

# **Part 4**

## **Rules for Other Bodies of the Council**



### 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 at least four times per year.

#### 2. DEVELOPMENT MANAGEMENT COMMITTEE

##### 2.1 Membership

The Development Management Committee shall have twelve Councillors.

##### 2.2 Training

- a) All Members will be expected to attend planning training refresher sessions as and when they are provided;
- b) Newly elected Members will have to attend appropriate induction Planning Training before they can take part in the planning decision making process;
- c) Repeat sessions will be held in conjunction with West Devon Borough Council to provide additional opportunities for Members to meet the requirement to attend the induction training;

- d) If they so wish, re-elected Members will be welcome to attend the induction sessions.

## 2.3 Quorum

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

## 2.4 Rules of Debate

The Rules of Debate, as outlined under Council Procedure Rule 12, apply with one exception. The exception is as follows:-

In the event of a Member wishing to propose a motion which is contrary to the case officer recommendation, the Member must give their reasons for this proposal at the time of making it.

## 2.5 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 in attendance. 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.

## 2.6 Meetings

The Development Management Committee shall normally meet every four weeks.

# 3. LICENSING COMMITTEE

## 3.1 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.

### 3.2 Quorum

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

### 3.3 Meetings

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

## 4. LICENSING SUB-COMMITTEES

Licensing Sub-Committees shall be established to hear applications under the Gambling Act 2005 and the Taxi Licensing Legislation

### 4.1 Membership

Each Licensing Sub-Committee shall have three councillors, drawn from the Licensing Committee. Local Members will not be appointed onto a sub-committee to consider any applications which are located within their local ward.

### 4.2 Quorum

The Quorum shall be three councillors.

### 4.3 Meetings

The Licensing Sub-Committees meet as required.

## 5. COUNCIL TAX SETTING PANEL

### 5.1 Membership

The Council Tax Setting Panel shall consist of four Members and comprises:-

- Chairman of Council
- Leader of the Council
- Chairman of the Overview & Scrutiny Panel
- Leader of the Opposition

### 5.2 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.

## 6. SALCOMBE HARBOUR BOARD

### 6.1 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 Delegation Scheme.

### 6.2 Membership of the Board

- a). The Board shall consist of up to ten Members - four 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

- 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 Council 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.

### 6.3 Appointments Process District Council Members

- a). Following district wide elections, expressions of interest will be invited from all Members, with interviews being held for all four positions.
- b). Members of the Council shall be appointed to the Board at the first annual meeting of Council following a District Council election for a four year term.

In the event of a casual vacancy arising during the four year term, the District Council Member who was felt during the recruitment process to be the next most ‘fit for purpose’ Member to serve on the Board should be recommended for appointment. (In the event of there being no other ‘fit for purpose’ Members serving on the Council, expressions of interest will be invited from all Members within interviews then taking place).

- c). The Appointments Panel for District Council Members will include 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.

### 6.4 Appointments Process Co-opted Members

- a). Co-opted members shall be appointed to the Board at the first annual meeting following a recruitment, interview and appointment process for a three year term. In the event of a casual vacancy arising before the next scheduled recruitment process, the person who was felt during the recruitment process to be the next most ‘fit for purpose’ to serve on the Board shall be recommended for appointment.
- b). The term will be three years from appointment.
- c). 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.
- d). Reappointment for a third term shall be regarded as the exception and involve competition with other candidates.
- e). The appointment of co-opted Members shall follow the Nolan model.
- f). The Appointments Panel for District Council Members will include 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.

## 6.5 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

## 6.6 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. Five 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

Kingsbridge and Salcombe Marine Business Forum

East Portlemouth Parish Council

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