



South Hams  
District Council

# **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.

**Comment [KT1]:** Should we include a note about training here too, as for DM? s151 Officer does arrange TM specific training sessions and annual Audit Cttee workshops

## 2. DEVELOPMENT MANAGEMENT COMMITTEE (cont'd)

### 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.

**Comment [KT2]:** I would like to remove this section. If an application is presented back after a period of time, the case officer re-presents so that those in the room have all the facts prior to making a decision.

## 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.

**Comment [KT3]:** We suggest amending this to mirror the DM section above – agreed?

### 3.2 Quorum

The Quorum shall be ~~seven~~ six 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 Licensing Act 2003.

##### 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.

1. Licensing Sub-Committees shall be established to hear applications under the Gambling Act 2005.

##### 4.1 Membership

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

2. Licensing Sub-Committees shall be established to hear applications under the Taxi Licensing Legislation.

##### 4.1 Membership

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

##### 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. SALCOMBE HARBOUR BOARD (cont'd)

### 6.3 Appointments Process District Council Members

~~b. Following district wide elections, expressions of interest will be invited from all Members, with interviews being held for all four positions.~~

a. 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).

~~b. Following district wide elections, expressions of interest will be invited from all Members, with interviews being held for all four positions.~~

~~h. The Appointments Panel for District Council Members 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.~~

## Appointments Process Co-opted Members

- c. 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.
- d. 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.
- e. 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.
- f. Reappointment for a third term shall be regarded as the exception and involve competition with other candidates.
- g. The appointment of co-opted Members shall follow the Nolan model.
- ~~h. 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.~~

## 6. SALCOMBE HARBOUR BOARD (cont'd)

### 6.4 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.~~

### 6.5 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. 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~~five 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~~five groups is not exhaustive and it is anticipated that further community groups be recognised and added as time progresses.