

SECTION 6: ROLES AND RESPONSIBILITIES OF COUNCIL DECISION MAKING BODIES

6.1 COMMITTEES OF THE COUNCIL

In order to undertake its functions in a more efficient way, the Council establishes committees to which it delegates authority to oversee and make decisions relating to non-executive responsibilities.

The seats on committees are allocated in accordance with the rules on political proportionality and the party-political groups are responsible for nominating councillors from their groups to fill the seats.

The next part describes the committees that the Council has established and delegated authority for decision making.

6.2. AUDIT AND GOVERNANCE COMMITTEE

Membership

11 Elected Members appointed by the Council (excluding Members of the Cabinet) to reflect the political balance of the Council.

Up to 3 Independent, non-voting co-opted Members invited to attend meetings during discussion on all corporate governance and audit matters.

Meetings

There shall normally be six scheduled meetings in each year. Additional meetings may also be called as and when appropriate and required. A meeting may be called by the Chair, by one-third of the voting members of the Committee or by the Managing Director.

Statement of Purpose

The purpose of the Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

Functions and Responsibilities

The Audit and Governance Committee is responsible for the following functions:

Governance Risk and Control

1. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
2. To approve the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
3. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
4. To monitor the effective development and operation of risk management in the Council.
5. To monitor progress in addressing risk-related issues reported to the Committee.
6. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
7. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
8. To monitor the counter-fraud strategy, actions and resources.
9. To review the governance and assurance arrangements for significant partnerships or collaborations.

Internal Audit

10. To approve the internal audit charter.
11. To review the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
12. To approve significant changes to the risk-based internal audit plan and resource requirements.
13. To make appropriate enquiries of both management and the Executive Head of Finance to determine if there are any inappropriate scope or resource limitations, in respect of carrying out internal audit work.
14. To consider reports on internal audit's performance during the year including:

- a. Key findings, issues of concern and action in hand as a result of internal audit work
 - b. Regular reports on the results of the Quality Assurance and Improvement Plan and any non-compliance with Public Sector Internal Audit Standards (PSIAS).
15. To consider annual internal audit reports, including;
- a. The statement on the level of conformance with PSIAS
 - b. The Quality and Assurance Improvement Plan
 - c. The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion.
16. To receive summaries of any specific internal reports as requested.
17. To receive reports outlining the action taken where the Executive Head of Finance has concluded that management has accepted a level of risk that may be unacceptable to the Council or there are concerns about progress with the implementation of agreed actions.
18. To provide internal audit unfettered access to the Committee Chair, including the opportunity for a private meeting with the Committee.

External Audit

19. To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by the Public Sector Audit Appointments (PSAA).
20. To consider the external auditor's annual audit letter, annual audit results report and other relevant reports.
21. To consider the scope and depth of external audit work and ensure it provides value for money.
22. To commission work from internal and external audit.

Financial Reporting

23. To approve the annual Statement of Accounts and consider whether appropriate accounting policies have been followed and whether any concerns arising from the financial statement or from the audit need to be brought to the attention of the Council.
24. To consider the external auditor's report to those charged with governance on any issues arising from the audit of the accounts.

Accountability arrangements

25. To undertake appropriate training in respect of its governance and audit role.
26. To carry out an annual self-assessment in relation to the effectiveness of the Committee in meeting its purpose.
27. Where considered appropriate, to report to Council on any issues concerning the effectiveness of the arrangements in place for governance, risk, and internal control frameworks.

Ombudsman

28. To keep under review Ombudsman investigations and consider their outcomes where appropriate.

Work Programme

29. There shall be oversight of the Committee's work programme at the Programme Management Group to enable co-ordination between the overall work of the Audit & Governance Committee, Overview and Scrutiny Committee and Policy and Project Advisory Board.

6.3 LICENSING AND CORPORATE BUSINESS COMMITTEE

Membership

11 Elected Members appointed by the Council (excluding Members of the Cabinet) to reflect the political balance of the Council.

Meetings

There shall normally be three scheduled meetings in each year in May/June, January and March. Additional meetings may also be called as and when appropriate and required. A meeting may be called by the Chair, by one-third of the voting members of the Committee or by the Managing Director.

Functions and Responsibilities

The Licensing and Corporate Business Committee is responsible for the following functions:

Licensing

1. Responsibility for the licensing functions of the Council:

- Functions under the Licensing Act 2003 (see Section 4, Paragraph 4.3 for delegation arrangements)
 - Functions under the Gambling Act 2005 (see Section 4, Paragraph 4.4 for delegation arrangements)
 - Taxis, private hire and other vehicles (see Section 4, Paragraph 4.5 for delegation arrangements)
 - All other licensing and registration functions including for caravan sites, food premises registration, animal licensing, charities and street collection permits, street trading consents and scrap metal dealers (see Section 4, Paragraph 4.6 for delegation arrangements)
2. Responsibility for functions and powers relating to smoke free legislation and the Health Act 2006 (see Section 4, Paragraph 4.8 for delegation arrangements).
 3. Responsibility for Health and Safety at work (see Section 4, Paragraph 4.7 for delegation arrangements).
 4. Responsibility for the powers in sections 4, 8 and 9 of the Hampshire Act, 1983:-
 - s.4 (relating to the registration of hairdressers and barbers and premises occupied by them)
 - s.8 (relating to the control of stray dogs)
 - s.9 (relating to the seizure of horses).

Corporate Business

5. To make appointments of council representatives to Outside Bodies or joint committees of two or more authorities (or to any committee or sub-committee of such a body) and the revocation of any such appointment to a body.
6. To make appointments to Council Groups, Partnerships and Boards including the Council's Programme Management Group which co-ordinates the work programmes of the Audit and Governance Committee, Overview and Scrutiny Committee and Policy and Project Advisory Board.
7. To consider and make recommendations to the full Council in relation to the following matters:
 - Amendments to the Council's Standing Orders and changes to the Scheme of Delegation for non-executive matters
 - Designation of Head of Paid Service
 - Conferring the title of honorary alderman or to admit an honorary freeman
 - The making, amendment, revocation or re-enactment of byelaws under any statutory provision
 - Matters related to the name and status of areas

- Terms under which a Community Governance Review shall be carried out (Sections 81-82 Local Government and Public involvement in Health Act 2007)
 - The promotion, opposition to or amendment of local or personal Bills (Section 239 of the Local Government Act 1972)
 - The transfer of non-executive functions to another local authority, or decision to accept such a delegation from another local authority
8. To exercise the Council's functions relating to local government pensions, etc (regulations under Section 7, 12 or 24 of the Superannuation Act 1972).
 9. Power to make an order identifying a place as a public place for the purposes of police powers to deal with street drinking (Criminal Justice and Police Act 2001).
 10. Responsibility for matters in respect of the remuneration of the Head of Paid Service.

Elections

11. To exercise the Council's powers in relation to the following elections and electoral registration functions:
 - Dividing the constituency into polling districts and designating polling places (Section 18, Representation of the People Act, 1983)
 - Dividing electoral divisions into polling districts and designating polling places at local government elections (Section 31 of the Representation of the People Act, 1983)
 - Making proposals for pilot schemes for local elections

Standards

12. To promote and maintain high standards of conduct by councillors and co-opted members of the Council as set out in the Councillors Code of Conduct.
13. To advise the Council on the adoption or revision of the Members' Code of Conduct.
14. To monitor the operation of the Members' Code of Conduct.
15. To make and implement arrangements for dealing with complaints in accordance with the Localism Act, 2011 and any subsequent regulations and guidance.
16. To deal with matters relating to the appointment and activities of the Independent Person(s) within the provision of the Localism Act 2011 and any subsequent regulations and guidance. The appointment of the Independent Person is subject to confirmation by the Council.

17. To grant dispensations to councillors and co-opted members from requirements relating to interests set out in the Code of Conduct.

6.3 LICENSING SUB-COMMITTEE

The Licensing and Corporate Business Committee appoints a Licensing Sub-Committee.

The membership is five Members, politically balanced, drawn from the Licensing and Corporate Business Committee.

The terms of reference are:

- (i) to deal with licensing applications where such applications have a substantial impact on the area or there are significant objections; or
- (ii) to consider and determine licensing matters where the Executive Head of Operations considers it inappropriate to exercise his/her delegated powers

6.4 LICENSING SUB-COMMITTEE (ALCOHOL AND ENTERTAINMENTS)

The Licensing and Corporate Business Committee appoints a Licensing Sub-Committee (Alcohol and Entertainments).

The membership of the Sub-Committee is three trained councillors appointed by the Corporate Manager - Democracy drawn from the Licensing and Corporate Business Committee on a rotational basis. No requirement for political balance.

Terms of reference:

- (i) To consider and determine licence applications made under the Licensing Act 2003 and Gambling Act 2005 in accordance with the Scheme of Delegation set out in Part 3, Section 4, paragraphs 4.3 and 4.4

The rules and procedures for the Sub-Committee, including the arrangements for appointments to the Sub-Committee, are set out in Part 4 of the Constitution 'Licensing Sub-Committee (Alcohol and Entertainments) Hearings Protocol and Procedure Rules'.

6.4A LICENSING SUB-COMMITTEE (TAXIS)

The Licensing and Corporate Business Committee appoints a Licensing Sub-Committee (Taxis).

The membership of the Sub-Committee is three trained councillors, politically balanced, appointed by the Corporate Manager – Democracy drawn from the Corporate Governance, Audit and Standards Committee on a rotational basis.

Terms of reference:

- (i) To consider and determine taxi licensing applications where the Executive Head of Operations is minded to refuse or revoke a licence and the decision is not deemed urgent, in accordance with the Scheme of Delegation set out in Part 3, Section 4, paragraph 4.5.

The rules and procedures for the hearings, including the arrangements for appointments to the Sub-Committee, are set out in Part 4 of the Constitution 'Licensing Sub-Committee (Taxis) Hearings Protocol and Procedure Rules'.

6.5. DEVELOPMENT MANAGEMENT COMMITTEE

The Development Management Committee is responsible for the discharge of the Council's functions in respect of the necessary statutory provisions in relation to all town planning matters concerning the control of development and regulation and use of land under the provisions of the Town and Country Planning Act, 1990 (as amended), Town and Country Planning (Control of Advertisements) Regulations 1992, the Planning (Listed Building and Conservation Areas) Act 1990, Planning and Compensation Act 2004 and any associated or related Acts, legislation, regulations and provisions.

While many matters are delegated to the Executive Head of Property and Growth (see Section 4.2 (3)), the following matters must be decided by the Development Management Committee:

Planning Applications

1. Deciding planning applications for 25 or more new dwellings
2. Deciding a planning application which is contrary to the provisions of an approved or draft development plan or adopted planning policy approved by the Council and which is recommended for approval
3. Deciding planning applications which any councillor requests, setting out good material planning reasons in writing to the Executive Head of Property and Growth, within 21 days of the circulation of details of the application. The referral to the Committee to be agreed by the Chair of the Committee in consultation with the Executive Head of Property and Growth and/or Service Manager (Development Management).
4. Deciding planning applications submitted by or on behalf of a councillor (or his/her spouse, partner or other immediate family member) or by any member of the Council's staff (or his/her spouse, partner or other immediate family member)
5. Deciding planning applications submitted by or on behalf of the Council for its own developments

6. Deciding planning applications which the Executive Head of Property and Growth considers should be presented to Committee for decision including for example, those developments that in their opinion are potentially controversial, likely to be of significant public interest, or which may have a significant impact on the Borough or its environment.
7. The Development Management Committee will also receive updates on progress on Committee decisions, planning enforcement, and performance of the planning service with regard to the nationally set performance standards and associated matters.