

SECTION C: RESPONSIBILITY FOR NON - EXECUTIVE FUNCTIONS

To discharge non-executive functions which are not reserved to full Council alone, the Council has established the following ordinary committees.

- **DEVELOPMENT MANAGEMENT COMMITTEE**
- **LICENSING COMMITTEE**
- **GOVERNANCE & AUDIT COMMITTEE**
- **JOINT HUMAN RESOURCES COMMITTEE**

The terms of reference of these Committees and their delegated powers are set out in the following pages.

Where the Council has delegated responsibility for the discharge of non-executive functions to officers, these delegations will appear in the Scheme of Delegation to Officers.

DEVELOPMENT MANAGEMENT COMMITTEE

Function	Provision of Act or Statutory Instrument	Delegation to Officers/Service Manager	
I. Functions relating to town and country planning and development control			
1	Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990.	Service Manager (Planning Development)* See note below
2	Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	Service Manager (Planning Development)* See note above
3	Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Service Manager (Planning Development)* See note above
4	Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	Service Manager (Planning Development)* See note above
5	Duties relating to the making of determinations of planning applications.	Sections 69 and the Town and Country Planning (General Development Procedure) Order 1995 (S.I.1995/419) and directions made thereunder.	Service Manager (Planning Development)* See note above
6	Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I.1992/1492).	Service Manager (Planning Development)* See note above
7	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6,7,11,17,19,20,21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I.1995/418).	Service Manager (Planning Development)* See note above
8	Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	Service Manager (Planning Development)* See note above
9	Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.	Service Manager (Planning Development)* See note above
10	Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	Service Manager (Planning Development)* See note above
11	Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (S.I. 1992/666).	Service Manager (Planning Development)* See note above

12	Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	Service Manager (Planning Development)* See note above
13	Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	Service Manager (Planning Development)* See note above
14	Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.	Service Manager (Planning Development)* See note above
15	Power to issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990.	Service Manager (Planning Development)* See note above
16	Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Service Manager (Planning Development)* See note above
17	Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	Service Manager (Planning Development)* See note above
18	Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10).	Service Manager (Planning Development)* See note above
19	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of schedule 14 to that Act.	Service Manager (Planning Development)* See note above
20	Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	Service Manager (Planning Development)* See note above
21	Power to determine application for listed building consent, and related powers.	Section 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9).	Service Manager (Planning Development)* See note above
22	Power to determine applications for conversation area consent.	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, applied by section 74(3) of that Act.	Service Manager (Planning Development)* See note above
23	Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 (S.I.1990/1519).	Service Manager (Planning Development)* See note above

24	Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Service Manager (Planning Development)* See note above See note below
25	Power to issue listed building enforcement notices.	Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Service Manager (Planning Development)* See note above
26	Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Service Manager (Planning Development)* See note above
27	Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Service Manager (Planning Development)* See note above
28	Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Service Manager (Planning Development)* See note above

II Miscellaneous Functions relating to highways.			
1	Power to authorise stopping up or diversion of footpath, bridleway or restricted byways.	Section 257 of the Town and Country Planning Act 1990.	Service Manager (Planning Development)* See note above
2	Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.	Service Manager (Planning Development)* See note above

III Trees and Hedgerows			
1	Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and Trees Regulations 1999.	Service Manager (Planning Development)
2	Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997.	Service Manager (Planning Development)
3	Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.	Service Manager (Planning Development)

IV Conditions etc. and Enforcement			
1	The Functions of - (a) Imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted in the exercise of any of the functions set out in sections I, II, III and, and (b) determining any other terms to which any such approval, consent, licence, permission or registration is subject.	Service Manager (Planning Development)	

LICENSING COMMITTEE

Function	Provision of Act or Statutory Instrument	Delegation to Officers/Service Manager	
I. Licensing and Registration Functions			
1	Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c.62).	Service Manager (Environmental Health)
2	Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).	Service Manager (Environmental Health)
3	Power to licence hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c.67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c.57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Service Manager (Environmental Health)
4	Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Service Manager (Environmental Health)
5	Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Service Manager (Environmental Health)
6	Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act 2005 (Commencement No 6 and Transitional Provisions) Order 2006 (S.I. 2006/3272) ("the Gambling Act Order").	Service Manager (Environmental Health)
7	Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order.	Service Manager (Environmental Health)
8	Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(e) and (4) of the Gambling Act Order.	Service Manager (Environmental Health)
9	Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 as saved for certain purposes by article (4)(2) (l) and (m) of the Gambling Act Order.	Service Manager (Environmental Health)
10	Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article (5)(2) (a) and (3) of the Gambling Act Order.	Service Manager (Environmental Health)

11	Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article (5)(2)(d) and (5) of the Gambling Act Order.	Service Manager (Environmental Health)
12	Power to license sex shops and sex cinemas, and sexual entertainment venues.	Section 2 & Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).	Service Manager (Environmental Health)
13	Power to license performances of hypnotism.	The Hypnotism Act 1952 (c.46).	Service Manager (Environmental Health)
14	Power to license premises and practitioners for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	Service Manager (Environmental Health)
15	Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c.53).	Service Manager (Environmental Health)
16	Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.	Service Manager (Environmental Health)
17	Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c.32); sections 2 to 16 of the Game Licensing Act 1860 (c.90), section 4 of the Customs and Inland Revenue Act 1883 (c.10), sections 12(3) and 27 of the Local Government Act 1874 (c.73), and section 213 of the Local Government Act 1972 (c.70).	Service Manager (Environmental Health)
18	Power to register and license premises for the preparation of food.	Article 31 (i) (b) Reg 882/2004 Article 31 (i) (a) Reg 882/2004	Service Manager (Environmental Health)
19	Power to license scrap retail dealers and collectors.	Scrap Metal Dealers Act 2013	Service Manager (Environmental Health)
20	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c.52).	Service Manager (Environmental Health)
21	Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).	Service Manager (Environmental Health)
22	Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c.60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.	Service Manager (Environmental Health)
23	Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c.35); section 1 of the Animal Boarding Establishments Act 1963 (c.43); the Riding Establishments Acts 1964 and 1970 (1964 c.70 and 1970 c.70); section 1 of the Breeding of Dogs Act 1973 (c.60), and sections 1 and 8 of the Breeding of Dogs (Welfare) Act 1999.	Service Manager (Environmental Health)
24	Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c.38).	Service Manager (Environmental Health)
25	Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c.37).	Service Manager (Environmental Health)

26	Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c.38).	Service Manager (Environmental Health)
27	Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I.1999/646).	Service Manager (Environmental Health)
28	Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c.31) and section 2 of the House to House Collections Act 1939.	Service Manager (Environmental Health)
29	Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40).	Service Manager (Environmental Health)
30	Duty to keep register of food business premises.	Article 31 (i) (b) Reg 882/2004 Article 31 (i) (a) Reg 882/2004	Service Manager (Environmental Health)
31	Power to register food business premises.	Article 31 (i) (b) Reg 882/2004 Article 31 (i) (a) Reg 882/2004	Service Manager (Environmental Health)
32	Power to make order identifying place as a designated public place for purposes of police powers in relation to alcohol consumption.	Section 13 (2) of Criminal Justice and Police Act 2001.	Service Manager (Environmental Health)
33	Power to grant permission for provision etc of services, amenities, recreations & refreshment facilities on highway and related powers	Sections 115E, 115F and 115K of Highways Act 1980	Service Manager (Environmental Health)
34	Duty to publish notice in respect of proposal to grant permission under S115E of the Highways Act	Section 115G of Highways Act	Service Manager (Environmental Health)
35	Power to licence Houses in Multiple Occupation	Section 64 of Housing Act 2004	Service Manager (Environmental Health)

II	Functions relating to health and safety at work		
	Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health & Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health & Safety at Work etc. Act 1974.	Service Manager (Environmental Health)

III	Conditions etc. and Enforcement		
1	The functions of imposing any condition, limitation or other restriction on any approval, consent, licence, permission or registration granted in the exercise of any of the above functions and determining any other terms to which any such approval, consent, licence, permission or registration is subject.		Service Manager (Environmental Health)

2	The function of determining whether, and in what manner, to enforce - (a) any contravention or failure to comply with an approval, consent, licence, permission or registration granted as mentioned above; or (b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject.	Service Manager (Environmental Health)
3	The function of - (a) amending, modifying or varying any such approval, consent, licence, permission or registration as is mentioned above, or any condition, limitation or term to which it is subject, or (b) revoking any such approval, consent, licence, permission or registration.	Service Manager (Environmental Health)

DELEGATION

In exercising the above powers and responsibilities, the Committee and, unless the Committee directs otherwise, the relevant Officer shall have delegated powers to make decisions and act on behalf of the Council, except that in the following matters, neither the Committee nor the relevant Officer shall exercise their delegated powers, but shall submit recommendations to the Council:

- (1) decisions on the control of hackney carriage numbers.
 - (2) the fixing of hackney carriage fares
 - (3) any item which the Council calls in for determination
1. To discharge the functions of the Council as licensing authority under the Licensing Act 2003, with the exception of any function conferred on the Council under Section 5 of the Act (statement licensing policy).
 2. Without prejudice to the generality of the above the Committee may arrange for the sub delegation of the functions to sub committee(s) established by it or (subject to the exceptions in Section 10 (4) of the Act) to an officer of the licensing authority.

	Matter to be dealt with	Licensing Subcommittee	Service Manager (Environmental Health)
1	Application for personal licence.	In cases of police objection	If no objection made
2	Application for personal licence with unspent convictions.	All cases	
3	Application for personal licence with convictions of an offence during the application period.	All cases	
4	Application for premises licence/club premises certificate.	If relevant representation made and not withdrawn	If no relevant representation made
5	Application for provisional statement.	If relevant representation made and not withdrawn	If no relevant representation made
6	Application to vary premises licence/club premises certificate.	If relevant representation made and not withdrawn	If no relevant representation made

7	Application to vary designated premises supervisor.	In cases of police objection	All other cases
8	Request to be removed as a designated premises supervisor		All cases
9	Application for transfer of premises licence.	In cases of police objection	All other cases
10	Applications for interim authority.	In cases of police objection	All other cases
11	Application to review premises licence/club premises certificate.	All cases	Not applicable
12	Decision on whether a complaint is irrelevant, frivolous, vexatious etc	All cases	Not applicable
13	Decision to object when local authority is a consultee and not the relevant authority considering the application.	All cases	Not applicable
14	Decision about police objection to temporary event notice.	All cases	Not applicable
15	Decisions on applications for minor variations to a premises/club premises certificate	Not applicable	All cases
16	In cases where the magistrates court has determined the licence on appeal	Not applicable	All Cases
17	Decisions on applications for minor variations	Not applicable	All Cases

3. To discharge the functions of the Council as licensing authority under the Gambling Act 2005 and Regulations made thereunder with the exception of any function conferred on the Council under sections 166, and 349 of the Act.
4. Without prejudice to the generality of the above the Committee may arrange for the sub-delegation of the functions to sub-committee(s) established by it or (subject to the exceptions in Section 154(4) of the Gambling Act 2005) to an officer of the licensing authority.

Matter to be dealt with		Full Council	Licensing Sub-Committee	Service Manager (Environmental Health)
1	Five year licensing policy.	✓		
2	Policy not to permit casinos.	✓		
3	Application for premises licences.		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
4	Application for a variation to a licence.		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn

5	Application for a transfer of a licence.		Where representations have been received from the Commission	Where no representations received from the Commission
6	Application for a provisional statement.		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
7	Application for a temporary event notice		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
8	Application for a street trading licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
9	Application for a pavement café licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
10	Review of a premises licence.		All cases	
11	Application for club gaming/club machine permits.		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
12	Cancellation of club gaming/club machine permits.		All cases	
13	Applications for other permits.			All cases
14	Cancellation of licensed premises gaming machine permits.			All cases
15	Consideration of Temporary Use Notice.			All cases
16	Decision to give a counter notice to a Temporary Use Notice.		All cases	
17	Application for permit for Amusement with Prizes machines.		For permit for more than two gaming machines	For permit for no more than two gaming machines
18	Application by holder of a community premises licence to disapply for the requirement for a designated premises supervisor.			All cases
19	Cancellation of club gaming/club machine permits.		All cases	

5. To establish one or more sub committees consisting of three members of the Committee.

GOVERNANCE & AUDIT COMMITTEE

1. To receive and approve the authority's statement of accounts, including the Annual Governance Statement in accordance with the Accounts and Audit (England) Regulations 2011.
2. To consider external audit and inspection reports in the Audit Commission's Annual Audit and Inspection Letter in accordance with the Accounts and Audit (England) Regulations 2011 and to monitor the Council's response to individual issues of concern identified.
3. To consider and approve the findings of the Council's annual review of the effectiveness of its system of internal control under the Accounts and Audit (England) Regulations 2011, including the effectiveness of its system of internal audit.
4. In furtherance of the Council's duty to make arrangements for the proper administration of its financial affairs and the Committee's responsibilities under the Accounts and Audit (England) Regulations 2011 set out above:
 - 4.1 To obtain assurance over the Council's corporate governance and risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
 - 4.2 To review and approve (but not direct) the terms of reference for internal audit and an Internal Audit Strategy.
 - 4.3 To review and approve (but not direct) the internal annual audit programme considering the effectiveness of proposed and actual coverage in providing adequate assurance over the Council's arrangements for governance, risk management and system of internal control.
 - 4.4 To monitor the implementation and outcomes of the Council's internal audit programme and where required, to review summary and individual audit reports with significant implications for financial management and internal control.
 - 4.5 To seek assurance on the adequacy of management response to internal audit advice, findings and recommendations in the form of implementation of agreed action plans.
 - 4.6 To receive the Annual Report of the Head of Internal Audit.
 - 4.7 To consider the external auditor's annual letter, relevant reports and the annual report to those charged with governance on issues arising from the audit of the Statement of Accounts.
 - 4.8 To engage with the external auditor and external inspection agencies and other relevant bodies to ensure that there are effective relationships between external and internal audit.

- 4.9 To make recommendations to the Chief Finance Officer and Monitoring Officer in respect of Part 5 of the Council's Constitution (Financial Regulations).
- 4.10 To consider the Code of Corporate Governance.
- 4.11 To consider and advise the Council on the Annual Governance Statement.
- 4.12 To consider the Annual Ombudsman Report.
- 4.13 To be responsible for the ethical standards framework for the Council and receive reports from the Monitoring officer.
- 4.14 The exercise of its ethical standards responsibilities in relation to Town and Parish Councils.
- 4.15 Granting dispensations to District Councillors from requirements relating to disclosable pecuniary interests as set out in the Code of Conduct and as stated in Section 33 of the Localism Act 2011.

Delegation: In exercising the above powers and responsibilities, the Committee shall have delegated power to make decisions and act on behalf of the Council.

Note: The Committee may itself determine not to exercise its delegated powers and instead make recommendations to the Council.

JOINT HUMAN RESOURCES COMMITTEE

1. With regard to appointments:
 - (a) to recommend the appointment of Chief Executive to the Council;
 - (b) with regard to posts of Executive Directors and Executive Heads, the Committee has the right to comment on proposed appointments (being made by Panels set up for that purpose) but without a right of veto;
 - (c) to agree to the redundancy of Executive Heads, Executive Directors and Chief Executives; and
 - (d) to ratify any pay award for Chief Officers determined by the Chief Executive in accordance with the Councils' Pay Policy Statements.

2. With regard to pension matters, appeals and dismissals to appoint two Panels, one each serving Havant and East Hampshire, consisting solely of Havant and East Hampshire respectively, to:
 - (a) agree to the retirement of all employees in the interests of efficiency;
 - (b) agree whether or not, and if so, to what extent to, augment pensionable service when an employee will be leaving the Council's employment;
 - (c) agree other payments in relation to termination of employment when required and agree any severance package exceeding £100,000;
 - (d) appoint Panels as appropriate to hear appeals against dismissal from the Council's employment and appeals at stage two of the Grievance Procedure.

3. To adopt new and updated policy aims in respect of the following staffing matters:
 - (a) recruitment and resourcing;
 - (b) pay, pensions and other terms and conditions of employment;
 - (c) employee relations;
 - (d) learning;
 - (e) health and absence management;
 - (f) health and safety (in relation to Council staff and Council activities);
 - (g) dignity at work/equal opportunities; and
 - (h) conduct of employees.