



## AGENDA FOR THE MEETING OF TOTNES TOWN COUNCIL MONDAY 6<sup>TH</sup> JANUARY 2025 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 6<sup>th</sup> January 2025** 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 – no document.
- d. District Cllr Presswell – document attached.

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

### 3. CLERK'S REPORT

To note the Clerk's Report for November and December 2024 (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 2<sup>nd</sup> December 2024 – document attached.
- b. Extraordinary Full Council 16<sup>th</sup> December 2024 – document attached.

To note the following minutes:

- c. Council Matters Committee 9<sup>th</sup> December 2024 – document attached.

d. Planning Committee 16<sup>th</sup> December 2024 – 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 2<sup>nd</sup> December 2024.
- b. Extraordinary Full Council 16<sup>th</sup> December 2024.
- c. Council Matters Committee 9<sup>th</sup> December 2024.
- d. Planning Committee 16<sup>th</sup> December 2024.

## 6. TAX BASE FOR 2025/26

To note the tax base for financial year 2025/26. Document attached.

## 7. PRECEPT SETTING

To consider the Council Matters Committee recommendation for the precept for financial year 2025/26. Document attached.

## 8. SUPPORT FOR COMMUNITY GROUPS

To consider any emergency funding to community groups supporting the most vulnerable in Totnes. Document to be circulated at the meeting.

## 9. BURIAL AND CREMATION CONSULTATION

To consider the Law Commission's consultation on 'Burial and Cremation' in relation to Totnes Cemetery and make any recommendation to Full Council (deadline 9th January). Document attached and see

<https://lawcom.gov.uk/project/burial-and-cremation/>

## 10. LIST OF MEETING DATES

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

## 11. NEXT MEETING

To note the next meeting date of Monday 3<sup>rd</sup> February 2025, 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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## 12. CONFIDENTIAL ITEMS FROM COMMITTEE (Standing Item)

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

## 13. ELMHIRST PROJECT (Standing Item)

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

Agenda produced by:

Catherine Marlton

Town Clerk

19<sup>th</sup> December 2024

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

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

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

**District Councillor Report for Totnes Town Council**

from Cllr Anna Presswell

23/12/2024

**Meeting with Tadpool (Totnes Swimming Pool)**

After the many woes of funding issues for the foreseeable future for the Totnes Leisure Centre; a meeting has been arranged in the early New Year to discuss the possibility of a grant from Sports England of £15,000, plus a Crowdfunder to develop/renew the pool surround, which has not been touched since the 70's.

The Centre is desperate for investment, and this would be a stride towards improving membership and the swim experience for those existing members.

**Recent District Council decisions at Full Council and matters arising**

The Dentistry crisis in the South Hams – the District Council is endorsing the recommendations of Health Watch England which are as follows:-

- Fundamental reform of NHS dentistry, to give the public a right to register with a local NHS dentist, in the same way as they can with a GP, to access ongoing check-ups and appointments.
- Greater protection of ring-fenced NHS dental budgets that are held by Integrated Care Boards (ICB).
- Involvement by ICBs of local Healthwatch and communities in shaping local NHS dental services and informing roll-out of new initiatives.
- Publicity campaigns targeted at people most in need on how they can access the 700,000 extra NHS appointments being offered under the Dentistry Rescue Plan (launched in February 2024 with the aim “everyone who needs to see a dentist will be able to”) – a new report from the National Audit Office suggests it unlikely to deliver an additional 1.5 million treatments by March 2025 as stipulated, which even if achieved would still mean 2.6 million fewer treatments compared to six years ago.
- Regular national updates published on the impact of the Dental Rescue Plan.
- Greater promotion of NHS dental charge exemptions and the NHS Low Income Scheme to ensure people aren't put off seeking help because of cost.
- Full compliance by practices with their contractual duty to update their NHS availability on the NHS website.
- More joined-up schemes between dental practices, GP surgeries, schools, and other services to deliver prevention and link oral health to other issues, such as smoking cessation.

South Hams District Council will continue to pursue improved dental healthcare provision in the South Hams.

**Electric Refuse Vehicles**

£170,000 will be allocated from the Climate Change and Biodiversity budget to purchase 17 electric vehicles as replacements for the existing diesel vehicles.

**Investigating the possibility of a shared MRF facility to improve and simplify our refuse collections**

The Council will carry out a review of its waste collection services and investigate whether moving towards a shared MRF (Material Recovery Facility) would help the Council save money by increasing efficiency, enable a shared domestic and commercial recycling collection and reduce the overall number of waste collection bins on the streets. In the first instance, a report is to be put before the Executive for it to determine the way forward.

**Overview & Scrutiny (O&S) Committee Chairman has formally written to the Chief Executive of South West Water**

The O&S Committee chair requests the following questions be answered by the Chief Executive whose been invited to present to the Council in person, by the end of January 2025.

1. Provide a detailed programme of works in the South Hams to:
  - (a) Reduce storm overflow incidents;
  - (b) Minimise leaks;
  - (c) Improve our waters so that they are brought up to the highest environmental status  
.....and the evidence that has led to these decisions;
2. That SWW representatives be asked to attend a meeting of the Overview & Scrutiny Committee in 12 months' time and subsequently on an annual basis to provide an update on the programme progress and performance of the network; and
3. That SWW be asked to enhance their engagement with Community Action Groups and Parish Councils to listen, take meaningful action and share and re-build trust on how our water is being managed.

### **Totnes Library**

The library is promoting the under-used Devon Home Library Service which delivers books to people unable to get to the library because of health, mobility or caring responsibilities. Large print, normal books, audio books, e-magazines, e-newspapers etc. To receive the service they ask you to contact the local library – this is a Devon-wide service, but due to the reduction in mobile libraries, they are building up this service to replace the scheme.

HAPPY NEW YEAR



**DRAFT MINUTES FOR THE MEETING OF TOTNES TOWN COUNCIL**  
**MONDAY 2<sup>ND</sup> DECEMBER 2024 IN THE GUILDHALL**

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

Apologies: Cllrs J Hannam and L Smallridge, and District Cllr Allen.

In Attendance: C Marlton (Town Clerk) and P Bethel (Town Sergeant).

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

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

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

The apologies were received and accepted. There were no amendments to declarations of interest.

*The Committee will adjourn for the following items:*

**Reports from County and District Councillors.**

- e. County Cllr Hodgson
- f. District Cllr Allen
- g. District Cllr Birch
- h. District Cllr Presswell

*It was RESOLVED to suspend standing orders.*

- a. County Cllr (C Cllr) Hodgson was present and gave a verbal update; Devon County Council pension investment divestment; on the divestment work that is ongoing at Devon County Council.
- b. District Cllr Allen was not present and had not submitted a report.
- c. District Cllr Birch was present and had submitted a report. Cllrs asked about: the car parking proposals subsequent press release; and the South Hams Festival delay.
- d. District Cllr Presswell was present and answered questions on her written report, including: an update on railway bridge safety; waste bin map expected from South Hams District Council; street sweeping; and the problems with the dentistry initiative.

*The Council reconvened.*

### 3. 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 4<sup>th</sup> November 2024.**

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

To note the following minutes:

**b. Council Matters Committee 11<sup>th</sup> November 2024.**

Noted.

**c. Planning Committee 18<sup>th</sup> November 2024.**

Noted.

**d. Town Matters Committee 25<sup>th</sup> November 2024.**

Noted.

### 4. 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 4<sup>th</sup> November 2024.**

No matters arising.

**b. Council Matters Committee 11<sup>th</sup> November 2024**

Item 4 – Councillor use of Council Premises and Equipment Policy. It was **RESOLVED** unanimously that the Council adopts the Councillor use of Council premises and equipment policy.

Item 6 - Ministry of Housing, Communities and Local Government consultation on Remote Meetings.

To be considered under agenda item 5.

**c. Planning Committee 18<sup>th</sup> November 2024**

No recommendations.

**d. Town Matters Committee 25<sup>th</sup> November 2024**

Item 5 – VE-Day 80th anniversary commemorations. It was **RESOLVED** unanimously that the Council lights a beacon on Kingsbridge Hill as part of the VE-Day 80th commemorations on 8th May 2025.

Item 7 - Reform of Bathing Water Regulations 2013' Consultation. It was **RESOLVED** unanimously that the Council responds to the consultation with the following comments:

Totnes Town Council is supportive of the proposed changes in 'Reform of Bathing Water Regulations 2013' consultation including:

- Removal of fixed bathing water season dates (which currently runs from May to September) from the regulations to allow for a more flexible approach to monitoring, extending the dates of the bathing season to better reflect when people use bathing waters.
- Expanding the legal definition of 'bathers' to include participants in water sports other than swimming, including paddle boarders and surfers.

- Further considering water quality and public safety when applications for new bathing waters are assessed.
- Introducing multiple testing points at bathing water sites.
- Ending the automatic de-designation of bathing water status after 5 consecutive years of a site being rated 'poor', which can damage local tourism and businesses. Instead, underperforming sites will be individually reviewed by regulators, taking into account their unique circumstances.
- Changes to the designation criteria of bathing sites.
- Removing the fixed dates of the bathing season from regulations

Item 8 - South Hams Way. It was **RESOLVED** by majority that the Council supports the proposed South Hams Way footpath.

## 5. MHCLG CONSULTATION ON REMOTE MEETINGS

**To consider the Ministry of Housing, Communities and Local Government consultation on 'Enabling remote attendance and proxy voting at local authority meetings' as recommended by the Council Matters Committee (deadline 19th December).**

It was **RESOLVED** unanimously that the Council responds to the consultation as drafted in the papers. In summary, Totnes Town Council supports the proposal to enable remote attendance at local authority meetings as an exceptional option, allowing council operations to continue when in-person meetings are not feasible. However, they recommend that in-person attendance remain the preferred format, with remote attendance used only as a contingency in specific, exceptional situations. Additionally, Totnes Town Council advises against proxy voting to uphold the integrity of the democratic process, and emphasises the need for robust confidentiality safeguards when remote attendance is used for confidential sections of meetings.

## 6. LIST OF MEETING DATES AND COMMUNICATIONS POINTS

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

Noted, including the cancellation of the December Strategy Working Group,

## 7. NEXT MEETING

**To note the next meeting date of Monday 6<sup>th</sup> January 2025, 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.*

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

**To consider any recommendations or matters arising that are considered confidential in nature: Council Matters Committee item 12 (legal).**

It was **RESOLVED** to send the draft letter to the leaders of South Hams District Council and Devon County Council with the addition of suggesting the Town Council may be able to assist.

A brief verbal staffing update was noted.

## **9. GROUNDS MAINTENANCE TENDER**

**To consider tender documents received for the grounds maintenance contract (commercially sensitive).**  
It was **RESOLVED** to give the Town Clerk delegated authority to appoint one of the top two scoring tender applicants. This will be subject to a meeting with the Clerk and review of references and contingency plans.

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

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

Noted.

The meeting closed at 8.00pm.

Cllr Emily Price  
Chair





**DRAFT MINUTES FOR THE EXTRAORDINARY MEETING OF TOTNES TOWN COUNCIL  
MONDAY 16<sup>TH</sup> DECEMBER 2024 IN THE GUILDHALL**

Present: Councillors E Price (Chair), L Auletta, C Beavis, T Bennett, T Cooper, J Cummings, J Hannam, J Hodgson, D Peters, N Roberts and M Trant.

Apologies: Cllrs Chinnock, Collinson, Presswell, Robshaw and Smallridge.

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. There were no amendments to declarations of interest.

**3. SOUTH HAMS DISTRICT COUNCIL CAR PARKING CHARGES CONSULTATION**

To consider the Council's response to the South Hams District Council Car Parking Changes Consultation (deadline or responses 5<sup>th</sup> January 2025).

Members discussed the proposals outlines in the consultation and raised a number of concerns. It was **RESOLVED** to give the Clerk delegated authority to draft the response to South Hams District Council based on these points, to be circulated by email for agreement prior to submission.

It was **RESOLVED** to give the Mayor and Clerk delegated authority to liaise with any of the other South Hams towns to submit a shared response, in addition to the individual response.

[Post-meeting note: the agreed response is attached.]

The meeting closed at 6.05pm

Cllr Emily Price  
Chair

## **Second Response to South Hams District Council – Proposed Car Parking Charge Increases**

Dear Andy, Steve, and Julian,

The opportunity to provide further comments regarding the proposed changes to car parking charges and the residents' parking discount scheme is appreciated. We have held an Extraordinary Full Council meeting and below are additional concerns raised by Totnes Town Council members for your consideration:

### **1. Consultation Process**

Members believe that local authorities have a clear duty to ensure consultations are balanced and inclusive, employing both online and offline methods to achieve fair representation and comply with legal and ethical obligations. In this case, the consultation falls short in both process and accessibility. Notably:

- The information provided is not accessible for all stakeholders—for example, there is no "easy read" format to ensure inclusivity for those with learning disabilities or other needs.
- The Equality Impact Assessment (EqIA) is of insufficient quality, failing to adequately evaluate whether the proposals will result in differential impacts on vulnerable groups or individuals with protected characteristics. This raises serious concerns regarding compliance with the Equality Act 2010, as fed back to us by a local group, Inclusive Totnes.
- The timing and duration of the consultation further undermine the potential for genuine engagement, particularly as it overlaps with the busiest time of the year for businesses and residents. This risks alienating stakeholders from the decision-making process.

### **2. Transparency and Rationale**

TTC request greater transparency in the financial rationale underpinning the proposed revenue target of circa £419,000. Original statements and conversations with officers suggested this figure was based on a 40% increase to visitor rates, yet the proposed increases significantly exceed this threshold (see Appendix A). This makes it challenging to evaluate the fairness and validity of these measures.

We also request clarity on whether cumulative inflationary costs applied to charges over the past four years have been considered and how these figures align with the proposed changes – by our calculations the figure is lower than 40% even with the catastrophic post Covid year.

### **3. Inconsistencies and Fairness**

We note several discrepancies in how the proposals are being applied:

- The Totnes Leisure Centre car park is being treated as a "town centre" car park, despite its primary function serving commuters and leisure users. This contrasts with SHDC's own website, where the Pavilions car park is categorised alongside peripheral car parks such as Longmarsh and Steamer Quay, with lower associated charges.
- Totnes charges appear disproportionately high compared to nearby towns. For example, Kingsbridge's Cattle Market car park has lower charges than Totnes' Leisure Centre car park, which serves a similar purpose.
- Ivybridge and Modbury tariffs remain lower overall, raising questions about equity and consistency across the district.

### **3. Scheme Details and Administrative Issues**

Totnes Town Council reiterates its objection to the £5 administrative fee for residents joining the discount scheme, especially in the context of the rising cost of living. Residents should not bear this additional cost when charges are already increasing.

The application process for the scheme must also be easy to navigate and accessible for all, including options to apply by post or in person rather than relying on online-only methods.

Additionally, we request clarification on the following:

- **Eligibility:** Does "signing up" require South Hams electoral registration?

#### **4. Equality and Economic Impacts**

We urge SHDC to conduct both a thorough Equality Impact Assessment (EqIA) and a robust Economic Impact Assessment (EIA). These evaluations are crucial to understanding how these proposals may disproportionately affect vulnerable groups and the local economy.

The economic implications for Totnes are particularly concerning, as businesses and residents have expressed strong fears regarding:

- Reduced competitiveness compared to similar towns, which could deter visitors.
- Financial strain on part-time and casual workers commuting into Totnes.
- Potential inconsistencies with other SHDC consultations, particularly the Community Economic Plan (CEP). The CEP consultation with businesses and residents is due to start in March 2025, just as decisions on the proposed charges are set to be taken. Implementing the changes from April 2025 risks undermining the credibility of the CEP process and distorting its outcomes.

We also note concerns regarding the application of the visitor rate. Expanding the geographic area for which the rate applies would ensure that workers commuting from areas such as Plymouth and Torbay are not disproportionately affected, particularly part-time and casual workers who may not qualify for permits that other, full-time workers, would use.

#### **5. Alternatives to Charge Increases**

We recommend that SHDC conduct a comprehensive options appraisal to explore alternative strategies for addressing revenue shortfalls. For example:

- Implementing a smaller, flat percentage increase across all rates.
- Enhancing public transport and active travel infrastructure to reduce car dependency and parking pressures.
- Seeking efficiencies and savings elsewhere to offset the need for such significant increases.

As a Town Council, we have only partial visibility into SHDC's broader financial situation, which hinders our ability to evaluate the merits of these proposals fully.

#### **6. Service Cuts and Visitor Experience**

Totnes Town Council remains concerned that service cuts, if required, may unfairly impact Totnes despite the town generating a significant share of the District's revenue. We emphasise that maintaining the town's attractiveness—through street cleanliness, facilities, and general upkeep—is essential to sustaining visitor footfall. We do our best to promote and support the visitor economy via the 'Visit Totnes' work but feel that this aim could be negated by any consideration of reducing non statutory services, such as toilets or adequate maintenance of the town. This would then impact the projected revenue created from this proposal, which assumes significant visitor use.

#### **7. Business Engagement and Timing**

Members are worried this process may alienate businesses at a critical time. The mixed messaging from SHDC around supporting the economy, but also making substantial increases to charges, undermines trust, particularly as the CEP consultation is due to start in March. This disconnect risks eroding relationships with businesses and undermining engagement.

Additionally, we seek clarification on why Totnes' proposed charges are higher than comparable towns in the region (see Appendix A). Understanding this rationale is essential for justifying the fairness of the proposals.

## **8. Car Park categorisation**

We note inconsistencies in the categorisation of the Pavilions car park. SHDC's own website states that this car park is classified as "peripheral," with associated lower permit charges. We reiterate our request that the large Pavilions car park, Longmarsh and Steamer Quay are retained as lower rate than the town centre car parks.

### **Conclusion**

Totnes Town Council remains committed to constructive dialogue with SHDC to ensure that these proposals achieve a balance between fiscal sustainability and the needs of our residents, businesses, and visitors. We strongly urge SHDC to address the concerns raised here and consider alternative approaches moving forward.

We have already requested a meeting to discuss service delivery in areas such as street cleanliness and options for partnership arrangements. We would like to expand these conversations in 2025 given the announcement on local government reorganisation and the obvious financial challenges all tiers of authority face.

We would welcome an opportunity to discuss these issues in greater detail and work collaboratively on solutions.

Yours sincerely,

Catherine Marlton  
Town Clerk  
On behalf of Totnes Town Council

CC: Local District Members, Ivybridge, Kingsbridge, Salcombe, Modbury and Dartmouth Town Clerks, all Town Council members, SHDC Officers

**Attachment:** Appendix A – Benchmarking Data

**Proposals taken from the SHDC Executive Report**

**TOTNES**

	Column A	Column B
<b>All Totnes car parks except Longmarsh</b>	<b>Parking Tariff</b>	<b>Residents Tariff</b>
30 min	£1.50	£0.90
1 hour	£2.00	£1.50
2 hours	£3.00	£2.50
3 hours	£4.50	£3.50
4 hours	£6.00	£4.50
All Day	£10.00	£8.00
<b>Longmarsh</b>		
30 min	£0.50	£0.40
1 hour	£1.00	£0.80
2 hours	£2.00	£1.50
3 hours	£2.50	£2.00
4 hours	£3.50	£2.50
All Day	£6.00	£5.00
Motorhomes	£15.00	£15.00

## SHDC proposals for Totnes and comparisons

		Main tariff			Residents Tariff			2020 - 2024 average inflation			40% standard flat rate		
All Totnes car parks except Longmarsh	CURRENT	PROPOSED tariff	Increase	Percentage increase	PROPOSED tariff	Increase	Percentage increase	Estimated	Increase	Percentage increase	Estimated	Increase	Percentage increase
30 min	£0.70	£1.50	£0.80	114%	£0.90	£0.20	29%	£0.90	£0.20	29%	£0.98	£0.28	40%
1 hour	£1.20	£2.00	£0.80	67%	£1.50	£0.30	25%	£1.55	£0.35	29%	£1.68	£0.48	40%
2 hours	£2.00	£3.00	£1.00	50%	£2.50	£0.50	25%	£2.58	£0.58	29%	£2.80	£0.80	40%
3 hours	£2.80	£4.50	£1.70	61%	£3.50	£0.70	25%	£3.61	£0.81	29%	£3.92	£1.12	40%
4 hours	£3.50	£6.00	£2.50	71%	£4.50	£1.00	29%	£4.52	£1.02	29%	£4.90	£1.40	40%
All day	£6.50	£10.00	£3.50	54%	£8.00	£1.50	23%	£8.38	£1.88	29%	£9.10	£2.60	40%
Longmarsh	CURRENT	PROPOSED tariff	Increase	Percentage increase	PROPOSED tariff	Increase	Percentage increase	Estimated	Increase	Percentage increase	Estimated	Increase	Percentage increase
30 min	£0.30	£0.50	£0.20	67%	£0.40	£0.10	33%	£0.39	£0.09	30%	£0.42	£0.12	40%
1 hour	£0.60	£1.00	£0.40	67%	£0.80	£0.20	33%	£0.77	£0.17	28%	£0.84	£0.24	40%
2 hours	£1.20	£2.00	£0.80	67%	£1.50	£0.30	25%	£1.55	£0.35	29%	£1.68	£0.48	40%
3 hours	£1.60	£2.50	£0.90	56%	£2.00	£0.40	25%	£2.06	£0.46	29%	£2.24	£0.64	40%
4 hours	£2.00	£3.50	£1.50	75%	£2.50	£0.50	25%	£2.58	£0.58	29%	£2.80	£0.80	40%
All day	£4.00	£6.00	£2.00	50%	£5.00	£1.00	25%	£5.16	£1.16	29%	£5.60	£1.60	40%
Motorhomes	£10.00	£15.00	£5.00	50%	£15.00	£5.00	50%	£12.90	£2.90	29%	£14.00	£4.00	40%

### Benchmarking:

1. Short-Stay Parking (1 Hour)			
Town	Standard Tariff	Resident Tariff	Notes
Totnes	£2.00	£1.50	Proposed under SHDC scheme for most car parks.
Kingsbridge	£2.50	£1.70	Higher base rate than Totnes but comparable resident discount.
Dartmouth	£2.50	£1.90	Mayor's Avenue (high season)
Salcombe	£2.50	£1.70	Creek Car Park (year-round)

<b>Ivybridge</b>	£1.50	£1.00	Lowest among SHDC towns.
<b>Crediton</b>	£1.60	Not specified	Market Street -Mid Devon District Council
<b>Barnstaple</b>	£1.30	Not specified	Town centre - North Devon District Council
<b>Ashburton</b>	£1.40	Not specified	Teignbridge District Council
<b>Tavistock</b>	£1.30	Not specified	Wharf and Brook Street Car Park, - West Devon Borough Council
<b>Newton Abbot</b>	£2.40 for up to 2 hours	Not Specified	Venture Court - Teignbridge Council
<b>Dawlish</b>	£1.80	Not Specified	The Strand - Teignbridge Council
<b>Teignmouth</b>	£1.80	Not Specified	The Point (and most other car parks) -Teignbridge Council. Summer and winter tariff currently showing as the same.
<b>Bideford</b>	£1.50	Not Specified	All short stay car parks - Torridge District Council
<b>Okehampton</b>	£1.00	Not Specified	Market Street short stay - West Devon Borough Council
<b>Exmouth</b>	50p for 30min £1 for 2hrs	Not Specified	Short Stay, Exmouth - East Devon District Council
<b>Sidmouth</b>	£2.00	Not Specified	Manor Road- East Devon District Council
<b>Seaton</b>	50p for 30min £1 for 1 hour	Not Specified	Orchard Road - East Devon District Council
<b>2. Long-Stay Parking (4 Hours)</b>			

<b>Town</b>	<b>Standard Tariff</b>	<b>Resident Tariff</b>	<b>Notes</b>
<b>Totnes</b>	£6.00	£4.50	Proposed SHDC scheme for long-stay car parks.
<b>Kingsbridge</b>	£7.00	£6.00	Slightly higher than Totnes for both standard and resident tariffs.
<b>Dartmouth</b>	£8.00	£7.00	Mayor's Avenue (high season)
<b>Salcombe</b>	£7.00	£5.00	North Sands (high season)
<b>Ivybridge</b>	£4.50	£4.00	Competitive long-stay rate compared to other SHDC towns.
<b>Crediton</b>	£3.80	Not specified	Market Street - Mid Devon District Council
<b>Barnstaple</b>	£5.20	Not specified	Town Centre - North Devon District Council
<b>Ashburton</b>	£3.20	Not specified	Long-stay tariffs by Teignbridge District Council.
<b>Tavistock</b>	£3.00	Not specified	West Devon Borough Council-managed car parks.
<b>Newton Abbot</b>	£5.00	Not Specified	Cricketfield Car park, Livestock Market - Teignbridge Council
<b>Dawlish</b>	£4.30	Not Specified	Teignbridge Council - Barton Hill
<b>Teignmouth</b>	£4.20	Not Specified	Teignbridge Council - The Point (and most other car parks) Summer and winter hours currently showing as the same.
<b>Bideford</b>	£4.00	Not Specified	Torridge District Council - Riverbank Long stay and all other long stay car parks
<b>Okehampton</b>	£2.90	Not Specified	West Devon Borough Council - Mill Road Car park
<b>Exmouth</b>	£3.50 (£2 winter)	Not Specified	Queen's Drive Echelon, Exmouth - East Devon District Council



<b>Sidmouth</b>	£8.00	Not Specified	Manor Road - East Devon District Council £2 per hour until 8 hours is reached then you can stay for 24 hours.
<b>3. All-Day Parking</b>			
<b>Town</b>	<b>Standard Tariff</b>	<b>Resident Tariff</b>	<b>Notes</b>
<b>Totnes</b>	£10.00	£8.00	Proposed SHDC scheme.
<b>Kingsbridge</b>	£10.00	£8.00	Matches Totnes' proposed rates.
<b>Dartmouth</b>	£10.00	£9.50	Park & Ride standard tariff.
<b>Salcombe</b>	£10.00	£8.00	Creek Car Park (high season).
<b>Ivybridge</b>	£7.50	£6.50	Most affordable among SHDC towns.
<b>Crediton</b>	£6.40 - £13.00	Not specified	Market Street -Mid Devon District Council
<b>Barnstaple</b>	£2.50 - £13.00	Not specified	Varies by car park - North Devon District Council
<b>Ashburton</b>	£4.20	Not specified	Long-stay tariffs managed by Teignbridge District Council.
<b>Tavistock</b>	£5.00	Not specified	West Devon Borough Council
<b>Newton Abbot</b>	£6.20	Not Specified	Cricketfield Car park, Livestock Market - Teignbridge Council
<b>Newton Abbot</b>	£4.30	Not Specified	Multi-Storey (over 4 hours)- Teignbridge Council
<b>Teignmouth</b>	£6.20	Not Specified	The Point (and most other car parks) - Teignbridge Council
<b>Dawlish</b>	£4.60	Not Specified	Barton Hill - Teignbridge Council
<b>Bideford</b>	£5.50	Not Specified	Riverbank Long stay - Torrridge District Council

<b>Exmouth</b>	£6.00 (£2.50 winter)	Not Specified	Queen's Drive Echelon, Exmouth - East Devon District Council
<b>Seaton</b>	£6 - £10	Not Specified	East Devon District Council
<b>Sidmouth</b>	£8	Not Specified	Manor Road, East Devon District Council - The charge goes on at £2 per hour until you have paid £8 and then you can stay for 24 hours.

### Key Takeaways for Totnes

1. **SHDC Comparisons:** Totnes' tariffs are generally aligned with Kingsbridge and Salcombe but less competitive than Ivybridge, especially for all-day and long-stay parking.
2. **Regional Comparisons:** Totnes' proposed rates are significantly higher than similar-sized towns.



## **DRAFT MINUTES FOR THE MEETING OF COUNCIL MATTERS MONDAY 9<sup>TH</sup> DECEMBER 2024 AT 6.30PM IN THE GUILDHALL**

**Present:** Councillors D Peters (Chair), C Beavis and J Chinnock.

**Apologies:** Cllrs Bennett, Hannam, Price and Robshaw.

**In Attendance:** Cllr Auletta and C Marlton (Town Clerk).

### **1. APOLOGIES FOR ABSENCE**

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

### **PUBLIC QUESTION TIME**

There were no members of the public present.

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

**To approve the minutes of 11<sup>th</sup> November 2024 and update on any matters arising.**

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

### **3. STRATEGY DELIVERY WORKING GROUP RECOMMENDATIONS**

**To consider any budgetary recommendations from the following:**

#### **a. Environment and Public Realm Working Group, 27th November 2024.**

Item 2 - It was **AGREED** to spend £300 on the consultation around community composting. The other items of proposed expenditure will be considered as part of the budget discussions in January 2025.

Item 3, PRD2.E – It was **AGREED** to remove the Seagull Survey from the project list.

#### **b. Community Working Group, 3rd December 2024.**

The spend on 50% of a new generator for Council use was noted.

#### **c. Economy Working Group, 4th December 2024.**

None.

#### **d. Councillor Away Day, 30th November 2024.**

The proposals around ear marked reserves and Community Development expenditure will be considered during the budget discussions in January 2025. It was **AGREED** that the Town Clerk would write to the TQ9 Partnership for an indication of further funding needs specifically linked to fuel, food and child poverty.

### **4. DRAFT 2025/26 BUDGET**

**To consider an initial draft budget for financial year 2025/26. Recommendations to Full Council needed on:**

#### **a. Precept for 2025/26.**

To **RECOMMEND** to Full Council that the precept is increased by 5 percent, from £656022 to £688823.10. Because of the increase in the tax base (currently in draft form) this represents a 2.15 percent increase for

the taxpayer. The Band D would increase from £218.65 to £223.35 per year, an increase of £4.70, which is £0.39p per month.

**b. Annual budget for 2025/26.**

This was deferred to the January Council Matters Committee.

**c. Anticipated spend from Reserve in 2025/26.**

This was deferred to the January Council Matters Committee.

**5. BURIAL AND CREMATION CONSULTATION**

**To consider the Law Commission's consultation on 'Burial and Cremation' in relation to Totnes Cemetery and make any recommendation to Full Council (deadline 9th January).**

It was **AGREED** to give the Projects and Governance Officer delegated authority to draft a consultation response for Full Council to consider.

**6. PAYMENTS TO COUNCILLORS**

**To review the Payments to Councillors Policy**

To **RECOMMEND** to Full Council that the Payments to Councillors Policy is adopted. The annual allowance for elected members has increased to £487.50 per annum, subject to PAYE and attendance requirements as outlined.

**7. ASSET TRANSFER POLICY**

**To consider a draft Asset Transfer Policy for the Council**

To **RECOMMEND** to Full Council that the Asset Transfer Policy is adopted.

**8. RECRUITMENT**

**To consider delegated authority for the Clerk in terms of recruitment (subject to checks and references).**

It was **AGREED** to give the Town Clerk delegated authority to appoint the Economic Support Officer as recommended by the interview panel, to be held Tuesday 17th December. This is subject to the usual checks and references. If the interview panel do not wish to appoint it was **AGREED** to readvertise the vacancy in January 2025.

**9. MATERNITY, PATERNITY AND ADOPTION POLICY**

**To review the Maternity, Paternity and Adoption Leave Policy.**

It was **AGREED** to adopt the updated Maternity, Paternity and Adoption Policy.

**10. DATE OF NEXT MEETING**

**To note the date of the next meeting of the Council Matters Committee – Monday 13<sup>th</sup> January 2025 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)*

**11. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)**

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

These were reviewed and **AGREED**.

## **12. IT SOFTWARE**

**To consider expenditure on IT software (commercial).**

It was **AGREED** to purchase the IT software as detailed.

## **13. GUILDHALL COTTAGE**

**To note an update on the Guildhall Cottage (legal).**

It was **AGREED** to:

- Replace the bathroom fan as soon as possible.
- Apply for Listed Building Consent to add a fan to the kitchen, ventilation in the chimney and resurfacing the south facing elevation of the building to remove modern paint and replace with traditional materials.
- Defer the 2025 rent review until the listed building consent has been granted and the works completed.
- Write to the tenants to underline some requirements regarding habitation of the property and the monthly rental amount.

## **14. STAFFING UPDATE**

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

Noted.

The meeting closed at 8.25pm

Catherine Marlton

Town Clerk

December 2024



## **DRAFT MINUTES FOR THE PLANNING COMMITTEE**

### **MONDAY 16<sup>TH</sup> DECEMBER 2024 IN THE GUILDHALL**

Present: Councillors T Bennett (Chair), L Auletta, S Collinson (from 1845), T Cooper, J Cummings, J Hodgson and M Trant.

Apologies: Cllrs Collinson (running late) and Smallridge.

In Attendance: Cllr Beavis and S Halliday (Governance and Projects Manager).

#### **1. WELCOME AND APOLOGIES FOR ABSENCE**

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

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

The apologies were accepted.

#### **PUBLIC QUESTION TIME**

There were no members of the public present.

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

**To approve the minutes of 18<sup>th</sup> November 2024 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. 3685/24/TCA – T1: False Acacia- remove due to proximity to highway and footpath - In decline. T2: Holly- to be reduced down in height and maintained within hedgerow – approximately 2m finished height. T3: Yew- height reduction by 2m and reduce Western side by approximately 1m to provide adequate clearance from property. T4: Scots Pine- sectional dismantle due to excessive heave towards neighbouring property and root plate movement. T5: Holm Oak- pollard to secondary unions due to previous tear outs and excessive heave to footpath and highway. Clifton Lodge, Jubilee Road, Totnes, TQ9 5BP.  
Support.

3b. 3818/24/TCA - T1- 1 X Magnolia Reduce the height of the tree by approximately x2.0 metres leaving a final tree height of approximately 5.0 metres. Northgate Lodge, Castle Street, Totnes, TQ9 5NX.  
Support.

#### **4. PLANNING APPLICATIONS**

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

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

4a. 3719/24/FUL - Conversion of existing store building into 2-bed residential unit with integral garage & associated parking space. Development Site Rear Of 17 And 19 Fore Street, Fore Street, Totnes.

Comment – The Committee makes the following comments:

- Has South Hams District Council considered: storage availability in the town and how long this building has been vacant for; and whether an application for change of use is required to convert to residential?
- The proposed form is alien to the conservation area.
- The attenuation tank location renders limited use of the garden for growing anything other than grass.
- Concerns about the existing condition of the road and the detrimental impact that construction traffic will have.
- The proposal for a small dwelling is welcome.

4b. 3655/24/FUL - Demolition of garage & erection of detached 2 storey dwelling, associated external works & provision of parking. Land adjacent 1 Copland Meadows, Totnes. [Consulted as neighbouring parish.]

Cllr Trant declared a personal interest.

Comment – The Committee makes the following comments:

- Concerns about the impact of the proposed dwelling on the rural character of Copland Lane and the proximity and potential damage to the hedge bank by the decked area.
- Would prefer to see a slate roof rather than corrugated metal to compliment the other properties in Copland Meadow.
- The proposed dwelling would be prominent and would overlook the allotments and the lane.
- Welcome the stone detailing under the windows.
- Support the energy efficiency measures incorporated into the design.

4c. 3597/24/FUL - Change of use to 3no apartments with parking. Cocos Nursery, Station Road, Totnes, TQ9 5JR.

Support. However, the Committee believes that the current window design is very office like and not appropriate for residential use. The Committee observes that in order to meet the requirements of the acoustic survey the windows will need to be replaced and a design more suited to residential use should be adopted.

4d. 1705/24/FUL – Replacement of existing artists studio. Cornerstones, Victoria Street, Totnes.

Cllr Trant declared a personal interest.

Object. The Committee has concerns about:

- Discrepancies shown between the plans (which shows the balcony depth to the front of the building) and the artists impression (which shows the balcony set back from the main wall line and is therefore less intrusive).
- The balcony impact on neighbouring properties – will this overhang the ground floor property and their entry into the building? Will it join onto 1 Warland (a listed building)?
- Lack of sectional drawings, which raises concerns about the overall height of the internal and external space (taking account of floor and roof insulation depths).
- The proposed wide fascia sweeping up is an alien form amidst the Regency styles of Warland and the Dartmouth Inn.
- If approval is granted, the Committee would request that a condition should be placed that the studio's use should be ancillary to the main dwelling.

4e. 3183/24/HHO - Householder application for single storey rear extension to kitchen. 3 Southcote Orchard, Totnes, TQ9 5PA.

Support.

4f. 3642/24/HHO - Householder application for new box type dormers to the front & rear of the property. Half hipped gable changed to gable. 5 Denys Road, Totnes, TQ9 5TJ.

Comment – the Committee does not object to the principle of the addition of dormer windows but believes the proposed size of the dormers is overmassing of the roof space given the proximity to the eaves and ridge.

4g. 3728/24/LBC - Listed building consent for addition of new supporting structure alongside an existing historic truss. 12 High Street, Totnes, TQ9 5SB.

Support, on the basis that the Heritage Officer is content with the approach proposed.

4h. 3596/24/LBC - Listed Building Consent for amendments to application Ref: 0731/24/LBC to deal with unexpected structural and timber decay/infestation issues. 8 Bridgetown, Totnes, TQ9 5AB.

Comment – the Committee has concerns that the proposed works are not sympathetic to the fabric of heritage buildings and that the materials proposed are not appropriate. The Committee defers to the view of the Heritage Officer and hopes that the Heritage Officer has been involved in this project as works appear to be more extensive than those approved in application 0731/24/LBC.

4i. 3759/24/LBC - Listed Building Consent for removal of non-historic front door & replacement with oak door. Angel Yard Cottage, South Street, Totnes, TQ9 5DZ.

Support.

4j. 3713/24/ARC - Application for approval of details reserved by conditions 4 (Slates), 5 (Vents, external attachments) & 6 (Insulation) to planning consent 2527/23/LBC. Angel Yard Cottage, South Street, Totnes, TQ9 5DZ.

Support.

## **5. DATE OF NEXT MEETING**

**To note the date of the next meeting of the Planning Committee – Monday 20<sup>th</sup> January 2025 at 6.30pm in the Guildhall.**

Noted.

The meeting closed at 7.55pm.

Sara Halliday  
Governance and Projects Manager  
December 2024



## ITEM 5 – CONSIDERATION OF RECOMMENDATIONS

### **5a. Full Council, 2<sup>nd</sup> December 2024**

No recommendations.

### **5b. Extraordinary Full Council, 16<sup>th</sup> December 2024**

No recommendations.

### **5c. Council Matters Committee, 9<sup>th</sup> December 2024**

Item 4 – Draft 2025/26 Budget. See Full Council agenda item 7.

Item 5 – Burial and Cremation Consultation. See Full Council agenda item 9.

Item 6 – Payments to Councillors. To **RECOMMEND** to Full Council that the Payments to Councillors Policy is adopted. The annual allowance for elected members has increased to £487.50 per annum, subject to PAYE and attendance requirements as outlined.

Item 7 – Asset Transfer Policy. To **RECOMMEND** to Full Council that the Asset Transfer Policy is adopted.

### **5d. Planning Committee, 16<sup>th</sup> December 2024**

No recommendations.

## ITEM 6 – TAX BASE FOR 2025/26

	2024/25	2025/26
	Current	5% increase to precept
Tax base (no second homes uplift)	3000.38	3025.34
Second Homes premium tax base	N/A	53.49
Total tax base	3000.38	3078.83
Precept amount for Second Homes premium	£0.00	£11,967.26
Precept amount without Second homes premium	£656,022.00	£676,855.84
<b>Precept TOTAL</b>	<b>£656,022.00</b>	<b>£688,823.10</b>
Band D rate	£218.65	£223.73
£ change per year to Band D	N/A	£5.08
Percentage change per year to Band D	N/A	2.32%

## ITEM 7 – PRECEPT SETTING

The Council Matters Committee in December 2024 made the following recommendation:

To **RECOMMEND** to Full Council that the precept is increased by 5 percent, from £656022 to £688823.10. Because of the increase in the tax base (currently in draft form) this represents a 2.15 percent increase for the taxpayer. The Band D would increase from £218.65 to £223.35 per year, an increase of £4.70, which is £0.39p per month.

*Officer Note:* following confirmation of the tax base from South Hams District Council, the figures are revised to: a 5 percent proposed precept increases equates to 2.32 percent, £5.08 per year / £0.42p per month on a band D.

Message from SHDC S151 Officer reads:

*We have been going through all of the second homes properties for exemptions as per the Government guidance – e.g. for properties such as those that can't be lived in all year around and annexes etc.*

*The final figures for Totnes are a TaxBase for 25/26 of 3,078.83 – of which 53.49 is due to the second homes premium (slightly lower than the 58.73 below).*

*So, the income generated from the second homes premium is approximately  $53.49 \times £218.65 = £11,696$ .*

## ITEM 9 – BURIAL AND CREMATION CONSULTATION

At the December Council Matters Committee, it was agreed to give the Governance and Projects Manager delegated authority to draft a consultation response for Full Council to consider.

A detailed background to the Law Commission consultation is set out in the December Council Matters papers. In summary (from the Law Commission website), 'The Law Commission is seeking to reform the law of burial in England and Wales, which is piecemeal, complex and outdated. It is also gauging solutions for unresolved issues in cremation law.' The consultation closes on 9<sup>th</sup> January 2025.

Full Council is asked to consider the Officer's draft responses to the consultation questions as they relate to Totnes Cemetery in terms of management, current and future use. We expect the Law Commission report will be published towards the end of 2025.

All Consultation questions [with Yes/No/Don't know and free text boxes to answer] are listed below but not all are of relevance to TTC (questions relating to cremation have not been included).

### *Approaches to regulating burial grounds*

**1. We provisionally propose that there should not be a single uniform burial law applying to private, local authority, Church of England and Church in Wales burial grounds. Instead, we provisionally propose that different aspects of regulation should be introduced for different types of burial grounds, where there is a case for doing so. Do consultees agree?**

Yes.

**2. We provisionally propose that regulation of private burial grounds should encompass any land where the primary purpose is, or has been, burial. Do consultees agree?**

Yes.

*We invite consultees' views on whether the definition of burial in the Local Authorities' Cemeteries Order 1977 has caused any problems. [Definition is: "...burial includes: (1) the interment of cremated human remains; (2) the interment of bodies of stillborn children or of their cremated remains; and (3) placing human remains, cremated human remains, or the remains of a stillborn child in a vault.]*

**3. We provisionally propose that: (a) it should be a criminal offence for a person making a burial outside a burial ground to knowingly fail to register it; (b) it should be a criminal offence for a person transferring an interest in that land, or creating a lease of more than 21 years on that land, to knowingly fail to transfer the burial register to the new owner or lessee; or for the lessee to knowingly fail to transfer it to the owner at the end of the lease; and (c) the maximum penalty for these offences should be a fine at level 2 on the standard scale (£500). Do consultees agree?**

No comment.

**4. We provisionally propose that in a local authority cemetery, the religious services that accompany a burial in all areas reserved or consecrated to a religious faith should be restricted to those of that faith, or to no service at all. Do consultees agree?**

No for an area that is reserved. Space in burial grounds is limited and if reserved unconsecrated space is required, it should be for the local authority to determine its best use.

[Officer note: Totnes Cemetery has an area reserved for Roman Catholic interments which isn't consecrated, but this shouldn't limit the interment of those of other faiths if it were to be required. Active burial sections Q, R and the Garden of Rest are all unconsecrated.]

### *Maintenance and burial specification*

**5. We provisionally propose that every burial ground owner should be required to maintain their burial ground in good order appropriate to its current use. Do consultees agree?**

Yes.

**6. We invite consultees' views on whether problems of poor maintenance of burial grounds are sufficient to impose requirements on burial ground operators, over and above setting a uniform standard of maintenance. We invite consultees to provide examples or evidence of issues with poor maintenance that would potentially justify such requirements. We invite consultees' views as to whether, if further regulatory action should be taken in relation to the maintenance of burial grounds: (1) the Secretary of State should issue a statutory code of practice for burial ground maintenance, following consultation with stakeholders; or (2) all burial ground operators should be required to publish a management plan on a periodic basis.**

As a local authority facility, Totnes cemetery is maintained to balance the needs of: ensuring the health and safety of mourners and funeral directors at the point of interment, the subsequent visiting of graves, and conducting grounds maintenance; community requests for areas to be left untended for wildlife benefits. This is set out in the grounds maintenance specification for the cemetery site and appropriate signage. Publication of a management plan would add an additional administrative burden on town councils and churches which would seem unnecessary given the lack of evidence of a widespread maintenance problem in the sector, or the departmental means to inspect or enforce a certain level of maintenance standard.

**7. We provisionally propose that the Secretary of State should continue to be able to authorise inspections of burial grounds. Where an inspection finds that the law is not being complied with, the Secretary of State should be able to issue a notice requiring actions to be taken to bring the burial ground into compliance. Do consultees agree?**

Yes.

**8. We provisionally propose the abolition of the offence of failing to adhere to cemetery regulations in section 8 of the Burial Act 1855. Do consultees agree?**

Yes – if there is no standing body of inspectors to perform this task there seems little point having an offence.

**9. We invite consultees' views on whether the Secretary of State should have the power to direct that a local authority takes over the management of a burial ground which has failed to comply with the actions required in a notice, and whether local authorities in such circumstances should have the power to charge costs back to the cemetery owner.**

This is not a good idea. For example, if a local private burial ground ceased to function due to bankruptcy, the local authority (town or parish council) should not have to take on the maintenance of the burial ground where charging costs back to the owner is not going to be a feasible option. It would be unfair for council taxpayers to have to underwrite such costs in addition to the locally provided burial ground.

**10. We invite consultees' views on what the minimum burial depth should be for bodies buried in a non-perishable coffin, and for bodies buried in perishable coffin or wrappings.**

**We provisionally propose that: (1) in all burial grounds there should be six inches of soil between two coffins or bodies which are interred in the same grave; and(2) for walled graves or vaults, there should be a requirement for them to be properly constructed of suitable materials, and for the coffin to be embedded in concrete or enclosed in a separate airtight compartment within 24 hours of the interment. Do consultees agree?**

Yes.

**We provisionally propose the creation of a new criminal offence of recklessly breaching minimum burial requirements, with a maximum penalty on summary conviction of a fine at level 2 on the standard scale (£500). Do consultees agree?**

No comment.

#### *Burial rights and memorials*

**11. We provisionally propose that, in relation to all cemeteries: (1) it should be a requirement for all burial rights, both exclusive and nonexclusive, and memorial rights, to be issued in writing; (2) where this requirement is not met on the grant of a burial right, the purchaser should be able to request that their burial right is made out in writing, and that where the operator does not comply within a month the Secretary of State should have the power to issue a civil penalty; and (3) that where a burial right has not been issued in writing, there should be a presumption that the right is a statutory exclusive burial right. Do consultees agree?**

Yes.

**12. We invite consultees' views as to whether an optional scheme of statutory exclusive burial rights should be introduced for private cemeteries which are not already governed by their own Act of Parliament. If consultees support the introduction of an optional scheme of statutory exclusive burial rights, we invite consultees' views on the following. (1) Should the right be able to be assigned by deed or inherited? (2) Should the right have a maximum duration of 100 years, subject to extension at the discretion of the cemetery operator? (3) Should there be any other features of such a scheme?**

No comment.

**13. We provisionally propose that: (1) in its cemetery, a local authority should have the power to grant a memorial right to any relative of a person buried in a grave if no memorial has been placed on the grave two years after the burial; and (2) if there is a dispute between different relatives, or between the relatives and the owner of the exclusive burial right, a local authority should only have the power to grant the right to a neutral memorial displaying the name of the deceased person and their dates of birth and death. Do consultees agree?**

We agree with these proposals. However, the practicalities of determining whether there is a potential family dispute places an administrative burden on the local authority to check with the deed holder if they are content or not for a neutral memorial to be erected. After interments the town councils currently can find that memorial masons and funeral directors are often more focussed on completing the 'package' of funeral services and memorial choices than in determining who has the legal authority to request a memorial or additional inscription.

**14. We provisionally propose that a local authority should be permitted to maintain a tombstone, memorial or vault without the consent of its owner, if they have served notice on the owner at their last address known to the authority, and the owner has not objected within three months of such notice being served. Do consultees agree?**

Yes.

#### *Record Keeping*

**15. We provisionally propose that: (1) a consistent system of burial registration should be introduced; (2) the requirement for burials (of both bodies and cremated remains) to be registered as soon as possible should be retained; (3) all burial ground operators should be under a statutory duty to keep the following documents: (a) a burial register; (b) a register of disinterments; (c) a plan of the burial ground; and (d) a register of rights granted; and (4) these records should be kept either electronically or on paper. Do consultees agree?**

Yes.

**We provisionally propose the repeal of the criminal offences of failing to register a burial:**

**(1) by a private burial ground operator where registration is not governed by an Act of Parliament; and (2) by a Church of England minister when a burial takes place in consecrated ground in a Church of England churchyard without the rites of the Church of England. Do consultees agree?**

No comment.

**16. We invite consultees' views as to whether burial registration documents should be sent to the General Register Office or Historic England when a burial ground closes.**

Having the records held centrally for those wishing to trace graves would seem a sensible proposal.

**17. We provisionally propose that the criminal offences relating to burying a child as if it were stillborn and burying more than one body in a coffin should be repealed. Do consultees agree?**

No comment.

*Grave reuse and reclamation*

**18. We provisionally propose that any grave reuse powers should apply to common or public graves, and to those where exclusive rights of burial have expired, as well as those where exclusive rights of burial have been extinguished. Do consultees agree?**

Yes.

[Officer note: Whilst there is capacity in the cemetery for an estimated 40-50 years, this proposal would give the Council the option to reuse of areas of the oldest part of the cemetery where interments last took place over 100 years ago without the costs of needed to secure an Act of Parliament (the only current route to reuse).]

**19. We invite consultees' views on the minimum time that must elapse between the last burial in a grave, and the burial rights in that grave being extinguished and the grave being reused. Should it be: (1) 75 years; (2) 100 years; or (3) a different period?**

2 – 100 years.

[Officer note: this should be sufficient time for direct descendants (children and possibly grandchildren) of the deceased to have died.]

**We invite consultees' views as to whether there should be a requirement that a grave must not be reused if it still contains significant remains from a previous burial. If so, we invite consultees' views on what should count as "significant remains".**

No comment.

**We invite consultees' views on whether there is a case for the Secretary of State to be able to permit certain cemeteries to reuse graves after a shorter period of time in exceptional circumstances, and where the people, making burials in the graves which are to be reused, consent to it.**

No comment.

**20. We provisionally propose that, in any extension of grave reuse and burial right extinguishment powers, notices should be posted: (1) on the burial ground operator's website if they have one; (2) in local newspapers; (3) by the grave and entrances to the cemetery; and (4) should be sent to the last known address of the owner of the burial rights and memorial. Do consultees agree?**

Yes to points 1-3. On point 4, the Town Council would suggest a cut-off date for trying to contact the last known address of an owner, for example for any graves purchased in the last 40 years. For some graves purchased over 50 years ago, it is highly unlikely that the purchaser will still be at the same address or even still alive. Such an approach would reduce the administrative burden on town and parish councils.

**We provisionally propose that one notice should suffice for both grave reuse and extinguishing burial rights. Do consultees agree?**

Yes.

**21. We provisionally propose that in any extension of grave reuse powers, remains which are moved in order to reuse a grave must be either reinterred in the original grave, or in another grave in the same cemetery, below the level of the ground in a grave consisting wholly or substantially of earth. Do consultees agree?**

Yes.

**22. We provisionally propose that burial ground operators should be required to keep a register of disinterments. Do consultees agree?**

To a point. However, for older Victorian era graves where few are marked with memorial stones and maps are not available, how would these remains be registered if the deceased cannot be easily identified? It would only be on reuse that it would be discovered if the coffin plate still existed.

**23. We provisionally propose that burial ground operators should be required to disclose the fact that a grave has been reused or reclaimed to potential purchasers. Do consultees agree?**

Yes.

**24. We provisionally propose that burial ground operators should be able to apply to the Secretary of State for a decision enabling them to extinguish burial rights in graves and reuse graves, on a case-by-case basis. Do consultees agree?**

Yes.

**We invite consultees' views on whether applications for grave reuse and reclamation powers should be made: (1) by each burial authority to cover all of their burial grounds; or (2) for each burial ground individually.**

No preference – at town or parish council level they are unlikely to have more than one burial ground that they manage.

**We provisionally propose that an application for grave reuse and reclamation powers should be accompanied by: (1) a grave reuse and reclamation plan setting out any additional mitigation proposed and identifying the graves which are intended to be affected; and (2) the results of a consultation with those living near the burial ground and those with friends or relatives buried in the burial ground. Do consultees agree?**

Yes. However, the responses should only relate to the area that is proposed for reuse and reclamation and not the wider burial ground. To what degree are burial authorities required to verify that any objectors are relatives of those in the burial area designated for reuse or reclamation? Will this be taken on trust or is proof required? There could be cases of people objecting to the principle more widely but who have no direct link to those interred in the area concerned. Does there need to be a clear statement that, for example, objections received from people who have no relatives in the area designated for potential reuse and reclamation will be discounted? In small communities it may be more likely that people will object to the principle of change, rather than seeing the potential benefits that it may bring.

*Closure and reopening of burial grounds*

**25. We provisionally propose that a burial ground, or any other specified area, should be closed to new interments by a decision of the Secretary of State, rather than by Order in Council. Do consultees agree?**

Will the Ministry of Justice have the capacity to process such requests? If any churches are looking at a way of divesting their responsibility for maintenance of a churchyard by closing it to burials to save costs, rather than due to burial capacity, this proposal of needing a decision by the Secretary of State would offer town

and parish councils some protection for having to accept the maintenance liability of the closed churchyard.

**26. We provisionally propose that the Secretary of State should have the power to close a burial ground where: (1) there is no useable space for new burials in graves which are free from exclusive burial rights; (2) the legal minimum standard of maintenance or burial specifications have not been complied with; or (3) the burial ground represents a risk to public health. Do consultees agree?**

Yes.

**We invite consultees' views as to whether there are other reasons why a burial ground should be closed to new interments.**

No comment.

**We provisionally propose that the Secretary of State must post notice of the intention to close a burial ground at the entrances to the burial ground, and in the London Gazette, for two months before a burial ground can be closed. Do consultees agree?**

Yes.

**27. We provisionally propose that the fault element of the offence of burying a body in a closed burial ground should be knowledge that the burial ground has been closed to further burials. Do consultees agree?**

No comment.

**We provisionally propose that the maximum sentence for the offence of burying a body in a closed burial ground is increased to level 3 on the standard scale of fines, which is currently set at £1,000. Do consultees agree?**

No comment.

**28. We provisionally propose that the existing exceptions to the power to close a burial ground to new interments should be ended, and that the existing exemption in relation to burials with the approval of the Sovereign in St Paul's Cathedral or Westminster Abbey should be extended to include all royal peculiars. Do consultees agree?**

No comment.

**29. We provisionally propose that the Secretary of State should have the power to reopen burial grounds which have been closed to new interments, with the agreement of the burial ground owner, or the incumbent. Burial grounds could be reopened in full, or partially by reference to a particular area or purpose. Do consultees agree?**

Yes.

**30. We provisionally propose that where a closed Church of England churchyard is reopened, any local authority which has become legally responsible for its maintenance should continue to have that responsibility. Do consultees agree?**

This should be by agreement between the church and the local authority. If maintenance is to continue then financial reimbursement to the local authority should be expected.

**We invite consultees' views on whether Church of England fees for funerals and burial should be shared with local authorities, or whether an additional fee payable to local authorities should be charged, in relation to reopened churchyards.**

Yes. If local authorities have to continue to maintain a churchyard that was previously closed, and for which the Church would then receive an income for interments, then a percentage of the maintenance costs should be recoverable.



**Question 31 relates to the Church of Wales**

**Questions 32 – 36 relate to exhumations**

**Questions relate to the Commonwealth War Graves Commission (CWGC)**

**37. We provisionally propose that: (1) every time a local authority burial authority seeks to exercise powers under articles 10(5) or 16(2) of LACO 1977, it should be required to notify the CWGC; and (2) it should be a requirement for the local authority to share information about which graves it intends to take this action in relation to, and then for the CWGC to confirm whether the grave is a Commonwealth war grave. Do consultees agree?**

Yes.

[Officer note: 10(5) and 16(2) of the Local Authority Cemetery Order relate to the removal/relocation of memorials/tombstones. Totnes Cemetery has 14 Commonwealth War Graves.]

**38. We provisionally propose that where a local authority has followed the process to obtain the right to maintain a monument whose owner cannot be contacted:(1) the consent of the CWGC should be required for the local authority to undertake ordinary maintenance to Commonwealth war graves in relation to which they do not own the memorial or the burial rights; and (2) the CWGC should have the right to maintain such graves. Do consultees agree?**

Yes.

**We provisionally propose that the CWGC should be able to maintain any memorial over a Commonwealth war grave in a private burial ground without the consent of its owner, if a notice has been served on the owner of the memorial right and they have not responded within three months. Do consultees agree?**

No comment.

**39. We provisionally propose that the CWGC should be informed every time a burial ground operator seeks to extinguish burial rights or reuse a grave, and it should have the power to object to these actions in relation to Commonwealth war graves. Do consultees agree?**

Yes.

**We provisionally propose that the CWGC should be informed every time a burial ground operator seeks to make a further burial above a grave where the person buried died between 4 August 1914 and 31 August 1921, or between 3 September 1939 and 31 December 1947. The CWGC should have the power to object to the reclamation of Commonwealth war graves. Do consultees agree?**

Yes.

**40. We provisionally propose that the CWGC should have the right in respect of compulsorily purchased land to remove remains in Commonwealth war graves and to reinter or cremate them, and to remove any memorials. Do consultees agree?**

Yes.

**41. We invite consultees' views on whether the Ministry of Justice should be required to consult with the Commonwealth War Graves Commission in relation to exhumations of deceased people who died during the periods between 4 August 1914 and 31 August 1921, or between 3 September 1939 and 31 December 1947.**

Yes.

**Question 42 relates to private burial ground operators.**

**Questions 43-54 related to cremation.**

**55. We invite consultees' views on: (1) whether there are circumstances or places in England and Wales where it is difficult for people to find a burial space in locations of their choice; (2) whether our provisional proposals in this Consultation Paper would help to address the availability of burial space; (3) what impact our provisional proposals in this Consultation Paper might have on reducing distress to family and friends of deceased people; and (4) whether more comprehensive or frequent collection of data on burial grounds would be of practical value.**

Locally there are issues with churchyards in neighbouring parishes reaching capacity – these proposed reforms would give these village churches the opportunity to consider reuse and reclamation to increase the number of burial spaces for the future.

The proposed process to notify families and friends of the deceased needs to be proportionate and the steps for notification and publicising the proposal seem reasonable. However, there will always be people, particularly in small communities, who object or complain to change even when it doesn't directly impact them. There needs to be some balance of taking these views into account and reusing burial space where no-one has been interred in an area for over 100 years (for example) and particularly in areas where there is no visible grave markings/memorials.

**56. We invite evidence from consultees on: (1) their general perception of the affordability of burial and cremation; (2) the contribution that burial costs and burial plot fees make to the costs that families and friends bear when organising a funeral; and (3) the impact that our proposed reforms might have on reducing or increasing these costs.**

Totnes Town Council does not believe that these proposed reforms would have any impact on fees.

**57. We invite evidence from consultees on: (1) the costs and benefits private burial grounds are likely to see as a result of our provisional proposals; (2) the costs and benefits funeral directors are likely to see as a result of our provisional proposals; and (3) any benefits or costs that are likely to arise if the rules on the siting of crematoria were repealed.**

No comment.

**58. We invite evidence from consultees on: (1) the scale of any benefits that are likely to accrue to local authorities if they obtain grave reuse and reclamation powers;**

Reuse and reclamation powers on the oldest sections of the cemetery, particularly in areas where there are few graves marked with memorial stones thereby reducing change/disturbance could be a significant opportunity as the cemetery reaches capacity and runs out of land. The costs to relocate any memorial stones would be favourable to the cost of purchasing a new area of land for a town cemetery, of which there are few opportunities within our town.

**(2) the likely additional cost of maintaining Church of England churchyards if they are reopened, and the level of fees that would be required in order to mitigate that cost;**

No additional costs anticipated.

**(3) the cost to Welsh local authorities if maintenance responsibility for Church in Wales churchyards could be transferred under the law; and (4) any impact on local authorities that might arise from repealing the rule on the siting of crematoria.**

No comments on 3 and 4.

**59. We invite consultees' views on the potential impact of our provisional proposals on costs to Government, and other operators and owners of burial grounds and crematoria.**

Some of the proposals could incur an additional administrative burden on local councils and to central government departments (see responses to questions 6, 9, 13, 20 and 30).

ITEM 10 – LIST OF MEETING DATES

<b>Month</b>	<b>Full Council, 7pm</b>	<b>Council Matters Committee, 6.30pm</b>	<b>Planning Committee, 6.30pm</b>	<b>Town Matters Committee, 6.30pm</b>
<b>January 2025</b>	Monday 6 <sup>th</sup>	Monday 13 <sup>th</sup>	Monday 20 <sup>th</sup>	Monday 27 <sup>th</sup>
<b>February 2025</b>	Monday 3 <sup>rd</sup>	Monday 10 <sup>th</sup>	Monday 17 <sup>th</sup>	None
<b>March 2025</b>	Monday 3 <sup>rd</sup>	Monday 10 <sup>th</sup>	Monday 17 <sup>th</sup>	Monday 24 <sup>th</sup>

**January**

Community Working Group – 6<sup>th</sup> January at 5.30pm  
 Full Council – 6<sup>th</sup> January at 6.30pm  
 Council Matters Committee – 13<sup>th</sup> January at 6.30pm  
 Economy Working Group – 15<sup>th</sup> January at 6.30pm  
 Planning Committee – 20<sup>th</sup> January at 6.30pm  
 Town Matters Committee – 27<sup>th</sup> January at 6.30pm  
 Environment and Public Realm Working Group – 29<sup>th</sup> January at 4.30pm  
 Traffic and Transport Forum and Steering Group – 29<sup>th</sup> January at 6.30pm

**February**

Full Council – 3<sup>rd</sup> February at 6.30pm  
 Council Matters Committee – 10<sup>th</sup> February at 6.30pm  
 Planning Committee – 17<sup>th</sup> February at 6.30pm  
 Town Matters Committee – no meeting

**March**

Full Council – 3<sup>rd</sup> March at 6.30pm  
 Council Matters Committee – 10<sup>th</sup> March at 6.30pm  
 Planning Committee – 17<sup>th</sup> March at 6.30pm  
 Town Matters Committee – 24<sup>th</sup> March at 6.30pm

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

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