



## DRAFT AGENDA FOR THE MEETING OF TOTNES TOWN COUNCIL

MONDAY 4<sup>TH</sup> DECEMBER 2023 IN THE GUILDHALL

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

You are hereby **SUMMONED** to attend a meeting of the Council, on **Monday 4<sup>th</sup> December 2023 at 7.00pm** for a maximum of 120 minutes the purpose of transacting the following business:

### 1. WELCOME TO ALL ATTENDING AND OBSERVING

The Chair will read out the following statement:

Welcome to everyone attending and observing the meeting.

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

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

### 2. APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS

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

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*The Council will adjourn for the following items:*

Reports from County and District Councillors.

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

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

### 3. CLERK'S REPORT (Standing Item)

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

### 4. CONFIRMATION OF MINUTES

To approve and sign the minutes of the following Meeting:

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

- a. Full Council 6<sup>th</sup> November 2023 – document attached.
- b. Extraordinary Full Council 2023 – document attached.

To note the following minutes:

- c. Council Matters 13<sup>th</sup> November 2023 – document attached.
- d. Planning Committee 20<sup>th</sup> November 2023 – document attached.
- e. Town Matters Committee 27<sup>th</sup> November 2023 – document attached.

5. CONSIDERATION OF ANY MATTERS ARISING REQUIRING A DECISION

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

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

- a. Full Council 6<sup>th</sup> November 2023.
- b. Extraordinary Full Council 27<sup>th</sup> November 2023.
- c. Council Matters 13<sup>th</sup> November 2023.
- d. Planning Committee 20<sup>th</sup> November 2023.
- e. Town Matters Committee 27<sup>th</sup> November 2023.

6. COUNCILLOR CO-OPTION POLICY

To consider a draft Councillor Co-option Policy. Document attached.

7. PAYMENTS TO COUNCILLORS POLICY

To review the Payments to Councillors Policy. Document attached.

8. NEIGHBOURHOOD PLAN REFERENDUM

To note the result of the Neighbourhood Plan Referendum and next steps. Document attached.

9. LIST OF MEETING DATES AND COMMUNICATIONS POINTS

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

10. NEXT MEETING

To note the next meeting date of Monday 8<sup>th</sup> January 2024, 6.30pm public session, 7.00pm formal meeting in the Guildhall.

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

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11. CONFIDENTIAL ITEMS FROM COMMITTEE (Standing Item)

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

12. DRAFT 2024/25 BUDGET

To note the latest draft 2024/25 budget with different precept projections (staffing information). Document to be circulated at the meeting.

13. ELMHIRST PROJECT (Standing Item)

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

Agenda produced by:

Catherine Marlton

Town Clerk

29<sup>th</sup> November 2023

**USE OF SOUND RECORDINGS AT COUNCIL & COMMITTEE MEETINGS**

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

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

**John Birch**

**SHDC Member for Totnes**

**Report to the Totnes Town Council meeting to be held on  
Monday 4 December 2023**

I report on the following.

**Freeport – report to SHDC Executive**

There is attached to this report is the Task and Finish Group report with recommendations that will come before the Executive Committee at its meeting on Thursday 30 November 2023.

I will report on the outcome at the meeting on 4 December.

**LiveWest planning application for 35 new homes at Parkers Way**

LiveWest has submitted a planning application to replace the existing 36 empty flats at Parkers Way with 35 new homes that will all be for social rent.

Full details of the scheme can be found on the SHDC website. Go to "Search Planning Applications" and the reference number is 3203/23/FUL where all the planning documents are accessible.

**Members Green Fund for community- based climate and biodiversity projects**

At the SHDC Executive meeting on 30 November there is a recommendation to allocate £62,000 per year to establish a new Members 'Green Fund' to support community- based climate and biodiversity projects for 2023/24 and 2024/25. This will be funded from the climate change and biodiversity earmarked reserve.

I will report on the outcome at the meeting on 4 December.

**SHDC affordable housing delivery**

At the SHDC Executive meeting on 30 November there is the following recommendation in respect of affordable housing delivery

1. Supports and launches the South Hams Housing Offer to communities to support affordable housing delivery;

2. Agrees an initial budget of £100,000 per year to fund the South Hams Community Offer, financed from the funding identified from the review of the capital programme and the review of earmarked reserves.

I will report on the outcome at the meeting on 4 December.

### **Car Parking Charges**

At the SHDC Executive meeting on 30 November there is the following recommendation in respect of car parking charges

That the Executive:

1. Continue to hold car parking charges at their current level, as set in 2021; and
2. Agree to implement a change to car parking tariffs at such time as it can be done under a two tier pricing structure that reduces the burden of the change for local residents.

I will report on the outcome at the meeting on 4 December.

Cllr John Birch, SHDC Member for Totnes.

28 November 2023

Report to: **Executive**  
Date: **30 November 2023**  
Title: **Plymouth and South Devon Freeport: Report of Task & Finish Group**  
Portfolio Area: **Economic Development**  
Wards Affected: **All**  
Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: The Full Council meeting to be held on 14 December 2023

Author: Task and Finish Group Role:

Contact: email: [chris.brook@swdevon.gov.uk](mailto:chris.brook@swdevon.gov.uk)

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#### **RECOMMENDATIONS:**

##### **That the Executive:**

- 1. Thank the Task and Finish Group for their considerable and in-depth work reviewing the risks and opportunities of the Freeport; and**
- 2. Consider the 17 recommendations set out by the Task and Finish Group in section 2 of this report and make a recommendation to Full Council.**
- 3. Agree that the Executive's recommendations on the report are considered by Full Council on 14 December 2023**

#### **1. Executive summary**

- 1.1 The Task and Finish Group arising from the Audit and Governance Committee conducted an investigation into the costs, opportunities, risks and governance of the Plymouth and South Devon (PASD) Freeport. This report to the Executive is a conclusion from that investigation and sets out recommendations for the Executive to consider. Given the current situation, the Task and Finish Group feel that it is important that all Members have a chance to understand the opportunities and risks that the Freeport represents and have an opportunity to consider and debate the topic.

- 1.2 The Task & Finish (T&F) Group feel that the complex Freeport project has been well managed and that a great deal of work has been done by officers. The T&F Group has appreciated the information provided by Council officers and Members upon which this report is based.
- 1.3 The following aspects were investigated by the T&F Group:
  - i. Costs & financial returns
  - ii. Benefits and opportunities
  - iii. Risk management
  - iv. Governance and engagement
- 1.4 The Council has published Frequently Asked Questions and Answers regarding the Plymouth and South Devon Freeport on its website at the link below:  
<https://www.southhams.gov.uk/ferry-and-harbour/plymouth-and-south-devon-freeport>

## **Task And Finish Group Report of the Audit and Governance Committee**

### **2. Summary Recommendations**

1. That the Executive considers the recommendations in this report and presents an update on the Freeport to Full Council, including a copy of this report, at an early opportunity.
2. That the Council works to simplify the land acquisition plan and separate the two transactions. The purchase of Sherford can go ahead as approved by the Council; but the Langage purchase should be put on hold and be subject to a later approval by the Council if and when necessary.
3. If land values or the situation changes, the Council may want to update any valuation as required.
4. That the Council strives to achieve best value in any land sale, balanced against best outcomes in employment and economic investment.
5. That the latest financial projections, showing best estimates of business rates income, interest rate payments and the worst-case scenario (as reviewed by the T&F Group) is set out in a report to the Executive with any recommendations being presented to the Full Council.
6. The Executive takes a close look at the current finance projections, as well as the worst-case scenario, to ensure that costs and financial risks are understood and acceptable to the Council. We suggest a stage gate process so that a future explicit investment decision (such as Langage) is made using the most up to date information.

7. That the Director of Place reports every three months on the progress of the that part of the development of the Freeport in South Hams to the Executive, comparing actual progress of the development and occupancy to the plan; and that mitigating actions are put in place where necessary.
8. That the Monitoring Officer provides a report to the Executive on the strength of the legal agreements entered into by the Council and in particular those parts relating to the land assets and income stream.
9. The Council encourages the Freeport company to investigate the possibility of the Gateway policy being strengthened, or other controls could be put in place to ensure that the land is only used for suitable purposes that are consistent with the Freeport principles.
10. That the Council works with and/or encourages the Freeport company to develop clear outcomes and tangible delivery plans for the benefits to the environment, the green economy, skills, well-paid jobs, small business, and social outcomes in the South Hams area of the Freeport, through which progress can be monitored and evaluated so that these wider benefits can be realised. The T&F group see these wider benefits crucial to long-term legitimacy of the Freeport.
11. That the Council works with and/or encourages the Freeport company to enhance the focus on net zero and the green economy as a priority objective for the Freeport. This objective should be supported through the establishment of a net zero Advisory Board to deliver this part of the mission.
12. The Council seeks to encourage the Freeport company to ensure that all construction at Sherford and Langage should explicitly consider net zero targets, an environmental impact assessment should be done, and mitigation should be carried out if needed.
13. That the Council requests the Freeport company to publish its risk management framework and update it on a six-month basis.
14. That the Council develops and publishes its own risk policy and risk register for its involvement in the Freeport, so that each risk can be managed and so that the plan can be reviewed by Audit and Governance and others.
15. That the Freeport company be encouraged to monitor the movement of businesses into the Freeport to ascertain any possible localised economic displacement and produce such a report with possible remedial measures should such displacement becomes apparent SHDC should consider the use of a proportion of retained business rates generated through the Freeport to mitigate any localised economic damage, such as through localised stimulus spending.
16. That the Executive reviews the delegated powers and authority related to the Freeport and determines if any changes are needed.

17. That the Council together with the Freeport company instigates a communication and engagement programme to publish information explaining the benefits of the Freeport to the local parish and the wider South Hams region, to inform public opinion and help answer any questions that might arise.

## **2.1 Background**

2.2 The T&F Group recognises the potential benefits that the Freeport offers for residents of the South Hams. However, there are a number of costs and risks which we wish to highlight and will need to be well managed going forward.

2.3 As of September 2023, SHDC has entered into legal agreements relating to the Freeport. Costs incurred by SHDC so far have been £75,300 (Appendix B). Additional anticipated costs for SHDC are in the order of £5 million in the early years of the project, raised from PWLB borrowing and paid for by business rates generated from the Freeport over the life of the project. Therefore the Freeport is projected to be self-financing, in that the business rates generated will pay for the borrowing costs.

2.4 The Council has signed an MoU (Memorandum of Understanding) with Government along with a partnership agreement with Devon County Council and Plymouth City Council both of which impose legal obligations on the Council. Any unilateral withdrawal from the Freeport will result in the Council being in breach of its obligations. Furthermore, we believe it makes sense to continue to pursue the Freeport project for the following reasons:

- i. The Freeport will bring new investment, projected to be over £300 million, and an estimate of 3,500 jobs across Plymouth and South Hams, together with enhancements to skills and infrastructure.
- ii. 100% of the business rates paid by businesses operating in that part of the Freeport within South Hams will be retained in a South Hams District Council ringfenced business rates account, rather than the 14% normally retained by the Council, to be used for the delivery of Freeport objectives<sup>1</sup>. This results in a potential fund of £24m (see 3.4 for how this is allocated) over 25 years (after the deduction of expenses) for investment in the South Hams area for Freeport-related investments.

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<sup>1</sup> The expenditure of retained business rates is set out in the business rates sharing agreement between SHDC and DCC, as outlined in section 3.4 of the report



- iii. Although there are risks within the project there are also very grave risks from withdrawing at this stage, in reputational, legal and cost terms. **The T&F Group believes that on balance the benefits of the Freeport outweigh the costs and risks involved, so long as these are understood and continue to be well managed.**
- 2.5 Furthermore, if the Council proceeds with the Freeport project there is an opportunity for SHDC to shape the goals and the work of the Freeport to align it more closely to the priorities of the Council. In particular, we see an opportunity for clearer and stronger Freeport outcomes that would help the environment, the green economy, local skills, well-paid jobs, small business, and social outcomes, and **we recommend more focus on these desirable outcomes.**

### **3. Cost and Financial Returns**

- 3.1 Total capital investment in the Freeport is predicted to reach £314m over 25 years with £25m of seed capital (Government grant) from the Government, £29m from local council funding and up to £250m from business (private sector investment).
- 3.2 Around £5m of the investment would come from SHDC and most of this investment will be used to purchase land, as the Council is responsible for making land at Sherford available for the Freeport. To enable this SHDC intends to borrow funds from the Public Works Loan Board (PWLB) for the investment. In March 2022 the Council approved borrowing up to £5m (this was increased to £5.5million in March 2023). Other Freeport funding will come from the SHDC Business Rates reserve.
- 3.3 This investment will be recouped as a capital receipt through the sale of land (which is the intent at the current time), and in addition the PWLB loan will be repaid by business rates income from Langage and Sherford from the retained business rates fund.
- 3.4 Of the £40m projected surplus after 25 years, 20% is to be allocated to Devon CC, and 20% for SHDC specific priorities, leaving £24m for spending in the South Hams area. This spending will be on Freeport related projects guided by the three Councils, with priorities being on skills, innovation, and carbon net zero projects, and to reduce and mitigate and displacement of jobs.

- 3.5 Borrowing was originally intended for the purchase of the Langage site, and the Council agreed in September 2022 to make a CPO (Compulsory Purchase Order) application. A decision was then made in March 2023 to reallocate the Langage funds to be used for either the same purpose or for the acquisition of land at Sherford instead.
- 3.6 Some members of T&F Group feel that decisions like this, close to the May 2023 election, were not ideal and heightened a sense of cynicism and public doubt around the project. The T&F group is concerned about the public perception of the project and hopes that more open information and accountable decision-making will restore confidence.
- 3.7 The business case submitted by the Council and approved by government was to purchase land at Sherford, which would then be sold on to an appropriate developer / occupier. In this way, releasing seed funding (Government grant funding) for investment in Langage, if needed.
- 3.8 However, the flow of money and approvals is complex (as set out in Appendix A) and it is important to clarify that there is no obligation nor approval in place for the Council to acquire both Sherford **and** Langage.
- 3.9 **We recommend that the Council works to simplify the land acquisition plan and separate the two transactions. The purchase of Sherford can go ahead as approved by the Council; but the Langage purchase should be put on hold and be subject to a later approval by the Council if and when necessary.**
- 3.10 We understand that officers have land valuations from one valuer following the red book process. **We recommend that if the land values or the situation changes, the Council may want to update any valuation as required.**
- 3.11 We also understand that if any losses on the sale of land are made (after deduction of SHDC's selling costs) these would fall proportionately on SHDC, in accordance with the ratio of seed funding to match funding. A lower sale value would mean that the capital receipt which is retained by SHDC is lower in value.
- 3.12 This would not cause a loss to SHDC's finances as the borrowing on the land would continue to be paid for from the business rates income generated by the Freeport. The T&F Group highlight this risk, but also the mitigation that the land sale capital receipt is not required to repay the PWLB borrowing, as this will continue to be repaid from the business rates generated in the Freeport. **We recommend that the Council strives to achieve best value in any land sale, balanced against best outcomes in employment and economic investment.**

- 3.13 The income stream to fund interest and capital payment is dependent on retained business rates income from occupiers of the Freeport. We recognise that the financial success depends on a number of factors such as on-time delivery of the land, the occupancy rates, and inflation (which increases business rate income).
- 3.14 The financial viability is also affected by the interest rate to be paid on the £5.5m borrowing, which has increased since the initial plans were made. **We recommend that the latest financial projections, showing best estimates of business rates income, interest rate payments and the worst-case scenario (as reviewed by the T&F Group) is set out in a report to the Executive with any recommendations being presented to the Full Council.**
- 3.15 **We recommend that the Executive takes a close look at the current finance projections, as well as the worst-case scenario, to ensure that costs and financial risks are understood and acceptable to the Council. We suggest a stage gate process so that a further explicit investment decision (such as the purchase of Langage) is made using the most up to date information.**
- 3.16 The report to Council in March 2022 stated that “The assumptions used within the financial model for business rates income are that there will be 16% occupancy of the light industrial business park by 2024/25 and 90% occupancy of the warehouse; other industrial sites will be between 11% and 90% occupancy by 2024/25”. The most up to date assumptions used within the September 2023 financial modelling are 25% occupancy at Langage in 25/26, 46% occupancy in 2026/27 and 60% occupancy by 27/28. Occupancy at Sherford is projected to commence in 2027/28.
- 3.17 If development is delayed and the tenant occupies the sites late, then the retained business rate income stream is delayed and net income would be reduced. Information provided to the T&F Group suggest that some aspects of the Freeport timescale, planned in January 2023, are already up to five months late by August 2023.
- 3.18 Slippage of the infrastructure development has mitigated this and positively impacted the cash flow in the early years, as shown in Appendices C and D which compares the net income model shown to Council in March 2022 with the latest one provided to the T&F Group in late August 2023. In these 18 months the net income in the first 5 years of operation has changed from net positive projection of £2m to a net deficit of £288,000. This cashflow impact is because of the delay in occupancy and due to the fact that business rate income from both Langage and

Sherford has moved back approximately 2 years. Overall, it can be seen from the graphs in Appendices C and D that the total forecast for business rate income is greater than was previously forecast.

- 3.19 In the event that SHDC and DCC borrowing is fully drawn down and there was no business rate income from any tenant, it would result in a maximum of £366,000 cost per year for South Hams District Council (£5.125m borrowed over 23 years at 4.5% fixed interest costs). Therefore, it is essential that the development and borrowing costs stay synchronised so as to mitigate this risk.
- 3.20 **We recommend that the Director of Place reports every three months on the progress of that part of the development of the Freeport in South Hams to the Executive, comparing actual progress of the development and occupancy to the plan; and that mitigating actions are put in place where necessary** and phasing the payment for the land purchase at Sherford to be the most favourable for the Council (for example, in the case of stage payments, using the Government seed funding first and the Council's borrowing in the latter stage payments). This then delays the borrowing costs until later years when there is more business rates income to meet the costs.
- 3.21 However, it should also be noted that the latest projection and modelling **shown in Appendix D** shows an increase in the amount of residual business rates income building up over the 25 years due to the higher business rates income, as a result of higher projected inflation. In March 2022, the residual business rates income was projected to be £27.32 million over the 25 years, with a 41% risk sensitivity. The latest modelling in September 2023 shows the residual business rates income is projected to be £40.989 million over the 25 years, with a 47% risk sensitivity. This means that the projected business rates income would have to fall by 47% (roughly half) before the costs within the ringfenced business rates account (such as the borrowing costs) would not be covered by the business rates income generated by the Freeport and not be self-financing.
- 3.22 If, for any reason, the Freeport is wound up or its conditions varied by a future Government, the expected benefits and income might be lost. **We recommend that the Monitoring Officer provides a report to the Executive on the strength of the legal agreements entered into by the Council and in particular those parts relating to the land assets and income stream.**

#### 4. Benefits and Opportunities

- 4.1 It is claimed that the Freeport will supercharge the local and regional economy by building on our nationally unique

capabilities in marine, defence and space, including low carbon applications.

- 4.2 Expected benefits of the freeport include: the attraction of new businesses; the creation up to 3,500 new jobs paying at or above the national average (with an average wage level of at least £13.92 per hour); skills development, innovation, and the support of climate goals.
- 4.3 To ensure that the Freeport attracts businesses that are consistent with Freeport principles it has put in place a Gateway policy. This ensures that business rates relief are only applied to businesses that meet the criteria. However, some organisations, which may not be compliant, are interested in acquiring the Sherford site. The current plan is for SHDC to purchase the site to ensure that we have full control and therefore can preserve the integrity of the Freeport and ensure land is used aligned to its strategic purpose.
- 4.4 This scenario highlights that Gateway policies, however robust can only levy financial sanctions, rather than place an absolute barrier to non-aligned use in the Freeport and reinforces the policy of the Council acquiring the site.
- 4.5 **We recommend that the Council encourages the Freeport company to investigate the possibility of the Gateway policy being strengthened, or other controls could be put in place to ensure that the land is only used for suitable purposes that are consistent with the Freeport principles.**
- 4.6 There are a number of other potential benefits to our region including training, skills, cycle tracks, innovation and zero carbon commitments. However, the action plans to deliver these benefits for the region are still at an early stage in planning. We see an opportunity for clearer and stronger Freeport outcomes in line with SHDC priorities, by using the retained business rates surplus.
- 4.7 **We recommend that the Council works with and/or encourages the Freeport company to develop clear outcomes and tangible delivery plans for the benefits to the environment, the green economy, skills, well-paid jobs, small business, and social outcomes in the South Hams area of the Freeport, through which progress can be monitored and evaluated so that these wider benefits can be realised. The T&F group see these wider benefits crucial to long-term legitimacy of the Freeport.**
- 4.8 The Langage site includes the proposal to build a 10MW green hydrogen hub, the first of its kind in Devon and Cornwall. In March 2023 the Government announced financial support to the

project through its Hydrogen Business Model. The Freeport has an ambition to act as an exemplar to deliver net zero for the wider region significantly ahead of 2050, but there is no Advisory Board in the Freeport company tasked with making sure this goal is met, unlike for other areas such as skills and innovation.

- 4.9 **We recommend that the Council works with and/or encourages the Freeport company to enhance the focus on net zero and the green economy as a priority objective for the Freeport. This objective should be supported through the establishment of a net zero Advisory Board to deliver this part of the mission.**
- 4.10 **We recommend that the Council seeks to encourage the Freeport company to ensure that all construction at Sherford and Langage should explicitly consider net zero targets, an environmental impact assessment should be done, and mitigation should be carried out if needed.**

## 5. Risk Management

- 5.1 In addition to the points noted above, the project raises a number of strategic, financial, operational and reputational risks for SHDC. Although risks for the Freeport body have been identified, and some initial risks are outlined in the Council paper of March 2022, we believe there is no full risk analysis or management plan in place for the Council itself. We see the following as some of the potential risks for the Council arising from this project and the *mitigations* discussed with the T&F group:
- i. Risk that a new Government changes the way the Freeport operates, or the way that retained business rates can be used.
  - ii. Risks that costs escalate, or that the projected income stream fails to meet its target so that income does not cover the loan repayments costs. This could be caused by a lack of tenants, delays in the developments or other factors beyond the control of the Council.  
*The break-even point needs to be monitored and the synchronising of borrowing against income maintained, so that the costs of borrowing do not exceed the ability to repay the loan. Income would need to drop by nearly half before the income and costs break-even point is breached.*
  - iii. Risk that land values decline after an SHDC purchase, leading to a reduced capital receipt.  
*The current valuation and historic land values do not suggest this would be the case, but it is a possibility.*
  - iv. Risks that the operational or other costs increase.

*The costs of operating the Freeport are set by the annual business plan, which is a reserved matter and therefore in the control of the Council.*

- v. Risk of land contamination or environmental or carbon impact from the works on the sites.  
*Each land parcel is subject to its own due diligence undertaken by the appropriate promotor / developer / land owner.*
- vi. Risk that there are fewer Freeport jobs created than projected, or that the jobs are lower paid, leading to reduced economic or social benefits for residents.
- vii. Risk that firms from other parts of the South Hams relocate into the Freeport, displacing jobs and reducing the net benefit for the region. This may be particularly the case for small and medium sized companies.  
*The gateway policy is specifically drafted to prevent this and needs to be applied robustly.*
- viii. Risk that the Freeport body becomes unmanageable due to political or other differences between the Members (Councils) and the other Directors and / or the landowners, leading to lack of progress and success.  
*Strong relationships are in place between the three local authorities, which are underpinned by tripartite agreements.*
- ix. Risk that any delay or cost escalation leads to a reputational impact on the Council.
- x. Risk that local training infrastructure cannot meet the skills needs of businesses locating to the Freeport thus adding inward migration pressure and associated impacts to the housing market, whilst also blocking local people from the economic opportunities offered.  
*The Freeport programme includes skills and training, delivered through a formal collaboration of the universities and colleges to mitigate this risk.*

**5.2 We recommend that the Council ask the Freeport to publish its risk management framework and update it on a six-monthly basis.**

**5.3 We recommend that the Council develops and publishes its own risk policy and risk register for its involvement in the Freeport, so that each risk can be managed and so that the plan can be reviewed by Audit and Governance and others.**

**5.4 We recommend that the Freeport company be encouraged to monitor the movement of businesses into the Freeport to ascertain any possible localised economic displacement and produce such a report with possible remedial measures should such displacement becomes apparent SHDC should consider the use of a proportion of retained**

**business rates generated through the Freeport to mitigate any localised economic damage, such as through localised stimulus spending.**

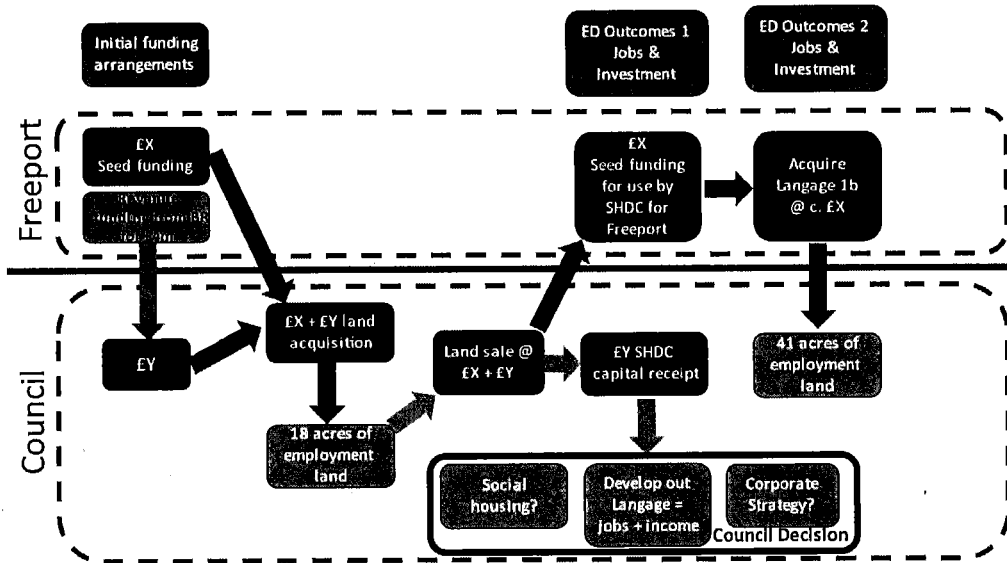
- 5.5 There were also some risks identified at an earlier stage of the project relating to weakened planning controls and the extension of the Freeport (or enterprise zone) to a much wider area. This risk now seems not to be real as we understand that traditional planning rules still apply to the Freeport and the enterprise zone applies to Plymouth Oceansgate only. However, the Council should keep a watch on this potential risk.

## **6. Governance & Engagement**

- 6.1 In March 2022 the Council gave authority to the Director of Place and Enterprise, in consultation with the Leader of the Council, Executive Member for Economy and S151 Officer to purchase land at Langage (later amended to include Sherford.). **We recommend that the Executive reviews the delegated powers and authority related to the Freeport and determine if any changes are needed.**
- 6.2 While the planning policy around Sherford and Langage has been through normal planning consultation, the Freeport investment and the decision by SHDC to proceed has not had any public consultation, either in the relevant parishes or across the region.
- 6.3 **We recommend that the Council together with the Freeport company instigates a communication and engagement programme to publish information explaining the benefits of the Freeport to the local parish and the wider South Hams region, to inform public opinion and help answer any questions that might arise.**



## Appendix A: Funding Flow Chart



## Appendix B: Expenditure to September 2023

FREEPORT EXPENDITURE				£				
COST CENTRE S1037/3677								
<b>Financial Year 2022-23</b>								
			Legal Fees for the Compulsory Purchase	43,764	paid			
<b>Financial Year 2023-24</b>								
			Legal Fees for the Compulsory Purchase	3,036	paid			
			Subsidy control advice at Sherford	3,500	not yet paid			
			Land Valuation of Sherford	25,000	not yet paid			
			<b>TOTAL</b>	<b>75,300</b>				
<b>Business Rates - Memorandum Account</b>								
<b>Plymouth and South Devon Freeport</b>								
			Annual Landowner contribution for 2022-23 to the Freeport	50,000				
			Funded by the Business Rates Retention fund.					
			<b>TOTAL</b>	<b>50,000</b>				

## Appendix C: Net Business rates projections for PASD Freeport

South Hams and Devon County Council ringfenced Business Rates Account – Original financial forecasting as set out within the Council report on 31<sup>st</sup> March 2022

South Hams ringfenced Business rates account	22/23	23/24	24/25	25/26	26/27	Yrs 6-10 27/28 -	Yrs 11-15 32/33 -	Yrs 16-20 37/38 -	Yrs 21-25 42/43 -	Total
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
Retained Business Rates - Langage	0	7	600	1,224	1,564	10,817	12,190	13,456	14,862	54,719
Retained Business Rates - Sherford	0	0	0	420	428	2,272	2,508	2,768	3,058	11,454
<b>Total South Hams Retained Business Rates</b>	<b>0</b>	<b>7</b>	<b>600</b>	<b>1,644</b>	<b>1,992</b>	<b>13,089</b>	<b>14,698</b>	<b>16,224</b>	<b>17,919</b>	<b>66,173</b>
Total debt charges - Langage DCC	0	0	(96)	(339)	(629)	(4,434)	(4,434)	(4,434)	(4,434)	(18,800)
Total debt charges - Langage SHDC	(6)	(63)	(267)	(267)	(267)	(1,334)	(1,334)	(1,334)	(1,334)	(6,206)
Total debt charges - Sherford	0	0	0	0	0	0	0	0	0	0
<b>Total South Hams Debt Charges (Langage)</b>	<b>(6)</b>	<b>(63)</b>	<b>(363)</b>	<b>(606)</b>	<b>(895)</b>	<b>(5,768)</b>	<b>(5,768)</b>	<b>(5,768)</b>	<b>(5,768)</b>	<b>(25,006)</b>
Lifecycle costs - Langage	0	0	(38)	(37)	(45)	(569)	(962)	(1,133)	(1,757)	(4,541)
Lifecycle costs - Sherford	0	0	0	(1)	(7)	(169)	(333)	(388)	(394)	(1,291)
<b>Total South Hams Lifecycle Costs</b>	<b>0</b>	<b>0</b>	<b>(38)</b>	<b>(38)</b>	<b>(52)</b>	<b>(738)</b>	<b>(1,295)</b>	<b>(1,521)</b>	<b>(2,151)</b>	<b>(5,832)</b>
Freeport operating costs - Langage	0	0	0	0	0	(1,145)	(1,264)	(1,395)	(1,540)	(5,343)
Freeport operating costs - Sherford	0	0	0	0	0	(572)	(632)	(697)	(770)	(2,672)
<b>Total South Hams Contribution to Freeport Operating Costs</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(1,717)</b>	<b>(1,895)</b>	<b>(2,092)</b>	<b>(2,310)</b>	<b>(8,015)</b>
Residual Business Rates - Langage	(6)	(57)	199	581	624	3,334	4,196	5,160	5,796	19,829
Residual Business Rates - Sherford	0	0	0	419	421	1,531	1,543	1,683	1,894	7,491
<b>Total South Hams Residual Business Rates</b>	<b>(6)</b>	<b>(57)</b>	<b>199</b>	<b>1,001</b>	<b>1,044</b>	<b>4,865</b>	<b>5,739</b>	<b>6,844</b>	<b>7,690</b>	<b>27,320</b>
<i>Risk sensitivity</i>			33%	61%	52%	37%	39%	42%	43%	41%
(% that business rates income would need to fall so that residual business rates income would be Nil)										

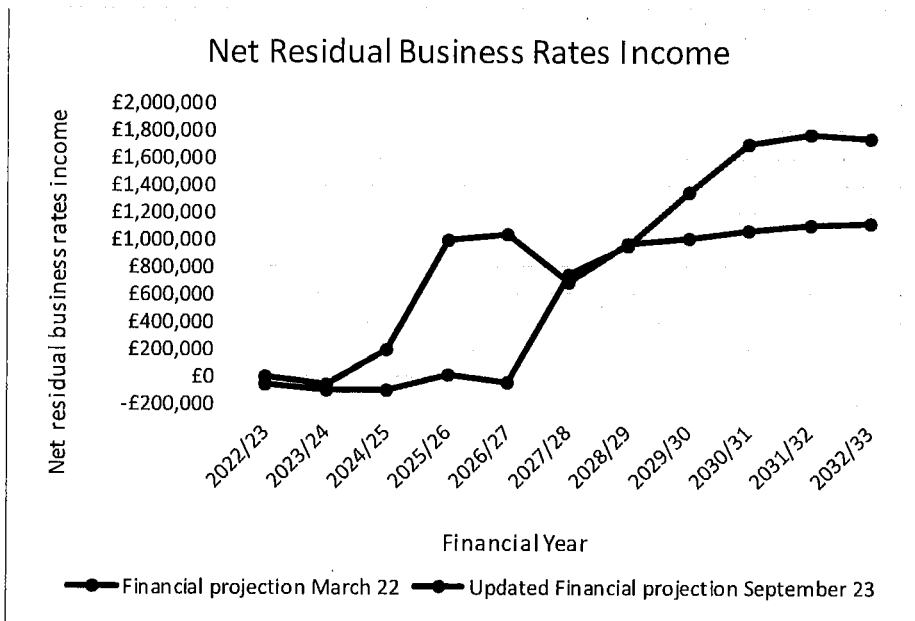
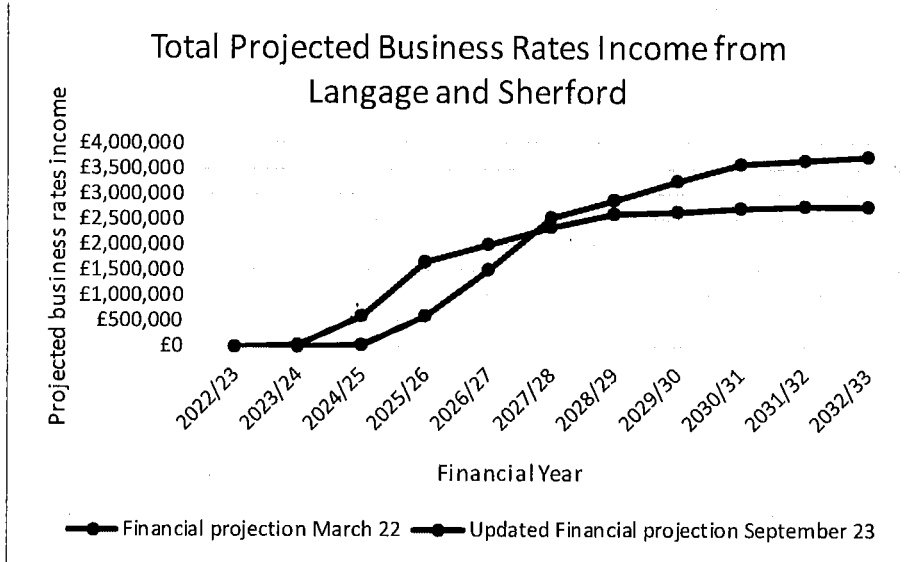
## Appendix D: South Hams and Devon County Council ringfenced Business Rates Account

Latest (September 2023) financial forecasting

South Hams	0	1	2	3	4	5	Yrs 6-10	Yrs 11-15	Yrs 16-20	Yrs 21-25	Total
	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	28/29 - 32/33	33/34 - 37/38	38/39 - 42/43	43/44 - 47/48	
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Retained Business Rates - Langage	0	0	8	600	1,505	1,961	14,043	16,466	18,181	20,074	72,838
Retained Business Rates - Sherford	0	0	0	0	0	589	3,126	3,451	3,811	4,207	15,184
<b>Total South Hams Retained Business Rates</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>600</b>	<b>1,505</b>	<b>2,550</b>	<b>17,169</b>	<b>19,917</b>	<b>21,992</b>	<b>24,281</b>	<b>88,022</b>
Total debt charges - Langage DCC	0	0	0	(322)	(1,021)	(1,021)	(5,105)	(5,105)	(5,105)	(5,105)	(22,784)
Total debt charges - Langage SHDC	0	0	0	(25)	(80)	(80)	(400)	(400)	(400)	(400)	(1,785)
Total debt charges - Sherford	0	0	0	(90)	(286)	(286)	(1,430)	(1,430)	(1,430)	(1,430)	(6,382)
<b>Total Debt Charges for SHDC and DCC</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(437)</b>	<b>(1,387)</b>	<b>(1,387)</b>	<b>(6,935)</b>	<b>(6,935)</b>	<b>(6,935)</b>	<b>(6,935)</b>	<b>(30,951)</b>
Life Cycle costs - Langage	0	0	0	(42)	(41)	(49)	(625)	(1,060)	(1,248)	(1,931)	(4,996)
Life Cycle costs - Sherford	0	0	0	0	(1)	(8)	(184)	(365)	(426)	(434)	(1,418)
<b>Total South Hams Lifecycle Costs</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(42)</b>	<b>(42)</b>	<b>(57)</b>	<b>(809)</b>	<b>(1,425)</b>	<b>(1,674)</b>	<b>(2,365)</b>	<b>(6,414)</b>
Freeport operating costs - Langage	0	0	0	0	0	(237)	(1,257)	(1,392)	(1,532)	(1,695)	(6,113)
Freeport operating costs - Sherford	0	0	0	0	0	(119)	(631)	(696)	(768)	(848)	(3,062)
<b>Total South Hams Contribution to Freeport Operating Costs</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(356)</b>	<b>(1,888)</b>	<b>(2,088)</b>	<b>(2,300)</b>	<b>(2,543)</b>	<b>(9,175)</b>
Landowner Contribution SHDC	(50)	(104)	(109)	(113)	(117)	0	0	0	0	0	(493)
<b>Total Landowner Contribution - Langage - SHDC</b>	<b>(50)</b>	<b>(104)</b>	<b>(109)</b>	<b>(113)</b>	<b>(117)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(493)</b>
Residual Business Rates - Langage	(50)	(104)	(101)	98	246	574	6,656	8,509	9,896	10,943	36,667
Residual Business Rates - Sherford	0	0	0	(90)	(287)	176	881	960	1,187	1,495	4,322
<b>Total South Hams Residual Business Rates</b>	<b>(50)</b>	<b>(104)</b>	<b>(101)</b>	<b>8</b>	<b>(41)</b>	<b>750</b>	<b>7,537</b>	<b>9,469</b>	<b>11,083</b>	<b>12,438</b>	<b>40,989</b>
<i>Risk sensitivity - South Hams</i>				1%	-3%	29%	44%	48%	50%	51%	47%

	Net Residual Business rates per year; £ '000					Next 20 years	25-year Total
	2022-23	2023-24	2024-25	2025-26	2026-27		
Original plan (March 2022)	-6	-57	199	1,001	1,044	25,138	27,320
Current plan (August 2023)	-50	-104	-101	8	-41	41,277	40,989

## Appendix E: Comparison of Financial Projections between March 2022 and September 2023



## 7. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		<p>As part of the Audit and Governance Committee's Workplan for 2023/24, the Committee agreed to establish a task and finish group to consider the governance and other arrangements relating to the creation of the Freeport (Min AG.8/23 refers)</p> <p>Although the task and finish group was to report back to the Audit and Governance Committee, with the view that the Committee would make any recommendations to the Executive, at the meeting of the Audit and Governance Committee on 28 August 2023 it was agreed that the Task and Finish Group would make any recommendations directly to the Executive.</p>
Financial implications to include reference to value for money		<p>The latest projection and modelling shown in Appendices C, D and E shows an increase in the amount of residual business rates income building up over the 25 years due to the higher business rates income, as a result of higher projected inflation. In March 2022, the residual business rates income was projected to be £27.32million over the 25 years, with a 41% risk sensitivity. The latest modelling in September 2023 shows the residual business rates income is projected to be £40.989million over the 25 years, with a 47% risk sensitivity. This means that the projected business rates income would have to fall by 47% (roughly half) before the costs within the ringfenced business rates account (such as the borrowing costs) would not be covered by the business rates income generated by the Freeport and not be self-financing.</p>
Risk		See Risk Management (Section 5).
Supporting Corporate Strategy		Economy

Consultation & Engagement Strategy		<p>How are stakeholders engaged?</p> <ol style="list-style-type: none"> <li>1) Built on the extensive public consultation through the Plymouth and South Devon Joint Local Plan</li> <li>2) Held two major stakeholder events with the chamber of commerce, local MPs and 100+ other delegates prior to submitting the Full Business Case to Government</li> <li>3) Secured formal political decisions from each of the three local authorities ensuring democratic accountability.</li> </ol> <p>Going forward the Freeport plans to:</p> <ol style="list-style-type: none"> <li>1) Deliver stakeholder event to cover cross cutting issues, such as clean growth and CNZ</li> <li>2) Continue to be subject to joint scrutiny by the local authority partners and government</li> <li>3) Publish board meetings on the website (complete)</li> <li>4) Adopt Freeport company policies covering feedback and FOI and Nolan requirements</li> <li>5) Follow normal local authority statutory processes</li> </ol>
Climate Change - Carbon / Biodiversity Impact		Decarbonisation and green economy are a golden thread running through the Freeport requirements (as set out by Government). This report makes further recommendations that can be acted upon to further these benefits.
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity		
Safeguarding		
Community Safety, Crime and Disorder		
Health, Safety and Wellbeing		
Other implications		

**Supporting Information**

**Appendices:**

**Appendix A:** Funding Flow Chart

**Appendix B:** Expenditure to September 2023

**Appendix C:** Net Business rates projections for PASD Freeport

**Appendix D:** South Hams and Devon County Council ringfenced Business Rates Account

**Appendix E:** Comparison of Financial Projections between March 2022 and September 2023

**Background Papers:** N/A



Items 4A + 5A

**DRAFT MINUTES FOR THE MEETING OF TOTNES TOWN COUNCIL**  
**MONDAY 6<sup>TH</sup> NOVEMBER 2023 IN THE GUILDHALL**

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

Apologies: Cllrs Collinson, Cummings, Hannam and Piper.

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

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

**2. APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS**

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

The apologies were received and agreed unanimously. There were no updates to declarations of interest.

*The Committee will adjourn for the following items:*

**Reports from County and District Councillors.**

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

*It was RESOLVED to suspend standing orders.*

- a. County Cllr (C Cllr) Hodgson updated on work regarding the safety of home charging points for electric vehicles, the Elmfirst site, and the South Hams District Council (SHDC) Active Travel Map being published.
- b. District Cllr Allen gave a verbal report including the basement flooding in Coffee No.1, and the outcome from the Skate Park public consultation which will see the new skate park based in the same area as it is currently located.
- c. District Cllr Birch has submitted a report and asked that the Town Council sends a formal letter to SHDC confirming the Town Council's support for the enforcement of community use of Shady Garden. The Town Matters Committee will be asked to consider this at the November meeting.
- d. District Cllr Presswell updated that the key gardener for The Lamb and Leechwell Gardens will retire in Spring 2024. SHDC have confirmed they will take on maintenance of these gardens as they own them however, the maintenance will be lighter touch with less planting.

*The Council reconvened.*

### **3. CLERK'S REPORT (Standing Item)**

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

Noted.

### **4. CONFIRMATION OF MINUTES**

To approve and sign the minutes of the following Meeting:

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

#### **a. Full Council 2<sup>nd</sup> October 2023.**

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

To note the following minutes:

#### **b. Council Matters Committee 9<sup>th</sup> October 2023.**

Noted.

#### **c. Planning Committee 16<sup>th</sup> October 2023.**

Noted.

### **5. CONSIDERATION OF ANY MATTERS ARISING**

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

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

#### **a. Full Council 2<sup>nd</sup> October 2023.**

No matters arising.

#### **b. Council Matters Committee 9<sup>th</sup> October 2023.**

Item 6. Community Grants – It was **RESOLVED** that Cllrs Chinnock and Peters are representatives on outside bodies for the TQ9 Partnership meetings.

#### **c. Planning Committee 16<sup>th</sup> October 2023.**

No matters arising.

### **6. SOUTH HAMS DISTRICT COUNCIL CONSULTATION – PUBLIC SPACE PROTECTION ORDER: DOG CONTROL**

To consider the South Hams District Council's consultation on Public Space Protection Orders relating to dogs [deadline 14th November].

It was **RESOLVED** that Councillors would respond on an individual basis and that the Council response is:

Do you think we should continue enforcing that dog walkers must have a bag (or similar) to pick up their dog waste – YES

Are you in support of continuing the existing arrangements for placing a dog on a lead – YES

Do you support continuing existing powers on Council land – YES

### **7. COMMITTEE MEMBERSHIP**

To consider the committee, working group and link council membership and any changes requested.





ITEMS 4B + 5B

**DRAFT MINUTES FOR THE EXTRAORDINARY MEETING OF TOTNES TOWN COUNCIL**  
**MONDAY 27<sup>TH</sup> NOVEMBER 2023 IN THE GUILDHALL**

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

Apologies: Cllr Cooper.

In Attendance: C Marlton (Town Clerk).

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

**2. APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS**

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

The apologies were received and agreed unanimously.

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

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**3. ELMHIRST PROJECT**

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

A potential proposal from Devon County Council (DCC), via the County Councillor, was discussed in confidential session due to commercial sensitivity. It was unanimously **RESOLVED** to support the proposal in principle, but subject to protections for the remainder of the site. This conditional support is contingent on the Town Council remaining a key stakeholder and being part of shaping the detailed proposal. Cllr Hodgson emphasised the need for confidentiality and would reach out to DCC urgently for further information.

Cllr Emily Price  
Chair

It was **RESOLVED** to set up a Task and Finish Group open to all Councillors to participate into review the data and draft the Strategic Plan which will must be submitted by 4<sup>th</sup> December to be considered by the Council Matters Committee on 11<sup>th</sup> December. Cllr Auletta was invited to joint the Arts and Events Working Group but declined.

#### **8. 2024 MEETING DATES**

To note the calendar of meeting date for Full Council, committees, working groups and forums for 2024.

Noted.

#### **9. LIST OF MEETING DATES**

To note a list of upcoming meeting dates.

Noted.

#### **10. NEXT MEETING**

To note the next meeting date of Monday 4<sup>th</sup> December 2023, 6.30pm public session, 7.00pm formal meeting in the Guildhall.

Noted.

---

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

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

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

No recommendations.

#### **12. CIVIC HALL BOILER**

To consider quotes to replace the Civic Hall boiler (commercially sensitive).

After considering the three quotes it was **RESOLVED** to go with BVEC as the contractor for a new Civic Hall boiler but subject to checking that there are no grants available to assist in the replacement costs.

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

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

The Clerk updated that there was nothing further to report from that contained in District Cllr Birch's report.

Cllr Emily Price  
Chair



Items 4c + 5c

## DRAFT MINUTES FOR THE MEETING OF COUNCIL MATTERS MONDAY 13<sup>TH</sup> NOVEMBER 2023 AT 6.30PM IN THE GUILDHALL

**Present:** Councillors B Piper (Chair), C Beavis, T Bennett, J Chinnock, J Hannam, D Peters .

**Apologies:** Cllrs Hodgson and Price.

**In Attendance:** C Marlton (Town Clerk) and C Bewley (Finance, HR and Lettings Manager).

### 1. APOLOGIES FOR ABSENCE

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

*The Committee will adjourn for the following items:*

#### PUBLIC QUESTION TIME

There were no members of the public present.

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

### 2. CONFIRMATION OF MINUTES

**To approve the minutes of 9<sup>th</sup> October 2023 and update on any matters arising.**

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

### 3. BUDGET MONITOR

**To consider the Budget Monitor including the reserves projection and Christmas budgets.**

This was considered and **AGREED**.

### 4. DRAFT STRATEGIC PLAN

**To note any update on the draft Strategic Plan for 2023-2027 and the timeline for Council considerations.**

**To RECOMMEND** to Full Council that the timeline for the Strategic Plan and Budget setting is amended as follows:

- Monday 4<sup>th</sup> December – Draft Strategic Objectives are sent to the Clerk for consideration and they are built into the draft budget.
- Wednesday 6<sup>th</sup> December – Council Matters Committee agenda and papers are sent out to include a draft budget and draft Strategic Objectives (instead of the wider overall plan due to time constraints).
- Monday 11<sup>th</sup> December – Council Matters Committee makes recommendations to the January 2024 Full Council on Strategic Objectives, the financial year 2024/25 budget and 2024/25 precept amount.
- Monday 8<sup>th</sup> January – Full Council sets the Strategic Objectives, budget and precept.
- During January – Task and Finish meetings continue to embed the Strategic Objectives in a wider Strategic Plan.

- February Council Matters – draft Strategic Plan is considered.
- March Full Council – Strategic Plan is considered for adoption.

#### **5. INITIAL DRAFT 2024/25 BUDGET**

**To consider an initial draft budget for financial year 2024/25.**

The draft financial year 2024/25 budget was noted.

#### **6. PAYMENT CONTRARY TO THE CIVIC BUDGET AND MAYORAL ALLOWANCE POLICY**

**To consider the suspension of the Civic Budget Policy as set out in section b) for the payment of a gift for the recent Vire visit.**

It was **AGREED** to pay the expense claim contrary to policy.

#### **7. RISK REGISTER**

**To consider a draft Town Council risk register**

The Risk Register was reviewed and unanimously **AGREED**.

#### **8. BUSINESS CONTINUITY PLAN**

**To consider a draft Town Council business continuity plan.**

The Business Continuity Plan was reviewed and unanimously **AGREED**.

#### **9. INCREDIBLE EDIBLES MEMORANDUM OF UNDERSTANDING REVIEW**

**To review the Memorandum of Understanding (MoU) with Incredible Edibles for the fruit and nut trees in Totnes Cemetery.**

The Incredible Edibles MoU was reviewed and unanimously **AGREED**.

#### **10. ARTS AND EVENTS WORKING GROUP**

**To note the minutes of the Council Assets and Public Realm Working Group held on 19th September.**

Noted. It was **AGREED** that:

- Items 1 and 2 - £15,000 for Totnes Festival 2024 and £9,000 for the Bridgetown Community Festival be considered as part of the 2024/25 budget setting process. In order to be able to consider this request a full breakdown of the expected event costs is needed, in particular how the Council's funding would be allocated and other confirmed sources of income/grant funding.
- Item 8 - the graffiti patch on the Civic Hall is painted and colour matched on the one side of the gable affected to minimise costs.

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

**To note the date of the next meeting of the Council Matters Committee – Monday 11<sup>th</sup> December 2023 at 6.30pm in the Guildhall.**

Noted.

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

## **12. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)**

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

These were reviewed and unanimously **AGREED**.

## **13. STAFF RECRUITMENT**

**To consider the recruitment timeline for the green travel coordinator vacancy (staffing).**

It was unanimously **AGREED** to defer the recruitment of the Sustainability/Green Travel Officer until the Strategic Objectives and financial year 2024/25 budget is set in January 2024.

## **14. STAFFING BUDGET**

**To consider the staffing budget and information on staff roles (staffing and financial).**

The following points were noted:

- The 23 24 pay award and update of the staffing budget accordingly was noted.
- The current projected underspend on financial year 2023/24 staffing due to the resignation of the Sustainability/Green Travel Officer and the vacant role of Community Fundraiser.

The detailed information on possible savings on the staffing budget from financial year 2024/25 onwards was noted. It was **AGREED** to consider this detail at December Council Matters Committee and make a recommendation to Full Council in January when the overall budget will be set.

## **15. STAFFING UPDATE**

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

- a. To consider an officer request for a loan.**

The request for a staff loan to buy a parking permit was **AGREED**, subject to the signing of a repayment agreement.

Catherine Marlton  
Town Clerk  
October 2023





## DRAFT MINUTES FOR THE PLANNING COMMITTEE

### MONDAY 20<sup>TH</sup> NOVEMBER 2023 IN THE GUILDHALL

Present: Councillors T Bennett (Chair), G Allen, L Auletta, S Collinson (from 1840), T Cooper, J Cummings (from 1835), J Hodgson and L Smallridge.

In Attendance: Members of the public, Cllr Beavis, S Halliday (Governance and Projects Manager).

#### 1. WELCOME AND APOLOGIES FOR ABSENCE

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

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

There were no apologies.

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

#### PUBLIC QUESTION TIME

A member of the public spoke about their proposed plans for a new building in Collapark, their vision and engagement with neighbours which is to be considered under item 4a.

Two members of the public explained the background to the retrospective application to be considered under item 4b, setting out why the changes to the approved application had been made and the conversations they had had about the build with passing members of the public.

*The Committee reconvened Standing Orders.*

#### 2. CONFIRMATION OF MINUTES

**To approve the minutes of 16<sup>th</sup> October 2023 and update on any matters arising.**

The minutes were approved as an accurate record of proceedings.

#### 3. TREE WORKS APPLICATIONS

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

3a. 3521/23/TCA – T001: False acacia - Dismantle & fell to near ground level due to significant increase in level of decay. Little Priory, Fore Street Totnes.  
Support.

3b. 3293/23/TCA - T1: Rowan - Fell due to tree being in decline and minor decay at base. 6 Leechwell Lane, Totnes, TQ9 5EA.

Not discussed as the decision notice was published on 16<sup>th</sup> November.

#### 4. PLANNING APPLICATIONS

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

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

4a. 3417/23/FUL - Proposed construction of a single dwelling and associated parking. Land at SX 796 6060, Collapark, Totnes.

Comment – the Committee supports the design but has concerns about the depth of the house (compared with the previously approved application) and overmassing at the rear of the site with the associated impact on loss of sunlight and overshadowing of neighbouring properties.

4b. 3448/23/FUL - Regularisation of applications 0332/19/FUL and 2467/21/VAR for the construction of a new two-storey dwelling (Retrospective). Garages 7, 9 & 11 Christina Park, Totnes.

Object. The Committee supports work towards Passivhaus standards but notes that no evidence has been submitted to justify the design changes made. Concerns raised in the Planning Officer report dated 24 January 2023 still stand and have not been addressed (included below):

1. The proposed changes represent poor architectural composition and detailing, finished with an unsympathetic materials palette, which would appear incongruous within the street scene contrary to the provisions of DEV10(1), DEV20(1, 2, 3, 4) and DEV23(1, 2, 3, 7) and paragraphs including but not limited to, 130 and 134 of the National Planning Policy Framework.
2. The extension of the balcony on the north elevation eastward would be likely to give rise to increased harmful overlooking of the neighbour to the east and together with the creation of a new balcony on the western elevation, would be likely to result in increased noise and disturbance at height contrary to the provisions of DEV1(1).

The Committee also has continued concerns about: the lack of an ecology report (given the proximity of the dwelling to the wildlife corridor); and the proximity of the terraces to the stream.

4c. 3203/23/FUL - Demolition of 36 two/three bed flats to be replaced with 35 new homes, consisting of one, two & three bed accommodation for social rent, as well as landscaping, car parking & associated works. Land at SX 808 599 [Parkers Way], Totnes.

Object. The Committee supports the building of social housing (if maintained at the level proposed) and the mix of 1,2 and 3 bed dwellings, the proportion of accessible homes that exceeds requirements, and the biodiversity net gain. However, the Committee has concerns about:

- Flooding (and agrees with the Environment Agency and Devon County Council Flood and Coastal Risk comments).
- Natural light – the proposed windows look very small in proportion to the wall area (and not as shown in the CGI), impacting on natural light and ventilation received into the properties and the affect on the wellbeing of the future inhabitants.
- Visual appearance – the proposed design with small windows gives a defensive appearance to the street scape.
- Impact on a wildlife corridor – any lighting on the rear of the properties and on the access road would have an impact on the wildlife.
- Loss of Green Space – from extending the built area on the main site beyond the existing footprint, and the creation of a car park on the green space on the other side of the road on Parkers Way.



- Parking – concerns that parking provision on the other side of Parkers Way is impractical and will not be utilised, as is also noted in Police comments. The previous solution of below building parking was more innovative in reducing impacts and addressing flood requirements.
- Severance of Footpath – from the plans the existing footpath at the rear of the site appears to finish on the proposed access road, with no obvious route joining up with the remainder of the existing footpath.
- Net Zero Ready – but not taking the opportunity to install it, for example no heat pump or plant room, no location of EV chargers given, PV panels on East and West profiles are insufficient for the number of dwellings.
- No affordable housing statement – clarity on any shared ownership proposals would be welcomed.

4d. 2929/23/FUL - Installation of photovoltaic solar arrays together with transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements. Land at Littlehempston Water Treatment Works, Hampstead Farm Lane, Littlehempston, TQ9 6LZ.

CLlr Hodgson declared a personal interest.

Object – the Committee requests a site visit as some areas of the scheme may be accessible however, there are concerns about the visual impact of the scheme from some natural heritage assets in the town and neighbouring parish.

The Committee voted to extend the meeting by 30 minutes.

4e. 2169/23/FUL - READVERTISEMENT (revised plans) Demolition of existing foundry buildings & construction of new two storey foundry building & welfare facilities. Foundry and Fabrication Totnes Ltd, Babbage Road, Totnes, TQ9 5JD.

Support. However, the Committee's comments on the requirement for a waste audit and fumes still stand, and the Committee shares the concerns raised by the Environment Agency and Devon County Council Waste.

4f. 1816/23/FUL - READVERTISEMENT (Revised Plans) Demolition of existing utility/workshop & construction of 1 bedroom 2 storey attached dwelling with associated works. 30 Westonfields, Totnes, TQ9 5QU.

Support.

4g. 2868/23/HHO - Householder application for demolition of extensions & construction of replacement two storey extension & single storey extension, garage conversion for ancillary accommodation & internal reconfiguration. Beech Hill, Jubilee Road, Totnes, TQ9 5BW.

Support. However, the Committee would wish to check that the garage was built under planning permission and that the proposed garage conversion to be ancillary to the main dwelling.

4h. 3204/23/HHO and 3205/23/LBC – Householder application and Listed Building Consent for conversion of outbuilding to sleeping accommodation & shower room, including solar panels & alterations to garage. 2 Castle Street, Totnes, TQ9 5NU.

Support. The Committee shares the pre-application advice stating concerns about installing PV panels on a corrugated roof. The Committee also has concerns about moving the garage doors forward.

4i. 2723/23/LBC and 2979/23/HHO - Listed building consent and householder application to re-roof house & rear wing with associated works including replacement rooflights, addition of solar panels & external insulation to rear wing with a lime render finish & internal alterations including secondary glazing. 2 Plym Villas, Plymouth Road, Totnes, TQ9 5PQ.

Comment – The Committee feels that there is a lack of information on the installation of the toilet and its impact on the hallway. The Committee would request that the Heritage Officer checks that the proposed work would not compromise the internal features in any way. The Committee also ask why the rainwater pipe is located in a more visible position to the left of the door rather than to the right in a corner.

4j. 3519/23/LBC - Listed building consent to re-roof contemporary side return extension, replace rooflights, install secondary glazing throughout, install firebreak to shared attic space & internal alterations. 1 Seymour Villas, Pathfields, Totnes, TQ9 5QR.

Support, however the Committee would wish to see conservation grade rooflights used as replacements.

4k. 3235/23/HHO - Householder application for the demolition of existing outhouse & erection of new outhouse with single pitch roof & solar panels. 6 Tree Tops, Cherry Cross, Totnes Down Hill, Totnes, TQ9 5EU.

Support.

4l. 3432/23/VAR - Application for variation of condition 2 (approved drawings) of planning consent 0569/23/HHO. 11 Pampasia, Hillbrook Rise, Totnes, TQ9 5AU.

Support.

4m. 3033/23/HHO - Householder application to remove previous willow sticks fence & replace with tanalised pine fence of same dimensions & bamboo troughs along with further tree planting in garden (Retrospective). Seymour Terrace, Bridgetown, Totnes.

Cllr Allen declared a personal interest.

Support the fence being in place on a temporary basis of 6 years. The Committee would request whether the requirement to paint the fence black still stands now that it has weathered.

4n. 3466/23/ARC - Application for approval of details reserved by conditions 5 (External Attachments) and 6 (Roof Insulation) of planning consent 2527/23/LBC. Angel Yard Cottage, South Street, Totnes, TQ9 5DZ.

Support.

4o. 2991/23/LBC - Listed building consent for timber framed windows replacement. 2 Orchard Terrace, Totnes, TQ9 5EY.

Support.

4p. 2915/23/HHO - Householder application for log burner flue through flat roof. 20 Elmhirst Drive, Totnes, TQ9 5UX.

No comment provided.

4q. 3731/23/FUL - Provision of an agricultural livestock building and engineering works to create a level yard area. Land at SX 805 583, Ashprington [consulted as neighbouring parish].

It was **AGREED** that this application would be put on the December agenda.

5. **SOUTH WEST WATER CONSULTATION ON DRAFT WATER RESOURCES MANAGEMENT PLAN**  
**To consider the South West Water revised 'Draft Water Resources Management Plan (2024)' and make a recommendation (through the Town Matters Committee) to Full Council [consultation closes on 6th December].**

It was **AGREED** that the officer would circulate the South West Water response to the Committee, highlighting the comments which are directly of relevance to this plan. Members are asked to provide comments by midday Monday 27<sup>th</sup> so that a revised recommendation can be circulated for agreement before inclusion in the draft minutes.

To **RECOMMEND** to Full Council the following response to the consultation:

Totnes Town Council welcome South West Water's detailed and transparent answers to the initial consultation responses and view as them as a great example of positive engagement and transparency in consultation practice. We recognise that a number of our concerns fall beyond your remit, but we thank you for your candour and the references for further reading on these matters. We are hearted to hear that you are proactively working towards a Biodiversity Net Gain baseline, and lobbying for improved foul water separation, surface water attenuation, and grey waste recycling measures in new developments.

The Council acknowledges that the problem of waste water pollution is outside the remit of this specific management plan consultation, but remains concerned about the current situation of discharges of untreated waste into the River Dart which is unacceptable from both a health and biodiversity perspective. The Council looks forward to hearing SWW's plans to bring the swiftest possible resolution of this issue.

6. **TRAFFIC AND TRANSPORT FORUM**

**To consider any recommendations from the Traffic and Transport Forum held on 25th October 2023 including the Green Travel Guide and agree the guide's suitability for placement on the Town Council website.**

Noted. Cllr Collinson commented that the content of the Green Travel Guide is good, however it doesn't meet a number of accessibility requirements and that she will provide advice.

The Committee thanked the Sustainability Officer for all her hard work on this guide and in supporting the Traffic and Transport Forum generally and wished her well in her new job.

8. **DATE OF NEXT MEETINGS**

**To note the date of the next meeting of the Planning Committee – Monday 18th December 2023 at 6.30pm in the Guildhall.**

Noted.

Sara Halliday  
Governance and Projects Manager  
November 2023





ITEMS 4E + 5E

## DRAFT MINUTES FOR THE TOWN MATTERS COMMITTEE

### MONDAY 27<sup>TH</sup> NOVEMBER 2023 IN THE GUILDHALL

Present: Councillors J Cummings (Chair), G Allen, J Chinnock, S Collinson, B Piper, E Price, N Roberts, and L Smallridge.

In Attendance: Cllrs Auletta, Beavis, Hodgson and Presswell, L Ferrier (Marketing and Communications Manager) and S Halliday (Governance and Projects Manager).

#### 1. WELCOME AND APOLOGIES FOR ABSENCE

To receive apologies and to confirm that any absence has the approval of the Council. Cllr Cummings read out a statement about how the meeting would be conducted and recorded.

There were no apologies.

*The Committee will adjourn for the following items:*

#### PUBLIC QUESTION TIME

Cllr Hodgson updated on a letter from a member of the public seeking Council support for a letter that is being drafted to the Dartington Trust trustees. She will invite the individual to Full Council's public question time.

*The Committee reconvened.*

#### 2. CONFIRMATION OF MINUTES

To approve the minutes of 25<sup>th</sup> September 2023 and update on any matters arising.

The minutes were approved as an accurate record of proceedings. Matters arising: the recommendations made to Full Council under items 4 (Community Award Policy), 5 (Skate Park Consultation), 6 (Climate and Ecological Emergency Forum), 7 (KEVICC Engagement) and 9 (RNLI Request) were all resolved by Full Council on 2<sup>nd</sup> October. Item 8 – D-Day 80<sup>th</sup> Anniversary Commemorations, will be discussed under item 4.

*It was **RESOLVED** to suspend Standing Orders to enable wider Councillor discussion under Items 3 and 4.*

### **3. OPEN SPACE, SPORTS, RECREATION AND WELLBEING POLICY REVIEW**

**To review the following sections of the Council's Open Spaces, Sport Recreation and Wellbeing Plan (documents attached):**

a. **Allotments** It was **AGREED** that:

- Cllr Hodgson is asked for her views as the Council representative with the Totnes Allotment Association; and
- The officer will contact the Totnes Allotment Association for information about number of plots, number of vacant plots (if any), waiting list numbers.

b. **Civic Spaces** There was discussion about: whether Steamer Quay should be in the Civic Spaces section; and each of the areas identified. There was a consensus that the Civic Square is a priority for improvements to be made.

c. **Accessible Natural Spaces** This section was not discussed in Committee due to time constraints.

It was **AGREED** that the officer would update the table based on discussions under a and b, the document would be placed in the Councillors shared drive so that individual councillors can make comments on the document direct and review the comments made by colleagues.

### **4. D-DAY 80TH ANNIVERSARY COMMEMORATIONS**

**To consider ideas to commemorate the D-Day 80th anniversary on 6th June 2024, including taking part in lighting a beacon (representing the 'light of peace').**

Cllr Presswell outlined some ideas including choirs, engaging with schools and shops to dress up, a map of locations in Totnes that played a role in the build up to D-Day.

*The Committee reconvened.*

To **RECOMMEND** to Full Council that:

- a. A small Task and Finish Group is formed of interested Councillors and representatives from Totnes Museum, Totnes Image Bank, Totnes Fashion and Textile Museum, local schools, and army and air cadets to see what is possible.
- b. A beacon is lit on Kingsbridge Hill as part of the national commemoration.

### **5. EMERGENCY PLAN REVIEW**

**To review the Emergency Plan.**

It was **AGREED** that the plan would be amended to include sections on communication and community preparedness and be brought back to the January 2024 meeting.

### **6. SHADY GARDEN USE**

**To consider writing to South Hams District Council about the use of Shady Garden and enforcing its use by those who have booked the space.**

Cllr Allen updated that South Hams District Council have been made aware of the issue and are dealing with it.

**7. SKATE PARK CONSULTATION**

**To note the outcome of the recent consultation on the location of the Skate Park in Borough Park and next steps.**

Noted. Cllr Allen updated that the new skatepark will need crowdfunding to take the proposed build forward and that the groups who have long been involved in scoping the new skate park design are working together on this.

**8. CLIMATE AND ECOLOGICAL EMERGENCY FORUM**

**To note the minutes of the Climate and Ecological Emergency Forum held on 17<sup>th</sup> October.**

Noted.

**9. DATE OF NEXT MEETING**

**To note the date of the next meeting of the Town Matters Committee – Monday 29<sup>th</sup> January 2024 at 6.30pm.**

Noted.

Sara Halliday  
Governance and Projects Manager





## ITEM 5 – CONSIDERATION OF RECOMMENDATIONS

### 5a. Full Council, 6<sup>th</sup> November 2023

No recommendations.

### 5c. Council Matters Committee, 13<sup>th</sup> November 2023

Item 4. DRAFT STRATEGIC PLAN - To **RECOMMEND** to Full Council that the timeline for the Strategic Plan and Budget setting is amended as follows:

- Monday 4<sup>th</sup> December – Draft Strategic Objectives are sent to the Clerk for consideration and they are built into the draft budget.
- Wednesday 6<sup>th</sup> December – Council Matters Committee agenda and papers are sent out to include a draft budget and draft Strategic Objectives (instead of the wider overall plan due to time constraints).
- Monday 11<sup>th</sup> December – Council Matters Committee makes recommendations to the January 2024 Full Council on Strategic Objectives, the financial year 2024/25 budget and 2024/25 precept amount.
- Monday 8<sup>th</sup> January – Full Council sets the Strategic Objectives, budget and precept.
- During January – Task and Finish meetings continue to embed the Strategic Objectives in a wider Strategic Plan.
- February Council Matters – draft Strategic Plan is considered.
- March Full Council – Strategic Plan is considered for adoption.

### 5d. Planning Committee, 20<sup>th</sup> November 2023

ITEM 5. SOUTH WEST WATER CONSULTATION ON DRAFT WATER RESOURCES MANAGEMENT PLAN  
To **RECOMMEND** to Full Council the following response to the consultation:

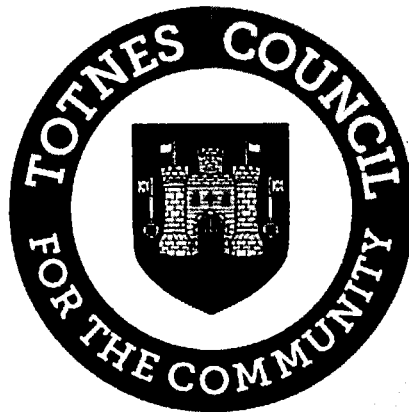
Totnes Town Council welcome South West Water's detailed and transparent answers to the initial consultation responses and view as them as a great example of positive engagement and transparency in consultation practice. We recognise that a number of our concerns fall beyond your remit, but we thank you for your candour and the references for further reading on these matters. We are hearted to hear that you are proactively working towards a Biodiversity Net Gain baseline, and lobbying for improved foul water separation, surface water attenuation, and grey waste recycling measures in new developments.

The Council acknowledges that the problem of waste water pollution is outside the remit of this specific management plan consultation, but remains concerned about the current situation of discharges of untreated waste into the River Dart which is unacceptable from both a health and biodiversity perspective. The Council looks forward to hearing SWW's plans to bring the swiftest possible resolution of this issue.

### 5e. Town Matters Committee, 20<sup>th</sup> November 2023

ITEM 4. D-DAY 80TH ANNIVERSARY COMMEMORATIONS - To **RECOMMEND** to Full Council that:

- a. A small Task and Finish Group is formed of interested Councillors and representatives from Totnes Museum, Totnes Image Bank, Totnes Fashion and Textile Museum, local schools, and army and air cadets to see what is possible.
- b. A beacon is lit on Kingsbridge Hill as part of the national commemoration. No recommendations.



## Councillor Co-option Policy

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TOTNES TOWN COUNCIL

AGREED XXX XX

NEXT REVIEW XXX XX

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*This policy outlines the process for the co-option of a Town Councillor when a casual vacancy has arisen on the Council and no poll (by-election) has been called.*

## 1. Introduction

1.1 The co-option of a Town Councillor occurs when a casual vacancy has arisen on the Council (through resignation or death) and no poll (by-election) has been called by the electorate. There are two different situations when a vacancy arises leading to a co-option: a casual vacancy which can arise under a number of circumstances; and unfilled seats following ordinary elections. See Annex A published by DALC for details.

1.2 It is important that all applicants are treated equally so that the selection process is seen as open, fair and transparent. This policy sets out the process to be followed by Totnes Town Council when co-option is under consideration.

1.3 To ensure that a fair and transparent process is undertaken the procedure set out below will be followed.

## 2. Casual Vacancy

2.1 On receipt of written confirmation from the Electoral Services Office at South Hams District Council (SHDC) that the requisite 10 electors of the Parish have not called for a poll (by-election) within the legally specified time period (currently 14 days) following the publication of the Notice of Vacancy, the Town Clerk is notified by SHDC that the vacancy(ies) may be filled by co-option. The Town Council may then decide if they wish to proceed to co-opt within 28 days or wait for a period of up to 6 months before proceeding. If the casual vacancy can be filled by means of co-option, the Town Clerk will:

- a. advertise the vacancy for 3 weeks on the Council notice boards and website, and if considered necessary place an advert in the local press.
- b. advise the Council that the Co-option Policy has been instigated, by sending an email to all Councillors.

2.2 Applicants for co-option will be asked to:

- a. submit information about themselves, by way of completing a short application form (see Annex B).
- b. confirm their eligibility for the position of Councillor within the statutory rules, by completing an Eligibility Form (see Annex C).

2.3. Copies of the applicant's application form will be circulated to all Councillors by the Clerk prior to the meeting of the Full Council when the co-option will be considered. The applications forms will be included in the Part 1 papers which are made available to the public (with all personal details redacted).

2.4. Following the Full Council decision the newly appointed Councillor(s) will be contacted by the Clerk who will arrange for an induction appointment where Declaration of Acceptance of Office and Register of Interest forms will be completed.

2.5 Canvassing councillors or the members of a committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from appointment.

### 3. Unfilled Seats following an Ordinary Election

3.1 Under the Representation of the People Act 1985 Section 21 allows the elected members, provided there is a quorum (one third of the whole number of members with a minimum of three) to co-opt members to fill the remaining vacancies. This must happen within 35 working days of the date of the ordinary elections - the Council will (or have commenced the process) to fill the vacancy(ies) by way of co-option. The process to follow is as set out from 2.1 above.

### 4. Co-option Process

4.1 Applicants will be permitted to attend the meeting of the Council as members of the public when the co-option is being considered.

4.2 Discussion about the applications will take place in Council session without intervention from the candidates or public. However, if it is necessary for the Council to discuss the merits of candidates and inevitably their personal attributes, this could be considered prejudicial, and if so, the Council could resolve to exclude the members of the press and public.

### 5. Councillors Conflict of Interest

5.1 Declarations of Interest must be made by Town Councillors as each candidate is considered, (for example family ties, friendships, business relationships, etc). This does not prevent Councillors from voting, but a Councillor may exempt themselves from the process if there is considered a serious conflict of interest.

5.2 Where a Councillor feels they have a serious conflict of interest, they must declare this interest and request to be exempt from the co-option process. The Councillor will be invited to leave the room at the commencement of the co-option process, and re-join the meeting once all voting has been completed and decisions made.

### 6. Voting

6.1 Voting must take place in a public meeting and only Councillors present at the meeting may vote. Voting will take the form of a show of hands, with the Clerk to the meeting recording each candidates votes for, against and any abstentions.

6.2 Voting will be according to the statutory requirements, in that, each successful candidate must have received an absolute majority vote of those present and voting (50% + 1 of the votes available at the meeting).

6.3 If there are fewer candidates than vacancies, each candidate must receive an absolute majority vote of those members present at the meeting to be co-opted (therefore, no majority = no co-option). There is no “co-opted uncontested” provision within the law.

6.4 Where there is the same number of candidates as vacancies, each candidate must still receive an absolute majority vote of those members present at the meeting (therefore, no majority = no co-option).

6.5 If there are more candidates (with a majority vote) than vacancies, then the voting process will take place again to determine the successful candidate(s).

6.6 If there are exactly as many as, or fewer candidates than vacancies, the Town Council may vote on a composite motion, duly proposed and seconded, that all candidates be co-opted.

6.7 The vote will take place as per Standing Orders section 10 ‘Voting on Appointments’:

a. Where two or more persons have been nominated for a position by the Council and none of those persons has an absolute majority of votes in their favour, the person having the least number of votes shall be struck off the list and a fresh vote taken.

b. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chair’s casting vote.

6.8 If at the end of voting, there is a vacancy where no candidate has received a majority vote, then the vacancy may remain unfilled. The Council will then reconsider at the next suitable Council Meeting what steps they wish to take to continue with the co-option process.

6.9 After the vote has been concluded, the Chair will declare the successful candidate(s) duly appointed.

## 7. Declaration of Acceptance of Office

7.1 Those co-opted must sign a declaration of acceptance of office before they can join any meeting of the Council as a member.

## 8. Term of Office

8.1 A person co-opted to fill a casual vacancy holds office until the person resigns or at the next ordinary elections.

8.2 A co-opted Councillor is not eligible to claim the Councillor allowance. This is national law, not a local rule.

## 9. Notification of Co-option

9.1 The Clerk will notify Democratic and Electoral Services Team at South Hams District Council of the new member(s) appointment and the new member(s) must complete a Register of Interest within 28 days of being coopted and prior to taking part in any Council meetings in their Councillor role. These will be sent to the Democratic and Electoral Services Team at South Hams District Council.

DRAFT

ANNEX A – CO-OPTION (TAKEN FROM THE DEVON ASSOCIATION OF LOCAL COUNCILS (DALC) WEBSITE)

Co-option provides a way for councils to fill those post-election vacancies that might arise on their council following an election, or the casual vacancies that arise after a councillor loses their seat.

**What is co-option?**

Co-option is a process by which a vacant seat on a parish or town council is filled by appointment rather than an election. It is often necessary to ensure a council is fully constituted and able to carry out its duties.

Vacancies can arise for various reasons such as insufficient candidates at an election, resignations and disqualifications. Vacancies which occur due to a councillor's departure mid-term are called casual vacancies.

**Co-option due to insufficient candidates at election**

If following an election the council has less members than seats available, but remains quorate\*, co-options may be required to fill the vacant seats.

*\*A council's quorum is the minimum number of seats a council must have filled in order to carry out its business. This is three, or a third of the total number of seats, whichever is greater (the figure is rounded up where applicable).*

**Is your council inquorate?** If your council is inquorate then you cannot co-opt and we would suggest you contact DALC for guidance.

	Post-election vacancy	Casual vacancy
<b>What is it?</b>	Vacancies immediately following an election due to an insufficient number of candidates nominated.	Vacancies following the departure of a councillor mid-term due to resignation or other reasons, as stated in the Local Government Act 1972 s87.
<b>Do we need to post a notice of the vacancy?</b>	No, the council does not need to post a notice of the vacancy. However we'd still recommend advertising to attract potential candidates (more below).	Councils must contact the district council in the event of a casual vacancy. The council must give notice of the vacancy, displayed in a prominent place in the parish for at least 14 days (excluding bank holidays etc), allowing electors to request a by-election*. If no by-election is requested, the district council will confirm the council may co-opt, at which point you may want to advertise for potential candidates. <i>*by-elections will not be called when a vacancy occurs within six months of an ordinary election.</i>
<b>When do we need to fill the seats?</b>	The council has 35 working days to co-opt from the date of the election. If they do not fill the vacancies within the timeframe, the district council <u>may</u> take action to fill the seats.	There is no statutory deadline, but councils are encouraged to fill its seats as soon as practically possible; the community deserves full representation.



<b>What process should we follow?</b>	If you have an established co-option process, whether that's a written procedure or just precedent, we would advise councils to follow a consistent process for both vacancy types.
<b>Who is eligible to stand?</b>	Anyone wishing to join the council via co-option must be eligible under <u>s.79 of the Local Government Act 1972</u> and not disqualified under <u>s.80 of the Local Government Act 1972</u> . These <u>resources from the Electoral Commission</u> may be helpful.

### Frequently Asked Questions for Casual Vacancies

#### **When can we co-opt?**

With casual vacancies; when a councillor resigns or loses their seat (Local Government Act 1972 s.80) during the term of office, you will need to inform the district council. They will give you a notice of vacancy, which lets members of the public know that a vacancy has arisen and gives them the opportunity to request a by-election. If a by-election is requested by 10 or more electors, then the district council will proceed. Otherwise, they will let you know that you are now free to co-opt and you can start your co-option process.

#### **Do we have to advertise vacancies?**

Advertising widely through a variety of mediums, increases the chance of the council having a choice of candidates and allows the council to be sure it has got the best representatives for the community.

#### **When can we advertise?**

You can start advertising when the district council has told you that you can go ahead and co-opt since no by-election has been requested.

#### **What is the co-option process?**

There is no statutory procedure for how councils undertake their co-options. It is advisable to have an agreed procedure to ensure fairness, transparency and consistency. NALC would suggest that you get candidates to confirm their eligibility in writing; you may need to investigate or obtain evidence if that is challenged.

There are a range of ways that councils can find out more about proposed candidates including:

- Application form – asking candidates to complete an application form, perhaps giving more information about themselves
- Interviews – either with the full council or with a committee of the council (only the full council can make the decision to co-opt)
- Written statement – ask candidates to submit a written statement explaining what they would bring to the council
- In-person statement – ask candidates to address a meeting of the council explaining what they would bring to the council
- Whatever you choose, the process must be open to all eligible candidates. Consistency will be key and ensures that all candidates are treated fairly.

### **Who makes the decision about co-option?**

Only the full council can make the decision about who to co-opt; it cannot be delegated to either a committee or to an officer of the council. If the council is inquorate then it will not be able to co-opt and will need to contact the district council for support.

### **How do we vote on co-options?**

Voting, as with all council decisions, is by show of hands unless the council has provided otherwise in their standing orders. Secret ballots may only be used if standing orders allow for them.

It is difficult to justify the need to exclude the press and the public (including the candidates) while a council makes its decision on who to co-opt; choosing a public representative is expected to be a public and transparent affair. Therefore co-options should not be considered in confidential session.

### **If we only have one candidate for a vacancy, do we have to accept them?**

It is NALC's view that where there is the same number, or less, of candidates than there are vacancies, then they shall be co-opted on to the council. If the council is concerned about lack of choice, then advertising a vacancy widely within the community may be helpful.

### **We have more candidates than vacancies, how do we choose?**

By referring to the information from the candidates application forms, interviews and/or presentations, the council can determine which individual(s) will be best suited for the council in a consistent and fair manner.

When voting there must be a clear majority for a candidate(s) in order to co-opt. Where there are three or more candidates for one seat and a vote is tied, the candidate with the fewest votes shall be removed from consideration and the vote repeated until a majority can be achieved.

### **The Council doesn't like an applicant, can we reject them?**

It is NALC's view that if an eligible person has come forward for a vacancy, then they shall be co-opted to the council. If they had nominated themselves in an uncontested election they would have had gained the seat, so its difficult for the council to refuse an eligible candidate and will likely be subject to challenge if they do so.

### **What if we cannot find any candidates?**

With casual vacancies, we'd recommend trying again until you are able to fill those seats. Perhaps try a new approach; more advertising or reaching out directly to people who might be interested.

### **What happens after co-option?**

Just like elected councillors, co-opted councillors must sign a declaration of acceptance of office at or before their first meeting, and must submit their register of interests within 28 days of their co-option. It is advisable that co-opted councillors do not take office until the end of the meeting at which they are appointed.

The clerk should notify the returning officer at the district council that a co-option has taken place as soon as practically possible after the meeting at which they are appointed.

All co-opted councillors should be given the same opportunities in regards to induction and training, as elected councillors.

**Are co-opted councillors different to elected councillors?**

No; a co-opted councillor will participate in council business in the same way as elected councillors. There are no restrictions to the roles they may perform i.e. membership of committees, election of chairman/mayor etc.

However, co-opted councillors will not count as an 'elected' councillor for the purposes of the General Power of Competence (although councillors appointed at uncontested election will).

For those councils which provide an allowance to their members, not including the Chair's Allowance, please be aware that co-opted members are not eligible to receive the allowance.

ANNEX B – CO-OPTED COUNCILLOR APPLICATION FORM

<b>Full Name:</b>	
<b>Address:</b>	
<b>Telephone Number (s):</b>	
<b>Email Address:</b>	

<b>Please briefly explain why you are interested in becoming a Town Councillor.</b>
<b>Please tell us something about what experience you can bring to Totnes Town Council, for example professional or voluntary/charitable work/roles, previous local government experience, business experience.</b>

**Please tell us something about skills you can bring to the Council, for example professional qualifications, financial or project management expertise.**

--

**Is there any other information you would like to add in support of your application?**

--

**Are there any questions you would like to ask the Town Council?**

--

Signed: .....

Print: .....

Date: .....

ANNEX C – ELIGIBILITY FORM

Are you a British subject, citizen of the Commonwealth or citizen of the European Union?	YES/NO
On the 'relevant date' (i.e. the day on which you are nominated or if there is a poll the day of the election) are you 18 years of age or over?	YES/NO

*Please tick those below which apply to you (nb Totnes includes Town and Bridgetown wards)*

I am registered as a local government elector in Totnes; or	
I have, during the whole of the twelve months preceding the date of my co-option, occupied as owner or tenant, land or other premises in Totnes; or	
My principal or only place of work has, during the whole twelve months preceding my co-option, been in Totnes; or	
I have during the whole of twelve months preceding my co-option lived in Totnes or within 3 miles of it.	

Under Section 80 of the Local Government Act 1972 a person is **disqualified** from being elected as a Local Councillor or being a member of a Local Council if specific criteria are not met:

Are you an employee of Totnes Town Council?	YES/NO
Are you the subject of a bankruptcy restrictions order or interim order?	YES/NO
Have you within the last five years been convicted of an offence in the UK, Channel Islands or Isle of Man which resulted in a sentence of imprisonment (whether suspended or not) for a period of three months or more without the option of a fine;	YES/NO
Are you disqualified by order of a court from being a member of a local authority?	YES/NO

**Declaration**

I.....hereby confirm that I am eligible for the vacancy of Brixham Town Councillor, and the information given on this form is a true and accurate record.

Signed: .....

Print: .....

Date: .....



## Payments to Councillors Policy

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TOTNES TOWN COUNCIL

DECEMBER 2023

NEXT REVIEW DECEMBER 2025

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*This Policy outlines the occasions on which payments may be made to Town Councillors.*

### Councillor Allowances

Whilst there is no provision in law enabling town and parish councils to pay individual councillors a wage commensurate with work done by that individual nevertheless the council notes and recognises the time commitment of councillors as well as the many incidental costs they incur in carrying out council business.

Such incidental expenses include: -

- a) the use of their homes.
- b) telephone calls from home landlines and mobile phones.
- c) stationary, printing and IT costs.
- d) use of car, motorcycle or bicycle.

Please note that this list is indicative and not meant to cover every circumstance in which incidental expenses may be incurred.

Totnes Town Council will pay a basic members allowance to elected members intended to compensate for time taken on council business and these incidental costs, except that travelling expenses incurred on council business as specified below can be the subject of a specific claim.

In order to qualify for this allowance, Councillors must attend 75% of Full Council meetings during the 12 months prior to the payment being made. Councillors who start part way through the year will receive a pro rata allowance assuming they have attended 75% of the meetings as detailed above during their time. Co-opted Councillors are not eligible to receive this allowance – this is not a local decision and is set down in Regulation 25 of the Local Authorities (Members’ Allowances) (England) Regulations 2003.

The levels of allowance paid are agreed by South Hams District Council in accordance with national legislation. The annual permitted allowance for members of Totnes Town Council is £459.37 and this is subject to taxation.

Town Councillors who are members of another local authority and who are entitled to an allowance from that authority should be guided by the Declaration of Interest Guidance in the Council’s Code of Conduct.

**NOTE: Town Councillors will be required to declare their allowance to HMRC through the Town Council PAYE system.**

### Rates set by South Hams District Council

#### **Parish Basic Allowance**

The formula recommended by the Parish Remuneration Panel at its last meeting calculates an allowance based on a percentage of the district basic allowance (now fixed at £6125 per annum) and the size of the electorate.

<b>Electorate</b>	<b>% of District Basic Allowance</b>	<b>Amount per Councillor</b>
<b>5,001 – 10,000</b>	<b>7.5%</b>	<b>£459.37</b>

### Chairman / Mayor’s Allowance

An additional sum will be allocated to a Chairman / Mayor of 1 x the parish basic allowance paid, claimable by receipts. Please see the Civic and Mayoral Budget Policy for details.

### Travel Allowance

An elected and co-opted Councillor shall, in addition to their entitlement to a Basic Parish Allowance or Chairman’s Allowance, will only in exceptional circumstance be paid a travelling expense in respect of travelling undertaken in connection with the duties and only for journeys outside the parish boundary.

Councillors may be reimbursed for expenses for travel when carrying out duties approved by the council or in connection with the discharge of the functions of the council or any of its committees or working parties. This includes attendance at training courses.



Approval for the attendance at events referred to above must be approved in advance.

Councillors will not receive expenses for attendance at any meeting of Totnes Town Council or work within the parish.

The main rates are:

- a. The council will pay a travel allowance in accordance with the following:
- Cars: 45p per mile
  - Motorcycles: 24p per mile
  - Public transport: lowest available second-class fare only, ticket receipts required
  - Parking cost: actual cost with receipt

#### Taxis

In rare cases of urgency where no public transport is reasonably available the amount of the actual fare will be paid. In any other case, the amount of the fare for travel by appropriate public transport will be paid.

#### Rail Travel

Tickets should be purchased through the office as far in advance as possible to minimise costs. All tickets will be standard class, and Councillors should use any discounts available to them.

- b. Subsistence Allowances

Subsistence is reimbursement from the Council to a Councillor in respect of actual food and drink costs they have incurred during their approved duty. Expenses will not be paid where a suitable meal is provided as part of the event (e.g. at a course or conference).

If a town councillor is away from their usual place of residence for more than four hours, they can claim £10.00 towards their breakfast, lunch and/or evening meal.

In exceptional circumstances, if a Councillor must stay away from home overnight on an approved duty, then dinner, bed and breakfast (at a reasonably priced rate with full supporting receipts) may be claimed.

Where hotel accommodation is essential it will be in a reasonably priced hotel (e.g. Travel Inn or 3 star hotel), and must be booked in advance by the office.

### Reimbursement of expenditure

Items required by Councillors to carry out their approved duties must be ordered and paid for through the office in advance of the event.

## Councillor Training

All Councillor training will be booked and paid for through the office.

## Administration

Claim forms are available from the Finance, HR and Lettings Manager.

In general, appropriate VAT receipts must be obtained for all expenses incurred.

Reimbursement of the VAT element, or the entire sum will be withheld in cases where there is no receipt.

Any dispute over claims or reimbursement of expenses will be considered by Full Council.

## ITEM 8 – NEIGHBOURHOOD PLAN REFERENDUM

On Thursday 16th November 2023 a referendum was held on whether to adopt the Totnes Neighbourhood Plan. The result was an overwhelming 'yes' vote of 91.55 percent (975 of votes cast) compared to 8.45 percent (90 votes) voting 'no' by the Totnes electorate of whom just over 17 percent voted.

This 'yes' vote means that South Hams District Council is required to adopt the Neighbourhood Plan within 8 weeks. Once 'made' (adopted) by the local planning authority, the Neighbourhood Plan becomes part of the Development Plan for the plan area. In practical terms this means that decisions on planning applications in the town will be made using both the Joint Local Plan and the Totnes Neighbourhood Plan, and any other material considerations.

At a Town Council level, the policies can be used and referenced by the Planning Committee when making comments on planning applications.

ITEM 9 – LIST OF MEETING DATES AND COMMUNICATIONS POINTS

Month	Full Council, 7pm	Council Matters Committee, 6.30pm	Planning Committee, 6.30pm	Town Matters Committee, 6.30pm
December 2023	Monday 4 <sup>th</sup>	Monday 11 <sup>th</sup>	Monday 18 <sup>th</sup>	No meeting
January 2024	Monday 8 <sup>th</sup>	Monday 15 <sup>th</sup>	Monday 22 <sup>nd</sup>	Monday 29 <sup>th</sup>
February 2024	Monday 5 <sup>th</sup>	Monday 12 <sup>th</sup>	Monday 19 <sup>th</sup>	No meeting

Arts and Events Working Group (12pm in the meeting room) – 17<sup>th</sup> January 2024

Council Assets and Public Realm Working Group (12pm in the meeting room) – 21<sup>st</sup> February 2024

**December**

Full Council – 4<sup>th</sup> December at 6.30pm

Council Matters Committee – 11<sup>th</sup> December at 6.30pm

Planning Committee – 18<sup>th</sup> December at 6.30pm

**January**

Full Council – 8<sup>th</sup> January at 6.30pm

Council Matters Committee – 15<sup>th</sup> January at 6.30pm

Climate Emergency Forum – 16<sup>th</sup> January at 6.00pm

Arts and Events Working Group – 17<sup>th</sup> January at 12.00pm

Planning Committee – 22<sup>nd</sup> January at 6.30pm

Town Matters Committee – 29<sup>th</sup> January at 6.30pm

Traffic and Transport Forum AGM and meeting – 31<sup>st</sup> January at 6.30pm

**February**

Full Council – 5<sup>th</sup> February at 6.30pm

Council Matters Committee – 12<sup>th</sup> February at 6.30pm

Planning Committee – 19<sup>th</sup> February at 6.30pm

Arts and Events Working Group – 21<sup>st</sup> February at 12.00pm

**Council Communications Points**

Please can councillors like and share our social media posts and other comms on the x3 Xmas markets. Full details including a schedule of performances and details on parks and ride/station shuttle service, can be found here: <https://visittotnes.co.uk/totnes-christmas-market/> and Cllrs are welcome to ask Lucy and she can answer any questions.

Judging for the Business Christmas Lights Competition takes place (4 December) - we'll be announcing the winners shortly after.

The Lantern Parade is on our last market evening - 19 December. It sets off from the Rotherfold at 4pm. Making jam jar lanterns was part of the craft activities at the Christmas Light Switch on and we hope lots of the children who made lanterns do take part in this great community event. The Town Council lantern is looking magnificent too!

ITEM 9 - CALENDAR OF TOTNES TOWN COUNCIL MEETINGS 2024

	Full Council	Council Matters Committee	Planning Committee	Town Matters Committee	Council Assets and Public Realm	Arts and Events	Traffic and Transport Forum 3 Monthly Steering Groups Monthly (as required)
<b>Officers attending /note taking</b>	Monthly	Monthly	Monthly	Bimonthly	Bimonthly	Bimonthly	
	Catherine Marlton /	Catherine Marlton / Christina Bewley	Sara Halliday	Sara Halliday / Lucy Ferrier	Christina Bewley / Tom Hussey / Sara Halliday	Lisa Baumback / Lucy Ferrier	Maiken Hutchings
<b>Jan = 7</b>	MEETING - 8 <sup>th</sup>	MEETING - 15 <sup>th</sup>	MEETING - 22 <sup>nd</sup>	MEETING - 29 <sup>th</sup>	None	MEETING - 17 <sup>th</sup>	MEETING - 31 <sup>st</sup>
<b>Feb = 7</b>	MEETING - 5 <sup>th</sup>	MEETING -12 <sup>th</sup>	MEETING - 19 <sup>th</sup>	None	MEETING - 21 <sup>st</sup>	None	SG MEETING - 28 <sup>th</sup>
<b>Mar = 7</b>	MEETING - 4 <sup>th</sup>	MEETING - 11 <sup>th</sup>	MEETING - 18 <sup>th</sup>	MEETING - 25 <sup>th</sup>	None	MEETING - 20 <sup>th</sup>	SG MEETING - 27 <sup>th</sup>
<b>Apr = 7</b>	MEETING - 8 <sup>th</sup>	MEETING - 15 <sup>th</sup>	MEETING - 22 <sup>nd</sup>	MEETING - 29 <sup>th</sup>	MEETING - 17 <sup>th</sup>	None	MEETING - 24 <sup>th</sup>
<b>May = 6</b>	MEETING - 13 <sup>th</sup>	MEETING - 20 <sup>th</sup>	MEETING - 22 <sup>nd</sup>	None	None	MEETING - 15 <sup>th</sup>	SG MEETING - 29 <sup>th</sup>
			MEETING - 22 <sup>nd</sup> or 28 <sup>th</sup> (TBC)	MEETING - 24 <sup>th</sup>	MEETING - 19 <sup>th</sup>	None	SG MEETING - 26 <sup>th</sup>
<b>Jun = 7</b>	MEETING - 3 <sup>rd</sup>	MEETING - 10 <sup>th</sup>	MEETING - 17 <sup>th</sup>	MEETING - 24 <sup>th</sup>	MEETING - 18 <sup>th</sup>	None	MEETING - 31 <sup>st</sup>
<b>Jul = 6</b>	MEETING - 1 <sup>st</sup>	MEETING - 8 <sup>th</sup>	MEETING - 15 <sup>th</sup>	None	None	MEETING - 17 <sup>th</sup>	None
<b>Aug* = 2</b>	MEETING - 5 <sup>th</sup>	None	MEETING - 19 <sup>th</sup>	None	None	None	SG MEETING - 25 <sup>th</sup>
<b>Sep = 7</b>	MEETING - 2 <sup>nd</sup>	MEETING - 9 <sup>th</sup>	MEETING - 16 <sup>th</sup>	MEETING - 23 <sup>rd</sup>	MEETING - 18 <sup>th</sup>	None	MEETING - 30 <sup>th</sup>
<b>Oct = 7</b>	MEETING - 7 <sup>th</sup>	MEETING - 14 <sup>th</sup>	MEETING - 21 <sup>st</sup>	None	None	MEETING - 16 <sup>th</sup>	SG MEETING - 27 <sup>th</sup>
<b>Nov = 7</b>	MEETING - 4 <sup>th</sup>	MEETING - 11 <sup>th</sup>	MEETING - 18 <sup>th</sup>	MEETING - 25 <sup>th</sup>	MEETING - 20 <sup>th</sup>	None	None
<b>Dec = 2</b>	MEETING - 2 <sup>nd</sup>	None	MEETING - 9 <sup>th</sup>	None	None	None	None

\*If required

