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Dear Councillor

SOUTH HAMS ANNUAL COUNCIL - THURSDAY, 20TH MAY, 2021

I refer to the agenda for the above meeting and attach papers in connection with the following item(s).

Agenda No Item

7. **Minutes (Pages 1 - 20)**

to approve as a correct record the minutes of the meeting of the Council held on 25 March 2021;

9. **Representation on Political Groups (Pages 21 - 22)**

to approve a review carried out in consultation with leaders of the Political Groups. This is reflected in the list of Council Bodies (circulated separately);

10. **Appointment of Members to Bodies of the Council (Pages 23 - 24)**

to appoint the Members to the Council Bodies for the 2021/22 Municipal Year;

11. **Election of Chairman and Vice-Chairman of those Bodies of the Council (Pages 25 - 26)**

to elect the Chairman and Vice-Chairman of the Bodies of the Council for the 2021/22 Municipal Year;

12. **Appointment of Salcombe Harbour Board Co-Opted Members (Pages 27 - 30)**

13. **Draft Calendar of Meetings for the 2021/22 Municipal Year** (Pages 31 - 36)

14. **Formal Adoption of the Council Constitution** (Pages 37 - 106)

15. **Appointment of Governance Boards / Panels** (Pages 107 - 108)

to agree to the appointment of the Governance Boards / Panels for the 2021/22 Municipal Year;

16. **Appointment of Representatives on Outside Bodies** (Pages 109 - 118)

to agree to the appointment of Members as representatives on Outside Bodies for the 2021/22 Municipal Year;

NOTE: Although some of these appointments are accepted by the “Outside Bodies” for a period of years, it is the Council’s practice where possible to review all appointments annually.

a) **Salcombe Harbour Board - 15 March 2021** (Pages 119 - 122)

Yours sincerely

Darryl White
Democratic Services Manager

Encs

Agenda Item 7

MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD REMOTELY VIA TEAMS ON THURSDAY 25 MARCH 2021

MEMBERS

* Cllr R Rowe – Chairman

* Cllr R J Foss – Vice-Chairman

* Cllr V Abbott	* Cllr M Long
* Cllr L Austen	* Cllr J McKay
* Cllr K J Baldry	* Cllr D M O’Callaghan
* Cllr H D Bastone	* Cllr G Pannell
* Cllr J P Birch	* Cllr J A Pearce
* Cllr J Brazil	* Cllr J T Pennington
* Cllr D Brown	* Cllr K Pringle
* Cllr M Chown	* Cllr H Reeve
* Cllr J D Hawkins	* Cllr J Rose
* Cllr J M Hodgson	* Cllr P C Smerdon
* Cllr T R Holway	* Cllr B Spencer
* Cllr N A Hopwood	* Cllr J Sweett
* Cllr S Jackson	* Cllr B Taylor
* Cllr K Kemp	* Cllr D Thomas

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Chief Executive; Deputy Chief Executive; Director of Governance and Assurance; Section 151 Officer; Director of Place and Enterprise; Monitoring Officer; Head of Human Resources; and Democratic Services Manager

45/20 **MINUTES**

The minutes of the meeting of the Council held on 11 February 2021 were approved as a true and correct record.

46/20 **URGENT BUSINESS: LEISURE – FUSION SUPPORT ON RE-OPENING**

The Chairman advised that she had agreed for one urgent item to be raised at this meeting that related to ‘Leisure – Fusion support on Re-Opening’. This item was considered urgent in light of the associated time constraints and would be considered immediately.

In discussion, the following points were raised:-

- (a) A number of Members were of the view that the monies should be passported through to Fusion to ensure that the Leisure Centres could be re-opened from 12 April 2021. In contrast, another Member expressed his concern that the Council was being asked to passport the funding without further information at this time on the future financial position of the organisation;

- (b) It was confirmed that all figures set out in the presented agenda report related to South Hams only and were not on a shared basis with West Devon Borough Council;
- (c) The importance of the role to be played by Fusion in the Health and Wellbeing agenda was recognised by Members; and
- (d) In expressing his opposition to the recommendation, a Member was of the view that:
- Members had been given insufficient time to properly consider this urgent item; and
 - the Council had already allocated significant sums of money to Fusion.

It was then

RESOLVED

That the £170,985 of the National Leisure Recovery Fund (NLRF) funding be passported through to Fusion, to enable for the organisation to meet the costs of preparing and carrying out the re-opening schedule from 12 April 2021 onwards, in line with the national roadmap.

47/20 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, but there were none made.

48/20 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded the meeting that this was the last Full Council meeting before a new Chairman was to be appointed at the Annual Council meeting to be held on 20 May 2021. In highlighting the impact of the COVID-19 Pandemic, the Chairman stated how difficult the last twelve months had been and she wished to thank officers and the wider membership for their guidance and support during such a testing period.

49/20 INVESTING IN SOUTH HAMS ECONOMIC RECOVERY

The Council considered a report that set out a number of proposals to ensure that visitors would experience the best that the South Hams had to offer whilst also ensure that local residents would feel confident that towns and local businesses were as safe as possible, with the added benefit of returning consumer confidence.

In introducing the report, the Leader advised that, at the appropriate time, it would be her intention to **PROPOSE** a revised recommendation that would seek approval to an additional £100,000 of investment (from £498,000 to £598,000) to support the economic recovery that would be focused on improving the built / natural environment to deliver economic improvements within the smaller coastal communities and tourism centres in the South Hams.

In the ensuing debate, reference was made to:

- (a) support being expressed for the additional investment. In welcoming the assurance that Modbury would be able to bid for these monies, it was also hoped that South Brent and Bickleigh would be able to do likewise;
- (b) the need for town councils to provide match funding. Some Members considered the timing to be unfortunate to ask town councils to provide match funding when they had only just set their precept for the next Financial Year;
- (c) further Government guidance still being awaited. Whilst guidance was still awaited, officers confirmed that each submitted Bid would be looked at on its own merits.
- (d) an amendment to the motion. The following amendment was **PROPOSED** and **SECONDED**:-

- 3. That the proposed initiatives set out in the report be referred to the next meeting of the Overview and Scrutiny Panel for its examination and scrutiny and thereafter it will submit its recommendations to the Executive.*
- 4. That prior to the next meeting of the Overview and Scrutiny Panel, Members be encouraged to seek the views of the town and parish councils, residents and local businesses within their area.*
- 5. That, meanwhile, the sum of £50,000 be allocated for expenditure in respect of any urgent measures to be undertaken or required prior to a final decision in respect of the proposed initiatives.*

In introducing his amendment, the proposer stated that there was a lack of opportunity for the wider membership to adequately scrutinise the process. In addition, the Member was of the view that the set of proposals were being rushed and there was a need for town and parish councils and local businesses to have the opportunity to be consulted.

During debate, reference was made to:-

- any delay in allocating monies would have a detrimental impact on local businesses and this amendment was seen by some Members to be slowing down the process;
- support for the need for wider engagement and consultation and the need to comply with the recently adopted Consultation and Engagement Strategy;

- if approved, the amendment resulting in the matter being referred to the next Overview and Scrutiny Panel meeting to be held on 1 April 2021; and
- the Council's Recovery Plan giving great emphasis to economic regeneration.

When put to the vote, the amendment was declared, by virtue of a Chairman's Casting Vote, to be **LOST**;

- (e) some parishes not being able to directly access this funding. Whilst supporting the proposals, some Members did wish to point out that not all areas of the South Hams would see any direct benefit.

It was then:

RESOLVED

1. That in line with the Council's commitment to work with and support businesses, residents and communities through the Recovery period, an investment of £598,000 be approved to support economic recovery, the major towns and the visitor economy of the South Hams. The funding will support the national roadmap for the easing of lockdown at a local level, as detailed below:

- Keeping the streets clean - £130,000
- Enhanced on street presence - £36,000
- Supporting business and hospitality - £57,000
- Improving the business environment in our key towns - £275,000
- Improving the built / natural environment to deliver local economic improvements within our smaller coastal communities and tourism centres - £100,000

2. That the total cost of £598,000 be funded as set out below:-

- i) £398,000 be allocated to the initiatives set out in the report from either the remaining funds from the Council's Additional Restrictions Grant scheme allocation, or in the event that the further Government guidance due to be published on the ARG scheme indicates that a different approach is required, that instead the £298,000 is funded by the Business Rates Retention Earmarked Reserve or other appropriate source, such as the recently announced Welcome Back Fund;
- ii) The final decision on the financing of the £398,000 be delegated to the Director of Place of Enterprise, in consultation with the Section 151 Officer, the Leader and Executive Member for Finance, on receipt of the further guidance from the Government department responsible for Business Grants on the ARG scheme, which is anticipated to be received prior to the end of March 2021; and

- iii) That it be noted that £200,000 from the £500,000 of ARG funding previously allocated by Council on 11th February 2021, (minute CM 39/20 refers), earmarked for strategic economic recovery projects and priorities, is allocated to the initiatives set out in the presented agenda report.

50/20

ENHANCING THE DEMOCRATIC DECISION-MAKING PROCESS

The Council considered a report that sought approval to:

- Bring forward changes to enhance and improve the democratic decision-making process, with the intention of the new arrangements coming into effect for the new Municipal Year (from May 2021); and
- Instruct officers to undertake further work with a view to bringing forward further recommendations.

In discussion, the following points were raised:-

- (a) A Member wished to put on record that the proposals were by no means a reflection on the work of the current Chairman of the Council, who he felt had done an excellent job in such difficult circumstances;
- (b) The proposal to increase the number of scheduled Full Council meetings from four to six per year was welcomed;
- (c) Tributes were paid to the extent of consultation with all Members that had been undertaken by officers in reaching this point. As a result, it was felt that this process had been an exemplar example of consultation and engagement with Members.

It was then:

RESOLVED

1. That the overarching aims and principles (as set out in section 4 of the presented report), be supported with any consequential amendments being made to the Council's Constitution, and changes to come into effect from the Annual Council meeting in May 2021; and
2. That officers continue to consult with Members prior to bringing a report and the amended Constitution to Annual Council on 20 May 2021.

2021/22 CAPITAL STRATEGY; 2021/22 TREASURY MANAGEMENT STRATEGY; AND 2021/22 INVESTMENT STRATEGY

Consideration was given to a report that sought approval of the proposed Capital Strategy, Investment Strategy and Treasury Management for 2021/22, together with their associated prudential indicators.

In discussion, reference was made to:-

(a) an amendment to the Capital Strategy was **PROPOSED** and **SECONDED** as follows:

'That the 2021/22 Capital Strategy be approved subject to:

- *Appendix A 6.6.3 "where applicable" should be deleted and "briefed" changed to "consulted"; and*
- *6.6.9 (development on Council owned land) there is no mention of Ward Members in addition to local town and parish councils being briefed. Add "Ward Members will be consulted at the earliest opportunity" in the same way as in section 6.6.3;'*

When put to the vote, the amendment was declared **CARRIED**;

(b) the ability to review these draft Strategies. Officers confirmed that, whilst there was a requirement for them to be in place by 1 April, these draft Strategies could be reviewed at any given time during the year.

It was then:

RESOLVED

1. That the Council has scrutinised and approve the 2021/22:

- i) Capital Strategy (as attached at Appendix A to the presented report) subject to:
 - Appendix A 6.6.3 "*where applicable*" should be deleted and "*briefed*" changed to "*consulted*"; and
 - 6.6.9 (development on Council owned land) there is no mention of Ward Members in addition to local town and parish councils being briefed. Add "*Ward Members will be consulted at the earliest opportunity*" in the same way as in section 6.6.3;
- ii) Treasury Management Strategy (as attached at Appendix B to the presented report); and
- iii) Investment Strategy (as attached at Appendix C to the presented report); and

2. That delegated authority be given to the Section 151 Officer, in consultation with the Leader of the Council and the Executive Member for Finance, to make any minor amendments to these Strategies if required throughout the 2021/22 Financial Year.

52/20

PAY POLICY STATEMENT AND PAY AND REWARD STRATEGY 2021/22

In line with the requirements of the Localism Act 2011, Members considered a report proposing adoption of the Pay Policy Statement 2021/22 and Pay and Reward Strategy for 2021/22.

In discussion, reference was made to:-

- (a) a minor typographical amendment to the Statement for 2021/22. In proposing the recommendation, the following minor amendment was included:
 - o *Page 104, Section 11 of the published agenda papers being amended to read "SHDC and WDBC" as opposed to "WDBC and WDBC";*
- (b) the term 'remuneration'. In the context of the term 'remuneration', it was agreed that the Head of Human Resources would contact an interested Member outside of this Council meeting.

It was then:

RESOLVED

- 1) That the Pay Policy Statement for 2021/22 (as attached at Appendix A of the presented report) be adopted, subject to Page 104, Section 11 of the published agenda papers being amended to read "*SHDC and WDBC*" as opposed to "*WDBC and WDBC*"; and
- 2) That the Pay and Reward Strategy 2021/22 (as attached at Appendix B of the presented report) be adopted.

53/20

QUESTIONS ON NOTICE

It was noted that one question had been received in accordance with Council Procedure Rule 8:

(a) From Cllr Birch to Cllr Pearce (Leader of Council)

"Following the Leader of the Council's answer to my question at the Executive meeting held on 11 March on the matter of Climate Change & Biodiversity (CC&B) projects, will she please list all the current projects contained in the CC&B Action Plan that are being implemented?"

Will she also please confirm that Members will receive regular updates on progress in respect of the CC&B projects in the Members' bulletin?"

Cllr Pearce responded by thanking Cllr Birch for his question and proceeded to refer him to Council Minute Number 28/30.

In reply to a supplementary question, Cllr Pearce confirmed that she was supportive of both more recent information being uploaded on to the website and regular progress updates in respect of Climate Change and Biodiversity projects being circulated via the Members' Bulletin.

(b) From Cllr Hodgson to Cllr Bastone (Deputy Leader of Council)

"What progress has been made with Traveller sites in the South Hams and how and when will formal sites be established for both transit and permanent use by the Traveller Community?"

In reply, Cllr Bastone stated that, despite the National Lockdown, work had been going on behind the scenes. Officers had visited two potential sites so far, pre-application discussions with current 'caravan dwellers' had been taking place to see if there was any potential with their sites in planning terms. The Council would be looking to see if any sites that were currently occupied could be regularised through the planning process. In addition, work with Devon County Council was ongoing and this would be undertaken with Teignbridge District Council, who may be keen to work in partnership on a transit site. An update would be brought to Members once the National Lockdown had ended as further sites were due to be visited in the coming weeks. The Gypsy and Traveller Forum was envisaged to take place in July 2021 when this could be undertaken outside.

Cllr Bastone responded to a supplementary question by confirming that the service was still working within the existing budget.

54/20

MOTIONS ON NOTICE

It was noted that seven motions had been received in accordance with Council Procedure Rule 10:

(a) By Cllrs Hopwood and Austen

'All types of businesses from the cake maker to the carpenter play a major role in our communities. They help to support economic growth from the ground up. Following the pandemic, these often innovative and dynamic small businesses are going to be key to our recovery. The principle of shopping locally and supporting local trades is something that we can all do as we support each other to grow and thrive in the coming years and that can begin as local as your own street, community or village.'

As a Council (and elected Members) we can support and encourage support local and be 'Support Local' advocates within our communities.'

Since the agenda had been published, the Chairman advised that the proposer and seconder had given notice of their wish to formally withdraw their motion.

(b) By Cllrs Hodgson and Rose

'In line with our formal declaration of a climate and biodiversity emergency, and our commitment to actions to change behaviour to address the causes of this situation, and mitigate the impacts, this Council supports the Climate and Ecological Emergency Bill proposed by a coalition of scientists, academics and lawyers with the aim of bringing the UK's climate policy into one with evolving scientific evidence. Currently this is also supported by 96 cross-party members of parliament. Nationally we need a strong legislative framework that embeds the Government's targets in law, enabling us as supportive players, to plan and develop our future trajectories, to fit in with those targets.

Council therefore resolves to:

- i. Support the Climate and Ecological Emergency Bill; and*
- ii. Inform the local media of this decision;*

At the discretion of the Chairman, the proposer of the motion wished to express her deep reservations at the decision of the Monitoring Officer to remove it from this meeting agenda due to the Council currently being in a Purdah Period. The Member proceeded to advise that a similar motion had been accepted by the Monitoring Officer at Devon County Council and, in light of the extent of the public concerns in the matter, she asked that the Chairman reinstate her motion on to the agenda.

The Monitoring Officer apologised to the proposer for the unfortunate timing of his decision but remained of the view that his ruling was correct. As a consequence of the professional advice given, the Chairman concluded that she was not willing to reinstate the motion on to this agenda and confirmed that it would therefore be rolled over to the Annual Council meeting on 20 May 2021 for consideration.

(c) By Cllrs Birch and Holway

'Following the decision of Full Council at its meeting on 11 February 2021 to allocate the sum of £200,000 to Climate Change and Biodiversity projects, it is resolved that part of this sum be allocated to Members as a CC&B Locality Fund for CC&B projects, in a similar manner to that adopted in respect of the Sustainable Community Locality Fund.

Each Member will be allocated the sum of £3,000 for distribution for CC&B projects and it is a condition that any funds distributed be in respect of projects that fall within the ambit of the Council's Climate Change and Biodiversity Strategy and Action Plan adopted on 17 December 2020 (and any subsequent amendments).

The Member allocating his/her budget or any part thereof to any project will submit six monthly reports from the recipient organisation. The reports shall comply with the reporting arrangements to be determined by the Leader of the Council and the Chair of the Overview and Scrutiny Panel.

The allocation will be initially for the financial year 2021-22, and to be reviewed during the budget setting process for 2022-23, when the spend, quality of projects and reports submitted by Members, along with any other competing budget pressures, will be taken into consideration.'

In discussion, there was widespread support expressed for the motion and the proposer and seconder were both thanked for putting it on this agenda.

It was then:

RESOLVED

Following the decision of Full Council at its meeting on 11 February 2021 to allocate the sum of £200,000 to Climate Change and Biodiversity projects, it is resolved that part of this sum be allocated to Members as a CC&B Locality Fund for CC&B projects, in a similar manner to that adopted in respect of the Sustainable Community Locality Fund.

Each Member will be allocated the sum of £3,000 for distribution for CC&B projects and it is a condition that any funds distributed be in respect of projects that fall within the ambit of the Council's Climate Change and Biodiversity Strategy and Action Plan adopted on 17 December 2020 (and any subsequent amendments).

The Member allocating his/her budget or any part thereof to any project will submit six monthly reports from the recipient organisation. The reports shall comply with the reporting arrangements to be determined by the Leader of the Council and the Chair of the Overview and Scrutiny Panel.

The allocation will be initially for the financial year 2021-22, and to be reviewed during the budget setting process for 2022-23, when the spend, quality of projects and reports submitted by Members, along with any other competing budget pressures, will be taken into consideration.

(d) By Cllrs Brazil and O'Callaghan

'South Hams District Council continues to lobby government to close the loophole that allows domestic properties to switch to business rates and then pay nothing by claiming the small business exemption. Additionally, local authorities need to be permitted to charge up to 200% on second/holiday homes in their area.'

In his introduction, the proposer made reference to:

- the details in relation to the recent Central Government announcement being awaited;
- his wish to thank the Leader for her unwavering support on this issue; and
- his belief that a 200% charge on second/holiday homes was a far more fairer form of taxation.

During the ensuing debate, the following points were raised:

- (a) Some Members supported the spirit of the motion but also emphasised the importance of the tourism industry to the South Hams;
- (b) A number of Members wished to record their thanks to Anthony Mangnall MP for his tireless work in progressing this matter but also recognised the need to maintain the pressure in this respect;
- (c) It was recognised that any initiative to charge 200% to second/holiday homeowners would require a change in primary legislation from Central Government.

It was then:

RESOLVED

That South Hams District Council continues to lobby government to close the loophole that allows domestic properties to switch to business rates and then pay nothing by claiming the small business exemption. Additionally, local authorities need to be permitted to charge up to 200% on second/holiday homes in their area.

(e) By Cllrs Baldry and Thomas

1. *Many South Hams councillors live quite a distance from Totnes. For some it is an hour a round trip to attend meetings. It isn't always easy, particularly during winter time to attend all the meetings because of inclement weather and work commitments*
2. *SHDC has declared a climate emergency and by attending meetings via Teams or Zoom we are not driving and using non-renewal resources but are cutting down on our carbon footprint – a priority of this council.*
3. *Virtual meetings have saved the council a considerable amount of money.*
4. *Councillors wish to attend SHDC meetings but are also keen to attend meetings of the Parish and Town Councils within their wards. Some are also County Councillors and there is often a clash of dates. This means that councillors have to choose which to attend. The result is less engagement with the District Council, or the County Council or the Parish Councils. Having remote meetings means that councillors can more easily attend most of the meetings to the advantage of all the councils.*

5. *The engagement of the public and press has also generally increased. The level of reporting about council business has increased as physical meetings no longer attracted the local press due to cutbacks in their staff.*
6. *For some councillors who have work commitments, mobility issues or are carers remote meetings have been easier for them to attend. This may well help to attract a wider age range of potential councillors in future elections.*

This Council would like to have the flexibility to hold remote and physical meetings. We recognise that some meetings are better dealt with physically and we also recognise that perhaps a hybrid model could also work successfully.

This Council resolves to

1. *Write to the Ministry of Housing, Communities and Local Government (MHCLG) urging that the temporary change to the meeting rules set out in the Local Government Act 1972 be made permanent so that after May we have the flexibility to hold meetings remotely or physically or by using a combination of the two.*
2. *Write to our MPs, the County Council and Town and Parish Councils asking for support for this flexible approach to council meetings.*
3. *Once our request is successful to explore the use of technology to develop remote meetings even more in order to attract a wider audience.”*

In debate on the motion, particular reference was made to:-

- (a) the view that hybrid arrangements would be appropriate in the future;
- (b) the concerns of the Council being similarly shared by a number of local town and parish councils;
- (c) the benefits of remote meetings. Whilst there were limitations with meeting remotely, there had also been a number of benefits that included:
 - the savings in travel and mileage;
 - the consequent reduction in carbon footprint; and
 - increased attendance at meetings by Members.

It was then:

RESOLVED

1. Many South Hams councillors live quite a distance from Totnes. For some it is an hour a round trip to attend meetings. It isn't always easy, particularly during winter time to attend all the meetings because of inclement weather and work commitments;

2. SHDC has declared a climate emergency and by attending meetings via Teams or Zoom we are not driving and using non-renewal resources but are cutting down on our carbon footprint – a priority of this council.
3. Virtual meetings have saved the council a considerable amount of money.
4. Councillors wish to attend SHDC meetings but are also keen to attend meetings of the Parish and Town Councils within their wards. Some are also County Councillors and there is often a clash of dates. This means that councillors have to choose which to attend. The result is less engagement with the District Council, or the County Council or the Parish Councils. Having remote meetings means that councillors can more easily attend most of the meetings, to the advantage of all the councils.
5. The engagement of the public and press has also generally increased. The level of reporting about council business has increased as physical meetings no longer attracted the local press due to cutbacks in their staff.
6. For some councillors who have work commitments, mobility issues or are carers remote meetings have been easier for them to attend. This may well help to attract a wider age range of potential councillors in future elections.
7. This Council would like to have the flexibility to hold remote and physical meetings. We recognise that some meetings are better dealt with physically and we also recognise that perhaps a hybrid model could also work successfully.

This Council resolves to

1. Write to the Ministry of Housing, Communities and Local Government (MHCLG) urging that the temporary change to the meeting rules set out in the Local Government Act 1972 be made permanent so that after May we have the flexibility to hold meetings remotely or physically or by using a combination of the two.
2. Write to our MPs, the County Council and Town and Parish Councils asking for support for this flexible approach to council meetings.
3. Once our request is successful to explore the use of technology to develop remote meetings even more in order to attract a wider audience.

(f) By Cllrs Hodgson and Rose

“This Council supports the government’s Active Travel Initiative and agrees to work with Devon County Council to ensure this important pedestrian and cycling infrastructure linking towns and rural villages is fully developed in a timely manner and maintained, to recognise the significance of these non-vehicular routes to the health and well-being of South Hams residents and visitors and to enable behaviour change in line with responding to the Council’s declaration of a climate and biodiversity Emergency and Devon County Council’s Carbon Plan”.

During discussion, the following points were raised:-

- (a) The close linkages to the Council's Climate Change and Biodiversity Emergency was highlighted;
- (b) The importance of both adequate infrastructure being in place and behavioural changes being implemented were recognised;
- (c) It was recognised that finance would not satisfy all potential schemes and the need to prioritise was therefore emphasised.

It was then:

RESOLVED

This Council supports the government's Active Travel Initiative and agrees to work with Devon County Council to ensure this important pedestrian and cycling infrastructure linking towns and rural villages is fully developed in a timely manner and maintained, to recognise the significance of these non-vehicular routes to the health and well-being of South Hams residents and visitors and to enable behaviour change in line with responding to the Council's declaration of a climate and biodiversity Emergency and Devon County Council's Carbon Plan.

(g) By Cllrs Hodgson and Rose

"In line with this Council's climate and biodiversity emergency, this council commits to work with Devon County Council to implement Air Quality Management Action plans in SHDC to:

- *Improve recording of air pollutants (including Nitrous Oxides and particulates) to ensure accurate and comprehensive real time data collection*
- *Assess and report the cumulative impacts on human health and wildlife within 10 meters of monitored public highways and footpaths*
- *Address and significantly reduce the air quality issues in those zones as a matter of priority*
- *Implement urgent measures to protect residents from the impacts of these pollutants."*

In her introduction, the proposer highlighted the cumulative effects on wildlife corridors, hedgerows and residential areas and stated that these were all related to increased traffic. Furthermore, increased vehicular movements were also leading to increased instances of childhood asthma.

In discussion, the following amendment was **PROPOSED** and **SECONDED**:-

"In line with this Council's climate and biodiversity emergency, this council commits to work with Devon County Council to implement Air Quality Management Action plans, where Air Quality Management Areas have been declared, in SHDC to:

- *Continue to record air pollutants Nitrogen Dioxide) to ensure accurate and comprehensive data collection; and*
- *Work with partners and stakeholders to review the Air Quality Action Plans to secure compliance with national air quality objectives.*

Whilst some Members expressed their support for the amendment, other Members felt that it diluted the original motion and omitted any reference to tangible actions.

When put to the vote, the amendment was declared, by virtue of a Chairman's Casting Vote, to be **CARRIED**.

It was then:

RESOLVED

In line with this Council's climate and biodiversity emergency, this council commits to work with Devon County Council to implement Air Quality Management Action plans, where Air Quality Management Areas have been declared, in SHDC to:

- o Continue to record air pollutants Nitrogen Dioxide) to ensure accurate and comprehensive data collection; and
- o Work with partners and stakeholders to review the Air Quality Action Plans to secure compliance with national air quality objectives.

54/20

REPORTS OF BODIES

RESOLVED

That the minutes and recommendations of the undermentioned Bodies be received and approved subject to any amendments listed below:-

- a) Audit Committee – 15 October 2020;
- b) Overview and Scrutiny Panel – 19 November 2020;
- c) Development Management Committee – 2 December 2020;
- d) Executive – 17 December 2020;

E.50/20 MONTH SEVEN REVENUE BUDGET MONITORING 2020/21 (to the end of October 2020)

RESOLVED

That £100,000 be transferred into a COVID Earmarked Reserve, to protect against future COVID losses in 2021-22 (as set out in Section 1.8 of the attendant report).

E.51/20 DRAFT REVENUE BUDGET PROPOSALS FOR 2021-22

RESOLVED

That the Council continue to be part of the Devon Business Rates Pool for 2021/22, subject to there being no announcements within the Finance Settlement (expected to be announced in the week commencing 14 December), which in the opinion of the S151 Officer (in consultation with the Leader of the Council and the lead Executive Member for Finance), would change this recommendation.

- e) Development Management Committee – 6 January 2021;
- f) Joint O&S Panel and Development Management Committee – 14 January 2021;
- g) Overview and Scrutiny Panel – 14 January 2021;
- h) Salcombe Harbour Board – 18 January 2021;
- i) Executive – 28 January 2021

E.58/20 REPORTS OF OTHER BODIES

b) Joint O&S Panel and DM Committee – 14 January 2021

ii) OSDM.16/20: REVIEW OF FEES AND CHARGES FOR 2021-22

RESOLVED

1. That the level of fees and charges for Parks, Open Spaces and Outdoor Sports for 2021/22 be maintained at the current levels with no proposed increases (as set out in Appendix A of the presented agenda report to the Joint Meeting);
2. That the Environmental Health charges for 2021/22 be maintained at the current levels with no proposed increases (as set out at Appendix B of the presented agenda report to the Joint Meeting);
3. That the level of Fees and Charges for Planning Applications and Enforcement for 2021/22 be maintained at the current levels with no proposed increases (as set out at Appendix C of the presented agenda report to the Joint Meeting);
4. That the proposed fees and charges for Street Naming for 2021/22 be approved as set out at Appendix C of the presented agenda report to the Joint Meeting;
5. That the proposed Section 106 Monitoring fees for 2021/22 (as set out at Appendix C of the report presented to the Joint Meeting) be approved;

6. That delegated authority be given to the Director of Place and Enterprise, in consultation with the lead Executive Member, to set the Dartmouth Lower Ferry Fees in order to take account of market conditions, including competitor charges;
7. That the proposed changes to Boat Storage Charges (as set out in paragraph 3.10 of the presented agenda report to the Joint Meeting) be approved;
8. That delegated authority be given to the Section 151 Officer, in consultation with the lead Executive Member, to set the Local Land Charges as appropriate to ensure cost recovery; and
9. That delegated authority be given to the relevant Head of Practice, in consultation with the relevant lead Executive Member, to adjust Fees and Charges within their service area by inflation at suitable periodic intervals, with reports being presented to the Executive as appropriate.

E.64/20 DEVON DISTRICTS' PROCUREMENT STRATEGY

RESOLVED

That the Devon Districts Procurement Strategy 2019-2022 (including the objectives set out in recommendation 2 of the presented agenda report) be adopted.

- j) Development Management Committee – 3 February 2021
- k) Audit Committee – 4 February 2021
- l) Council Tax Setting Panel – 23 February 2021
- m) Overview and Scrutiny Panel – 25 February 2021
- n) Development Management Committee – 3 March 2021
- o) Executive – 11 March 2021

E.70/20 “BETTER HOMES, BETTER LIVES” ADOPTION OF SOUTH HAMS AND WEST DEVON HOUSING STRATEGY 2021-2026

RESOLVED

That the “Better Homes, Better Lives” South Hams and West Devon Housing Strategy 2021-2026 be adopted.

E.71/20 MONTH 10 REVENUE BUDGET MONITORING 2020/2021 (TO THE END OF JANUARY 2021)

RESOLVED

1. That the Business Rates Pooling Gain of £225,000 for 2020/21 be transferred into the Business Rates Retention Earmarked Reserve (*NB. this would leave a remaining surplus on the 2020/21 Accounts of £96,000 (£321,000 less £225,000) against the 2020/21 Amended Budget*);
2. That the £120,000 of salary savings from 2020/21 be transferred into a Salary Savings Earmarked Reserve to be ringfenced to support salary costs in 2021/22 (as set out in Section 1.8 of the presented agenda report); and
3. That £80,000 of the underspend in the Waste Budget be transferred into the Sustainable Waste Management Earmarked Reserve to reflect the fact that the majority of the implementation costs of the Devon Aligned Service will now be in 2021/22, as opposed to being anticipated to be in 2020/21 (as set out in Section 1.11 of the presented agenda report to the Executive).

E.73/20 PUBLIC SPACE PROTECTION ORDER – DOG CONTROLS

Prior to the vote being taken, it was confirmed that comments had been received from Bigbury since the Executive meeting had been held and the wording of the Schedule to the Order had therefore been reviewed in order to clarify the feedback received.

It was then:

RESOLVED

That, with immediate effect, the Public Space Protection Order 2021 (as set out at Appendix 1 of the presented agenda report) for three years to 24 March 2024 be adopted. The 2021 Order will apply the following district wide provisions requiring dog walkers to:

- a) Carry the means to pick up and to pick up dog waste;
- b) Keep dogs on leads on land designated as a 'Dogs on Lead Area';
- c) Comply to put and keep dogs on leads if so directed (by an authorised officer);
- d) Prevent dogs from accessing a 'Dog Exclusion Zone' (which is not a beach); and
- e) Prevent dogs from accessing specified beaches designated, at times, as 'Dog Exclusion Zones'.

E.74/20 HARBOUR DEPOT, BATSON CREEK, SALCOMBE

RESOLVED

- 1) That approval be given to proceeding with the construction of the new Harbour Depot at Batson Creek, Salcombe in accordance with the existing planning permission (Ref. 1522/19/FUL);
- 2) That the revised Business Case (as set out at Exempt Appendix A of the presented agenda report to the Executive meeting) be approved, increasing the Capital Budget from £1 million to £1.425 million;
- 3) That approval be given to proceeding with awarding the Construction Contract (as set out at Exempt Appendix A of the presented agenda report to the Executive meeting);
- 4) That approval be given to proceeding with the delivery of the new substation and 1MW transformer through Western Power Distribution;
- 5) That £200,000 from the Marine Infrastructure Reserve be used to fund part of the capital cost of the project; and
- 6) That an internal borrowing facility be made available to Salcombe Harbour Authority, in the form of a 50 year loan of up to £1.225 million at a fixed interest rate of 1.5% to fund the construction.

E.75/20 COMMERCIAL UNITS, BATSON CREEK, SALCOMBE

RESOLVED

- 1) That approval be given to proceeding with the construction of the five new Commercial Units at Batson Creek, Salcombe in accordance with the existing planning approval (Ref. 1505/19/FUL);
- 2) That the revised Business Case (as set out at Exempt Appendix A of the presented agenda report to the Executive meeting) be approved, increasing the Capital Project Budget from £1 million to £1.28 million;
- 3) That approval be given to proceeding with awarding the Construction Contract (as set out at Exempt Appendix A of the presented agenda report to the Executive meeting);
- 4) That approval be given to proceeding with the delivery of the new substation and 1MW transformer through Western Power Distribution; and
- 5) That the project be financed through internal borrowing, in the form of a 50 year loan of up to £780,000 at a fixed Interest Rate of 1.5% to fund the construction, with the remainder to be funded through capital receipts (as previously approved).

(Meeting commenced at 2.00pm and concluded at 6.10 pm)

Chairman

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Agenda Item 9

POLITICAL COMPOSITION OF THE COUNCIL: MAY 2021

Conservative Group entitlement = 16/31 (51.6%)	22.71 (23 seats)
Lib Dem Group entitlement = 10/31 (32.3%)	14.19 (14 seats)
Independent Group entitlement = 3/31 (9.7%)	4.26 (4 seats)
Green Party Group entitlement = 2/31 (6.5%)	2.83 (3 seats)

(Bodies excluded from political balance provisions – Executive (6 seats: 2 being the Leader and Deputy Leader), Devon Building Control Partnership (2 seats) and Salcombe Harbour Board (4seats))

*(**NB. assuming that the Executive comprises of 5 Conservative Group Members and 1 Lib Dem Group Member).*

Council Body	No. of seats	Conservative	Lib Dems	Independents	Green Party
O&S Committee	13	5	5	2	1
Development Management Committee	12	6	4	1	1
Audit Committee	7	4	2	1	
Licensing Committee	12	8	3		1
Totals:	44	23	14	4	3

RECOMMENDATION:

That the Council note the political composition of the Council.

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ITEM 10: Membership of Bodies of the Council 2021/22

A. Audit Committee

Cllr L Austen
Cllr J Brazil
Cllr J McKay
Cllr J T Pennington
Cllr R Rowe
Cllr B Spencer
Cllr B Taylor

B. Development Management Committee

Cllr V Abbott
Cllr J Brazil
Cllr D Brown
Cllr R J Foss
Cllr J M Hodgson
Cllr K Kemp
Cllr M Long
Cllr G Pannell
Cllr K Pringle
Cllr H Reeve
Cllr R Rowe
Cllr B Taylor

Substitutes:

Cllr L Jones
Cllr D O'Callaghan
Cllr J Rose
Cllr P Smerdon
Cllr B Spencer
Cllr J Sweett
Cllr D Thomas

C. Licensing Committee

Cllr D Brown
Cllr R J Foss
Cllr T R Holway
Cllr J M Hodgson
Cllr K Kemp
Cllr G Pannell
Cllr K Pringle
Cllr H Reeve
Cllr R Rowe
Cllr P C Smerdon
Cllr B Taylor
Cllr D Thomas

D. Overview and Scrutiny Committee

Cllr L Austen
Cllr J P Birch
Cllr M Chown
Cllr S Jackson
Cllr L Jones
Cllr J McKay
Cllr D M O'Callaghan
Cllr J T Pennington
Cllr J Rose
Cllr P C Smerdon
Cllr B Spencer
Cllr J Sweett
Cllr D Thomas

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ITEM 11: Chairman and Vice Chairman of Bodies of the Council for 2021/22

A. Audit Committee

Cllr L Austen – Chairman
Cllr B Spencer – Vice Chairman

B. Development Management Committee

Cllr J Brazil – Chairman
Cllr R J Foss – Vice Chairman

C. Licensing Committee

Cllr D Brown – Chairman
Cllr R Rowe – Vice Chairman

D. Overview and Scrutiny Panel

Cllr J Birch – Chairman
Cllr P Smerdon – Vice Chairman

E. Salcombe Harbour Board

Cllr J Brazil – Chairman

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Report to: **Annual Council**

Date: **20 May 2021**

Title: **Salcombe Harbour Board – Appointment of Co-opted Board Members**

Portfolio Area: **Council – Leader**

Wards Affected: **Salcombe and Thurlestone, Kingsbridge, Stokenham**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Immediately following this meeting

Author: **Janice Young** Role: **Democratic Services Specialist**

Contact: **Email: janice.young@swdevon.gov.uk**

RECOMMENDATION

That the Council RESOLVES:

- 1. that, with immediate effect, Messrs Andrew Owens and Ian Shipperley be appointed to serve on the Salcombe Harbour Board as Co-opted Members for the period to the date of the Annual Council meeting in May 2024; and**
- 2. to suspend its Procedure Rule that would otherwise require a recruitment process in 2022 to enable, with effect from the date of the Annual Council meeting in May 2022, Mr Paul Brown to be appointed to serve on the Salcombe Harbour Board as a Co-Opted Member for the period to the date of the Annual Council meeting in May 2025.**

1. Executive summary

- 1.1 The purpose of the report is to approve the appointments of Co-opted Members to the Salcombe Harbour Board, in line with the recommendations of the Appointments Panel.**

2. Background

- 2.1 On 20 July 2006, the Council considered and approved proposals for the reconstitution of the Salcombe Harbour Board. This was to ensure that the Council could best govern as a Harbour Authority for the future in line with Department of Transport's (DfT) 'Guide to Good Governance' and the Municipal Ports Review which had been published.
- 2.2 As part of the reconstitution, Members approved the establishment of a 'fit for purpose' Board consisting of up to ten members, of which up to six could be co-opted and four made up by nominated District Councillors. A recruitment process was agreed with appointments being based upon a range of technical skills demonstrated by applicants together with other relevant criteria which would make them suitable Board Members. This applied to both co-opted members and Council nominees.
- 2.3 To provide sufficient continuity, the appointment of co-opted Members has been staggered and there are currently two vacancies to be filled on the Board. The appointment process allows for successful co-opted Members to serve an initial three year term. Following the first three years, and with the agreement of the Chairman of Salcombe Harbour Board, co-opted Members are entitled to serve a further three year term without the need to submit to an interview process.

3. Outcomes/outputs

- 3.1 A recruitment process was undertaken for the two vacancies and advertisements placed for potential Co-opted Board Members. There was a good level of interest and a number of applications received. It was noted that the standard of applications this year was of a particularly high standard.
- 3.2 The interviews took place on Monday, 26 April 2021, with the Panel consisting of Mr Hugh Marriage, Vice Chair of the Salcombe Harbour Board and Mr Ian Gibson, a previous Salcombe Harbour Master. The Panel was also supported by the current Harbour Master and the Democratic Services Specialist.
- 3.3 As a result of the interview process, Messrs Owens and Shipperley were assessed by the Panel (when judged against the criteria) as being the two most suitable applicants for appointment and were therefore recommended for the vacant positions on the Board.
- 3.4 The third ranked interviewee (Mr Paul Brown) was deemed so close to the successful top two candidates that it was agreed to offer him a vacant position that would exist from May 2022 (Mr Marriage has already given notice of his intention to stand down

from the Board in May 2022). It is therefore recommended that the Council suspend its Procedure Rule that would otherwise require a recruitment process in 2022 to enable this decision to be implemented.

4. Options available and consideration of risk

- 4.1 The Constitution sets out the number of co-opted Members who should sit on the Salcombe Harbour Board and the terms under which they are appointed. It is therefore a requirement that a recruitment process is undertaken.
- 4.2 There are potential risks in failing to appoint a 'fit for purpose' Board Member. The robust recruitment process which judges applications against set criteria has mitigated this risk.

5. Proposed Way Forward

- 5.1 Following the recruitment and selection process, the proposed way forward is to appoint co-opted Members in line with the recommendations of the Interview Panel.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Statutory Powers – Local Government Act 2000; Local Government Act 1972 and the Pier and Harbour Order (Salcombe) Confirmation Act 1954
Financial implications to include reference to value for money	N	There are no direct financial implications
Risk	N	These have been addressed in the body of the report
Supporting Corporate Strategy		Council Theme
Climate Change - Carbon / Biodiversity Impact	N	No direct carbon/biodiversity impact arising from the recommendations
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	

Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	
Other implications	N	

Supporting Information

Appendices:

None

Background Papers:

None

Report to: **Annual Council**
Date: **20 May 2021**
Title: **Calendar of Meetings 2021/22**
Portfolio Area: **Council – Cllr Pearce, Leader**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Immediately following this meeting

Author: **Darryl White** Role: **Democratic Services Manager**

Contact: **Email: darryl.white@swdevon.gov.uk**

RECOMMENDATION:

That Council be RECOMMENDED to approve the draft Calendar of Meetings for 2021/22 (as presented at Appendix A).

1. Executive summary

- 1.1 Each year, the Council is required to approve a Calendar of formal decision-making Meetings for the forthcoming year.

2. Background

- 2.1 The Constitution sets out requirements relating to the number and frequency of meetings of Council Bodies. In setting the Calendar of Meetings each year, the Council can ensure that these requirements are met. Adoption of a twelve-month Calendar also enables for forward planning and avoids potential meeting clashes.

3. Outcomes/outputs

- 3.1 Set out at Appendix A is the draft Calendar of Meetings for 2021/22.
- 3.2 In drawing up the calendar of meetings, a number of parameters have been taken into account. These include:
- 3.2.1 Constitutional requirements which, for some Bodies, sets the number and frequency of meetings that are to be held annually;

- 3.2.2 The wishes of Members that Thursdays are seen as 'Member Days' and therefore as many meetings as possible are arranged to take place on this day; and
- 3.2.3 The wishes of Members, wherever possible, to avoid formal meetings being held during school holidays;
- 3.3 In addition, Members will recall that a number of further principles that impact upon the Calendar of Meetings have also been approved by the Council as part of the 'Enhancing the Democratic Decision-Making Process' review (Minute 50/20 refers). These include:
 - 3.3.1 Overview and Scrutiny Panel meetings to be held a minimum of two weeks after the Executive as opposed to in advance;
 - 3.3.2 The increased provision (from six to four) of scheduled meetings of Full Council;
 - 3.3.3 A reasonable break being factored in during the summer (August) and over the Christmas and New Year break; and
 - 3.3.4 Provision for Question and Answer Sessions with members of the Senior Leadership Team.

4. Options available and consideration of risk

- 4.1 By approving the Calendar of Meetings each year, the Council will avoid potential Member meeting clashes and ensure that its Constitutional requirements are provided for with the wishes of Members, wherever possible, being taken into account.

5. Proposed Way Forward

- 5.1 Approval of the Calendar of Meetings will support the organisation in its corporate work programming for the next twelve months.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Statutory Powers – Local Government Act 1972
Financial implications to include reference to value for money	N	There are no direct financial implications

Risk	N	These are addressed in the report
Supporting Corporate Strategy		Efficient and Effective Council
Climate Change - Carbon / Biodiversity Impact		Attendance at formal Member meetings is required for voting Members, however car sharing is actively encouraged. The use of Microsoft Teams is also now actively encouraged for all informal Member Briefing sessions and Workshops
Comprehensive Impact Assessment Implications		
Equality and Diversity		Not applicable
Safeguarding		Not applicable
Community Safety, Crime and Disorder		Not applicable
Health, Safety and Wellbeing		Not applicable
Other implications		Not applicable

Supporting Information

Appendices:

Calendar of Meetings 2021/22 – Appendix A

Background Papers:

'Enhancing the Democratic Decision-Making' review reports and Council minutes.

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SOUTH HAMS CALENDAR OF MEETINGS 2021/22

Committee	May 21	June 21	July 21	Aug 21	Sept 21	Oct 21	Nov 21	Dec 21	Jan 22	Feb 22	Mar 22	Apr 22	May 22	June 22	July 22	Aug 22	Sept 22
COUNCIL All at 2pm	20		15		23		25			10*	31		19				
Council Tax Panel 2.00pm										22							
Executive All at 10.00am		3	8 ****		16	14		2	27		3	7					
O&S Committee All at 2.00pm			1 / 22		30		4	16	13**		17	21					
Audit Committee All at 2.00pm		24	29			7					10						
Licensing Committee 2.00pm							11										
Salcombe Harbour All at 2.30pm		14			20		15		24		21						
Site Inspections	24	21	26		6 / 28***	4	8	13	17	14	14	11	9				
DM Committee	26	23	28		8 / 29*	6	10	15	19	16	16	13	11				
SLT Drop-in Sessions (1.30pm to 3.00pm)					16			2			3						

Notes:

* Council meeting will consider the draft Budget at 11.00am and the remainder of the agenda at 2.00pm;

** Joint O&S and DM Committee date to consider the draft Budget;

*** Provisional DM Committee Meeting date for a special meeting to consider the Woolwell application; and

**** Executive meeting to start at 10.30am.

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Report to: **Council**

Date: **20 May 2021**

Title: **Enhancing the Democratic Decision-making Process – Review of the Constitution**

Portfolio Area: **Leader of the Council –Cllr Pearce**

Wards Affected: **All**

Urgent Decision: **No** Approval and clearance obtained: **Yes**

Date next steps can be taken: Constitution to be implemented on adoption

Author: **David Fairbairn** Role: **Head of Legal Services and Monitoring Officer**

Contact: **Telephone: 01803 861359**
email: david.fairbairn@swdevon.gov.uk

Recommendation

It is recommended that Council:

- (1) adopts a revised Constitution to comprise:
 - a. Chapter 1 – Introduction
 - b. Chapter 2 – Scheme of Delegation (Part 3 of the existing Constitution)
 - c. Chapter 3 – Meeting Procedure Rules
 - d. Chapter 4 – Access to Information Procedure Rules (Part 4(a) of the existing Constitution)
 - e. Chapter 5 – Other Procedure Rules (Parts 4(a), 4(c), 4(f), 4(g), 4(i) of the existing Constitution)
 - f. Chapter 6 – Codes and Protocols (Part 5 of the existing Constitution, but with Councillors’ Code of Conduct appended as Appendix C)
 - g. Chapter 7 – Councillors’ Allowance Scheme (Part 6 of the existing Constitution).
- (2) notes that further reports will be brought to Council as work progresses in reviewing and reformatting those elements comprising the existing Constitution.

- (3) that the effectiveness of decision-making arrangements introduced by the reports to Council on 11 February and 25 March 2021 and set out in the Constitution are reviewed in 12 months.

1. Executive summary

- 1.1 The Council has a legal duty to publish an up to date Constitution and it should be reviewed annually with any necessary changes being normally considered at the annual council meeting. This report proposes changes to the content and format of the Constitution to reflect the principles agreed by the Council at its meetings on 11 February and 25 March 2021 as the basis for future decision-making.

2. Background

- 2.2 Prompted by issues and challenges raised by Councillors over the last autumn the Council has been reviewing its decision-making processes with a view to enhancing and improving them. To that end Council considered reports to its meetings on 11 February and 25 March 2021 and agreed the overarching aims and principles (Minute 40/20 refers) as well proposed revisions (Minute * refers). The principles and proposed revisions had been the subject of a series of discussions involving all Councillors over the past few months and out of which a clear consensus developed as to the need to promote an inclusive approach where all Councillors could contribute fully to the Council's decision-making processes.
- 2.3 As the report to Council on 25 March acknowledged it is essential that Councillors and officers operate within a local governance framework of checks and balances to ensure that decision-making is lawful, informed by objective advice, transparent, and consultative.
- 2.4 The Constitution sets out the framework. The Council's Constitution currently comprises 7 Parts sub-divided into 34 further documents. The Constitution is difficult to navigate and because it has grown organically, it is not always internally consistent. Neither does it contain all the delegations in one place, with these spread across several documents. Accordingly, in conjunction with the review of the Council's decision-making processes, the opportunity has been taken to begin the work of simplifying the document.
- 2.5 As a starting point the review seeks use terminology consistently across the Constitution with the following preferences – highlighted bold:
- a. **Councillor** v Member;
 - b. Cabinet v **Executive**;
 - c. Chief Executive v **Head of Paid Service**;
 - d. Chair v **Chairman**; and

e. Chief Finance Officer v **Section 151 Officer**.

- 2.6 As for the substance, Parts 1 (Summary and Explanation) and 2(Articles) of the current Constitution have been merged into a new easier to read introduction (see Appendix A). The Introduction, which is now referred to as Chapter 1 to reflect a change of style, now sets out the purpose of the Constitution and when complete will have on-line links to the detail elsewhere in the Constitution (as will be the case throughout the document). For the time being, the intended links are shown in red and underlined. The Articles are not a legal requirement and repeat many of the points in the Introduction and elsewhere in the Constitution.
- 2.7 Part 4 (Rules of Procedure) of the current Constitution an amalgam of procedure rules. The proposal is that these should be re-organised with those relating to meetings being grouped together in what is now referred as Chapter 3. The Meeting Procedure Rules bring together the procedure rules for meetings of the full Council, the Executive, Committees and the Overview and Scrutiny Committee together into a single document. The document concludes with appendices which set out the rules for public questions, questions on notice from Councillors, notices of motion and substitutes as well as showing the rules of debate in an easy-to-follow flowchart. The appendices are intended to be the essential guide to the meeting procedure rules.
- 2.8 Appendix B sets out the Meeting Procedure Rules with the principles and revisions discussed with Councillors as well as the Appendices highlighted in yellow.
- 2.9 Although there is a close relationship between meetings and the access to information procedure rules, it is felt that the latter justify a separate chapter to themselves. This will be referred to as Chapter 4 – Access to Information Procedure Rules.
- 2.10 The remaining procedure rules relating to financial matters, contracts and the employment of officers will be grouped together as Chapter 5 – Other Procedure Rules.
- 2.11 The current Budget and Policy Framework Procedure Rules may be viewed as dictating how delegated powers are to be exercised so it is proposed that consideration is given to weaving these into the scheme of delegation. The current Procedure Rules for Other Bodies of the Council will likewise be incorporated into the scheme of delegation.
- 2.12 The Councillor code of conduct was reviewed by Overview and Scrutiny Panel on 1 April 2021. The Panel agreed that Council should be recommended to adopt the Code of Conduct appended to this report as Appendix C.

2.13 Chapters 4 and 5, the scheme of delegation (which will be amended to reflect decisions on governance boards and task and finish groups to be taken elsewhere on the agenda) and the review of the remaining provisions are work in progress. Until that work has been completed the Constitution will, if Council approves Chapters 1 and 3, comprise:

- a. Chapter 1 – Introduction
- b. Chapter 2 – Scheme of Delegation (Part 3 of the existing Constitution)
- c. Chapter 3 – Meeting Procedure Rules
- d. Chapter 4 – Access to Information Procedure Rules (Part 4(a) of the existing Constitution)
- e. Chapter 5 – Other Procedure Rules (Parts 4(a), 4(c), 4(f), 4(g), 4(i) of the existing Constitution)
- f. Chapter 6 – Codes and Protocols (Part 5 of the existing Constitution but with the new code of conduct)
- g. Chapter 7 – Councillors’ Allowance Scheme (Part 6 of the existing Constitution).

2.14 The mix of old and new is unfortunate, but the aim would be to complete the remaining drafting as quickly as practicable with further reports being brought to Council to approve the revised and reformatted elements.

3. Outcomes/outputs

3.1 When complete the revised Constitution will be a more user-friendly document. In the meantime, Chapters 1 and 3 incorporate the principles and revisions agreed by Council and indicate the direction of travel.

3.2 The Councillors’ Code of Conduct is a customised version of the Local Government Association’s Model Code customised to make references to the Council and is consistent with the vision that the Council aspires to.

4. Options available and consideration of risk

4.1 The options for changes to the Council’s decision-making process, and the importance of putting emphasis upon:

- a. Strengthening and enhancing democracy;
- b. Clarifying the role and purpose of committees;
- c. Developing the principles of an integrated system and the important inter-relationship between committees;
- d. Streamlining the flow of information into, and between, committees and reducing duplication; and

- e. Increasing opportunities for all Councillors to contribute their knowledge and expertise as effectively as possible, in order to maximise our collective impact.

have been discussed with Councillors and the proposals reflect the consensus of opinion.

- 4.2 The risks of not having an up-to-date, consistent and complete Constitution are that responsibility and accountability for decisions is unclear, decision-making lacks transparency and ultimately decisions are made unlawfully.

5. Proposed Way Forward

- 5.1 The report proposes changes to the content and format of the Constitution so that it reflects proposals to improve the clarity, efficiency, and accountability of decision-making and will ultimately produce a more user-friendly document.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Under section 9P of the Local Government Act 2000 the Council has a duty to prepare and keep up to date a document known as a constitution which contains: (a) a copy of the authority's standing orders for the time being; (b) a copy of the authority's code of conduct; (c) such information as the Secretary of State may direct; and (d) such other information (if any) as the authority considers appropriate. Decisions to adopt and to approve the Constitution are reserved to the full Council.
Financial implications to include reference to value for money	N	There are no financial implications arising directly out of this report.
Risk	Y	The report identifies the risks in paragraph 4.2
Supporting Corporate Strategy	Y	The proposals support all the elements of the Corporate Strategy

Climate Change - Carbon / Biodiversity Impact	Y	There are no climate change and biodiversity implications arising directly out of this report.
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	
Other implications	N	

Supporting Information

Appendices:

- Appendix A – Draft Chapter 1 – Introduction
- Appendix B – Draft Chapter 3 – Meetings Procedure Rules
- Appendix C – Code of Conduct for Councillors

Background Papers:

There are none

CONSTITUTION OF THE COUNCIL

CONTENTS	PAGE
Chapter 1 – Summary and explanation	
Chapter 2 – Scheme of delegation	
Chapter 3 – Meeting Procedure Rules	
Chapter 4 – Access to Information Procedure Rules	
Chapter 5 – Other Procedure Rules	
Financial Procedure Rules	
Contracts Procedure Rules	
Officer Employment and Dismissal Procedure Rules	
Chapter 6 – Codes and Protocols	
Chapter 7 – Scheme of Councillors' Allowances	
Glossary	

CONSTITUTION OF THE COUNCIL

This Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, others are a matter for the Council to choose.

Hyperlinks between different parts of the Constitution have been included wherever possible to make it easy to navigate around the information. Hyperlinks to other documents/sites have also been included where this will be helpful. All hyperlinks are coloured [red like this](#).

Chapter 1 - Summary and explanation

The Local Government Act 2000 requires a council to set out in a constitution how the council operates. The purpose of this Constitution is to provide an efficient and effective framework for:

- How the Council operates
- How its decisions are made and
- The procedures and rules which will be followed.

The Council

The Council is composed of 31 Councillors who are each elected to represent a particular Ward. There are 20 Wards in the Council's area. Details of the Wards and the Councillors elected to each Ward can be found [here](#).

The election of all Councillors is normally held every four years on the first Thursday in May. The term of office for Councillors starts on the fourth day after being elected and finishes on the fourth day after the date of the next regular election.

Councillors

Councillors are democratically accountable to residents of their ward. Their overriding duty is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to observe [a Code of Conduct](#) to ensure high standards in the way they undertake their duties. Councillors also have to register and declare certain interests which are available for public inspection in [a Register of Interests](#).

How the Council operates

All Councillors meet together as the Council. Formal meetings of the Council are open to the public except for certain exempt or confidential matters. Here Councillors decide overarching policies of the Council and set the budget each year.

The Council approves the creation of Committees and makes appointments to them based on nominations by political groups. The Council also appoints one Councillor to be its Leader.

Strategic decisions

The Council operates an Executive and Leader governance model by which all executive powers vest in the Leader. The Leader then makes arrangements for others to also to exercise executive powers.

The Executive is made up of the Leader and between 2 to 9 (inclusive) other Councillors appointed by the Leader. Political balance requirements do not apply to the Executive. Normally, when it is anticipated that executive Key Decisions are to be taken, the details will be published in [a Forward Plan](#).

The Executive usually takes the lead in deciding strategic matters. However there some decisions which are of particular importance or are required by law, which must be made the Full Council. Such decisions will often be considered by the Executive in advance who will then make recommendations for Full Council to consider.

Formal meetings of the Executive are open for the public to attend except where exempt, confidential or private matters are being discussed.

Overview and Scrutiny

The Council has one Overview and Scrutiny Committee that supports the Council. The Overview and Scrutiny Committee plays an important role in reviewing and scrutinising the Council's policies, budget and service delivery.

The Overview and Scrutiny Committee may also be consulted by Leader/Executive or the Council on upcoming decisions and the development of policy.

The Council operates a 'call-in' process in respect of executive decisions that means decisions that have been made, but not yet implemented can be called in for review by the Overview and Scrutiny Committee. The call in process enables the Overview and Scrutiny Committee to make recommendations to the Leader/Executive about decisions that have been called-in.

To reinforce the key role that the Overview and Scrutiny Committee plays in policy development and scrutiny, it meets two weeks after the Executive. The Overview and Scrutiny Committee has the power to appoint task and finish groups which carry out a specific piece of work and at its conclusion, the task and finish group reports back to the Committee.

Other arrangements

In addition to the Overview and Scrutiny Committee, the Council has a number of other Committees which make decisions and carry out other activities. These focus

on quasi-judicial matters for which the Council has responsibility, such as planning and licensing.

The Council has also entered into arrangements with other Councils to create joint/shared opportunities for the delivery of some of its functions and activities. Details of these arrangements are set out in the [Scheme of Delegation](#).

The Council will look to remove barriers between it, town/parish councils and local communities so that issues are addressed holistically and for there to be appropriate levels of engagement in decisions.

The Council's Staff

The Council has people working directly and indirectly for it (called 'Officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely.

The [Protocol on Councillor/Officer Relations](#) guides Councillors and Officers of the Council in their relations with one another to ensure the smooth running of the Council. Officers also have to comply with [the Code of Conduct for Officers](#).

Under the Council's [Senior Management Structure](#), the most senior Officer is the Chief Executive, who is also the Council's Head of Paid Service. Other senior managers lead different parts of the Council's services. Some Officers have specific duties to ensure that the Council operates within the law and uses resources wisely. These are the Monitoring Officer and the Section 151 Officer (Chief Finance Officer).

The functions and responsibilities which the Council has given to the senior Officers are listed in the [Scheme of Delegation](#).

Rights of members of the public

Members of the public have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes.

Members of the public have the right to:

- vote at local elections if they are registered and eligible;
- [contact their local councillor](#) about any matters of concern to them;
- access a copy of the Constitution;
- [attend formal meetings](#) of the Council and its Committees, Panels and Sub-Committees except where exempt or, confidential matters are being discussed or the meeting is being held in private;

- find out from the Forward Plan what key decisions are to be discussed by the Executive or decided by the Leader, Executive or Officers, and when;
- ask questions, make statements, attend as a deputation and submit petitions at meetings of the Executive and the Full Council meetings;
- see publically accessible reports and background papers, and any record of decisions made by the Council, the Executive, Committees and Sub-Committees;
- complain to the Council about something the Council has done wrong, something that the Council should have done or if the Council has not treated an individual in a professional or civil manner;
- complain to the Local Government and Social Care Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process; and
- inspect the Council's accounts during the public inspection period and make their views known to the external auditor.

Where members of the public use specific Council services they may have additional rights. These are not covered in this Constitution.

Review of the Constitution

The Constitution is to be kept under review by the Monitoring Officer. Unless any change to the Constitution is one that can be made by the Monitoring Officer under the Scheme of Delegation the Audit and Governance Committee will normally consider any proposed change before it is considered by Full Council.

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Chapter 3 – Meeting Procedure Rules

THE FULL COUNCIL

Introduction to the Full Council

The Full Council is responsible for the adoption and approval of the strategies and plans comprising [the Policy Framework](#) or [the Budgetary Framework](#). In addition, there are some other [matters that have been reserved to the Full Council](#) for a formal decision. The full scope of the Full Council's powers and responsibilities are set out in [the Scheme of Delegation](#).

The Full Council makes its decisions at meetings of the Council. There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings; and
- (c) special meetings.

Full Council will normally have 5 ordinary meetings a year in addition to the annual meeting. All of the meetings of the Full Council will be conducted under [the Council Procedure Rules](#).

NOTE: Meetings of Committees and of the Executive are conducted under [the Committee Procedure Rules](#) and [The Executive Procedure Rules](#) respectively.

Meetings of the Full Council are normally chaired by the Chairman of the Council or in their absence, the Vice-Chairman of the Council. Both the Chairman of the Council and the Vice-Chairman of the Council are elected by the Council annually. The role and responsibilities of the Chairman of the Council and the Vice-Chairman of the Council are described in their [job profiles](#).

COUNCIL PROCEDURE RULES

1. ANNUAL MEETING OF FULL COUNCIL

1.1 Date of Annual Meeting

In a year when there is an ordinary election of Councillors, the Annual Meeting of the Full Council will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in April or May.

1.2 **Business**

The Annual Meeting of the Full Council will:

- (a) elect a person to preside if both the Chairman and Vice-Chairman are not present;
- (b) elect the Chairman of the Council;
- (c) elect the Vice-chairman of the Council;
- (d) receive any declarations of interest from Councillors;
- (e) approve the minutes of the last meeting as a correct record and to authorise the Chairman to sign them;
- (f) receive any announcements from the Chairman of Council and/or Head of Paid Service;
- (g) elect the Leader;
- (h) note the appointment of the Deputy Leader and any Portfolio Holders made by the Leader;
- (i) appoint at least one Overview and Scrutiny Committee, a Licensing Committee and such other Committees or Boards as the Full Council considers appropriate to deal with matters within its control, their size, terms of reference and powers;
- (j) decide the allocation of seats on Committees to political groups in accordance with the rules on political balance;
- (k) receive nominations from political groups for Councillors to serve on committees or any outside body and to make appointments to each committee or outside body, except where the Full Council has delegated the appointment or is exercisable only by the Leader;
- (l) appoint the Chairman and Vice-Chairman of relevant committees;
- (m) make any other appointments as may be necessary;
- (n) approve a programme of ordinary meetings of the Full Council and its Committees for the year;
- (o) consider item(s) that in the opinion of the Chairman of Council should be considered at the meeting as a matter of urgency; and

- (p) consider any other business set out in the notice convening the meeting.

2. ORDINARY MEETINGS OF FULL COUNCIL

2.1 Date of ordinary meetings

Five ordinary meetings of the Full Council will take place on dates agreed by the Full Council at its Annual Meeting. If the Chairman considers it is appropriate to do so the Chairman may, in consultation with the Head of Paid Service, cancel the meeting or direct that it is held on another date.

2.2 Business

Ordinary meetings of the Full Council will:

- (a) elect a person to preside if both the Chairman of Council and Vice-Chairman are not present;
- (b) receive any declarations of interest from Councillors;
- (c) approve the minutes of the last meeting as a correct record and to authorise the Chairman to sign them;
- (d) receive any announcements from the Chairman or Head of Paid Service;
- (e) receive any report from the Leader and Portfolio Holders and receive any reply from the Leader and Portfolio Holders to Councillors' questions;
- (f) receive and reply to any question from the public;
- (g) receive and reply to any petition from the public;
- (h) receive, consider and reply to any report or recommendations formally submitted by any Overview and Scrutiny Committee, other Committee, Panel or Board;
- (i) deal with any business from the last Council meeting;
- (j) deal with any Councillor Questions;
- (k) consider any notices of motion;
- (l) consider any item(s) that in the opinion of the Chairman should be considered at the meeting as a matter of urgency; and

- (m) consider any other business specified in the notice convening the meeting.

3 SPECIAL MEETINGS

3.1 Calling special meetings

The following may request the Head of Paid Service to call a special meeting of the Full Council:

- (a) the Full Council by resolution;
- (b) the Chairman of Council;
- (c) the Head of Paid Service;
- (q) the Monitoring Officer;
- (r) the Section 151 Officer; or
- (f) any five Councillors by signing and giving a request to the Chairman. The Chairman must then have refused to call a meeting or failed to call a meeting with seven days of the request being presented.

3.2 Business of special meetings of the Full Council

- (a) Unless the Chairman is of the opinion that an item should be considered as a matter of urgency, Full Council will only consider the business which is specified in the notice of the special meeting.
- (b) Petitions and questions from members of the public will be accepted only if in the Monitoring Officer's opinion they relate to the business for which the special meeting has been arranged.

4 TIME AND PLACE OF MEETINGS AND ITEMS ON AN AGENDA

4.1 Time and place of meetings

Meetings of the Full Council will take place on the date and at the time published in the agenda for the meeting.

4.2 Items on an agenda

- (a) Unless the law otherwise requires, items will be included on an agenda:
 - (i) at the request or at the direction of the Chairman;

- (ii) as required by these Council Procedure Rules, [the Petition Scheme] or any other provision of the Constitution;
 - (iii) as required by resolution of the Full Council and/or by way of a requisition;
 - (iv) at the request of the Head of Paid Service subject to prior consultation with the Chairman;
 - (ii) at the request of the Monitoring Officer or Section 151 Officer subject to prior consultation with the Chairman (unless unavailable or absent);
 - (iii) in accordance with a requirement of the Overview and Scrutiny Committee to consider and reply to a report or recommendation;
 - (iv) to consider any recommendation or referral from a Committee or Sub-Committee of the Full Council;
 - (v) to consider any Officer report identified by any Officer (nominated by the Head of Paid Service for such a purpose) as appropriate to go to Full Council and/ or which refers to any matter which the Constitution or law requires to be considered by Full Council; and/or
 - (vi) in the case of an special meeting of Full Council to address the reason for the special meeting.
- (b) The Head of Paid Service (or any other person as the Head of Paid Service may nominate) with the agreement of the Chairman shall decide the appropriate meeting of the Full Council to which an item should be considered and the order of all such items.
- (c) Any urgent items and the reasons for urgency must be submitted to the Head of Paid Service and the Monitoring Officer in advance of the meeting.

4.3 **Acting in absence**

If the Chairman is absent or unavailable at any time when these Council Procedure Rules would otherwise require the Chairman to act then unless the procedure rules say otherwise the Vice-Chairman or if both are absent or unavailable such other Councillor as the Head of Paid Service may at his absolute discretion determine (if any) may act.

5 NOTICE AND AGENDA FOR MEETINGS

- 5.1 The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the [Access to Information Rules](#).
- 5.2 Normally at least five clear working days before a meeting, the Head of Paid Service will send (or where a Councillor has given an email address, e-mail) a copy of the agenda to every Councillor.
- 5.3 The agenda will be authenticated in such manner as the Head of Paid Service considers appropriate, give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6 CHAIRING THE MEETING

The person presiding at a meeting of the Council may exercise any power or duty of the Chairman.

7 QUORUM

7.1 Full Council

The minimum number of Councillors required to be present or quorum for a meeting of the Full Council is 8.

7.2 Absence of a quorum

If during any meeting, the Chairman counts the number of Councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. No further business will be considered. Any remaining business will be considered at a time and date fixed by the Chairman. If the Chairman does not fix a date, any remaining business will be considered at the next ordinary meeting.

8. DURATION OF THE MEETING AND TIME PERIODS

8.1 Time limits

Once a meeting has been in progress for two hours the Chairman will interrupt the meeting at the conclusion of the item under discussion. The meeting will then adjourn for a period of up to 20 minutes or such other period as the Chairman may decide is appropriate.

8.2 Public Participation Time

At each meeting of the full Council (except for the Annual Meeting and any special meeting) a period of up to 15 minutes will be allowed for [Public Participation Time](#)

8.3 Questions and notices of motion by Councillors

At each meeting of the full Council (except for the Annual Meeting and any special meeting):

- (a) a period of up to 15 minutes will be allowed for Councillor Questions; and
- (b) a period of up to 45 minutes will be allowed for Notices of Motion.

9. PUBLIC PARTICIPATION TIME

- 9.1 Appendix A - Questions from members of the public explains how the public can ask questions at meetings of the full Council.
- 9.2 Any member of the public may submit a petition at Council meetings. However the Council will not normally accept any petition that does not comply with the Petition Scheme. Petitions which are accepted for consideration will be dealt with under the Petition Scheme

11 REPORTS FROM THE LEADER AND PORTFOLIO HOLDERS

11.1 Receiving reports from the Leader and Portfolio Holders

Every ordinary meeting of Full Council (except for the Annual Meeting) may receive a report, usually in writing with oral updates, but may simply be oral, from:

- (a) the Leader on matters affecting the Council; and
- (b) each Portfolio Holder on matters relating to their portfolios.

11.2 Presentation of report

- (a) The Head of Paid Service will make arrangements for a copy of any written report to be included on the agenda.
- (b) Where the report has been included on the agenda, there shall not be a requirement for the report to be read out by the Leader/Portfolio Holder at the meeting.

11.3 Asking and replying to questions

- (a) Councillors may ask questions on any oral or written report given by the Leader or Portfolio Holder provided that in the opinion of the Chairman the questions relate to the report.
- (b) The total number of questions that may be asked of the Leader and Portfolio Holders and the subjects allowed are at the

discretion of the Chairman, but each Councillor will normally not be allowed to ask more than one question and one supplemental question on a report.

- (c) The Leader or Portfolio Holder may reply to any question by:
- (i) giving an oral answer; or
 - (ii) indicating that they will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Councillors.

12 QUESTIONS ON NOTICE BY COUNCILLORS

Any Councillor may ask:

- (i) the Leader;
- (ii) the Chairman;
- (iii) a Portfolio Holder; or
- (iv) the Chairman of any Committee;

questions on notice at a meeting of the Full Council (except at the Annual Meeting or a special meeting) within the area of responsibility of the person being asked. [Appendix B - Questions by Councillors](#) will apply to the asking of any Questions.

13 COUNCILLOR NOTICES OF MOTION FOR CONSIDERATION AT FULL COUNCIL

Any 2 Councillors may give notice of a motion about a topic or issue related to the responsibilities of the Full Council or which directly affects the Council to be debated at a meeting of the full Council except at the Annual Meeting or a special meeting). [Appendix C – Notices of Motions](#) will apply to the giving of notice and to the consideration of the motion. :

14 ANNUAL BUDGET

A Councillor wishing to move an amendment to any recommendation from the Executive on the annual budget must give written notice to the Head of Paid Service not less than 3 clear working days before the meeting at which the budget or review of charges are being considered. The notice shall set out details of the proposed amendment. The proposed amendment must ensure a balanced budget.

15 MOTIONS WITHOUT NOTICE

15.1 The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) about the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a working group arising from an item on the agenda for the meeting;
- (f) to receive reports and/or propose motions/amendments relating to recommendations (whether verbal or written) of the Executive, any Joint Committee, Committee, Sub-Committee, or Officer and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now asked;
- (k) to adjourn a debate;
- (l) to extend or adjourn a meeting;
- (m) to suspend a procedure rule subject to any limitation as provided for in the Constitution;
- (n) to exclude the public and press as provided for in the Access to Information Rules;
- (o) to not hear further a Councillor named by the Chairman or to exclude a Councillor from the meeting under [Council Procedure Rule 16](#);
- (n) by the Chairman of a Committee to identify an alternative motion to that considered by the Committee in reply to a Notice of Motion referred to it under [Council Procedure Rule 13.7\(c\)](#);
- (o) to provide a reply to a question or petition from a member of the public to such extent as the Council Procedure Rules or any Petition Scheme allow; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

15.2 **Agenda items not dealt with**

If a motion to adjourn the meeting is passed, any unresolved agenda items will be adjourned to a date decided by the Head of Paid Service in consultation with the Chairman.

16 **RULES OF DEBATE**

16.1 **No discussion until motion seconded**

Subject to the proposer's rights under Council Procedure Rule 16.3(a), a motion or amendment shall not be discussed unless it has been proposed and seconded.

16.2 **Right to require motion in writing**

Unless notice of the motion has already been given, the Chairman may require it to be written down before it is discussed.

16.3 **Proposer's and Secunder's speech**

- (a) The proposer of a motion or an amendment shall have the right to speak immediately after making the proposal or may opt to exercise that right at a later stage in any debate. This is in addition to the proposer's right to speak before a vote is taken.
- (b) The seconder of a motion or amendment shall have the right to speak:
 - (i) immediately after seconding a motion or amendment; or
 - (ii) may opt to reserve their speech until later in the debate.

16.4 **Content and length of speeches**

- (a) Speeches must be directed to the matter under discussion or to a personal explanation or point of order.
- (b) No speech may exceed three minutes without the consent of the Chairman of Council.

16.5 **When a Councillor may speak again**

A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except;

- (a) to speak once on an amendment moved by another Councillor;

- (b) to move a further amendment if the motion has been amended since they last spoke;
- (c) if their first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- (d) to exercise any right of reply;
- (e) on a point of order;
- (f) by way of personal explanation; or
- (g) with the consent of the Chairman.

16.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and add others; or
 - (iv) to add words,

so long as the effect of the amendment is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments or, if there are none, put it to the vote.
- (f) Where possible as a courtesy to other Councillors, notice should be given to the Head of Paid Service of any proposals to amend a motion of which notice has been given. Notice of amendments

should be given 24 hours before the meeting at which the Notice of Motion is to be debated.

16.7 **Alteration of motion**

- (a) A Councillor may alter a motion of which the Councillor has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Councillor may alter a motion or amendments which the Councillor has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

16.8 **Withdrawal of motion**

Subject to [Council Procedure Rule 13.1](#), a Councillor may withdraw a motion which they Councillor has moved with the consent of both the meeting and any seconder. No Councillor may speak on the motion after the Proposer has asked permission to withdraw it unless permission is refused.

16.9 **Right to reply**

- (a) The Proposer of a motion has a right to reply at the end of the debate on the motion, immediately before it is voted upon.
- (b) If an amendment is moved, the Proposer of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The Proposer of an amendment has no right of reply to the debate on his or her amendment.

16.10 **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except any of the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to postpone consideration of the motion;
- (d) that the question be now asked;

- (e) to adjourn the debate;
- (f) to adjourn the meeting;
- (g) to exclude the public and press as provided for in the Access to Information Rules; and
- (i) to not hear further a Councillor named by the Chairman or to exclude a Councillor from the meeting.

16.11 Closure motions

- (a) A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:
 - (i) that the question be now asked;
 - (ii) to adjourn a debate; or
 - (iii) to adjourn a meeting.
- (b) If a motion that the question be now asked is seconded and the Chairman thinks the item has been sufficiently discussed, the Chairman will put the procedural motion to the vote. If it is passed the Chairman will give the Proposer of the original motion a right of reply before putting the motion to the vote.
- (d) If a motion to adjourn the debate or the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chairman will put the procedural motion to the vote without giving the Proposer of the original motion the right of reply.

16.12 Point of order

A Councillor may raise a point of order at any time. The Chairman will hear the Councillor immediately. A point of order may only relate to an alleged breach of these procedure rules or the law. The Councillor must indicate the rule or law and the way in which they considers it has been broken. The ruling of the Chairman on the matter will be final.

16.13 Personal explanation

A Councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

NOTE: [Appendix D - Rules of debate Flowchart](#) shows the rules of debate for motions.

17 RECISSION OF PREVIOUS DECISIONS AND MOTIONS

17.1 Subject to Council Procedure Rule 17.2, no motion to rescind a decision made within the past six months and no motion or amendment in similar terms to one that has been rejected in the past six months shall be proposed unless the Notice of Motion is supported by at least 11 Councillors. Once the motion or amendment is dealt with, a similar motion or amendment cannot be proposed for a further period of six months.

17.2 Council Procedure Rule 17.1 shall not apply:

- (a) in respect of a decision or motion for which the Head of Paid Service or Monitoring Officer consider there are exceptional circumstances justifying reconsideration;
- (b) in respect of any motion that may be moved without notice including for the avoidance of doubt to receive reports and/or propose motions/amendments relating to recommendations of any Committee, Sub-Committee or Officer and any resolutions following from them; or
- (c) to give effect to a revised budgetary decision of Full Council as provided for in the [Budget and Policy Framework Procedure Rules](#).

18 VOTING

18.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question is asked.

18.2 Chairman's casting vote

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There is no restriction on how the Chairman chooses to exercise a casting vote.

18.3 Ways of voting

Unless a recorded vote is demanded, the Chairman will take the vote by show of hands, electronic voting or if there is no dissent, by the affirmation of the meeting.

18.4 Recording number of votes

The number of votes for and against a proposal shall be recorded if five or more Councillors at the meeting demand it, immediately before or after the vote is taken. The Chairman of Council will announce the numerical result of the vote immediately the result is known.

18.5 Recorded vote

If five or more Councillors present at the meeting demand it, before the vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

18.6 Recorded votes at budget meetings

Recorded votes shall be taken on all decisions at a budget decision meeting on the budget and on the setting of council tax. The names of Councillors who cast a vote for or against the decision, or who abstain from voting shall be recorded in the minutes.

18.7 Right to require individual vote to be recorded

Where immediately after the vote is taken, any Councillor requests their individual vote to be recorded, the minutes will record whether they voted for or against the motion or abstained from voting.

18.8 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

19 MINUTES

19.1 Signing the minutes

Unless Council Procedure Rule 19.2 applies, the Chairman will sign the minutes of the proceedings at the next meeting of Full Council. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

19.2 No requirement to sign minutes of previous meeting at special meeting

Where the next meeting of the full Council is a special meeting, the minutes of the previous meeting will be signed at the next ordinary meeting after that special meeting.

19.3 **Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

20 **RECORD OF ATTENDANCE**

A record of Councillors attending at a meeting of Full Council will be made by the Head of Paid Service or their representative attending at the meeting.

21 **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded from a meeting either as provided for in the [Access to Information Procedure Rules](#) or in accordance with [Council Procedure Rule 23](#).

22 **COUNCILLORS' CONDUCT**

22.1 **Chairman wishes to speak**

When the Chairman indicates that they wishes to speak, any Councillor speaking at the time must stop. The meeting must be silent.

22.3 **Councillor not to be heard further**

If a Councillor persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructing business, the Chairman may move that the Councillor be not heard further. If seconded, the motion will be voted on without discussion.

22.4 **Councillor to leave the meeting**

If in the opinion of the Chairman a Councillor continues to behave improperly at a meeting, the Chairman may move that either the Councillor should leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

22.5 **General disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they thinks necessary.

23 **DISTURBANCE BY PUBLIC**

23.1 **Removal of member of the public**

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman may order their removal from the room.

23.2 **Clearance of part of room**

If there is a general disturbance in any part of the room open to the public, the Chairman may call for that part to be cleared.

24 **APPOINTMENT OF AND DISCIPLINARY ACTION AGAINST OFFICERS**

Where Full Council is to appoint any Officer or is proposing or considering any disciplinary action against an Officer then such appointment proposals or consideration shall be carried out in accordance with the Officer Employment and Dismissal Procedure Rules.

25 **INTERPRETATION OF COUNCIL PROCEDURE RULES**

The ruling of the Chairman as to any proceedings of the Full Council, shall not be challenged at any meeting.

26 **SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

26.1 **Suspension**

Any of these procedure rules except any rule except [Council Procedure Rules 18.6](#), [18.7](#), and [19.2](#), may be suspended by a Notice of Motion or without notice if at least half of the whole number of councillors of the Council are present. Suspension can only be for the duration of the meeting.

26.2 **Amendment to the Council Procedure Rules**

Any motion to add to, vary or revoke these procedure rules will, when proposed and seconded, stand adjourned without discussion to the next meeting of the Audit Committee unless such addition, variation or revocation is contained in a report seeking to formally alter the terms of the Constitution.

COMMITTEES, PANELS AND BOARDS

Introduction to Committees, Panels and Boards

The Council has set up the Committees, Panels and Boards described in the Scheme of Delegation.

The members of the Committees, Panels and Boards are appointed by the Full Council and the make-up of each Committee, Panel or Board will reflect the balance of political parties on the Council. If a member of a Committee, Panel or Board is unable to attend a meeting of the Committee, Panel or Board it may be possible for a substitute member to be appointed under Appendix E - Arrangements for appointing Substitutes and Co-optees and to attend the meeting in their place.

Each of the Committees, Panels and Boards may set up one or more sub-committees to carry out any of the Committee's, Panel's or Board's functions. When creating a sub-committee, the Committee, Panel and Board will normally decide the:

- (a) terms of reference;
- (b) arrangements for the holding and frequency of meetings;
- (c) size of membership; and
- (d) quorum,

of each of its Sub-Committees but if not, the Sub-Committee may decide such matters itself provided that the quorum will be not less than 3 Councillors.

Committees, Panels and Boards will meet in accordance with the programme of meetings agreed by the Full Council at its annual meeting. All of the meetings including those of any sub-committee will be conducted under the Committee Procedure Rules.

COMMITTEE PROCEDURE RULES

1 APPLICATION OF COUNCIL PROCEDURE RULES TO COMMITTEES, PANELS, BOARDS AND SUB-COMMITTEES

All of the following Council Procedure Rules apply, so far as practicable, to meetings of Committees, Panels, Boards and Sub-Committees (unless expressly specified otherwise in their terms of reference):

- (a) Rule 4;
- (b) Rules 5–7.2 (excluding Rule 7.1);
- (c) Rule 14;
- (d) 16-26 (excluding Rule 16.5 (speaking only once)); and in Rule 18.5 (a recorded vote may be requested by three members of a Committee)

together with the following additional procedure rules.

References to “the Chairman” shall be deemed to be references to the Chairman of the relevant Committee, Panel, Board or Sub-Committee

2 **ABSENCE OF CHAIRMAN AND VICE-CHAIRMAN**

In the absence of a Chairman and Vice-Chairman at a Committee or Sub-Committee the remaining Councillors present may move and elect a member of that body to preside at that meeting.

3 **SPECIAL MEETINGS OF COMMITTEES, PANELS, BOARDS AND SUB-COMMITTEES**

- (a) A special meeting of a Committee, Panel, Board or Sub-Committee may be called:
 - (i) by the Chairman of Council;
 - (ii) by the Chairman of that Committee, Panel, Board or Sub-Committee;
 - (iii) at the request of a quarter of the members of the Committee Panel, Board or Sub-Committee, delivered in writing to the Head of Paid Service, but in no case shall less than five Councillors request a special meeting;
 - (iv) by the Head of Paid Service; and/or
 - (v) by the Monitoring Officer or Section 151 Officer where either are of the opinion that a meeting needs to be called to consider a matter that requires a decision.
- (b) The agenda of the special meeting shall set out the business to be considered, and subject to any matters of urgency approved by the Chairman no business other than that set out in the agenda shall be considered at that meeting.

4. **ATTENDANCE OF COUNCILLORS AT A COMMITTEE/SUB-COMMITTEE**

- (a) Subject as provided for below a Councillor not appointed to a Committee, Panel, Board or Sub-Committee may only speak at the invitation of the Chairman of that Committee or Sub-Committee.
- (b) Any Councillor not appointed to a Committee, Panel, Board or Sub-Committee attending a meeting of that Committee, Panel, Board or Sub-Committee shall sit separately from the main body of the Committee or Sub-Committee.

5. **PUBLIC PARTICIPATION TIME**

[Appendix A - Questions from members of the public](#) explains how the public can ask questions at meetings of Committees and Sub-Committees of the full Council.

6. **ORDER OF BUSINESS OF A COMMITTEE/SUB-COMMITTEE**

- (a) Subject to any other provisions in the Constitution or as otherwise decided by the Chairman of a relevant Committee, Panel, Board or Sub-Committee the order of business will normally be to:
 - (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
 - (ii) receive any declarations of interest from Councillors;
 - (iii) approve the minutes of the last meeting;
 - (iv) receive any questions, petitions or motions referred to the Committee/Sub-Committee in accordance with the provisions of the Council Procedure Rules/Petition Scheme;
 - (vi) consider any item of urgency approved by the Chairman for consideration;
 - (vii) receive any matter referred to it for consideration by Full Council;
 - (viii) receive any report or recommendations from a Committee or Sub-Committee (as the case may be) and reply to matter(s) arising about it;
 - (ix) receive and reply to any report or recommendations formally submitted by the Overview and Scrutiny

Committee pursuant to its legislative powers in this respect (if any); and

- (xi) consider any other business set out in the agenda of the meeting.

7 REFERRAL OF A QUESTION, PETITION OR MOTION TO A COMMITTEE OR SUB-COMMITTEE

7.1 General

- (a) Where a matter is referred to a Committee or Sub-Committee under these procedure rules/**Petition Scheme** then that Committee or Sub-Committee shall deal with such matter in accordance with the provisions of these procedure rules/**Petition Scheme** as if it was being considered by an ordinary meeting of Full Council unless there are express provisions in these rules and **Petition Scheme** as to how a Committee or Sub-Committee (as the case may be) should deal with such a referral in which event those rules should take precedence.
- (b) For the avoidance of doubt nothing in this Rule shall prevent a Committee or Sub-Committee suspending any rule in accordance with Democratic Services Manager **Council Procedure Rule 26**.

7.2 Attending and speaking about a referred matter

Where a matter to which **Committee Procedure Rule *** applies is referred to a Committee or Sub-Committee of the Council, then if the matter was submitted:

- (a) by a member of the public or an organisation then any such person/representative of the organisation shall be given the same right to speak as would have been made available as if the matter was being presented to an ordinary meeting of Full Council; or
- (b) by a Councillor, then that Councillor may attend that meeting and shall be given the same right to speak as would have been made available as if the matter was being presented to an ordinary meeting of Full Council, provided that the Councillor shall not be entitled:
 - (i) to move any motion relating to the matter, but may instead ask any member of the Committee or Sub-Committee to move it, in which case any such member may at their absolute discretion choose to move it or not; or
 - (ii) to vote on any motion at that Committee or Sub-Committee,

unless in either case the Councillor is also an appointed member of the Committee or Sub-Committee to which the referral has been made.

8 QUESTIONS BY COUNCILLORS AT COMMITTEES/SUB-COMMITTEES

- 8.1 Any Councillor has the right to ask a question of the Committee Chairman at any ordinary meeting of a Committee or Sub-Committee of the Full Council (excluding the Development Management and Licensing Committees and the Salcombe Harbour Board). [Appendix B - Questions by Councillors](#) will apply to the asking of any Questions.

THE EXECUTIVE

Introduction to the Executive

The Executive is responsible for everything that is not the responsibility of the full Council any other committee of the Council under [the Scheme of Delegation](#). It consists of the [Leader](#), who is the Chairman of the Executive and at least 2, but not more than 9 other Members appointed by the Leader. The Leader cannot appoint the Chairman and Vice-Chairman of Full Council or any member of the Overview and Scrutiny Committee to the Executive.

The Executive decides annually when it is to meet, but the Leader may call a special meeting of the Executive when the Leader considers it necessary. The Leader may also cancel a meeting of the Executive if there is insufficient business.

The Executive may have Informal Meetings. Informal Meetings are held in private and are for discussion purposes only. For that reason Informal Meetings not decision-making meetings of the Executive.

Meetings of the Executive will be held in accordance with the [Executive Procedure Rules](#).

EXECUTIVE PROCEDURE RULES

1. APPLICATION OF COUNCIL PROCEDURE RULES TO THE EXECUTIVE

All of the following Council Procedure Rules apply, so far as practicable, to meetings of the Executive (unless they are inconsistent with these Executive Procedure Rules):

- (a) [Rule 4](#);
- (b) [Rules 5–7.2](#) (excluding Rule 7.1);

- (c) [16-26](#) (excluding [Rule 16.5](#) (speaking only once); and in [Rule 18.5](#) (a recorded vote may be requested by three members of a Committee)

together with the following additional procedure rules.

References to “the Chairman” shall be deemed to be references to the Leader.

2. MEETINGS OF THE EXECUTIVE

2.1. Dates of Meetings

- (a) Each year the Executive will decide the programme of meetings of the Executive. The Leader may direct that a meeting shall be cancelled or held on another date.
- (b) A special meeting of the Executive may be called by the Leader or, if absent, the Deputy Leader, or by the Monitoring Officer if he/she considers it necessary or appropriate.

2.2. Business

At each meeting of the Executive the following business shall, subject to the remaining provisions of these Executive Procedure Rules, be conducted:

- (a) consideration of the record of decision and record of the last meeting;
- (b) declarations of interest, if any;
- (c) a statement from the Leader, if any;
- (d) any other matters set out in the agenda that are Key Decisions (except those containing confidential or exempt information);
- (e) any decisions referred to the Executive for reconsideration;
- (f) consideration of any report and/or recommendation from any Overview and Scrutiny Committee;
- (g) Questions from Councillors to the Executive; and
- (h) other matters set out in the agenda including review of the Forward Plan and other ongoing or outstanding matters.

3. CHAIRING MEETINGS OF THE EXECUTIVE

If the Leader is present they will preside. In their absence, then the Deputy Leader shall preside. If both the Leader and the Deputy Leader are absent, or where they agree, the Executive shall elect another member of the Executive to preside.

4. QUORUM

4.1 The quorum for a meeting of the Executive will be no less than half of the total membership (including the Leader or Deputy Leader, if present).

4.2 The quorum for a meeting of an Executive Committee will be no less than two members of the Executive.

5. AGENDA ITEMS

5.1. Items requested by members of the Executive

Any Executive Member may request the Head of Paid Service to place an item of business which is about a matter for which the Council has a responsibility or which affects the area of the Council on the agenda of the next available meeting of the Executive.

5.2. Items requested by other Councillors

(a) Any Councillor may ask the Leader to place an item of business about a matter for which the Council has a responsibility or which affects the area of the Council to be placed on the agenda of the next available meeting of the Executive for consideration. The Leader, or in their absence Deputy Leader, has a discretion to limit the number of such items of business at the meeting of the Executive.

(b) Where the Leader has agreed to the Councillor's request the Notice of the Meeting shall state the name of the Councillor who requested the item of business to be considered. This Councillor shall be invited to attend the meeting, whether or not it is a meeting in public session.

5.3. Referrals from the Overview and Scrutiny Committee or Council

Any item of business resolved by the Overview and Scrutiny Committee or the Council for referral to the Executive shall be placed on the agenda of the next available meeting of the Executive or as soon as practicable after that meeting

5.4. **Items by the Head of Paid Service, the Monitoring Officer or the Section 151 Officer**

The Head of Paid Service, the Monitoring Officer or the Section 151 Officer may include one or more items of business for consideration on the agenda of a meeting of the Executive and may require a meeting to be called. If there is no meeting of the Executive in time to deal with the matter in question, then the Head of Paid Service, the Monitoring Officer or the Section 151 Officer may also require that a meeting be convened at which the matter will be considered.

6. **ATTENDANCE AT MEETINGS OF THE EXECUTIVE**

- 6.1. All Councillors shall be entitled to attend formal meetings of the Executive or its committees unless the Executive decides otherwise.
- 6.2. The [Access to Information Procedure Rules](#) set out the rights of access of the press and public to formal meetings of the Executive or its committees.

7. **SPEAKING AT MEETINGS OF THE EXECUTIVE**

- 7.1. The Chairman of the Overview and Scrutiny Committee is entitled, at any formal public meeting of the Executive, to speak to any matter on the agenda for that meeting.
- 7.2. Other Councillors may also speak at such meetings with the agreement of the Leader or person presiding in their absence.
- 7.3. The mover of a [Notice of Motion](#) under [Council Procedure Rule 13](#) which has been referred to the Executive for consideration may attend the meeting of the Executive when the motion is under consideration and to explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and he/she will be sent a copy of the relevant papers

8. **QUESTIONS BY COUNCILLORS AT THE EXECUTIVE**

Any Councillor may ask Questions of the Executive at any ordinary formal meeting of the Executive. [Appendix B - Questions by Councillors](#) will apply to the asking of any Questions.

9. **KEY DECISIONS AND THE FORWARD PLAN**

A Forward Plan of Key Decisions to be taken by the Executive, an Executive Committee or an individual member of the Executive, will be prepared in accordance with [the Access to Information Rules](#).

THE OVERVIEW AND SCRUTINY COMMITTEE

Introduction to the Overview and Scrutiny Committee

The Overview and Scrutiny Committee is responsible for scrutinising decisions the Executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. The Committee is therefore to be seen as a “critical friend” rather than something that opposes the Executive.

The Overview and Scrutiny Committee also plays a valuable role in developing policy. Time limited task and finish Groups may be set up for this purpose.

Evidence sessions are a key way in which the Overview and Scrutiny Committee may inform its work. They might happen at formal committee or in less formal ‘task and finish’ groups.

The [Scheme of Delegation](#) sets out the full responsibilities of the Overview and Scrutiny Committee.

Meetings of the Overview and Scrutiny Committee will be held in accordance with the [Overview and Scrutiny Procedure Rules](#).

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. APPLICATION OF COMMITTEE PROCEDURE RULES TO THE OVERVIEW AND SCRUTINY COMMITTEE

All of the [Committee Procedure Rules](#) together with the following additional procedure rules shall apply to the Overview and Scrutiny Committee

References to “the Chairman” shall be deemed to be references to the Chairman of the Overview and Scrutiny Committee.

2. ORDER OF BUSINESS

Subject to any other provisions in the Constitution or as otherwise decided by the Chairman of the Overview and Scrutiny Committee the order of business will normally be to:

- (a) minutes of the last meeting;
- (b) declarations of interest (including whipping declarations);
- (c) consideration of any matter referred to the committee for a decision in relation to the call-in of a decision;

- (d) responses of the Executive to reports of the committee; and
- (e) the business otherwise set out on the agenda for the meeting.

3. CHAIRING MEETINGS

- 3.1. The Chairman and Vice-Chairman of the Overview and Scrutiny Committee are to be appointed by the Council based on ability and expertise without reference to party political affiliation.
- 3.2. In the absence of the Chairman or Vice-Chairman Council Procedure Rule * shall apply.

4. CO-OPTEEES

The Overview and Scrutiny Committee and its sub-committees can include people who are not Councillors. Appendix E - Arrangements for Substitutes and Co-optees determines how people will be co-opted onto the Overview and Scrutiny Committee.

5. WORK PROGRAMME

The Overview and Scrutiny Committee will be responsible for setting its overall work programme.

6. AGENDA ITEMS

6.1. Rights of Overview and Scrutiny Committee members to have matters put on the agenda of the committee

- (a) Any member of the Overview and Scrutiny Committee shall be entitled to give written notice to the Democratic Services Manager that they would like an item relevant to the functions of the Overview and Scrutiny Committee to be included on the agenda for the next available meeting of the Panel.
- (b) Where the request is received at least 10 clear working days before the date of the next scheduled meeting of the Overview and Scrutiny Committee, an item and copy of the request shall be included on the agenda for that meeting.
- (c) Where the request is received less than 10 clear working days before the date of the next scheduled meeting of the Overview and Scrutiny Committee, an item and copy of the request shall be included on the agenda dispatched for the first meeting following the next scheduled meeting after the request was received.

6.2. **Rights of Councillors to have matters put on the agenda of the Overview and Scrutiny Committee (including councillor call for action)**

- (a) Any Councillor who is not a member of the Overview and Scrutiny Committee has the right to refer to the Overview and Scrutiny Committee any matter which is relevant to the functions of the Panel and is not a local crime and disorder matter or a matter of any description prescribed by the Secretary of State.
- (b) A Councillor wishing to refer a matter must give written notice to the Democratic Services Manager that they would like an item relevant to the functions of the Panel to be included on the agenda for the next available meeting of the Panel.
- (c) Where the request is received at least 10 clear working days before the date of the next scheduled meeting of the Overview and Scrutiny Committee, an item and copy of the request shall be included on the agenda for that meeting.
- (d) Where the request is received less than 10 clear working days before the date of the next scheduled meeting of the Overview and Scrutiny Committee, an item and copy of the request shall be included on the agenda dispatched for the first meeting following the next scheduled meeting after the request was received.

6.3. **Requests from Council and the Leader/Executive**

Full Council and the Leader/the Executive, may request that any matter is included on the agenda of the Overview and Scrutiny Committee and the Overview and Scrutiny Committee shall include the request in its work programme.

7. **REPORTS AND RECOMMENDATIONS**

- 7.1. Once it has formed proposals, the Overview and Scrutiny Committee will submit a formal report, including recommendations for consideration by the Leader/Executive (if the proposals relate to an executive function and are consistent with the existing budget and policy framework), or to the Council as appropriate.
- 7.2. The Council or Leader/Executive shall consider and respond to the report and/or recommendations of the Overview and Scrutiny Committee, indicating what (if any) action is proposed within two months of the report being submitted.
- 7.3. Where the Overview and Scrutiny Committee submit a report for consideration by the Executive in relation to a matter where the Leader has delegated decision-making power to a Portfolio Holder, the report will be submitted to them for

consideration. The Portfolio Holder must consider the report and respond in writing to the Overview and Scrutiny Committee within two months of receiving it. The Portfolio Holder will also attend a future meeting of the Overview and Scrutiny Committee to present their response if requested to do so.

8. **FAILURE TO CONSIDER REPORT**

In the event that Leader/Executive fails to consider and to respond to the Overview and Scrutiny Committee within two months of the report being submitted, the Chairman of the Overview and Scrutiny Committee shall be entitled to refer the matter to the next meeting of the full Council.

9. **RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS**

In addition to their rights as Councillors, members of the Overview and Scrutiny Committee or sub-committee have the right to documents and to notice of meetings as set out in the [Access to Information Procedure Rules](#).

10. **COUNCILLORS AND OFFICERS GIVING ACCOUNT**

- 10.1. The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation it may require any officer or Executive Member to attend a meeting to answer questions. This will normally be confined to the Leader, any Portfolio Holder, the Head of Paid Service, and any statutory or chief officer. Attendance by officers below these will require the prior agreement of the Head of Paid Service.
- 10.2. Where the Leader, Portfolio Holder or officer is required to attend an overview and scrutiny body under this Rule, the Democratic Services Manager shall inform the Executive Member or officer in writing giving sufficient notice of not less than 10 working days' notice. The notice will state the nature of the matter on which the Executive Member or officer is required to give an account and whether any written evidence needs to be produced for the meeting. Sufficient notice should be given to allow reasonable time to produce the written evidence.
- 10.3. Where a specific request has been made it is the duty of those persons to attend if so required unless they have a reasonable excuse for being unable to attend.

11. **ATTENDANCE BY OTHERS AND EVIDENCE GATHERING**

- 11.1 The Leader/Executive has a standing invitation to attend any meeting of the Overview and Scrutiny Committee.

11.2 The Overview and Scrutiny Committee may appoint advisors and invite people to attend at their meetings to provide information. Attendees at a meeting should be treated with respect and courtesy.

12. **CALL-IN**

12.1. Call-in should only be used in exceptional circumstances.

12.2. When a decision is made by the Leader/Executive, Portfolio Holder, or a an Executive Committee, or is made by an officer with delegated authority or under executive joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two days of being made. The Chairman of the Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

12.3. The decision notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, subject to the provisions of this Rule on the expiry of five clear working days after the publication of the decision.

12.4. If any six members of the Overview and Scrutiny Committee consider that [a Key Decision](#) has breached or will breach [the principles for good decision-making](#) or a decision has been made that was not treated as being a Key Decision, they may give a written call-in notice to the Monitoring Officer or in their absence to the Head of Paid Service. The call-in notice shall identify the decision to be called-in and the grounds for the call-in.

12.5. If the Monitoring Officer, or in their absence the Head of Paid Service, is satisfied that there are reasonable grounds for the proposed call-in, they will notify the decision-maker of the call-in within five clear working days. The Monitoring Officer, or in their absence the Head of Paid Service, will arrange for a meeting of the Overview and Scrutiny Committee, to be held. The meeting will be held as soon as reasonably practicable after receipt of the call-in notice.

12.6. If, having considered the decision, the Overview and Scrutiny Committee is concerned about it, then:

12.6.1. in the case of a decision that was not treated as being a Key Decision, the Panel may require the decision-maker to submit a report to the full Council within such reasonable period as it may specify setting out the particulars of the decision, the reasons for the decision and if the decision-maker considers that the decision was not a key decision, the reasons for that opinion; or

12.6.2. in the case of a Key Decision, the Panel may refer it back to the decision-making person or body for reconsideration, setting out in

writing the nature of its concerns, or refer the matter to full Council. If referred to the decision-maker they shall then reconsider within a further five working days, amending the decision or not, before adopting a final decision.

- 12.7. If, having considered the decision, the Overview and Scrutiny Committee is not concerned about it, then the decision will come into force, and may then be implemented immediately.
- 12.8. If the decision was referred to full Council and the Council:
- 12.8.1. does not object to a decision which has been made, then no further action is necessary and the decision will come into force and may then be implemented immediately.
- 12.8.2. objects to the decision, then the decision will be referred back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.
- 12.9. Where the decision that has been called-in was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider the Council's view as soon as reasonably practicable.
- 12.10. Where the decision was made by an individual, the individual will reconsider within five working days of the Council request.

13. **EXCEPTIONS TO CALL-IN**

Call-in will not apply to the following decisions:

- (a) non-executive decisions, e.g. individual planning decisions;
- (b) executive decisions made by Area Committees (if any);
- (c) decisions made on any appeal;
- (d) decisions already called-in once;
- (e) non-key decisions made by officers; and
- (f) urgent decisions (subject to compliance with [Overview and Scrutiny Procedure Rule 14](#)).

14. **URGENT DECISIONS EXCLUDED FROM CALL-IN**

- 14.1. The call-in procedure set out in [Overview and Scrutiny Procedure Rule 13](#) shall not apply where the decision being taken by the Council,

Leader/Executive or officer is urgent. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in.

- 14.2. The Chairman of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Chairman of the Council; or in his absence, the Vice-Chairman of Council must agree.
- 14.3. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 14.4. For the purposes of this Rule a decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

15. **MONITORING AND REVIEW OF CALL-IN RULES**

The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council by the Democratic Services Manager with proposals for review if necessary.

16. **THE PARTY WHIP**

There is a presumption that a party whip shall not be applied to matters considered by Councillors when engaged in overview and scrutiny.

APPENDIX A – Questions from members of the public

A1. As part of every ordinary meeting of the Full Council (other than the Annual meeting), the Executive or a Committee (other than the Development Management, Licensing or Audit Committees or the Salcombe Harbour Board) a period of time will be set aside for any member of the public living or working within the Council's area; and any appointed representative of any organisation operating within the Council's area to ask a question of the:

- (a) Leader or Portfolio Holder; or
- (b) the Committee Chairman.

A2. In the case of a special meeting of the Full Council, a Committee (other than the Development Management Committee) or the Executive questions from any member of the public living or working within the Council's area; and any appointed representative of any organisation operating within the Council's area to the Leader, Portfolio Holder or the Committee Chairman, will only be permitted if the Monitoring Officer is satisfied they specifically relate to the business for which the special meeting has been arranged.

A3. Time for public questions

- (a) A period of 15 minutes will be set aside at each meeting to receive and reply to any questions from members of the public or appointed representatives.
- (b) The Chairman may increase the period for the asking of questions, or receiving petitions if in the Chairman's opinion, the importance of the issue raised merits it and to do so would not have an adverse impact on the efficient running of the meeting.

A4. Number and duration of questions

No person or organisation may ask more than one question in total during public participation time. Sub-divided questions will count towards this total.

A5. Notice of questions

A question, which must be limited to 50 words and not be broken down into multiple parts, may only be asked if notice has been given in writing or by email to the Head of Paid Service before 1pm three clear days before the meeting at which it is to be asked. The notice must include:

- (a) the name and address of the person wanting to ask the question;
- (b) the title of the Councillor to whom the person would prefer it to be directed (if any); and
- (c) the text of the question.

A6. Scope of questions

- (a) Questions must be about items appearing on the published agenda for the meeting. The Monitoring Officer in consultation with the Head of Paid Service may reject any question if the Monitoring Officer considers that it:
- (i) is not about a matter that is not on the published agenda;
 - (ii) is defamatory, frivolous or offensive;
 - (iii) is substantially the same or is about a subject which is substantially the same as a question that has been asked/received at a meeting of the Council in the past six months;
 - (iv) has already been answered or dealt with through other mechanisms or procedures such as the Council's complaints procedure or the Local Government and Social Care;
 - (v) requires the disclosure of confidential or exempt information;
 - (vi) is about any standards, planning or licensing matter or similar such matters;
 - (vii) is about any on-going investigation; and/or
 - (viii) is otherwise inappropriate for such a question to be asked.
- (b) If the Monitoring Officer decides that a question cannot be asked at the meeting then the reason why not will be sent to the person seeking to raise it.

A7. Identification of who will reply

- (a) The Chairman in consultation with the Head of Paid Service shall decide the most appropriate Councillor to reply to any question where a reply is needed. If this differs from that identified by the person presenting the question then this shall be identified before the question is read.
- (b) The Head of Paid Service will arrange for each question that is to be presented to be given to any Councillor who is to reply as soon as reasonably practicable following its receipt.

A8. Order of questions

Questions will be taken in the order in which notice of them was received except that the Chairman may also decide to group together similar questions.

A9. Asking the question at the meeting

- (a) A copy of every question to be read at Full Council will normally:
 - (i) be circulated to Councillors at the meeting;
 - (ii) be made available to the public attending the meeting; and either recorded verbatim in the minutes or summarised.
- (b) The Chairman will invite the person presenting the question to ask it.

A10. Discussion and referral of questions

- (a) There will be no discussion on matters raised by questions by the public unless the Chairman decides otherwise.
- (b) Any Councillor may suggest that a question which is within the terms of reference of the Executive or a Committee might be better dealt with by the Executive or the Committee. If the Chairman agrees, the Chairman may direct that the question is referred to the Executive or such Committee as the Chairman considers appropriate and the Head of Paid Service will arrange for the question to be included on the next suitable agenda.

A11. Replying to a question

- (a) A reply to any question shall take such form as the Councillor replying considers appropriate, including:
 - (i) an oral reply;
 - (ii) where the information is in a Council publication or other published work, a reference to that publication;
 - (iii) a referral of the matter to the Executive, a Committee or Sub-Committee for consideration; or
 - (iv) where a reply cannot be given at the meeting, a written reply to the person asking the question.
- (b) The Councillor need not reply to a question where they consider it to be inappropriate to reply.

A12. Supplementary question

Where a reply has been given to a question/statement no supplementary questions will be permitted

A13. Inability to present a question

- (a) If the person asking the question is unable to attend the meeting, the Chairman may decide that a written reply will be given to the question or that the question will not be dealt with.
- (b) Any question which cannot be dealt with during public participation time, whether because of lack of time or the non-attendance of the Councillor who was to reply will be dealt with by giving a written reply within a reasonable timescale.
- (c) Where written reply is given to a question the Head of Paid Service will arrange for the question and any reply to be copied to all Councillors.

APPENDIX B – Questions by Councillors

B1. As part of every ordinary meeting of the Full Council, the Executive or a Committee (other than the Development Management, Licensing or Audit Committees or the Salcombe Harbour Board) a period of time will be set aside for any Councillor to ask a question on notice of the:

- (a) Leader or Portfolio Holder; or
- (b) Committee Chairman (as relevant to the meeting).

B2. In the case of a special meeting of the Full Council, a Committee or the Executive no period of time will be set aside for questions on notice by Councillors.

B3. Time for questions

- (a) A period of 15 minutes will be set aside at each meeting to receive and reply to any questions from Councillors.
- (b) The Chairman of the meeting may increase any of the period for the asking of questions if in the Chairman's opinion, the importance of the issue raised merits it and to do so would not have an adverse impact on the efficient running of the meeting.

B4. Number and duration of Questions

There is no limit on the number of Questions on Notice that a Councillor may ask during Councillors' Question time.

B5. Notice to be given of Questions

A Question may only be asked if notice has been given in writing or by email to the Head of Paid Service before 1pm seven clear working days before the meeting at which it is to be asked. Each notice must include:

- (a) the title of the Councillor to whom the Councillor would prefer it to be directed (if any); and
- (b) the text of the Question.

B6. Scope of Questions

- (a) Questions must be limited to 50 words, not be broken down into multiple parts and must be about matters within the responsibility of the Full Council, the Committee or the Executive as the case may be.
- (b) The Monitoring Officer in consultation with the Head of Paid Service may reject any Question if the Monitoring Officer considers that it:

- (i) is defamatory, frivolous or offensive;
 - (iii) is substantially the same or is about a subject which is substantially the same as a question that has been asked/received at a meeting of the Council, the Committee or the Executive in the past six months;
 - (iv) has already been answered or dealt with through other mechanisms or procedures such as the Council's complaints procedure or the Local Government and Social Care Ombudsman;
 - (v) requires the disclosure of confidential or exempt information;
 - (vi) is about matters that the Council does not have and powers or statutory duties;
 - (vii) is about any standards, planning or licensing matter or similar such matters;
 - (viii) is about any on-going investigation; and/or
 - (ix) is otherwise inappropriate for such a Question to be asked.
- (c) If the Monitoring Officer decides that a Question cannot be asked at the meeting then the reason why not will be sent to the Councillor seeking to raise it.

B7. Identification of who will reply

- (a) The Leader or Chairman (as appropriate) in consultation with the Head of Paid Service shall decide the most appropriate Councillor to reply to any Question where a reply is needed. If this differs from that identified by the person presenting the Question then this shall be identified before the question is read.
- (b) The Head of Paid Service will arrange for each Question to be given to any Councillor who is to reply as soon as reasonably practicable following its receipt.

B8. Order of questions

Questions will be printed on the agenda and taken in the order in which notice of them was received. Where a Councillor has however given notice of more than one Question, the second or further Question will be taken after all those Councillors who have given notice of a Question have had the opportunity of asking their first Question. The Chairman may however decide to group together similar questions.

B9. Asking and Replying to the Question at the meeting

- (a) A copy of every Question together with the answer (unless an oral answer is to be given) will normally:
 - (i) be circulated to all Councillors before 10am on the day of the meeting;
 - (ii) be made available to the public attending the meeting; and
 either recorded verbatim in the minutes or summarised.
- (b) Questions and the answers that have been circulated before the meeting will be taken as read.

B10. Supplementary question

The Councillor asking the Question shall be entitled to ask one supplementary question. The supplementary question must relate to the answer given to the original Question.

B11. Discussion and referral of Questions

- (a) Subject to paragraph B10, there will be no discussion on matters raised by Questions by Councillors unless the Chairman decides otherwise.
- (b) Any Councillor may suggest that a Question which is within the terms of reference of the Executive or a Committee might be better dealt with by the Executive or the Committee. If the Chairman agrees, the Chairman may direct that the question is referred to the Executive or such Committee as the Chairman considers appropriate and the Head of Paid Service will arrange for the question to be included on the next suitable agenda.

B12. Inability to reply to a Question

- (a) Any Question which was to be answered orally cannot be dealt with during Councillors Questions, whether because of lack of time or the non-attendance of the Councillor who was to reply, will be dealt with by giving a written reply within a reasonable timescale.
- (b) Where written reply is given to a Question the Head of Paid Service will arrange for the question and any reply to be copied to all Councillors.

APPENDIX C –Notices of Motion

C1. As part of every ordinary meeting of the Full Council a period of time will be set aside for Councillors to debate Notices of Motion.

C2. In the case of a special meeting of the Full Council, no period of time will be set aside for Councillors to debate Notices of Motion.

C3. Time for Notices of Motion

(a) A period of 45 minutes will be set aside at each meeting to debate notices of motion.

(b) The Chairman of the meeting may increase any of the period for debating notices of motion if in the Chairman's opinion, the importance of the issue raised merits it and to do so would not have an adverse impact on the efficient running of the meeting.

C4. Number of Notices of Motion

There is no limit on the number of Notices of Motion that a Councillor may propose for debating during the time set aside for Notices of Motion.

C5. Notice of Motion

(a) A Notice of Motion is a proposal of which written notice has been given by any 2 Councillors to the Head of Paid Service before 1pm seven clear working days before the meeting and which in the opinion of the Monitoring Officer:

(i) is about a topic or issue related to the responsibilities of the Full Council or which directly affects the Council;

(ii) is clearly identifiable as a Notice of Motion;

(iii) identifies which of the 2 Councillors is to be the Proposer and which is to be the Seconder; and

(iv) is signed by the Councillors submitting it (unless submitted by e-mail) and the date it was submitted to the Head of Paid Service; but

(v) does not relate to the personal affairs or conduct of any individual Councillor or Officer; nor

(vi) contain defamatory, inappropriate or inflammatory language.

(b) A Notice of Motion may be debated despite written notice not having been given under Paragraph C5(a) if in the opinion of the

Monitoring Officer the Notice of Motion is about an urgent matter and the Notice of Motion was put in writing and given to the Head of Paid Service as soon as reasonably practicable before the meeting.

C6. Where Notice of Motion is to be considered and order in which to be considered

- (a) Unless Paragraph C6(b) applies, a Notice of Motion will normally be considered at the next ordinary meeting of Full Council. The Notice of Motion may be considered at a later ordinary meeting if the Councillors who submitted it prefer and the Chairman of Council considers this appropriate.
- (b) Where the Head of Paid Service considers that a Notice of Motion is about a matter within the terms of reference of the Executive then, subject to prior discussion with the Chairman of Council, the Head of Paid Service may arrange for the Notice of Motion not to be included on an agenda for the Full Council, but included on the next suitable agenda of the Executive.
- (c) Subject to Paragraph C6(d), Notices of Motion will be listed on the relevant agenda in the order they have been received unless the Chairman considers a different order is appropriate.
- (d) Where a Councillor has submitted more than one Notice of Motion, the second and any subsequent Notice of Motion will be listed after all those Councillors who have submitted a Notice of Motion have had their first Notice of Motion listed.

C7. Presenting a Notice of Motion

The Councillor identified in the Notice of Motion as the Proposer will read out Notice of Motion and propose it. In the absence of the Proposer or if the Proposer declines to read it then the Notice of Motion shall be dealt with as the Chairman considers appropriate.

C8. Consideration of a Notice of Motion

- (a) If a Notice of Motion is not:
 - (i) moved either by the Proposer of it or where the Chairman considers it appropriate, by one of the other signatories on the Proposer's behalf; and
 - (ii) seconded,

then unless postponed by consent of the Chairman, it shall be treated as withdrawn and may not be moved without a new notice.

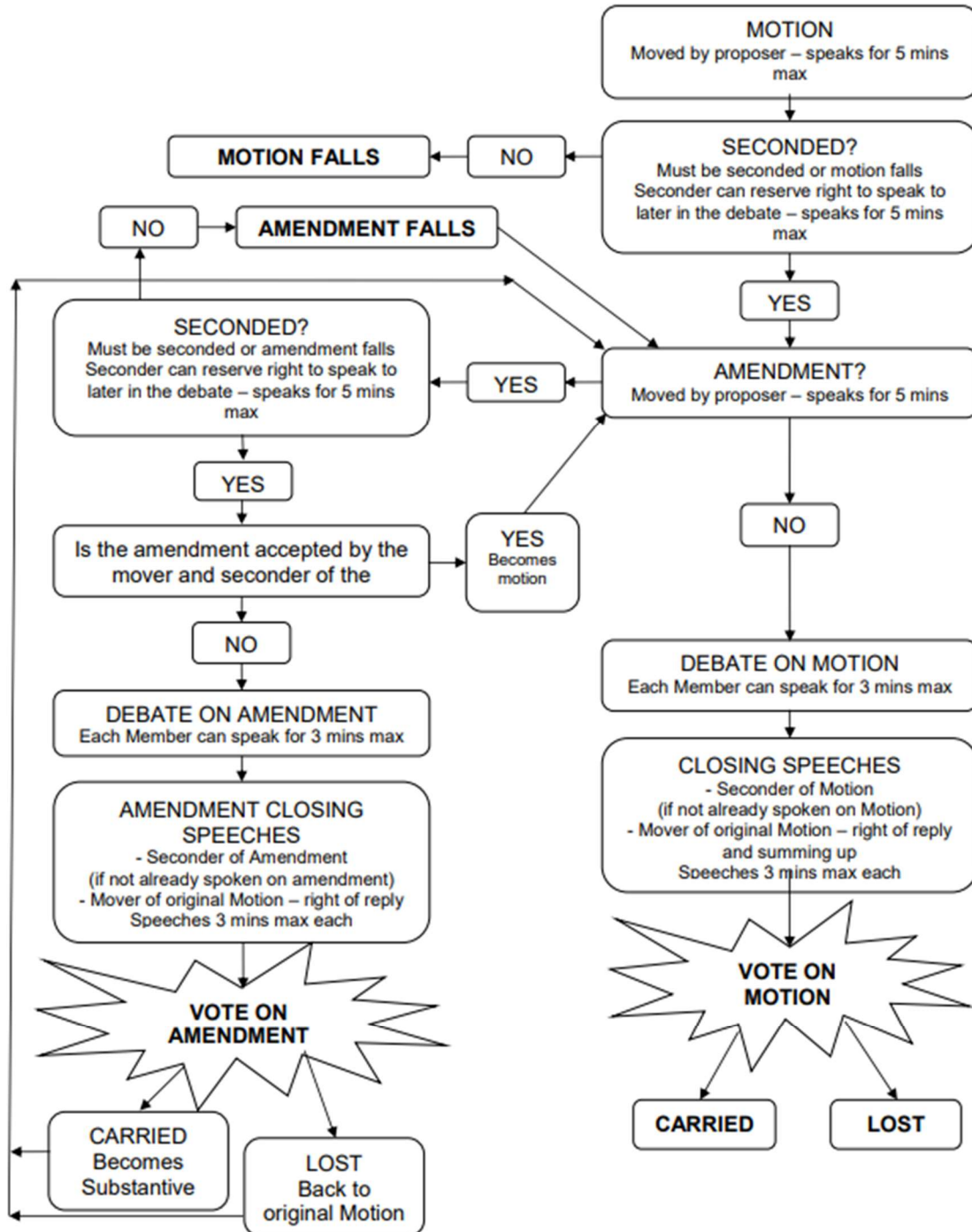
- (b) A Notice of Motion shall not be debated unless it is both moved and seconded. If it is both moved and seconded then the normal rules of debate as set out below shall apply.

C9. Notice of Motion referred to a Committee

- (a) If a Notice of Motion has been referred to the Executive or a Committee, the Executive or the Committee shall report on it to the next suitable meeting of Full Council. The report shall be presented by the Leader or the Committee's Chairman during that part of the Full Council meeting set aside to consider Notices of Motions.
- (b) When the report has been presented, the Notice of Motion shall be read to the meeting. If the Notice of Motion is not proposed and seconded it shall fall and shall not be considered further without the submission of a new Notice of Motion.
- (c) If the Executive or Committee decided that a different motion to the Notice of Motion should be considered by Full Council then:
- (i) if the Notice of Motion is proposed and seconded the Leader or Committee Chairman shall propose the alternative motion as an amendment. If that is proposed and seconded it shall be debated and voted upon under the rules of debate (see [Council Procedure Rule 16](#) or [Appendix D](#)); or
 - (ii) if the Notice of Motion is not proposed and seconded then the Leader or Committee Chairman shall move the alternative motion identified by the Committee. Such a motion may be moved without notice. If seconded it shall be debated and voted upon under the rules of debate (see [Council Procedure Rule 16](#) or [Appendix D](#)).
- (d) Any amendment to either motion if it has been moved and seconded shall be debated and voted upon under the rules of debate (see [Council Procedure Rule 16](#) or [Appendix D](#)).

APPENDIX D – Flowchart for the Rules of Debate

30. Council Debate Flowchart



APPENDIX E - Arrangements for the appointment of substitutes and co-opted persons to Committees, Panels and Boards

E1. Substitutes

- (a) Unless there is express provision to the contrary every Committee, Panel, Board and Sub-Committee shall have the right to have substitutes appointed to it for the purposes of any meeting.
- (b) In relation to Councillors, arrangements for any substitute shall normally be made:
- (i) by the group leader of the Councillor for whom the substitution is being sought; or
 - (ii) if the group leader is unavailable/absent or it is not practical for the group leader to do so, then by any person appointed as a deputy for that group leader,
- by giving notice to the Democratic Services Manager as soon as practicable and no later than 4pm on the working day before the meeting. In the event of advance notification not being provided/received then the substitute shall not be treated as a member of the Committee, Board, Panel or Sub-Committee for the purposes of being able to speak or vote.
- (c) A substitute for a Councillor may only be from the same political group as the Councillor for whom the substitution is being made.
- (d) A Councillor may not be appointed as a substitute to the Development Management Committee or to the Licensing Committee unless they have undertaken appropriate training.
- (e) In the case of any appointment of a person to a Committee, Panel or Board who is not a Councillor then there shall be no power to appoint a substitute unless expressly provided for below or the law otherwise requires. Where a substitute for a non-Councillor is permitted, the substitute shall be notified to the Democratic Services Manager as soon as practicable in advance of the meeting of the Committee, Panel or Board and in any event no later than 4pm on the working day before the meeting.

E2. Co-opted persons

Where any Committee, Panel, Board or Sub-Committee described in the [Scheme of Delegation](#) has persons who are not Councillors forming part of it, then unless the provisions identify otherwise, or the law otherwise requires, Committee, Panel, Board or Sub-Committee may appoint its non-members.

Part 5(a) - Councillors' Code of Conduct

“The role of councillor across all tiers of local government is a vital part of our country’s system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government.”

Extract from the Local Government Association Model Councillor Code of Conduct

Introduction

All councils are required to have a local Councillor Code of Conduct. This code of conduct has been adopted by South Hams District Council (**the Council**) as its Code of Conduct and is based on the Local Government Association (LGA) Model Councillor Code of Conduct.

Definitions

For the purposes of this Code of Conduct:

“councillor” means a member or co-opted member of a local authority or a directly elected mayor.

“co-opted member” is “a person who is not a member of the authority but who

a) is a member of any committee or sub-committee of the authority, or;

b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; and

who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

‘director’ includes a member of the committee of management of an industrial and provident society.

“Disclosable pecuniary interest” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 in Appendix B.

“Other Registerable Interest” means an interest of yourself within the descriptions set out in Table 2 in Appendix B.

“Partner” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

“local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

A **‘sensitive interest’** is as an interest which, if disclosed, could lead to you, or a person connected with you, being subject to violence or intimidation.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles (Appendix A).

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community;
- I do not improperly seek to confer an advantage, or disadvantage, on any person;
- I avoid conflicts of interest;
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my Council's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor;
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings;
- at online or telephone meetings;
- in written communication;
- in verbal communication;
- in non-verbal communication; and
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the Council's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the Council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the Council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

4.1.1 given to me in confidence by anyone; or

4.1.2 acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:

- (a) I have received the consent of a person authorised to give it;**
- (b) I am required by law to do so;**
- (c) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
- (d) the disclosure is:**
 - (da) reasonable and in the public interest; and**
 - (db) made in good faith and in compliance with the reasonable requirements of the Council; and**
 - (dc) I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or the Council and may lower the public's confidence in you or the Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Council into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the Council provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the Council's resources or authorising their use by others:

7.2.1 act in accordance with the Council's requirements; and

7.2.2 ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed

You may be provided with resources and facilities by the Council to assist you in carrying out your duties as a councillor. Examples might include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of Council buildings and rooms. These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Council's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

- 8.1 I undertake Code of Conduct training provided by the Council.**
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the Council's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the Council.

You need to register your interests so that the public, Council employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £100 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

To protect your position and the reputation of the Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to

you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A

The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B

Registering interests

- 1 Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1**. You should also register details of your other personal interests which fall within the categories set out in **Table 2**.
- 2 You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
- 3 Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Disclosure of Other Registerable Interests

5. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
7. Where a matter arises at a meeting which **affects**:
 - 7.1. your own financial interest or well-being;
 - 7.2. a financial interest or well-being of a friend, relative, close associate; or
 - 7.3 a body included in those you need to disclose under Disclosable Pecuniary Interestsyou must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

8. Where a matter **affects** your financial interest or well-being:
 - 8.1. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - 8.2 a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest,

you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
9. Where you have a personal interest in any business of the Council and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. Any unpaid directorship.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director or a body that such person has a beneficial interest in the securities of) and the Council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director of or has a beneficial interest in the securities of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Table 2 – Other Registerable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by the Council: or
- b) any body:
 - (i) exercising functions of a public nature;
 - (ii) any body directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

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Appointment of Governance Boards / Panels 2021/22

Introduction / Context:

It was resolved at the Full Council meeting held on 25 March 2021 (Minute 50/20 refers) that a review of Member Working Groups be undertaken as part of the 'Enhancing the Democratic Decision-Making Process' project. As a result of this process, the following sets out an updated list of Governance Boards and Panels to which Council approval is sought to re-appoint to at this Annual Council meeting.

In place of the historic range of Working Groups that were previously appointed to, there is the ability, as and when deemed necessary, to establish Task and Finish Group(s) via either of the following means:

- The Executive can either set up, or request that the Overview and Scrutiny Panel set up, a Task and Finish Group to, for example, oversee the delivery of a key project or a theme under the Corporate Strategy; or
- The Overview and Scrutiny Committee can set up a Task and Finish Group in order to, for example, progress some aspect of its own work programme or at the request of the Executive to assist in the development of Council policy.

(a) Council Tax Setting Panel

Chairman of Council
Leader of Council
Deputy Leader of Council
Leader of the Opposition

(b) Devon Building Control Partnership

Cllr H D Bastone
Cllr J P Birch

(c) Discretionary (Major) Business Rate Relief Decision Panel

Leader of the Opposition Group
Lead Executive Member for Enterprise
Leader of Council

Substitute Member:

Lead Executive Member for Communities

(d) Joint SH/WD/Plymouth Local Plan Partnership Board

Cllr H D Bastone
Cllr J A Pearce

(e) Rate Relief Panel

Leader of Council
Deputy Leader of Council
Lead Executive Member for Communities

(f) Slapton Line Steering Group

Cllr J Brazil
Cllr R J Foss

- (g) South Devon AONB Partnership Committee**
Cllr N Hopwood
Cllr B Taylor
- (h) Tamar Valley AONB Partnership Committee**
Cllr N Hopwood
- (i) Waste Partnership Board**
Cllr H D Bastone
Cllr N A Hopwood
Lead Executive Member for Environment

Report to: **Annual Council**
Date: **20 May 2021**
Title: **Appointment of Representatives on Outside Bodies 2021/22**
Portfolio Area: **Council – Cllr Pearce, Leader**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Immediately following this meeting

Author: **Darryl White** Role: **Democratic Services Manager**

Contact: **Email: darryl.white@swdevon.gov.uk**

RECOMMENDATION:

That Council RESOLVES for the 2021/22 Municipal Year to:

- 1. be represented on the list of Outside Bodies (as attached at Appendix 1) and that, for the purposes of Members' Allowances, attendance at meetings of these Bodies be regarded as an 'Approved Duty';**
- 2. approve the draft reporting feedback template (as set out at Appendix 2); and**
- 3. approve the draft Role Member Profile (as detailed at Appendix 3).**

1. Executive summary

- 1.1 The Council is required to approve its representation on Outside Bodies and to appoint appropriate representatives to serve on these Bodies. Group Leaders have been consulted and their nominations are reflected at presented Appendix A.

2. Background

- 2.1 This report seeks approval of the appointment of Members to the list of Outside Bodies as set out at Appendix A.

3. Outcomes/outputs

Task and Finish Group Review

- 3.1 At its meeting held on 25 February 2021, the Overview and Scrutiny Panel set up a Task and Finish Group to '*scrutinise the means of reporting back to Council and to evaluate the benefit to Council of it being represented on Outside Bodies.*'
- 3.2 The next Panel meeting held on 1 April 2021 received the Review concluding report and endorsed its conclusions as follows:
 - 3.2.1 As part of its Annual Work Programme deliberations, the Overview and Scrutiny Panel be requested to schedule an Annual Report on the performance of each of the Outside Bodies to which the Council has made appointment(s). This Annual Report to be considered early in the Calendar Year in order that the Council has the opportunity to consider the value of re-appointing to each Outside Body at the Annual Council meeting in May. In making this recommendation, the Group has stated that appointed representatives will need to report more frequently when Outside Bodies are to make decisions (or have discussions) about matters deemed of significance / relevance / importance to the Council;
 - 3.2.2 Representative(s) be required to inform local Ward Members when matters specifically relating to their local Ward(s) are to be discussed at a future Outside Body meeting;
 - 3.2.3 That reports produced by representatives should summarise any such discussions or decisions made and explain how the Council (or its residents) will be impacted or what the Council is being requested to do. In so doing, representatives will be required to consider how these discussions or decisions will contribute to the delivery (once adopted) of the Corporate Strategy;
 - 3.2.4 That, in order to facilitate reporting, the Democratic Services Manager be asked to produce a template for completion by representatives on Outside Bodies. The template (once drafted) to be appended to the Outside Bodies report for adoption at the Annual Council meeting to be held on 20 May 2021 (NB. this is attached at Appendix 2 for approval);
 - 3.2.5 That such reports from representatives be published via the Members' Bulletin publication. In so doing, that officers be asked to revisit the format of the Bulletin to ensure that its content can be copied and pasted; and

- 3.2.6 That a role profile ('Job Description') for Members be drafted and also appended to the Annual Council report for adoption (NB. this is attached at Appendix 3 for approval)

Conflicts of Interest

- 3.3 With some of the Outside Bodies, conflicts of interests due to Council representation can arise. In such cases, Members should be aware that, even though they may be the Council's representative, the first legal duty is to act in the best interests of that Outside Body when participating in the affairs of that organisation. As a consequence, appointed Members are actively encouraged to contact the Council's Monitoring Officer for advice.

4. Options available and consideration of risk

- 4.1 There is a risk that Members may find themselves in positions where interests conflict potentially damaging both their own and the Council's reputation. To mitigate this risk, Members are encouraged to contact the Council's Monitoring Officer.

5. Proposed Way Forward

- 5.1 The Council is asked to approve the appointments to the list of Outside Bodies (as set out at Appendix A); the draft feedback template (Appendix B refers); and the draft Member role profile (as outlined at Appendix C).

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Statutory Powers – Local Government Act 1972
Financial implications to include reference to value for money	N	There are no direct financial implications
Risk	N	These are addressed in the report
Supporting Corporate Strategy		Efficient and Effective Council
Climate Change - Carbon /		Not applicable

Biodiversity Impact		
Comprehensive Impact Assessment Implications		
Equality and Diversity		Not applicable
Safeguarding		Not applicable
Community Safety, Crime and Disorder		Not applicable
Health, Safety and Wellbeing		Not applicable
Other implications		Not applicable

Supporting Information

Appendices:

Appendix 1 – list of Outside Bodies (and nominated representatives);
Appendix 2 – draft feedback template; and
Appendix 3 – draft role profile.

Background Papers:

Overview and Scrutiny Panel agendas and minutes – 25 February 2021 and 1 April 2021 meetings.

Representation on Outside Bodies 2021 / 2022**Appendix 1**

	ORGANISATION	Nominee(s)
1.	Dartmoor National Park Authority	Cllr P C Smerdon
2.	Devon Audit Partnership Committee	Chairman and Vice-Chairman of the Audit Committee
3.	Devon Authorities Strategic Waste Committee	lead Executive Member for Environment (Substitute: Cllr D Brown)
4.	Devon County Locality Committee	Leader and Deputy Leader of Council
5.	Devon County/South Hams Highways and Traffic Orders Committee	Cllrs H Reeve and P C Smerdon
6.	Devon Districts Forum	Leader of Council
7.	Governance Board (South Devon Healthcare NHS Foundation Trust)	Cllr R Rowe
8.	Greater Dartmoor Local Enterprise Action Fund	Cllr P C Smerdon
9.	Heart of the South West Devolution Joint Committee	Leader of the Council (Substitute: Deputy Leader of the Council)
10.	Hope Harbour Commissioners	Cllr M Long
11.	Joint Advisory Committee (JAC) on Housing for Local Needs in the Dartmoor National Park	Cllrs L Austen, J Brazil and L Jones (for 2 positions)
12.	Local Enterprise Partnership Joint Scrutiny Committee	Cllr B Spencer

13. Local Government Association:-
 (i) District Council Network – Leader of Council
 (ii) General Assembly – Leader of Council
 (iii) South West Branch – Leader of Council
 (iv) Rural Commission – Leader of Council
 (v) LGA Committee, Panel, etc appointments
 (NB: These appointments are made via an Electoral College process through the LGA. Council has been given delegated authority to the Monitoring Officer, in consultation with the Leaders of the political groups, to agree any such appointments).
14. PATROL – Parking and Traffic Regulations Outside London Cllr D Brown
15. Police & Crime Commissioners Scrutiny Panel Cllr N A Hopwood
16. South Devon Coastal Local Action Group Cllr B Taylor
17. South Devon and Dartmoor Community Safety Partnership Cllr T R Holway
18. South West Councils Leader and Deputy Leader of Council
19. SPARSE Rural and Rural Services Network Cllr H Reeve

Outside Bodies - Member Reporting Form**Appendix 2**

Name of Organisation	
Elected Member Representative(s)	
Lead Council Officer	
Date of Meeting	
Key Points arising from the Meeting of interest and/or relevance to the Council	
Issues (if any) on which the views of the wider membership / lead officer(s) are sought	
Relevant documents (e.g. reports and hyperlinks)	

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Draft Role Profile – Member Representatives On Outside Bodies

A Member representative on an Outside Body is expected to:

1. make themselves aware of what the Outside Body expects from them. In so doing, a representative may seek information from the Outside Body in relation to their Constitution, Terms of Reference, accounts etc;
2. operate within the rules and/or Constitution of the Outside Body (NB Representatives will not disclose any information that is confidential to the Outside Body);
3. attend meetings of the Outside Body to which appointed;
4. report on the activities of the Outside Body; the impact of those activities on the South Hams and Council Service Delivery in order to keep the Council informed (NB. the production of such reports will also allow the Council to evaluate the value and benefit of its continued membership);
5. take an active and informed role in the affairs of the Outside Body;
6. make independent personal judgements in line with their Duty of Care to the Outside Body. In so doing, to ensure that they are not representing the views and political position of their own political party;
7. make decisions that are in the best interests of the Outside Body. However, representatives should always ensure that their fellow Directors / Trustees are aware of the fact that they are Councillors;
8. inform local Ward Members when matters specifically relating to their local Ward(s) are to be discussed at a future Outside Body meeting; and
9. ensure that allocated Council funding (if any) is being used wisely and properly.

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**MINUTES OF THE MEETING OF
THE SALCOMBE HARBOUR BOARD
HELD VIA TEAMS ON MONDAY, 15 MARCH 2021**

Members in attendance			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr J Brazil (Chairman)	*	Ms A Jones
*	Cllr D Brown	*	Mr M Mackley
*	Cllr R J Foss	*	Mr H Marriage (Vice-Chairman)
*	Cllr M Long	∅	Mr C Plant
		*	Mr I Stewart

Other Members in attendance and participating:
Cllrs H Bastone & J A Pearce

Item No	Minute Ref No below refers	Officers in attendance and participating
All agenda items		Director of Place and Enterprise; Salcombe Harbour Master; Deputy Section 151 Officer; Estuaries Officer; and Democratic Services Manager

SH.24/20 MINUTES

The minutes of the meeting of the Salcombe Harbour Board held on 18 January 2021 were confirmed as a correct record, save for the one alteration below:

The addition of ‘Pacific’ so SH.21/20 Feedback from Harbour Community Forums:

Salcombe Kingsbridge Estuary Conservation Forum (SKECF)

*“...During his update, the Estuaries Officer made particular reference to concerns over nutrients from farmland entering the Estuary and the increased numbers of **Pacific** oysters being found in dwarf seagrass.”*

SH.25/20 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, and the following were made:

Ms Jones, Mr Mackley, Mr Marriage, and Mr Stewart each declared a disclosable pecuniary interest in all related agenda items by virtue of paying harbour dues to the Council. As a result of the Deputy Monitoring Officer granting each Board Member a dispensation, they were all able to take part in the debate and vote on any related matters (Minute SH.3/20 refers).

SH.26/20 PUBLIC QUESTION TIME

In accordance with the Public Question Time Procedure Rules, there were two issues raised:

Submission received from Rod Seymour and Nick Croft, “The Dock”:

At the invitation of the Chairman, Mr Seymour outlined their proposal for a floating bar/restaurant, with a hope that the barge could be operational for 2023.

Submission received from Keith Cockell and Peter Downes, “Salcombe Afloat”:

Mr Cockell outlined their proposal for a floating café aiming for it to be in place and operational for Summer 2022.

Following both presentations, the Chairman thanked all for bringing their proposals to the Board but advised that, as these proposals were not agenda items, the Board would not be able to give any formal recommendations at this meetings. However, Members did comment as follows:

- Salcombe Harbour was very busy during the peak summer months, with one Member commenting that activity on the water was at saturation point and the concept of a floating refreshment barge could have implications for the safety of water users, this being the responsibility of the Harbour Master;
- It was noted that the concept of ‘Salcombe Afloat’ being mobile would impact on the sea bed due to anchoring at various locations;
- Any vessel would need to be maintainable on site or at the Harbour;
- Members thanked all for early sight of these concepts and noted that new businesses in the area were to be encouraged;
- The Chairman then outlined that if either, or both, proposals were to be taken further, fully outlined proposals would need to be presented back to the Board as formal agenda items in the Autumn of 2021. It was highlighted to the applicants that there was currently a lot of scepticism amongst the Board, and any further time or money spent on developing the proposals would need to be expended with this in mind.

SH.27/20 FEEDBACK FROM HARBOUR COMMUNITY FORUMS

The Board received verbal update reports from those Members who attended the Harbour Community Forums. The updates were given as follows:

Salcombe Kingsbridge Estuary Conservation Forum (SKECF)

There had been no meeting since the last Board update, with the next meeting to be held on 30th March, with the agenda for this meeting to be sent out soon.

South Devon & Channel Shellfishermen

The Board was informed that preparations for the coming season were well underway. Exports were noted to be on the increase.

Kingsbridge and Salcombe Marine Business Forum

The representative advised that the Forum had met with Anthony Mangnall MP last week. Mr Mangnall advocated for schools in South Hams to facilitate water sport activities and educational visits to the coast. To date, no local marine business had folded and all were keen to get started again as soon as COVID regulations allowed.

Kingsbridge Estuary Boat Club (KEBC)

The representative informed that he had nothing to report to this meeting.

East Portlemouth

The representative informed that he had nothing to report to this meeting.

SH.29/20 **HARBOUR DEPOT, BATSON CREEK, SALCOMBE**

The Board considered a report that provided an update on the progress that had been made on the Harbour Depot project.

Members emphasised the importance that these units, once built, should be for small, local businesses with rents kept affordable. On behalf of the Board, the Chairman expressed thanks to all for the work involved to get the project to this stage and it was acknowledged that the next stage would involve a great deal more work from the Harbour Master and his team.

The Chairman then added to the recommendation and it was then:

RESOLVED

That the report be noted and the Board endorse the recommendations of the Executive to the Full Council meeting to be held on 25 March 2021.

SH.30/20 **CHAIRMAN'S CONCLUDING REMARKS**

Prior to closing the meeting, the Board then passed on their thanks to the Harbour Master and his team for the excellent way that the recent oil spill in the Harbour had been dealt with and the comprehensive report that had been published afterwards.

(Meeting commenced at 2:30 pm and concluded at 3:52 pm)

Chairman

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