

# Rules for other Bodies of the Council

## 1. **AUDIT COMMITTEE**

### 1.1 **Membership**

The Audit Committee shall have five Councillors. Members of the Executive will not be permitted to be Members of the Audit Committee.

### 1.2 **Quorum**

The Quorum shall be three Councillors.

### 1.3 **Meetings**

The Committee shall normally meet four times per year.

## 2. **PERSONNEL PANEL**

### 2.1 **Membership**

The Personnel Group shall have five Councillors including that member of the Executive specialising in Personnel matters, who shall normally be the Chairman.

### 2.2 **Quorum**

The Quorum shall be three Councillors including the Chairman or Vice Chairman.

### 2.3 **Meetings**

The Personnel Panel shall meet at least once per year and in addition when necessary to deal with issues within its remit when they arise.

### 2.4 **Agenda Papers**

Agenda papers, where they contain information personal to an individual employee, will only be circulated to members of the Personnel Panel, notwithstanding any provision in the Access to Information Procedure Rules.

### **3. DEVELOPMENT MANAGEMENT COMMITTEE**

#### **3.1 Membership**

The membership of the Committee shall be set annually by the Council.

#### **3.2 Training**

3.2.1 Two Planning Training sessions will be convened annually with an expectation that all Members have to attend both of these in order to be able to take part in the planning decision-making process during the following Municipal Year;

3.2.2 Newly elected Members will have to attend two induction Planning Training sessions before they can take part in the planning decision-making process during that year and must also attend both annual sessions;

3.2.3 Repeat sessions will be held in conjunction with West Devon Borough Council to provide additional opportunities for Members to meet the requirement to attend both the induction training and the two sessions; and

3.2.4 Whilst re-elected Members will be welcome to attend the two induction sessions, this will be optional and will not count towards the requirements to attend the two annual sessions.

#### **3.3 Quorum**

The Quorum shall, for the time being, be eleven councillors adjusted annually if necessary.

#### **3.4 Voting**

In view of the quasi – judicial nature of much of the business of the Committee there is a general obligation for Councillors to remain for the whole of the debate or to have participated in any previous consideration on any particular application and certainly to refrain from voting if either of these essential requirements have not been achieved.

In very exceptional circumstances, however, such as the length of time which has elapsed from the presentation of the original application to the Committee or for the purpose of ensuring that the meeting remains quorate, it may be prudent to allow Members to participate in consideration of an application on its return to the Committee regardless of earlier attendance. In any event, the final decision resides with the Chairman, following consultation with the Council's Legal Officer and Member Support Officer. At the meeting the Chairman will advise Members of the Committee if it is decided that the general obligation is not to be applied with reasons for his/her decision.

#### **3.5 Meetings**

The Development Management Committee shall normally meet every four weeks.

#### **4. LICENSING COMMITTEE**

##### **4.1 Membership**

The Licensing Committee shall have twelve councillors. Continued membership of the Committee is dependent upon a Member achieving a minimum threshold of attendance of 80% at training events held specifically for members of the Licensing Committee during the municipal year.

##### **4.2 Quorum**

The Quorum shall be seven including the Chairman and Vice Chairman.

##### **4.3 Meetings**

The Licensing Committee shall meet at least annually and on further occasions if required.

#### **5. LICENSING SUB-COMMITTEES**

Licensing Sub-Committees shall be established to hear applications under the Licensing Act 2003.

##### **5.1 Membership**

Each Licensing Sub-Committee shall have three councillors, drawn from the Licensing Committee.

##### **5.2 Quorum**

The Quorum shall be three councillors.

##### **5.3 Meetings**

The Licensing Sub-Committees meet as required.

#### **6 COUNCIL TAX SETTING PANEL**

##### **6.1 Membership**

The Council Tax Setting Panel shall consist of four Members, including the Chairman of Council, the Leader of the Council, the Chairman of the Corporate Performance and Resources Scrutiny Panel and the leader of the opposition.

##### **6.2 Meetings**

The Council Tax Setting Panel shall meet annually, following the Council's agreement of the budget for the forthcoming municipal year and notification from Devon County Council, the Devon and Cornwall Police Authority, Devon and Somerset Fire and Rescue Service, the Dartmoor National Park Authority and each Parish/Town Council of their individual precepting requirements.

## **7 STANDARDS COMMITTEE**

### **7.1 Membership**

The Standards Committee is made up of eight members:-

- 3 independent Members (one of whom is to be Chairman)
- 2 Members of South Hams District Council (1 from the majority group and 1 from the minorities' group) and
- 3 Parish representatives

### **7.2 Quorum**

The quorum for the Standards Committee shall be three including at least one independent member and a parish representative (whenever parish business is being discussed).

## **8. SALCOMBE HARBOUR BOARD**

### **Constitution of the Salcombe Harbour Board (as adopted by Council on 25 June 2009)**

#### **8.1 Establishment of the Board**

- a. The functions of the Council conferred under the Pier and Harbour Order (Salcombe) Confirmation Act 1954 shall be reserved to the Council under section 13 of the Local Government Act 2000 and Regulation 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
- b. That the discharge of these functions within any policy and budget approved by Council be delegated as set out in the Scheme of Delegations.

#### **8.2 Membership of the Board**

- a. The Board shall consist of up to 10 Members - 4 Members of South Hams District Council, and the remainder co-opted Members. Each Member, as far as it is achievable, will be appointed on a 'fit for purpose basis' through assessment of each nominee's skills, knowledge, experience and commitment on matters such as the following:-
  - Knowledge of port/marine or other nautical experience
  - General finance/business knowledge
  - Understanding of harbour users
  - Awareness of environmental issues
  - Aspects relating to tourism, leisure and marketing
  - Knowledge or interest in the local and/or the wider community

## 8.2 **Membership of the Board (cont'd)**

- b. All co-opted Members will be bound by the Council's Member Code of Conduct and sign the declaration of acceptance of office as required by law in any event.
- c. The Chairman of the Board shall be a Council Member.
- d. All Members shall have full voting rights on all matters before the Board.
- e. In the event that a Board Member does not attend any meetings of the Board for a period of six months from the date of his or her last attendance, that Member ceases to be a Board Member, unless within the period of absence the authority gives approval for this absence. If proved to be mitigating circumstances, and a Board Member is unable to fulfil their duties for a prolonged period of time, the Council may appoint a person qualified within the criteria set out in paragraph B1 above to sit on the Harbour Board during that period of absence only.

## 8.3 **Appointments Process**

- a. Members of the Council shall be appointed to the Board at the Council's annual general meeting.
- b. As these appointments are subject to a 'fit for purpose basis', if a casual vacancy has arisen for any reason or otherwise, during March each year the Leaders of all political groups of the Council will be contracted to ascertain whether there is likely to be any change to the Board's membership. If any Board Member no longer wishes to serve on the Board, then expressions of interest will be invited with interviews being held for that vacancy.
- c. Following district wide elections, expressions of interest will be invited from all Members, with interviews being held for all four positions.
- d. A co-opted Member's term of appointment shall be three years from the date of appointment to expire on the date of annual Council of the relevant year.
- e. In order to stagger the appointments process to maintain some continuity of Board membership, the first term shall be divided so that two co-opted Members sit for two years only and the remainder of co-opted Members sit for the standard three year term. Following this initial staggering, terms will remain at three years from appointment.
- f. A co-opted Member may be appointed to a second three year term without recourse to open competition, subject to the agreement of both the Chairman and the Member, and the Board's assessment that the Member has performed satisfactorily during the first term.
- g. Reappointment for a third term shall be regarded as the exception and involve competition with other candidates.

### 8.3 Appointments Process

- h. The appointment of co-opted Members shall follow the Nolan model.
- i. The Appointments Panel will consist of a nominated District Councillor from the majority party, a nominated District councillor from the minority parties collectively and an independent external technical advisor with a thorough understanding of harbour/port governance issues. After the first round of appointments to the new Board, and during their term, the Appointments Panel will also include either the Chairman of the Harbour Board or another Board Member.

### 8.4 Meetings

- a. The Board shall meet at least six times a year.
- b. The quorum for meetings of the Board shall be four provided that two Members of the Council and two other Board Members are present.
- c. Meetings will commence late afternoon to allow for public involvement.
- d. Meetings are to be structured to enable a 15 minute public questions time at the commencement of the meeting.
- e. The Board shall consider the following business:-
  - Consideration of the minutes of the previous meeting
  - Declaration of interest, if any.
  - Public questions and comments
  - Feedback from recognised Harbour Community Forums
  - The business otherwise set out on the agenda for the meeting
  - Matters for future consideration
- f. An Annual General Meeting of the Board will take place during the year. In addition to those items of the ordinary Board meetings and those items set out in the Council's constitution, the annual meeting will receive the annual statement of accounts and the annual statement of service delivery.

### 8.5 Recognised Community Forums

- a. The ensure that the Harbour Board has strong and direct links with both harbour users, local communities and other external organisations with an interest in the Salcombe-Kingsbridge Estuary, a formal consultation mechanism has been set up. Four not-for-profit community groups have registered their interest to work with the Council in relation to its future Harbour activities:
  - The Salcombe Kingsbridge Estuary Association
  - The Salcombe Kingsbridge Estuary Conservation Forum
  - The Kingsbridge Estuary Boat Club
  - South Devon and Channel Shellfishermen

## 8.5 **Recognised Community Forums (cont'd)**

- b. The four groups are recognised as 'Harbour Community Forums' and form part of a formal consultation mechanism for the Harbour Board.
- c. That the list of four groups is not exhaustive and it is anticipated that further community groups be recognised and added as time progresses.