 2019	Enclosures
6	To note the resignation of Cllr R Adams from the Planning Committee and ask for another member to sit as a replacement as members are required.	
7	To consider the report of the Internal Auditor in relation to Accounts and Annual Return for the year ending 31 st March 2019.	To follow.
8	To review and approve the Annual Governance Statement – if agreed, signing of the statement by the Chair and Clerk.	Enclosure
9	To review and approve the Accounting Statement – if agreed, signing of the statement by the RFO (Clerk) and then by the Chair. If agreed the accounts will be on the website 5/6/19 – 16/7/19 for public rights.	Enclosure
10	To consider a response to Public Footpath No.5, Totnes - Diversion PROW/FP5/TOTNES	Enclosure
11	To receive an update on the Neighbourhood Plan process (standing item)	Verbal Update Town Clerk
12	To note the date of the next meeting: Monday 1st July 2019. Public session from 6.30pm in The Guildhall. Trustees please note that the Paige Adams Trust AGM will be held from 5.30pm on Monday 1st July 2019	

C.p. Shillington
Catherine Marlton
Town Clerk

**County Councillor's Monthly Report Cllr. Jacqi Hodgson - Date of Report: 3rd June 2019
County Councillor for Totnes & Dartington
(incl. Harberton, Harbertonford, Staverton, Landscope & part of Berry Pomeroy)**

Key Issues Devon County Council

The Cabinet meeting of May 15th was presented with the annual Public Health report by Director of Services, Professor Virginia Pearson. This was focussed on Mental Health and wellbeing and had the following key 10 recommendations:

1. Communities in Devon to adopt a positive approach to mental health, recognising how common mental health issues are among the population.
2. Promotion of mental health and wellbeing in schools and educational settings.
3. Wider recognition of, and action to address, the inequality that exists for people with serious mental health issues in terms of physical health, employment and housing.
4. Recognition of, and action to address the mental ill-health risks associated with poverty, poor housing and lack of decent employment.
5. Ensuring that a 'Health in all policies' approach embraces mental health as well as physical health.
6. Action to prevent, recognise and treat the symptoms of trauma (including as a result of adverse childhood experiences) to prevent inappropriate and/or ineffective use of resources, whether they be health, social care or criminal justice.
7. Sufficient expert support available within community settings to complement national and local developments in home-based and community-based care.
8. Recognition of the importance of formal and informal caring responsibilities at all ages and information and practical support for carers, particularly in the light of the potential impact of caring on carers' own mental health and wellbeing.
9. Implementation of the recommendations of the fifth annual MBRRACE-UK ('Mothers and Babies: Reducing Risk through Audits and Confidential Enquiries') report, particularly those concerning maternal mental health and women from vulnerable groups.
10. The Devon Health and Wellbeing Board continues to have mental health as one of its top priorities and to work, as a partnership, to achieve both measurable improvements in outcomes and also improvement in local authority comparator group rankings over the next five years.

DCC Full Council meeting (23.05.19)

A number of members of the public attended regarding the Climate Change Emergency asking various questions about progress.

David Banks, CEO of Refurnish presented a petition with almost 1200 signatures to the Council Leader, Cllr John Hart. This petition was signed by individuals who supported the continuation of the Reuse Credit Scheme being used to support the current waste reuse organisations.

Further to which I presented the following motion:

" Full Council recognises the valuable and considerable contribution community groups and associated enterprises make towards waste reduction and recycling. To this end it commits to continued financial support where a waste project has proved successful in supporting the delivery of the Council's waste services in line with its policies and priorities. Full Council further recognises that continued financial support can be vital to the viability of such organisations.

The recent public consultation on the Reuse Credit Scheme (RCS) demonstrated the success and popularity of the three main community organisations who deliver these services and divert an extensive tonnage of waste from landfill for less than £50,000 p.a. These organisations have made a clear case that DCC financial support for their services is essential to their continued viability.

(when DCC ceased its funding of the large number of community composting groups, and reduced the landfill tax support it paid them for diverting waste - approximately 60 groups at the time- over half of them ceased to operate within 12 months; resulting in a major reduction in the volume of biodegradable waste being diverted from landfill)"

Cllr Claire Wright presented the following motion:

This council notes also that officers launched the policy on wildflower verges earlier this month. Huge congratulations to the officers who helped bring this about.

The government has now declared a state of climate emergency across the UK, following the actions of Extinction Rebellion.

Climate change and other human activity is now causing species to decline at a rate unprecedented in human history, with three-quarters of land-based environments and two-thirds of the marine environment significantly altered.

Devon County Council, with its positive record on the environment is well placed to work with others to help mitigate the catastrophe coming our way.

Therefore, this council agrees to:

1. Call on the government to offer all pollinators full legal protection from harm
2. Write to all Devon outlets stocking bee harming pesticides, and urge them to permanently cancel their order with the suppliers
3. Take action to phase out all glyphosate pesticides used in council weed spraying or any other council related activity, by December 2019 (there may be exceptional circumstances such as dealing with specific non native species, such as Japanese knotweed)
4. Support Devon County Council tenant farmers in phasing out the use of inorganic fertilisers (such as nitrogen) by December 2023
5. Support Devon County Council tenant farmers in setting aside 10 per cent of their land for wildlife and/or wildflower mixes for pollinators
6. Work with community groups and non-government organisations such as Devon Wildlife Trust and the Woodland Trust to support Devon County Council tenant farmers to set aside five per cent of their land for tree planting
7. Work with community groups and non-government organisations such as Devon Wildlife Trust and the Woodland Trust on supporting town and parish councils, schools and community groups to set aside land for tree planting
8. Develop a policy on soil health good practice, with an emphasis on allowing land to recover and phasing out damaging chemicals, which are ultimately sterilising the land. This would include setting appropriate and reasonable targets for Devon County Council tenant farmers
9. Work with South West Water on a campaign to save water across the county, with an emphasis on education about future water scarcity. Specifically target town and parish councils, community groups and schools to raise awareness of the importance of good water practice
10. Support Devon Wildlife Trust's campaign by calling on the Environment Secretary to allocate a further eight Marine Conservation Zones to Devon's waters. Details can be found on the DWT website
- <https://www.devonwildlifetrust.org/take-action/marine-conservation-zones>

These motions were referred to Cabinet for a recommendation

LOCAL MATTERS:

Totnes & District Traffic & Transport Forum (22.05.19) the revised Totnes Air Quality Management Action Plan was discussed in more detail. The group welcomed the new proposals for more pedestrian links and in particular the new pedestrian crossings at the junction of Plymouth Road and the A381 which is to be investigated further. The Proposed Transport Schemes that have been proposed for the revised Totnes TC Transport Policy and Strategy had been mapped and were discussed. It was agreed that these were to be taken to each Parish Council affected for feedback.

Declaration of a Climate Emergency. The next meeting for this group will be Saturday 15th June 10am – 12noon at Totnes Guildhall. (please ask me if you wish to be on the circulation list for updates, information and reports about meetings).

Attendance at meetings etc. as elected public representative:

- | | |
|----------------------------|---|
| Tues 14 th May | Meeting with residents at Brimhay
Meeting with resident in Dartington
Harberton PC meeting & AGM |
| Weds 15 th May | DCC Cabinet meeting (see report above)
Dartington Annual Parish meeting – included display of Neighbourhood Plan for public comment |
| Thurs 16 th May | Totnes TC Mayor Choosing & AGM |
| Sat 18 th May | Totnes TC Climate Emergency meeting – see attached report |
| Mon 20 th May | Caring Town Totnes – Parent's session (re Keeping Totnes young People safe) – very interesting meeting.
Special Schumacher College Session on Community engagement |

- Tues 21st May** Meeting with TTT representative to plan Transition presentation for Vire Twinning event
Informal meeting to prepare Climate Emergency displays for public meetings (Pot Luck Menu of ideas)
- Weds 22nd May** Totnes & District Traffic & Transport Forum (T&DTTF) meeting – see report above
- Thurs 23rd May** DCC Full Council meeting – see report above
Totnes TC Annual Town Meeting: with interactive displays on the T&DTTF, Climate Emergency and inviting comments on how the Council should spend its money and local services. Issues around the need for improved local bus services, in particular to Torbay hospital were discussed. Well attended.
- Mon 27th May** Informal meeting to plan Climate Emergency Community event on 13th July. Transition Town Totnes, Extinction Rebellion and Totnes TC are involved in this event
- Tues 28th May** TRAYE project - interview for additional Support Youth Worker
- Weds 29th May – 2nd June.** Totnes Twinning Visit to Vire in Normandy. Vire has invited representatives from its other Twin Towns in Germany, Spain and Romania. There will be televised, multilingual presentations from the Totnes delegation on Transition Town Totnes and The Town's Climate Emergency proposed actions.

Diary Dates

- | | | |
|----------------------------------|----------------------|--|
| Sat 8th June | 10am – 5pm | St John's Church & Bridgetown Community Centre (Weston Lane) – Totnes Alive! Community event (incl. Climate Emergency information, actions & involvement) |
| Weds 12th June | 10.15am | DCC Cabinet meeting |
| Sat 15th June | 10am – 12noon | Totnes TC – Declaration of a Climate Emergency – Next Steps and Actions |
| Weds 26th June | 6.30pm – 8pm | Totnes & District Traffic & Transport Forum mtg |
| Sat 13th July | 11am – 5pm | Climate Emergency Community Event at Civic Hall (TTT, Totnes TC & XR) |

**John Birch
SHDC Member for Totnes**

Report for Totnes Town Council
meeting to be held on Monday 3 June 2019

I report on the following matters;

CLIMATE EMERGENCY - SOUTH HAMS LATEST

It was hard work, but the SHDC Full Council ultimately voted on 16 May 2019 to consider working with both Devon County Council and Teignbridge District Council in embracing a Climate Emergency.

I succeeded in bringing the Climate Emergency motion to the top of the agenda – a move that made sense given the gravity of the issue and in order to be sensitive to a group of about 30 concerned residents who attended the meeting

Lib Dem and Green councillors were successful in persuading the Council to come up with an arrangement that will hopefully allow SHDC to work with both Devon County and Teignbridge in the quest to make the district carbon neutral by 2025.

There will be a report submitted to the next meeting of the Executive to be held on 6 June with recommendations to a Full Council meeting to be held towards the end of July. Lib Dem councillors have made submissions containing proposals on the way forward with a request that these be included in the report to be submitted to the Executive

OVERVIEW AND SCRUTINY PANEL

At the Full Council meeting on 16 May 2019 I was appointed chair of the SHDC Overview and Scrutiny Panel. The Panel's tasks include ensuring that non-members of SHDC Executive hold the Executive to account for the decisions and actions that affect the community of South Hams.

The Overview and Scrutiny Panel has statutory powers to scrutinise decisions the Executive is planning to take, those it plans to implement and those that have already been taken/implemented. The Panel, in my view, should:

- Provide constructive challenges
- Amplify the voices and concerns of the public
- Drive improvement of the services provided by SHDC

I look forward to the challenges this position brings and will report back on a regular basis.

39 HIGH STREET, TOTNES

It is my view a situation has now reached where I believe SHDC should give consideration to serving a Repairs Notice and in the event of the owner's failure to carry out the repairs stated in the notice then the procedure should be commenced leading to compulsory purchase of the property by SHDC.

I set out below the guidance provided by Historic England in this respect.

Compulsory Acquisition of Listed Buildings

Local authorities have powers to compulsory acquire a property if necessary for its long-term preservation.

The building must be in some disrepair, the owner must be shown to be unwilling or unable to carry out the repairs himself and, in essence, it has to be shown that the building will be better off in the ownership of the authority or somebody else that the authority intends to hand it to. Compensation is paid to the owner.

More detailed information is given in the Historic England publication 'Stopping the Rot'.

Repairs Notice

As the first step in the process, a local authority will serve a repairs notice on the owner of a listed building specifying those works which it considers reasonably necessary for the proper preservation of the building.

If, after not less than two months, it appears that reasonable steps are not being taken by the owner for the proper preservation of the building the authority can begin compulsory purchase proceedings to acquire the building from the owner.

Content of a Repairs Notice

The works which may be specified in the repairs notice must be those works which are reasonably necessary for the proper preservation of the building.

Historic England advises that a repairs notice should be considered in cases where protracted failure by an owner to keep a listed building in reasonable

care places the building at risk: for example, where a building is neglected so that the need for permanent repair has accumulated to the point where the building is at risk of serious harm A repairs notice should be intended to secure works for the long term preservation of the listed building.

There is no provision for an appeal against a repairs notice nor is there a requirement to consider the financial means of the owner when specifying the works.

Compulsory Purchase Procedure

The procedure is broadly similar to the procedure for any compulsory purchase . The land and building to be acquired must be defined with care and by reference to a map. The order may include any adjoining land reasonably required with the building. The order is advertised in local press and served on each owner and occupier of the land not less than two months after the service of the repairs notice. At least 21 days must be allowed for any objections to be made.

Anyone served with notice of the order may within 28 days appeal to the Magistrates Court for an order to stop any further proceedings. This will be granted by the Court if it is satisfied that reasonable steps are being taken by the applicant to properly preserve the building. There is a further right of appeal from the Magistrates Court to the Crown Court.

Confirmation of the Order

The Compulsory Purchase Order has to be confirmed by the Secretary of State. If any objections are made the Secretary of State may first hold a public inquiry to consider the objections.

The Secretary of State will only confirm the Order if satisfied

1. that reasonable steps are not being taken to preserve the building;
2. that it is expedient that the building should be preserved;
3. that it should be compulsorily purchased to ensure its preservation.

In other words, it is not sufficient that the owner is neglecting the building. There has to be a credible plan in place to secure the building's future. That plan may include a proposal to immediately transfer the property to a building preservation trust upon acquisition.

Compensation

Open market value is the normal basis for the assessment of compensation in a compulsory purchase case. However, there are some differences in the case of a listed building in disrepair.

The way forward

The procedure set out above is both lengthy and expensive and the first step is to persuade SHDC to commence the procedure. I have requested a meeting between officers and the Totnes district councillors with a view to hopefully agreeing a way forward.

Cllr John Birch,

SHDC Member for Totnes

28 May 2019

Cllr Joanna Sweett- District Councillor report for June Totnes Town council meeting.

It's been a short bank holiday month and a busy one with lots of training and induction sessions at Follaton. Everyone has been helpful and friendly. I will be sitting on both the Overview and Scrutiny Committee and Licensing.

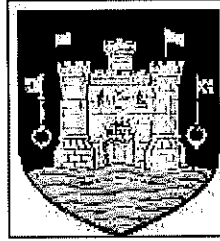
The May Full Council was certainly lively with the strong presence from local Extinction Rebellion group. Cllr Hodgson spoke in favour of pronouncing the Climate change emergency/crisis immediately regardless of the 6 month rule and Cllr Rose brought new evidence of support. Cllr Birch proposed we work with and alongside Teignbridge Council's ambitious 2025 carbon neutral proposal while Cllr Pearce amended to work with Devon CC. It was my speak and 3rd amendment, that we should be working with both Teignbridge and DCC and indeed all other Councils to ensure Carbon Neutrality which was voted through by all position members, 3 conservatives, while 5 (I think) abstained. This cross party support was a heartening start to the 4 year term and I really embrace the opportunity of working alongside all members regardless of political party for the greater good.

Skatepark- we now have a signed contract between SHDC and Clark and Kent. Really exciting and we are in dialogue with their fundraiser to raise the further £145k to deliver the project. There will be a further meeting in June with the other clubs to continue to discuss S106 for Borough Park.

Bus Shelter- I wasn't present at the part of the Town Meeting where innovative ideas were discussed for improving the layout there. I am in dialogue with SHs officers to obtain a date for lower "perches" and /or a disabled seat to be installed at the earliest opportunity.

Scaffolding- Cllr Birch has suggested a meeting asap with SHs officer and District councillors to discuss and explore options and rectify the situation there at the earliest. I will be meeting with the shopkeeper there and discussing with the Chamber of Commerce this week.

Planning permission for the dwelling at the bottom of the chicken run at the 3 garage site - I do not support this build for many reasons and will be writing against it. I will send out the planning info separately.



DRAFT MINUTES FOR THE MEETING OF TOTNES TOWN COUNCIL
MONDAY 13th MAY 2019 AT THE GUILDHALL TOTNES

Present: Councillors R Adams (Chair), Paine, Piper, Hodgson, Allen, Simms, Price, Hendriksen, Webberley, Trow, Skinner, Allford, Luker, Matthews and Perkins.

Apologies: Councillors Westacott (MBE) and M Adams.

In Attendance: Catherine Marlton (Town Clerk), Christina Bewley (minutes), Peter Bethel (Town Sergeant), District Councillor Rose, District Councillor Birch, District Councillor Sweett, Soundart Radio x 1, Police x 1, Press x 1, and 8 members of the public.

No	Subject	Comments
1	To elect the Mayor and Chairman of the Council for the Council Year 2019-2020.	Cllrs J Hodgson and A Simms were nominated. Following a vote Cllr J Hodgson was elected as Mayor.
2	To appoint the Deputy Mayor/Chair	Cllr J Hodgson took over as Chair of the meeting and Cllr R Hendriksen was appointed as Deputy Mayor.
3	To receive apologies.	Apologies were given by Councillors Westacott (MBE) and M Adams. It was RESOLVED to accept the apologies.
4	To ensure all attendees have signed the Declarations of Acceptance of Office. If any apologies have been received, the Council will be asked to RESOLVE to allow those absent councillors to sign their Declaration of Acceptance of Office before 31 st May 2019.	It was RESOLVED to accept 31 st May 2019 deadline.
5	The Mayor will request that all Members complete their Registers of Interests and return them to the Town Clerk by 31 st May 2019	It was RESOLVED to accept 31 st May 2019 deadline.
	<p><i>The Council will adjourn for the following items:</i></p> <p>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 Council or other items that affect Totnes.</p>	<p>A member of the public raised concerns about a disability scooter being parked at the castle entrance to Castle Meadow.</p> <p>A representative from Fairtrade Totnes informed the meeting of a celebratory gathering planned for 14th June at 2pm on Kingsbridge Hill to mark the installation of signs at the town's boundaries declaring Totnes as a Fairtrade Town.</p> <p>Another representative from Fairtrade Totnes highlighted that the Fair Traders are the town of Totnes and they are the committee.</p> <p>A member of the public asked that the Neighbourhood Plan should be included on the Full Council agenda either today or in the next fortnight.</p>

	<p><u>Reports from County and District Councillors</u></p> <p><u>Report from the Police</u></p> <p><i>The Council will convene.</i></p>	<p>A member of the public asked for feedback on the new seating installed at the bus stop opposite Morrisons. The seating was intended as a deterrent to the homeless and drug takers using the shelter who have been stopping the general public from being able to use the shelter.</p> <p>A member of the public raised concerns that scaffolding has been put up on 39 High St but very little remedial work has been undertaken to the building. He asked whether it would be taken down in time for the summer season. The Clerk agreed to get an update with the District Councillors.</p> <p>D.Cllr Birch had nothing to report.</p> <p>D.Cllr Rose introduced himself.</p> <p>D.Cllr Sweett introduced herself. She agreed that the Neighbourhood Plan needs to be finished. The new seating at the bus shelter is a sensitive issue and is due to drug users and homeless. It is a concern when members of the public have to stand outside the shelter in the rain due to non-bus users filling the shelter. She has asked for disabled seating. Following a discussion about the bus shelter, Cllr Hodgson asked that the issue is referred to the Town Matters Committee.</p> <p>C.Cllr Hodgson provided a written report. She asked for permission from all Councillors to add them to the circulation list for Climate Change meetings which was agreed.</p> <p>The Neighbourhood Team Leader provided a verbal report. He provided crime statistics which showed that in April crime fell by 34% in the town compared April last year. He explained the Police staffing situation and that there are now 2 dedicated Police officer for the town. PCSO number have been reduced across the force but Totnes is still fully staffed. He advised that they were not consulted about the bus stop seating change but it does appear to have resolved the problem. It is good news because they now have new staff in post, are back to a full staffing complement and crime figures are down. They also have the benefit of 6 retained firefighters having taken on the role of special constables.</p>
6	<p>To appoint members to undertake the following duties at the Mayor Choosing Ceremony on 16th May 2019:</p> <ul style="list-style-type: none"> • To propose the election of the new Mayor • To second the election of the new Mayor 	<p>Cllr Price agreed.</p> <p>Cllr Allen agreed.</p>

	<ul style="list-style-type: none"> To propose the election of the Deputy Mayor To second the election of the Deputy Mayor To propose and endorse the election of all other Council positions and Committees To propose a vote of thanks to the outgoing Mayor 	<p>Cllr Piper agreed.</p> <p>Cllr Trow agreed.</p> <p>Cllr Luker agreed.</p> <p>Cllr Webberley agreed.</p>
7	<p>To approve and sign the Minutes of the following Meetings: <i>(Please note confidential minutes can be agreed but any discussion must be held in Part 2):</i></p> <ul style="list-style-type: none"> Full Council April 1st 2019 Council Matters April 8th 2019 Council Matters May 1st 2019 	<p>It was RESOLVED to approve and sign the Minutes of the following meetings :</p> <ul style="list-style-type: none"> Full Council April 1st 2019 Council Matters April 8th 2019 Council Matters May 1st 2019
8	<p>To consider any matters arising from the Minutes and to approve any recommendations from Committees <i>(Please note confidential recommendations can be agreed but any discussion must be held in Part 2):</i></p> <ul style="list-style-type: none"> Full Council April 1st 2019 Council Matters April 8th 2019 Council Matters May 1st 2019 	<p>The following matters arose:</p> <ul style="list-style-type: none"> <u>Full Council April 1st 2019</u> <p>None.</p> <ul style="list-style-type: none"> <u>Council Matters April 8th 2019</u> <p>Item 5 – It was RESOLVED to accept the recommendation.</p> <p>Item 9 – It was agreed this would be dealt with under agenda item 11.</p> <ul style="list-style-type: none"> <u>Council Matters May 1st 2019</u> <p>None.</p>
9	<p>To consider motions from Cllr L Webberley:</p> <ul style="list-style-type: none"> Full Council meetings take place every 3 months at a location in Bridgetown. Our current location for council meetings is less accessible for those living in Bridgetown and with mobility issues. Consideration to be given to having every other Town Council meeting with councillors sitting round the square table together with members of the public. Press and Town Council staff can sit in raised pews. This will facilitate a much less hierarchical and welcoming, less intimidating atmosphere for members of the public. 	<p>Cllr Webberley moved the motion and it was seconded by Cllr Hodgson.</p> <p>The motion was discussed.</p> <p>Cllr Allen proposed the following amendment: to add a monthly meeting of a new Working Group called the Community Engagement Strategy Plan which would be tasked with producing an action plan and the ongoing monitoring and review. To report to the Town Matters Committee, be self-administering, meetings held monthly, membership to include members of the public, appointing a Chair, Deputy and Administrator at the first meeting.</p> <p>The amendment was discussed. There were concerns that the amendment would cause delays.</p>

		<p>Following a vote the amendment was carried.</p> <p>Cllr Hodgson proposed a further amendment to the motion: that it is agreed in principle but for further work to be done by Town Matters on how it should work in detail, and for their proposal to be brought back to the next Full Council meeting.</p> <p>A vote was taken and it was RESOLVED to send items A and B to Town Matters for consideration.</p>
10	To consider topics for discussion at the Annual Town Meeting – Thursday 23 rd May at 6.30pm in the Guildhall	<p>It was agreed to add the issue about how and where Council meetings are held.</p> <p>With this addition the agenda was AGREED.</p>
11	To adopted the revised Standing Orders – tracked changes for suggested amendments from Cllr Luker and Cllrs Hodgson/Allen	<p>It was AGREED to adopt the revised Standing Orders.</p> <p>Town Matters have delegated authority to establish any new Community Engagement Strategy Plan Working Group and therefore the revised Standing Orders do not need to be amended to accommodate that.</p>
12	To elect members onto committees, working groups, outside reps and link roles.	<p>Members of the Council Committees, Working Groups, outside representatives and link roles were AGREED as detailed in Appendix 1.</p>
13	To receive an update on the Neighbourhood Plan process (standing item)	<p>The Clerk gave an update. The report from Landsmiths Associates will be with us soon. The Councillor membership of the Working Group has been established and public membership will be considered at the first meeting to ensure all interested parties have the opportunity to participate. A Chair will need to be appointed at the first meeting. Our Administrator, Sara Halliday, has been allocated time to provide admin support to the Group and she will arrange a date for the first meeting.</p>
14	To note an update from the Caring Town Information Exchange	Noted
15	To note the Marketing Report for Jan –April 2019 from Visit Totnes	Noted
16	<p>To note future dates:</p> <ul style="list-style-type: none"> • Mayoral Choosing – Thursday 16th May 2019 from 11.30am • Annual Town meeting – Thursday 23rd May 2019 at 6.30pm in the Guildhall 	Noted
17	To note the date of the next meeting: Monday 3rd June 2019. Public session from 6.30pm in The Guildhall.	Noted.

Ended 9.35pm

Catherine Marlton

Councillor Nominations 19/20**Mayoral Candidates – Councillor Jacqi Hodgson**

Committee Membership	
Council Matters	Cllrs Price (Chair), M Adams, R Adams, Allford, Hodgson, Paine, Piper, Simms
Planning	Cllrs R Adams, Allen, Hendriksen, Hodgson, Luker, Paine, Simms, Trow
Town Matters	Cllrs Allen, Hendriksen, Matthews, Paine, Perkins, Piper, Skinner, Trow, Webberley
Working Group Membership	
Arts	Cllrs Allen, Matthews, Perkins, Piper, Simms, Skinner, Trow
Venues	Cllrs M Adams, R Adams, Allford, Hendriksen, Piper
Neighbourhood Plan	Cllrs M Adams, Allen, Allford, Hodgson, Luker, Simms, Trow
Public Realm	Cllrs Matthews, Perkins, Piper, Skinner
Cemetery	Cllrs M Adams, R Adams, Paine, Piper, Simms
Economy	Cllrs R Adams, Luker, Piper, Price
Climate Emergency	Cllrs Allen, Allford, Hendriksen, Hodgson, Luker, Piper, Price, Webberley
Link Councillors	
Cultural	Cllrs M Adams & Allen
Arts	Cllrs Allen, Perkins & Skinner
Elderly and Vulnerable People	Cllr Webberley
Young People/Youth	Cllrs Hodgson, Perkins, Price, Skinner & Webberley
Heritage	Cllr Allen
Open Space, Sports Provision, Leisure	Cllrs Piper, Trow & Webberley
Traffic and Transport	Cllr Luker
Environment and Sustainability	Cllrs Allford, Hodgson, Luker, Matthews & Webberley
Disability	Cllr R Adams & Webberley
Business and Employment	Cllrs Luker, Price & Simms
Representatives on Outside Bodies	
Totnes Traffic and Transport Forum	Cllr Luker
TADPOOL	Cllr Webberley
Totnes Allotments Association	Cllrs Allen & Hodgson
Vire Twinning Association	Cllr M Adams & Hendriksen
Totnes Municipal Charities and Totnes Bounds Charity	Cllrs M Adams, R Adams & Paine
KEVICC Foundation Governors	Cllrs M Adams, R Adams, Price & Webberley
Parish Paths Partnership	Cllr Allen
Totnes Hospital League of Friends	Cllr Allford
Dart Harbour Community Group	Cllr Piper
DALC County Committee	Cllr Hodgson
DALC Larger Councils Committee	Cllr R Adams
Totnes Chamber of Commerce	Cllrs Luker & Simms
Fairtrade	Cllrs Hodgson & Luker
Caring Town	Cllrs R Adams, Allford & Webberley
Museum Trust	Cllrs Allen & Allford
Network of Wellbeing	Cllrs Allen & Allford
Bridgetown Alive	Cllrs M Adams, Allford, Perkins & Webberley

Daisy and Rainbow Childcare	Cllrs Hodgson & Skinner
Inclusive Totnes	Cllrs R Adams & Webberley
Police and Crime Commissioner Councillor Advocate	Cllr Luker & Simms

DRAFT



Item 4B

**DRAFT MINUTES OF THE COUNCIL MATTERS COMMITTEE
MONDAY 20TH MAY 2019 AT THE GUILDHALL TOTNES**

Present: Cllr E Price (Chair), Cllr P Paine, Cllr J Hodgson, Cllr M Adams, Cllr R Adams, Cllr B Piper, Cllr A Simms, Cllr C Allford.

Apologies: None

In Attendance: Catherine Marlton (Town Clerk) from after item 3

No	Subject	Comments
1	To receive apologies and to confirm that any absence has the approval of the Council.	None.
2	To elect a Deputy Chair (if required)	The Deputy was AGREED as Cllr M Adams
3	To elect a personnel sub-committee of the Chair and 3 others to deal with complex staffing matters should they arise	It was AGREED the membership would be Cllr M Adams, Cllr R Adams, Cllr E Price (Chair), Cllr B Piper. <i>Cllr R Adams and Cllr M Adams left the meeting after discussing items 1, 2, 3 and 18 on the agenda.</i>
<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>		
4	To discuss any matters arising from the minutes of: a) Council Matters 8 th April and 1 st May 2019 - (already agreed through Full Council)	None.
5	To note the 2018/19 year end figures	Noted. Councillors were very pleased on the small underspend figure against the forecasted overspend from reserves.
6	To note the end of year timeline 14/5/19 Internal Audit 3/6/19 Approval of AGAR and Audit report at Full Council meeting 4/6/19 Publish notice of public rights of inspection of AGAR Submit approved AGAR to External Auditors 5/6/19 First day of period of public rights of inspection of AGAR 1/7/19 Deadline for submission of approved AGAR to External Auditors 16/7/19 Last day of period of public rights of inspection of AGAR	Noted.
7	To consider the current year's budget allocations, budget monitor, balances and forecast	The current year budget spreadsheet was considered and AGREED unanimously.
8	To receive an update on the Neighbourhood Plan (standing item).	A NP Working Group to discuss the completed Green Infrastructure report had taken place that day and comments submitted. The date of the next meeting had been arranged for early June for Councillors only to consider who should be Chair, what financial resources were needed to provide

		professional support and the community membership of the Working Group going forward.
9	To consider a Vexatious Complaints Policy	The policy was RECOMMENDED to Full Council for adoption. Please see attached.
10	To consider the reviewed Financial Risk Assessment	The document was reviewed and AGREED .
11	To review the Pay Policy	The policy was RECOMMENDED to Full Council for adoption. Please see attached.
12	To review the Recruitment and Retention Policy	The policy was AGREED by the committee.
13	To note the latest statement for the Public Works Loan Board	Noted.
14	To note the Guildhall Fire Evacuation Procedures	Noted.
15	To note the date of the next meeting: Monday 10th June at 7pm in The Guildhall.	Noted.
<i>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.</i>		
16	To note the current staffing budget forecast	Noted.
17	To receive a brief staffing update	Noted.
18	To consider a request for an award of Freeman/person of the town and investigating a new Citizens/Community Award annually	An allocation of up to £500 from the Community Outreach budget was AGREED in principle. The Town Matters committee were asked to produce a plan with costings listed. It was AGREED that Cllr M Adams would informally approach all Councillors and the final decision would be taken by Full Council. Cllr R Adams asked for detailed costs of awarding the position annually. The Town Clerk will produce these costings to inform the Full Council decision in due course.
19	To note the reviewed Appraisal Policy and update	The policy was AGREED by the committee. The Town Clerk's successful annual appraisal was noted. The appraisals of other staff would now start.

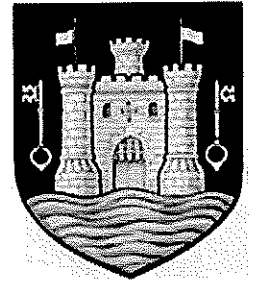
Future meetings agenda items:

- Update Statement of Internal Control
- Review Financial Regulations
- Signage audit and Public Realm projects
- To review the Pensions Discretions Policy
- To review the Councillor Allowances Policy
- Consider a Business Continuity Plan
- To review the Town Council Anti-Fraud and Corruption Policy.
- To review a summary of the required actions resulting from the Risk Assessment programme
- Investment options for general reserve
- To review various staffing policies – Capability, Disciplinary, Equal Opportunities, Dignity at Work
- To review the Staff handbook
- To note sick leave and overtime balances
- To consider asset remedial works
- To receive an update on the Market Square project

- To consider terms of reference for the IT contractor
- To consider grant applications for the Community Fund – July 2019
- To review the Grievance and Complaints policies
- To review the Communications and Social Media Policy
- To review the financial contribution to SHDC for free public toilet provision

Members – quorum is 3 members (1/3 of elected)

- Cllr E Price (Chair)
- Cllr M Adams (Deputy)
- Cllr R Adams
- Cllr C Allford
- Cllr J Hodgson
- Cllr P Paine
- Cllr A Simms
- Cllr B Piper



POLICY FOR DEALING WITH HABITUAL OR VEXATIOUS COMPLAINANTS

TOTNES TOWN COUNCIL
MAY 2019 COUNCIL MATTERS
JUNE 2019 FULL COUNCIL

Concept: Totnes Town Council (both Councillors and the Council Offices) experience a small number of persistent complainants. Whilst Totnes Town Council has a robust complaints procedure in place, it is felt that adopting a policy to deal with vexatious complaints and complainants could assist in dealing with the small number of individuals who refuse to accept the Council position on a matter and continue to raise the same issue on multiple occasions.

Recommendation – That the Council Matters Committee considers adopting a policy which will help free up Councillor and officer time. The draft policy covers the following elements:

- What is considered to be unreasonable action and behaviour.
- The process for dealing with unreasonable complainants, including who will be involved in making this decision.
- Imposing restrictions.
- Review of a complainants vexatious status

Background - The Local Government and Social Care Ombudsman has produced guidance for Council's in how to develop a proportionate approach when responding to unreasonable complainant behaviour, which the policy below is based on. The number of persistent complainants that the Council has is small, but their identical complaints take up a disproportionate amount of Councillor and staff time when the answer they receive is unchanged.

1. Background

- 1.1 This document sets out guidance and procedures to help deal with people who repeatedly complain to the Council or who complain in an unreasonable way.
- 1.2 There are times when nothing further can be done to solve a real or perceived problem and continual contact with the person complaining is time consuming and costly for the Council in both Councillor and officer time.
- 1.3 This document explains how to decide if a complaint should be classed as habitual or unreasonable. It then gives advice about how the complaint should be recorded. Finally, options are listed to help process such complaints or cease contact with particular complainants.

2. Introduction

- 2.1 As with any organisation, there will be times when Totnes Town Council receives complaints from members of the public, also calls on staff time from people who may visit and raise issues more often than others. Some complaints are received by telephone or in writing, and some by a visit to the Town Council Offices. To set out the procedure for dealing with complaints, the Town Council has an established Complaints Policy.
- 2.2 In the event that a complainant or a visitor/correspondent begins to make an unreasonable level of contact with the Town Council and has the potential to impact on/hinder the normal day to day running of the Town Council, the Town Clerk will implement a policy for dealing with frequent or vexatious complainants/correspondents.
- 2.3 Habitual or vexatious complainants can be a problem for Council Officers and Councillors. The difficulty in handling such complainants is that they are time consuming and can be wasteful of resources in terms of Officer and Member time. While the Council endeavours to respond with patience and empathy to the needs of all complainants there are times when there is a need to be realistic about the extent to which the matter can reasonably be resolved, to assist or to rectify a real or perceived problem.
- 2.4 It is recognised that complainants can use repeated Freedom of Information (FOI) or Subject Access Requests (SAR) as a means of perpetuating a complaint which has been determined and therefore the term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 as well as those made under the Council's complaints procedure.

3. Habitual or Vexatious Complainants

- 3.1 Definitions. For the purposes of this policy, terms used are clarified below:

Complainant – a person raising a complaint.

Correspondent – a person contacting the Town Council to notify of matters, ask questions or request information (in writing, email, by phone or in person).

Habitual – 'done repeatedly or as a habit'.

Unreasonable - it is the element of unreasonableness that means that complaints or complainants may be treated in accordance with this policy.

Vexatious – a term recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'.

3.2 For Totnes Town Council, unreasonable and unreasonably persistent complainants are those complainants who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of their complaints or of the Council's day to day business.

3.3 A complaint in itself may be reasonable or unreasonable. Similarly, the persistent nature of a complainant may be reasonable or unreasonable. In some situations a complainant needs to be persistent to achieve the right outcome. This is why some complaints get referred to the Local Government Ombudsman and are upheld. In other situations, the level of persistent behaviour becomes unreasonable. It is appreciated therefore that there needs to be a balance when applying this policy.

3.4 Unreasonable and unreasonably persistent complainants may have justified complaints or grievances but are pursuing them in inappropriate ways, or they may be intent on pursuing complaints which appear to have no substance or which have already been investigated and determined. Their contacts with the Council may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved.

3.5 Sometimes the situation between the Council and a complainant can escalate and the behaviour moves from being unreasonable and unreasonably persistent to behaviour which is unacceptable, for example, abusive, offensive or threatening. Such complainants are in a very small minority, but their behaviour may result in the Council having to restrict access to Council premises.

3.6 This policy covers behaviour which is unreasonable, which may include one or two isolated incidents, as well as unreasonably persistent behaviour, such as an accumulation of incidents or behaviour over a longer period.

4. Process

4.1 Stage 1. Where complaints continue and are considered to be habitual or vexatious in accordance with the criteria set out in Schedule A, the Clerk of the Council will inform the individual informally that their behaviour is considered by the Council to be unreasonable or unacceptable, and request a changed approach.

4.2 Stage 2. After taking into account the considerations set out in Schedule B and if there is no improvement in behaviour the Council will consider the matter, and, if considered necessary, will inform the complainant in writing that their behaviour falls under the terms of the habitual and vexatious complaints policy.

4.3 A copy of the Policy will be sent to the individual with a letter giving details of any restrictions which will apply. Schedule C details the options available for dealing with such complainants.

4.4 The letter should also state the length of time the restrictions are to apply and that any legitimate new complaint made in an acceptable manner will always be considered.

4.5 Review. Once a complainant has been determined to be habitual or vexatious, their status will be kept under review for one year. If a complainant subsequently demonstrates a more reasonable approach then their status will be reviewed. The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Town Clerk and three of the Members listed in Schedule C after six months and, if applicable, at the end of any extension period agreed.

The complainant will be informed if the review results in an extension of restrictions to their contact with the Council.

4.6 Stage 3. Where there is dispute about action taken or not taken by the the complainant may refer the matter to the Local Government Ombudsman.

5. Schedule A - Criteria for Determining Habitual or Vexatious Complainants

5.1 Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet any of the following criteria:

5.2 Where complainants:

- a. Persist in pursuing a complaint where the Council's complaints process has been fully and properly implemented and exhausted.
- b. Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed separately.
- c. Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- d. Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite the reasonable efforts of staff to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.
- e. Regularly focus on matters which are not sufficiently serious to an extent which is out of proportion to their significance and continue to focus on these points. It is recognised that determining what is 'not sufficiently serious' can be subjective and careful judgement will be used in applying this criterion.
- f. Have threatened verbally, or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication. A complainant who threatens either verbally or in writing or uses actual physical violence towards an employee will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council is to be made. It should also be noted that Totnes Council in consultation with the affected individuals will refer any actual or threatened verbal or physical abuse to Devon and Cornwall Police for investigation.
- g. Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email or fax or any other means. excessive contact will be determined taking into account the specific circumstances of each individual case.
- h. Have harassed or been verbally abusive towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health problem and there is a need to be sensitive in circumstances of that kind.
- i. Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
- j. Make unreasonable demands on the Council and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognised practice.
- k. Make unreasonable complaints which impose a significant burden on the resources of the Council and where the complaint:
 - clearly does not have any serious purpose or value; or
 - is designed to cause disruption or annoyance; or
 - has the effect of harassing the Council; or
 - can otherwise fairly be characterised as obsessive or manifestly unreasonable
- l. Make repetitive complaints and allegations which ignore the replies which have been supplied in previous correspondence.

6. Schedule B – Considerations Prior to Taking Action under the Policy

6.1 Different considerations will apply depending on whether the investigation of the complaint is ongoing or whether it has been concluded. To some extent the latter is easier to deal with. It is in effect the complainant simply refusing to take no for an answer, and the Council has the option of ending all communication with the complainant, and where appropriate referring the complainant to the Ombudsman. However, where the complaint is ongoing there needs to be some continuing contact with the complainant.

6.2 The decision to designate someone as a habitual and vexatious complainant is onerous and could have serious consequences for the individual. Before deciding whether the policy should be applied Councillors should be satisfied that:

- the complaint is being or has been investigated properly;
- any decision reached on it is the right one;
- communications with the complainant have been adequate; and
- the complainant is not now providing any significant new information that might affect the Council's view on the complaint or that the way in which the complainant has acted is unreasonable.

7. Schedule C – Options for Dealing with Habitual or Vexatious Complainants

7.1 When complainants have been identified by the Clerk as potentially fulfilling the criteria set out later in this document, the Clerk will convene a panel of three Members drawn from: the Mayor, Deputy Mayor, Chairman of Council Matters Committee (or the Deputy Chair), to seek agreement to treat the complainant as a habitual or vexatious complainant and for the appropriate course of action to be taken.

7.2 The Clerk on behalf of the Council will notify complainant, in writing, of the reasons why their behaviour has been treated as habitual or vexatious and the action that will be taken unless the behaviour is changed.

7.3 If the disruptive behaviour continues, the Town Clerk will issue a reminder letter (or other means of notification if absolutely necessary) to the complainant, advising them that their way in which they will be allowed to contact the Town Council in future will be restricted. The Town Clerk will make this decision in consultation with three Members drawn from those listed at the start of this section.

7.4 Any restriction imposed on the complainant's contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time over which the restriction will be in place. In most cases restrictions will apply for 6 months at which time they will be reviewed. (Restrictions may be lifted sooner if the complainant's behaviour merits this.)

7.5 Where a complainant continues to behave in a way that is unacceptable, the Town Clerk, in consultation with the panel of three Members set out above, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

7.6 The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on Council's contact with them, will be recorded and notified to those who need to know within the Council.

7.7 Examples of restrictions - restrictions will be tailored to the individual circumstance and may include:

- a. Banning the complainant from making contact either in person or by telephone except through a third party (eg solicitor, Councillor or friend acting on their behalf).
- b. Banning the complainant from sending emails to individuals and/or all Council Officers and insisting they only correspond by postal letter.
- c. Requiring contact to take place with one named member of staff only.
- d. Restricting telephone calls or personal visits to the Council to specified days and/or times and/or duration.
- e. Requiring any personal contact to take place in the presence of an appropriate witness.
- f. Letting the complainant know that the Town Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint.



PAY POLICY

TOTNES TOWN COUNCIL

April 2018

Reviewed May 2019

This Policy helps the Council to make best use of its Council Resources.

Councillors and staff must be committed to the policy in order for it to succeed, so they must be aware of its aims and objectives and their role within it.

POLICY STATEMENT

It is the aim of the Council to ensure that all employees or job applicants are assessed fairly and remunerated according to the skills required to undertake the role and the level of responsibility associated with the post. All working practices and recruitment procedures will be reviewed at least annually to ensure that individuals are paid on the basis of their merits and abilities.

The Council undertakes to pay at least the Living Wage to all employees.

PRINCIPLES

- a. To make full use of the talents and abilities of all staff.
- b. To attract and retain good quality staff.
- c. To provide training and development for all the staff.
- d. To maintain an equality of pay scale differentials.

ASSESSMENT OF PAY SCALE

The Council will: -

- review each job description at least every other year
- undertake an Appraisal in line with the Council's Appraisal Policy
- follow the pay scales agreed and laid down by the National Joint Council for Local Government Services – National Agreement on Salaries and Conditions of Service
- assess and compare similar jobs within the sector to ensure that the pay rates set are in line with other Councils

EVALUATION

The Council has set a base line of job descriptions and pay scales for its current employees. These pay scales have been assessed and compared with other jobs in the sector to ensure that they are generally in line with other pay rates.

The Council evaluation process will use the following guidelines and rules:

- Any re-evaluation exercise will be undertaken with a clear and systematic approach.
- An assessment will be undertaken to ascertain whether significant aspects of an employee's work has changed

The concomitant factors arising are that the employee may:

- No longer be adequately remunerated for the skills they are required to deploy
- Require new skills

- Require an assessment of work/life balance and that:
- there may be the possibility of additional staff having to be employed and with specialist skills as well
- the current post holder is leaving and a new and accurate person specification has to be designed for interview and contractual purposes

In assessing the Pay Scale criteria the Council will be mindful of the following:

Jobs as defined by Job Descriptions need to be taken into account.

- A framework needs to be established, but it must be reviewed in the light of structural changes in the work of the Council.
- Only objective criteria can be used.
- Sound judgement must be exercised in the process of analysing information and making comparisons against benchmarks established.

Methodology

The evaluation will cover the entire staff

- The key points to be used in the evaluation will be identified
- The job and the role will be analysed
- The relative value of the jobs and roles will be established on a weighted scale
- Development needs will be identified and programmed
- Staffing levels will be projected
- The appropriate reward levels decided

Framework

The Council will use the Profiles drawn up by the Society of Local Council Clerks and the National Association of Local Councils in the National Agreement on Salaries and Conditions of Service. These profiles will be used as a framework for assessing all posts, including the Town Clerk.

There can be a right of appeal against any decisions which will be undertaken through the Grievance Procedure of the Council.

TRAINING/DEVELOPMENT

All staff will have access to training and development opportunities, which will be taken into account when assessing pay scales. This will be assessed on the level of achievement and the relevance of the qualification to the role being undertaken.

OVERTIME

Overtime is time worked beyond the contracted hours. It is preferable for TOIL (time in lieu) to be used but where this is not practical all overtime will be authorized in advance by the Town Clerk. Overtime is paid at standard hourly rate unless the hours are before 7am or after 10pm (with the exclusion of the Town Clerk), and on Sunday or public bank holidays where a double rate is payable (all staff).

PAY STRUCTURE

The Council uses the NALC and SLCC recommended salary scales. In exceptional circumstances, for example for retention reasons, employees may be awarded accelerated salary progression at the discretion of the Council. Each member of staff will receive a salary increment annually assuming the successful completion of their appraisal, back dated to 1st April of that year, until the top of their salary scale is reached.

THE LAW

The policy will be implemented within the framework of the relevant legislation, which includes:

- Equal Pay Act 1970
- Employment Rights Act 1996
- Disability Discrimination Act 1995



**DRAFT MINUTES OF THE PLANNING COMMITTEE
THURSDAY 23RD MAY 2019 AT THE GUILDHALL TOTNES**

Present: Councillors G Allen (Chair), R Hendriksen, J Hodgson, C Luker, P Paine and A Simms.

Apologies: Cllr R Adams.

Not Present: Cllr V Trow.

In Attendance: Sara Halliday (Committee and Cemetery Administrator).

No	Subject	Comments
1	To appoint a Chair of Committee and Deputy (who will chair in Chair's absence).	The Chair was AGREED as Cllr Allen and the Deputy was AGREED as Cllr Hendriksen.
2	To receive apologies and to confirm that any absence has the approval of the Council.	It was resolved 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.	There were no members of the public present.
	<i>The Committee will convene to consider the following items:</i>	
3	To make recommendations on the following tree works orders: 3.1) 1265/19/TCA – T1: Cherry – lateral reduction by 0.5-0.8 meters on all sides to keep tree from encroaching onto adjacent buildings and window. 90 High Street, Totnes, TQ9 5SN. 3.2) 1405/19/TCA – T1: Leylandii – fell and replace with smoke tree in the same position; T2: Pineapple broom – fell and replace with smaller shrubs and plants. 5B Spindle Cottage, South Street, Totnes, TQ9 5DZ. 3.3) 1527/19/TCA – T1: Walnut tree – crown reduction by up to 1.8m from the branch tips on North and East side, and up to 2m from the branch tips on South and West side. 71 Fore Street, Totnes, TQ9 5NJ.	No objections. No objections. Cllr Allen declared a pecuniary interest and left the meeting. Cllr Hendriksen took over as Chair. There were no objections raised. Cllr Allen rejoined the meeting and resumed the Chair.
4	To make recommendations on the following planning applications: 4.1) 1225/19/LBC – Listed Building application to re-purpose listed structure as a working building providing a mix of venue and workshop accommodation along with restaurant, café space, and community facilities to be preserved in perpetuity under community ownership, for long term community use. Former Creameries, Station Yard, Totnes, TQ9 5JR.	Concerns were raised about: - the loss of parking for the Whistlestop Café, and clarification of parking arrangements in general are sought; and - the impact on existing local businesses of another café and restaurant in the vicinity.

<p>4.2) 1050/19/FUL and 1051/19/LBC – Listed Building Consent for conversion of B1 office to C3 residential including demolition of modern extensions to listed building. Construction of detached dwelling to rear garden of property. 18 Bridgetown, Totnes, TQ9 5BA.</p> <p>4.3) 1112/19/LBC – Part retrospective listed building consent for repairs to rear section and landscaping; and 1253/19/HHO – Part retrospective householder application for repair to collapsed wall and steps. Hatters Cottage, Collins Road, Totnes, TQ9 5PJ.</p> <p>4.4) 1172/19/HHO - Householder application for proposed alterations to existing dwelling including dormer to rear, second storey extension to side, window enlargement, and veranda to rear. Pine Trees, Jubilee Road, Totnes, TQ9 5BP.</p> <p>4.5) 1080/19/HHO - Householder application for replacement front porch and enlarged rear first floor window to French doors and Juliet balcony. 1 Priory Gardens, Totnes, TQ9 5HT.</p> <p>4.6) 1131/19/HHO – Householder application for proposed rear extension and proposed carport to the front of the house. Tor View, Plymouth Road, Totnes, TQ9 5LH.</p> <p>4.7) 1313/19/VAR – Application for removal of conditions 6 and 8 of planning consent 56/0649/01/F. 15 South Street, Totnes, TQ9 5DZ.</p> <p>4.8) 0892/19/FUL – READVERTISEMENT (Revised Plans Received) Application to regularise the addition of a boiler flue which was omitted from the previous application 0715/18/FUL. Mount Plym Mews, Plymouth Road, Totnes, TQ9 5PQ.</p> <p>4.9) 0332/19/FUL – READVERTISEMENT (Revised Plans Received) Construction of a new three storey private residence on a brownfield site currently occupied by three garages. Garages 7, 9 and 11 Christina Park, Totnes, TQ9 5UT.</p>	<p>The Committee supports the comments made by Historic Environment that a record of the historic fabric of the building is made.</p> <p>The Committee will request a site visit with the applicant.</p> <p>No objections.</p> <p>Cllr Allen declared a personal interest.</p> <p>No objections.</p> <p>Cllr Simms declared a personal interest.</p> <p>No objections.</p> <p>No objections.</p> <p>No objections.</p> <p>Objection, due to the loss of off-road parking through the conversion of a garage into accommodation and no alternative parking provision provided.</p> <p>The Committee decided to make a site visit.</p> <p>The Committee requests that the following conditions are included: - limitations on external lighting on the rear of the property to reduce light spill onto the wildlife corridor; and - additional planting in the garden to screen the wildlife corridor.</p>
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	<p>4.10) 1285/19/HHO – Householder application for replacement of existing hardwood Georgian style sash windows at the front of the property with white PVC double glazed sash windows, replacement of existing front door with similar design and colour PVC fronted door with semi-circular window at top. 4 Varian Court, Totnes, TQ9 5BS.</p> <p>4.11) 1288/19/HHO – Householder application for proposed front and rear single storey extension and internal alterations. 15 Higher Westonfields, Totnes, TQ9 5QY.</p> <p>4.12) 1445/19/HHO – Householder application for proposed loft conversion, associated roof extension with rooflight on North elevation and rooflights on South elevation, and replace entire slate roof of existing house. 8 Queens Terrace, Station Road, Totnes, TQ9 5JQ.</p>	<p>The Committee would like it noted that they were disappointed not to see any renewable energy provisions on a new build dwelling.</p> <p>Would request that a sustainable timber frame window is used rather than UPVC.</p> <p>No objection.</p> <p>No objection.</p>
<p>NOTE: Cllr JH observes and does not vote on any applications which would potentially be discussed at a Development Management Committee meeting at SHDC.</p>		
5	To note the draft South Hams District Council Air Quality Action Plan.	Noted.
6	To note the Tree Preservation Order Parish of Totnes No 984 that has been served on a Black Pine at 5 Redworth Terrace.	Noted.
7	To receive an update on 39 High Street.	<p>Devon County Council Highways Department have issued the licence for the scaffolding on 39 High Street from 01/04/19 until 23/06/19. The next Planning Committee will consider planning applications 1321/19/HHO and 1322/19/LBC for this property, which includes the replacement of the windows on the front of the building.</p> <p>[Post-meeting note: on closer inspection, the planning applications relate to <u>Butterwalk Cottage</u>, 39 High Street (behind 39 High Street.)]</p>
8	<p>To note the following event requests received by SHDC:</p> <p>8.1) Totnes Gardens Big Reveal and Garden Stall on Saturday 1st June 2019 from 0900-1400hrs, Shady Garden.</p> <p>8.2) Totnes 10K Run on Sunday 4th August 2019 from 0800-1300hrs, Borough Park.</p>	<p>Noted.</p> <p>Noted.</p>
9	To note the date of the next meeting of the Planning Committee – Thursday 20th June 2019 at 10.00am.	Noted.



**DRAFT MINUTES OF THE TOWN MATTERS COMMITTEE
TUESDAY 28TH MAY 2019 AT THE GUILDHALL TOTNES**

Present: Councillors B Piper (Chair), G Allen, R Hendriksen, D Matthews, P Paine and V Trow.

Apologies: None.

Not Present: K Perkins, S Skinner and L Webberley.

In Attendance: Cllr A Simms and Sara Halliday (Committee and Cemetery Administrator).

No	Subject	Comments
1	To elect a Chair of Committee and Deputy (who will chair in the Chair's absence).	The Chair was AGREED as Cllr Piper and the Deputy was AGREED as Cllr Trow.
2	To receive apologies and to confirm that any absence has the approval of the Council.	No apologies had been received.
	<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.	None present – Cllr Simms was attending to take part in Item 4.
	<i>The Committee will convene to consider the following items:</i>	
3	To update on any matters arising from the minutes of 21 st March 2019. (Note: already agreed through Full Council.)	Item 7 – Resolved by Full Council. The Air Quality Action Plan and draft Totnes Town Council Transport Policy and Strategy Schemes were presented at the Annual Town Meeting on 23 rd May 2019. Item 8 – Resolved by Full Council. The Clerk wrote to Devon County Council on 3 rd April 2019.
4	To review the Community Engagement Plan (CEP).	A number of ideas were put forward for how to best engage with the community. It was AGREED that a Doodlepoll would be emailed to all Cllrs with dates for the first meeting of the Working Group. To RECOMMEND to Full Council that the Community Engagement Strategy Plan Working Group: <ul style="list-style-type: none"> • Holds the first meeting with Councillors only, and discusses the co-option of members of the public; • Works out an action plan based on the updated CEP which includes rough costings of activities, and explores new ideas; • Will focus in more detail on some of the emerging issues such as: moving the location for Full Council Meetings; recording of all Council meetings and Committees; and the criteria for the proposed Civic Award scheme; and • Outputs will return to the Town Matters Committee before any recommendation to Full Council.

5	To consider investing in interim audio equipment to allow all future Full Council and Committee meetings to be recorded and uploaded to the website.	<p>It was AGREED that this requirement should be considered by the Community Engagement Strategy Plan Working Group as part of the wider debate of where to hold Council meetings, so that any investment in equipment can be future proofed to ensure that it can be used in any location. It is often difficult to hear softly spoken Councillors, so amplification as well as recording was viewed as beneficial. The idea of visual recordings of meetings was also raised as being more appealing to the public than audio.</p> <p>To RECOMMEND to Full Council that:</p> <ul style="list-style-type: none"> • Through the Venues Working Group contractors are engaged to quote for equipment (5 x PZMs – pressure zone microphone - and an omni microphone, exact requirements to be determined); • Ensure that a new Totnes Town Council (TTC) website has the capacity to host multi-media files; and • Audio visual recording of meetings is considered in the longer term.
6	To consider the introduction of a Civic Awards scheme and the criteria to be adopted in the policy.	<p>The concept of introducing a Civic Awards Scheme and recognising some of the unsung heroes in the community was supported. It was AGREED that the Community Engagement Strategy Plan Working Group will review the criteria for a scheme. The Committee Administrator will list the various criteria choices for the Working Group to consider, and will then draft a policy based on their response.</p>
7	To discuss the new seating in the Coronation Road bus stop.	<p>To RECOMMEND to Full Council that:</p> <ul style="list-style-type: none"> • A letter is sent to South Hams District Council stating that: <ul style="list-style-type: none"> - TTC believe that the new seating provision is below standard and request that the bench height is adjusted to be suitable for all users; - the seating changes are a stop gap solution to the complex problem of homelessness and more should be done to assist the rough sleepers; and - TTC is disappointed not to have been consulted about the changes. Totnes is a tourist town and this action has impacted on the number of bus passengers. • TTC needs to do more to address the homeless problem; and • TTC considers what measures are required to prevent the same anti-social behaviour issues in the TTC-owned bus shelter opposite the Royal Seven Stars.

8	<p>To consider two requests to fly flags on the Civic Hall:</p> <p>8.1) 'Fly the Red Ensign for Merchant Navy Day' 3rd September 2019 (letter received March 2019).</p> <p>8.2) 'Totnes Pride Rainbow Flag' 2nd-9th September (email received 13th May 2019)</p>	<p>Based on the dates that the requests were received, and previous negativity around the Town's position on flying these flags, to RECOMMEND to Full Council that the Red Ensign is flown on 3rd September to mark Merchant Navy Day and the Rainbow Flag is flown from 4th-9th September to mark Totnes Pride.</p>
9	<p>To note the date of the next meeting of the Town Matters Committee, if required – Monday 15th July 2019 at 7.00pm in the Guildhall.</p>	<p>Noted.</p>

DRAFT

TOTNES TOWN COUNCIL

This authority's internal auditor, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls to be in operation during the financial year ended 31 March 2019.

The internal audit for 2018/19 has been carried out in accordance with this authority's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of this authority.

Internal control objective	Agreed? Please choose one of the following		
	Yes	No*	Not covered**
A. Appropriate accounting records have been properly kept throughout the financial year.	✓		
B. This authority complied with its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	✓		
C. This authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	✓		See Report
D. The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	✓		
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.	✓		
G. Salaries to employees and allowances to members were paid in accordance with this authority's approvals, and PAYE and NI requirements were properly applied.	✓		
H. Asset and investments registers were complete and accurate and properly maintained.	✓		
I. Periodic and year-end bank account reconciliations were properly carried out.	✓		
J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.	✓		
K. IF the authority certified itself as exempt from a limited assurance review in 2017/18, it met the exemption criteria and correctly declared itself exempt. ("Not Covered" should only be ticked where the authority had a limited assurance review of its 2017/18 AGAR)			N/A/Not applicable
L. During summer 2018 this authority has correctly provided the proper opportunity for the exercise of public rights in accordance with the requirements of the Accounts and Audit Regulations.			Not applicable ✓
M. (For local councils only) Trust funds (including charitable) – The council met its responsibilities as a trustee.	Yes	No	Not applicable

For any other risk areas identified by this authority adequate controls existed (list any other risk areas on separate sheets if needed).

Date(s) internal audit undertaken

14/5/2019

Name of person who carried out the internal audit

S J Pollard for Auditing Solutions Ltd

Signature of person who carried out the internal audit

Date

14/5/2019

*If the response is 'no' you must include a note to state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

**Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned, or, if coverage is not required, the annual internal audit report must explain why not (add separate sheets if needed).

Section 1 – Annual Governance Statement 2018/19

ITEM 7

We acknowledge as the members of:

TOTNES TOWN COUNCIL

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2019, that:

	Agreed		
	Yes	No*	
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✓		<i>prepared its accounting statements in accordance with the Accounts and Audit Regulations.</i>
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		<i>made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.</i>
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.	✓		<i>has only done what it has the legal power to do and has complied with Proper Practices in doing so.</i>
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓		<i>during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.</i>
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		<i>considered and documented the financial and other risks it faces and dealt with them properly.</i>
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✓		<i>arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.</i>
7. We took appropriate action on all matters raised in reports from internal and external audit.	✓		<i>responded to matters brought to its attention by internal and external audit.</i>
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.	✓		<i>disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.</i>
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	N/A
			✓
			<i>has met all of its responsibilities where, as a body corporate, it is a sole managing trustee of a local trust or trusts.</i>

*Please provide explanations to the external auditor on a separate sheet for each 'No' response and describe how the authority will address the weaknesses identified. These sheets should be published with the Annual Governance Statement.

This Annual Governance Statement was approved at a meeting of the authority on:

Signed by the Chairman and Clerk of the meeting where approval was given:

and recorded as minute reference:

Chairman

Clerk

Other information required by the Transparency Codes (not part of Annual Governance Statement)
 Authority web address

www.totnes.towncouncil.gov.uk

Section 2 – Accounting Statements 2018/19 for

Item 8

TOTNES TOWN COUNCIL

	Year ending		Notes and guidance
	31 March 2018 £	31 March 2019 £	
1. Balances brought forward	291175	345171	Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.
2. (+) Precept or Rates and Levies	344527	355640	Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.
3. (+) Total other receipts	108191	116675	Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.
4. (-) Staff costs	154021	203302	Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and employment expenses.
5. (-) Loan interest/capital repayments	9148	9148	Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).
6. (-) All other payments	235553	251924	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7. (=) Balances carried forward	345171	353112	Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).
8. Total value of cash and short term investments	379711	363563	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – To agree with bank reconciliation.
9. Total fixed assets plus long term investments and assets	360905	360905	The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.
10. Total borrowings	64602	58850	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).
11. (For Local Councils Only) Disclosure note re Trust funds (including charitable)	Yes	No	The Council, as a body corporate, acts as sole trustee for and is responsible for managing Trust funds or assets.
		✓	N.B. The figures in the accounting statements above do not include any Trust transactions.

I certify that for the year ended 31 March 2019 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

Signed by Responsible Financial Officer before being presented to the authority for approval

Date

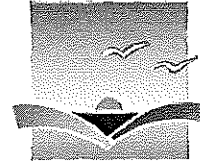
I confirm that these Accounting Statements were approved by this authority on this date:

as recorded in minute reference:

Signed by Chairman of the meeting where the Accounting Statements were approved

ITEM 9

Please reply to: Rob Sekula (Specialist – Assets & Place Making)
South Hams District Council - Community@swdevon.gov.uk
Follaton House, Plymouth Road, Totnes. TQ9 5NE



South Hams
District Council



West Devon
Borough
Council

Working together

Our ref: PROW/FP2/TOT/2019
Date: 23rd May 2019

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 333 (7)

**SOUTH HAMS DISTRICT COUNCIL
(PUBLIC FOOTPATH NO.2, TOTNES)
VARYING ORDER 2019**

Please find enclosed Notice of publication for the above Order, together with a copy of the Order (and map) itself.

The proposal to vary the existing *South Hams District Council (Public Footpath No.2, Totnes) Public Path Diversion Order 2013* arises from there no longer being a requirement to divert the previously confirmed section of FP2 (referenced as section C-D on the 2013 Order map which is also enclosed) to enable the Baltic Wharf development to go ahead.

The Varying Order retains the confirmed extinguishing of the section of footpath between points A-B, and amends the route of the proposed a new section of footpath to be created between points E-F-B.

Having regard to all material considerations, the District Council considers it expedient to vary the '*South Hams District Council (Public Footpath No.2, Totnes) Public Path Diversion Order 2013*' under Sec.333 (7) of the Town & Country Planning Act 1990.

I would be pleased to receive any comments you may have on this proposal no later than the 20th of June 2019.

Yours sincerely

Rob Sekula
Specialist – Assets & Place Making
South Hams District Council

DATED *21 May* 2019

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 337(7)

**SOUTH HAMS DISTRICT COUNCIL,
(PUBLIC FOOTPATH NO. 2, TOTNES)
VARYING ORDER 2019**

ORDER VARYING A CONFIRMED PUBLIC PATH ORDER
TOWN AND COUNTRY PLANNING ACT 1990, SECTION 337(7)

SOUTH HAMS DISTRICT COUNCIL,
(PUBLIC FOOTPATH NO. 2, TOTNES)
VARYING ORDER 2019

On 11th April 2013 South Hams District Council being the Local Planning Authority and in pursuance of the powers under the Town and Country Planning Act Section 257 made a Public Path Order, namely the *South Hams District Council (Public Footpath No.2, Totnes) Public Path Diversion Order 2013* ("the 2013 Order").

South Hams District Council made the 2013 Order because it was satisfied that it was necessary to stop up and divert the footpath to which the 2013 Order relates to enable development to be carried out in accordance with planning permission reference 56/0104/13/RM granted under Part III of the Town and Country Planning Act 1990 ("the Phase One Development") at Baltic Wharf, Totnes, Devon.

On 23th May 2013 South Hams District Council confirmed the 2013 Order as an unopposed Order.

The effect of the 2013 Order was to extinguish two sections of the footpath as follows:

- (i) between point A (SX8056 5997) and point B (SX8071 5961); and
- (ii) between point C (SX8077 5954) and point D (SX8101 5939)

as shown on the map contained in the 2013 Order.

New sections of footpath were proposed as follows:

(iii), in place of points A-B, a new footpath was to be created between point E (SX8053 5997) heading south to point F (SX8056 5981) and then generally south east to re-join the existing footpath at point B (SX8071 5961): and

(iv) in place of points C-D, a new footpath was to be created between point C (SX8077 5954) heading generally south east to point G (SX8091 5941) before turning east to re-join the existing footpath at point D (SX8101 5939)

as shown on the map contained in the 2013 Order.

It has become evident during the construction of the Phase One Development that the extinguishment of the southern section of footpath between points C and D, and the associated new footpath between points C-G-D (as detailed in paragraph (iv) above), are no longer required in order to enable development to be carried out in accordance with the Phase One Development.

The requirement for the previously confirmed extinguishment of the southern section of footpath between points C and D, and the associated new footpath between points C-G-D, resulted from a former proposal by the adjacent boatyard owner to extend their ownership boundary westwards and onto the line of the C-D footpath necessitating the alternative points C-G-D route to enable the Phase One Development to proceed. It is

now the case that the boatyard boundary will not be extended and will remain as it has been, and accordingly no extinguishment of the existing footpath is required between points C and D, and the proposed new section of footpath between points C-G-D is no longer required to enable the Phase One Development to proceed.

It has also become evident during the construction of the Phase One Development that the previously confirmed route between points F and B would require the erection of extensive retaining walls (c.3m height) on the steeply sloping field in order to achieve the route as confirmed. It is considered by South Hams District Council that the erection of the extensive retaining walls would be incongruous with the surrounding landscape. The route would also have required a high number of steps which had not previously been appreciated by consultees, and without the provision of any alternative route which might be considered more accessible.

It is proposed that the route shown between the points E-F-B on the map contained in the 2013 Order (and as shown on the new map in Schedule 2) would avoid the requirement for the extensive retaining walls. This varied route is based largely on the route which acted as the temporary diversion route during construction of the Phase One Development, with some improvements to the line of the route and construction of the steps.

In connection with the route E-F-B, a permissive path agreement with the Phase One Development landowner will secure a lower pedestrian route through the Phase One Development estate in perpetuity which will avoid the flights of steps associated with the Public Footpath route between points F-B, and enable users to connect through the estate to join the Public Footpath at point B.

The proposed E-F-B route will include reinstatement of a 3.6 metre field gate (compliant with British Standard 5709:2006) near to point F (SX 8060 5971), and a 1.2 metre pedestrian gate (compliant with British Standard 5709:2006) 25 metres to the north of point B (SX 8069 5966). Both of these gates are required for stock control.

Having regard to all material considerations, South Hams District Council consider that it is expedient to vary, the '*South Hams District Council (Public Footpath No.2, Totnes) Public Path Diversion Order 2013*' as follows:

1. The section of Footpath No 2 Totnes shown between the points marked C-D on the 2013 Order map shall remain in place;
2. The proposed new section of Footpath No 2 Totnes shown between the points marked C-G-D on the 2013 Order map will not be provided;
3. The proposed diversion of the section of Footpath No 2 Totnes shown between the points marked F and B on the 2013 Order map will not now proceed and in its place will be the route shown between the points marked E-F-B.

A copy of the '*South Hams District Council (Public Footpath No.2, Totnes) Public Path Diversion Order 2013*', is annexed as Schedule 1 to this Order and shows the variations marked in red in the Schedule to that Order and on the map contained therein. A new map showing the remaining extinguishment (points A-B) and new footpath (points E-F-B) is included as Schedule 2 for clarity and avoidance of doubt.

This Order may be cited as the 'South Hams District Council (Public Footpath No.2, Totnes) Varying Order 2019.'

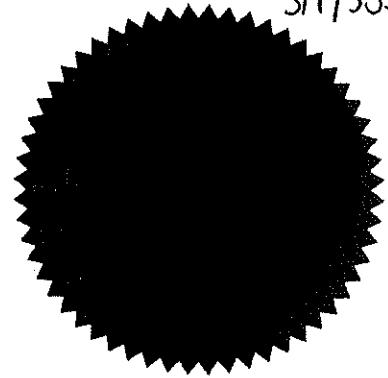
NOW THEREFORE South Hams District Council as Planning Authority and in pursuance of Town and Country Planning Act Sections 333(7) and 257 hereby make the following Order:-

The 'South Hams District Council (Public Footpath No.2, Totnes) Public Path Diversion Order 2013' made by South Hams District Council on 11th April 2013 and confirmed by South Hams District Council on 23rd May 2013 shall be varied as described in this Order. The variations to the Order shall take effect upon the date of confirmation of this Order.

DATED the 21 day of May 2019

SH/535(a)

THE COMMON SEAL of SOUTH HAMS)
DISTRICT COUNCIL was hereunto)
affixed in the presence of:)



Kenya
.....
Authorised Officer

SCHEDULE 1

DATED THURSDAY 11th APRIL 2013

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

SOUTH HAMS DISTRICT COUNCIL

(PUBLIC FOOTPATH NO. 2, TOTNES)

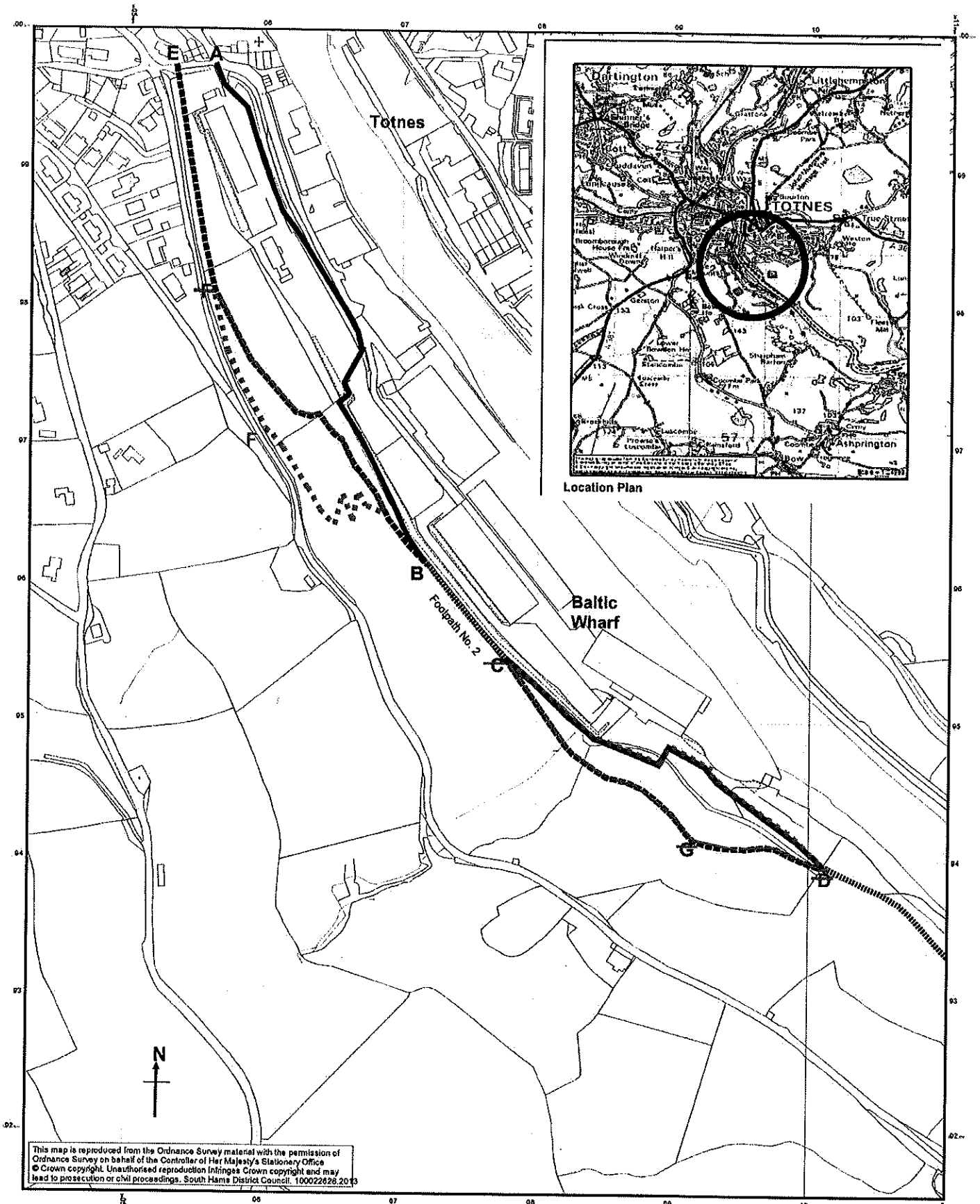
PUBLIC PATH DIVERSION ORDER 2013

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257
SOUTH HAMS DISTRICT COUNCIL
(PUBLIC FOOTPATH NO. 2, TOTNES)
PUBLIC PATH DIVERSION ORDER 2013

This Order is made by SOUTH HAMS DISTRICT COUNCIL ("the Council") under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely: Phase one development at Baltic Wharf.

BY THIS ORDER:

1. The footpath over the land shown by a bold black line on the attached map and described in Part I of the Schedule to this Order ('the Schedule') shall be diverted as provided below.
2. There shall be created to the reasonable satisfaction of the Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The diversion of the footpath shall have effect on the date on which the Council certify that the terms of Article 2 have been complied with.
4. The landowner is hereby required to pay the cost of carrying out the said works
5. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.
6. This Order may be cited as the South Hams District Council (Public Footpath No. 2, Totnes) Public Path Diversion Order 2013.



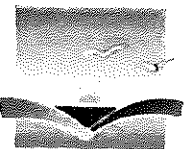
This map is reproduced from the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Hams District Council. 100022626.2013

South Hams District Council

Public Path Diversion Order 2013

Footpath No. 2 Totnes

Drawing No: 001
 Scale: 1:2500 (at A3 only)
 Date: 18/01/2013
 Drawn by: TP



South Hams
 District Council

Existing footpath



To be extinguished

A-B 380.2
 (417 metres)

C-D (296 metres)

To be created

E-F-B 475.7
 (426 metres)

C-G-D (293 metres)

Map Reference: SX 80 59

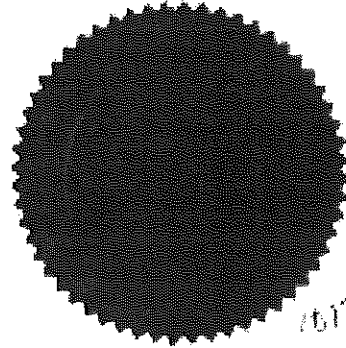
Richard Sheard
 Chief Executive

DATED the

day of

2013

THE COMMON SEAL of SOUTH HAMS)
DISTRICT COUNCIL was hereunto
affixed in the presence of:



L.R. [Signature]

Solicitor / Legal Executive—

SCHEDULE

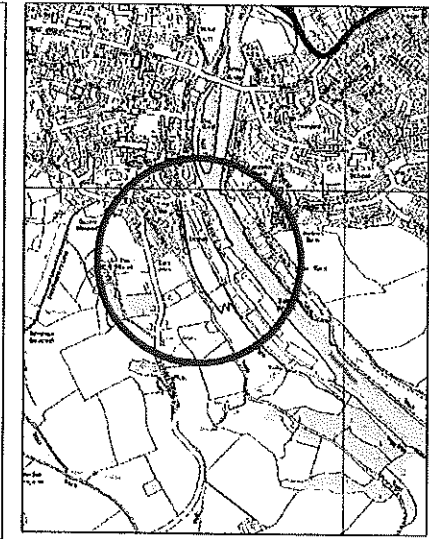
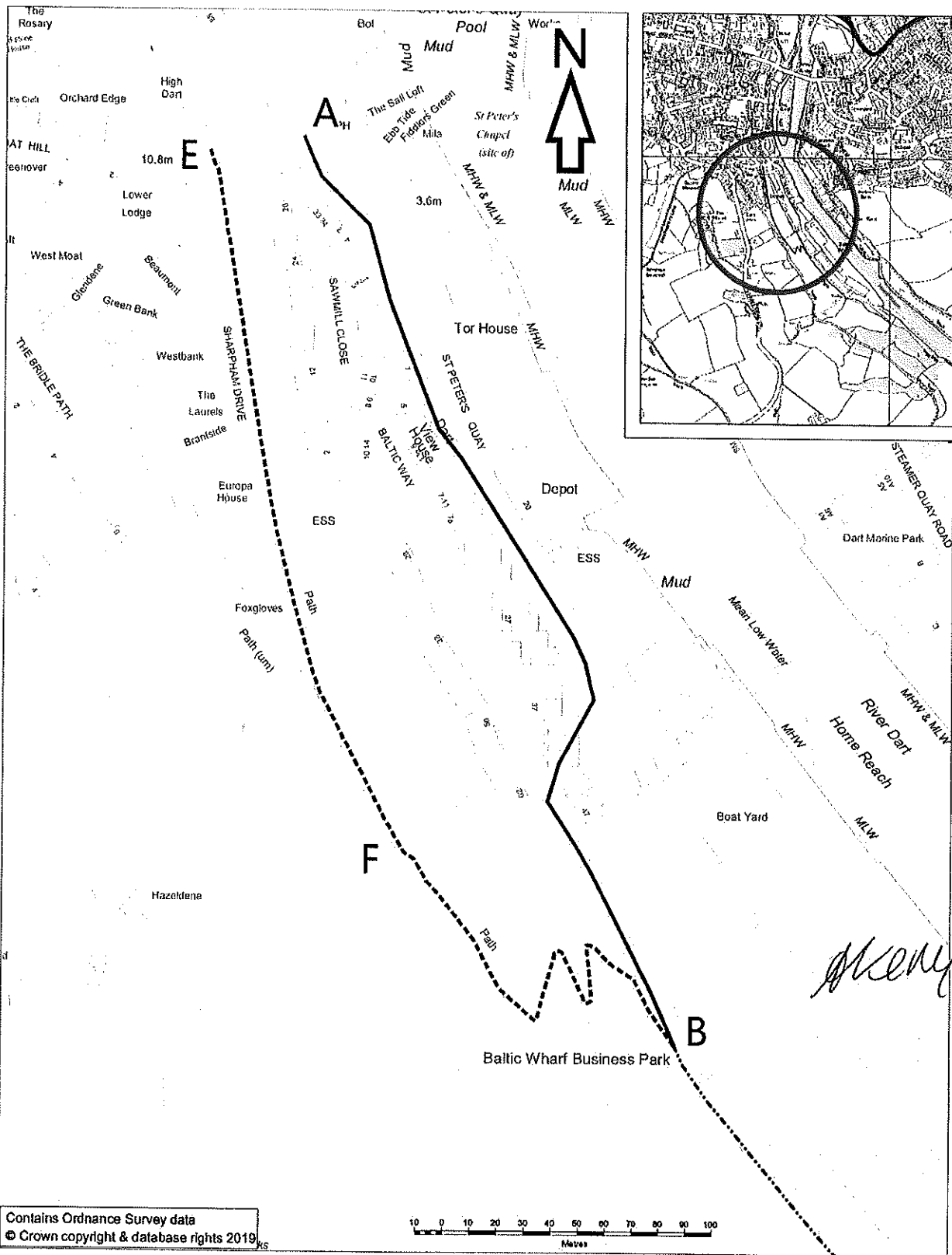
PART I - DESCRIPTION OF SITE OF EXISTING PATH

Section of path as indicated on map	Position	Width
A-B-C-D (800 metres)	From point A (SX 8056 5997) the footpath runs generally south to point B (SX 8071 5961), and then generally south-south-east via point C (SX 8077 5954) to point D (SX 8101 5939) a distance of approximately 800 metres	variable

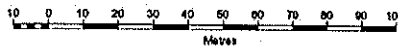
PART 2 - DESCRIPTION OF SITE OF ALTERNATIVE HIGHWAY

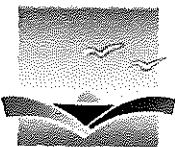
Section of path as indicated on map	Position	Width
E-F-B (426 metres) 475.7 metres	From point E (SX 8053 5997) the footpath runs generally south to point F (SX 80568 596472) then south, descends via zigzag and flights of steps south east to point B (SX 80740 59643) a distance of approximately 426 475.7 metres	2 metres
C-G-D (295 metres)	From point C (SX 8077 5954) the footpath runs generally south, south east via point G (SX 8091 5941) to point D (SX 8101 5939) a distance of approximately 295 metres	2 metres

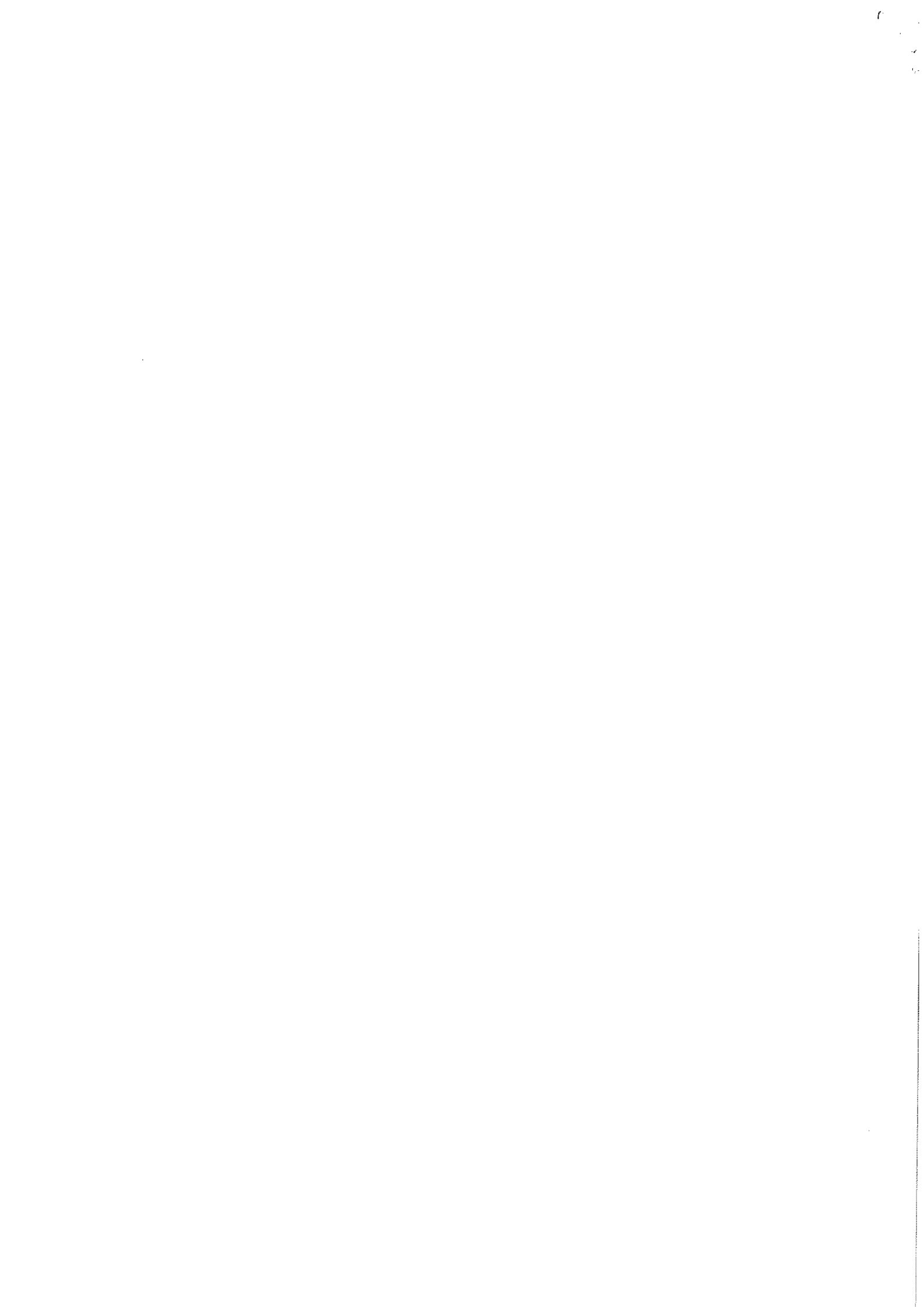
SCHEDULE 2



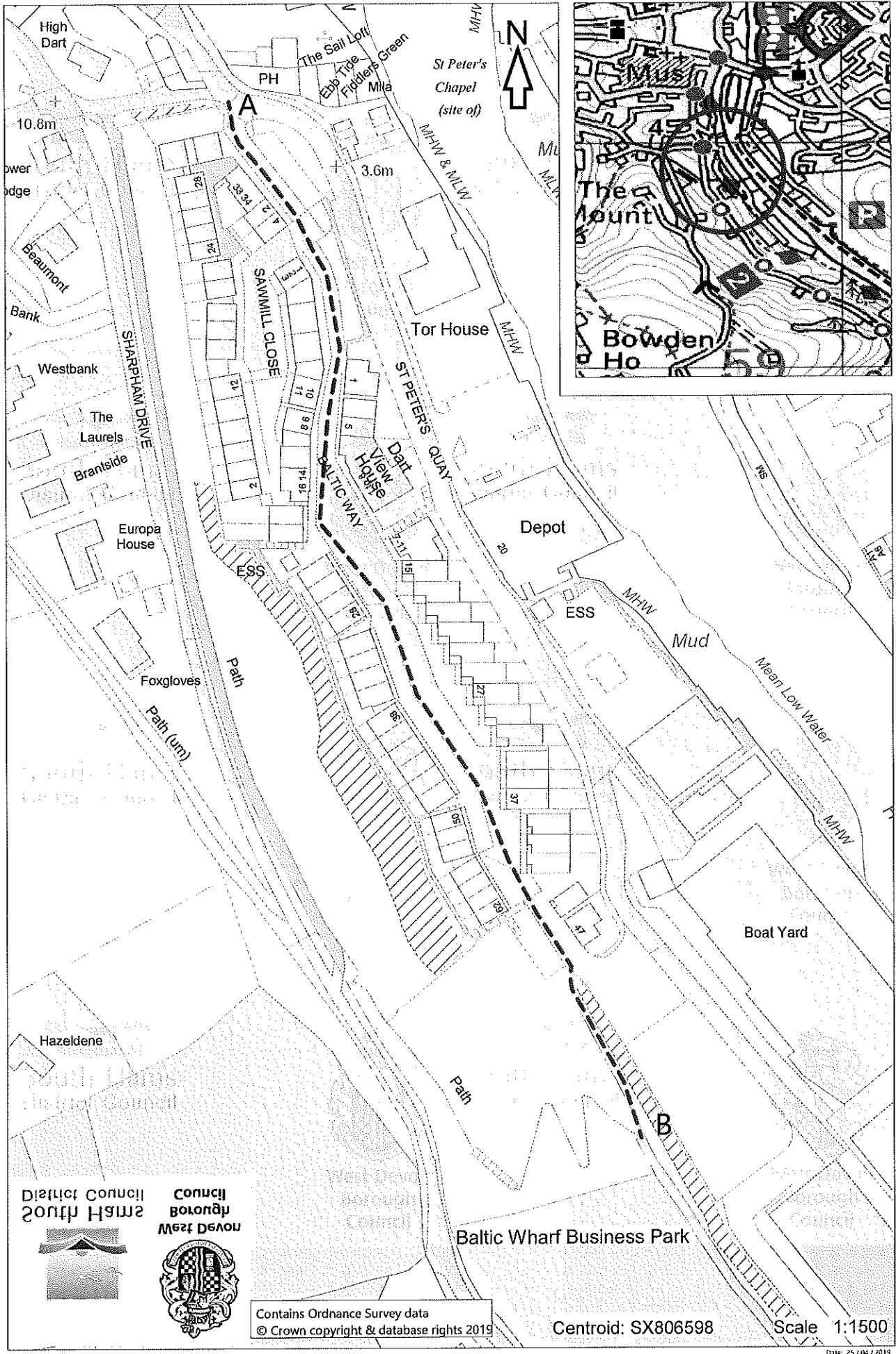
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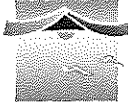
South Hams District Council Proposed Public Path Diversion Order Footpath No. 02 Totnes				Drawing No: 072N Scale: 1:2000 Date: 12/03/2019 Drawn by: RS
Notation Existing To be extinguished To be created	- - - - - A - B (380.2m)	———— E - F - B (475.7m)	 South Hams District Council Sophie Hosking Chief Executive	
Map Reference: SX 807 596				



Permissive Path Plan



South Hams District Council



West Devon Council Borough



Contains Ordnance Survey data
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Centroid: SX806598

Scale 1:1500

Date: 25/04/2019

