

## TERMS OF REFERENCE OF COMMITTEES

1. The Council has appointed the following Committees as it has deemed necessary to undertake its non-executive functions. The Terms of Reference of these Committees, other than the Overview and Scrutiny Panels, shall be in accordance with:-

Audit Committee	–	Annex 1
Planning Committee	–	Annex 2
General Purposes and Licensing Committee	–	Annex 3
HR Committee	–	Annex 4
Appeals Committee	–	Annex 5
2. The Committees referred to in Paragraph 1 above shall be entitled to appoint such Sub-Committees or Panels as they deem necessary for the proper performance of their duties, provided that Area Committees shall not be established without the prior consent of the Council.
3. The Terms of Reference of the Committees may be amended at any time by the Council, at its sole discretion, subject to the Council having considered the views of the Committee affected by any proposed changes.

**Annex 1****AUDIT COMMITTEE****TERMS OF REFERENCE****Accounts**

1. To approve the Authority's statement of accounts and specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statement or from the audit that need to be brought to the attention of the Council
2. To consider the external auditor's report to those charged with governance on issues from the audit of accounts.
3. To review, during the year, the Council's financial progress, including variances from budget, and bring any relevant findings to the attention of the Council, the Cabinet, the Portfolio Holder or Overview & Scrutiny Panel as appropriate.

**Audit Activity*****External***

4. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
5. To consider specific reports as agreed with the external auditor.
6. To consider the annual programme of work and associated fees for the external auditors and provide challenge as appropriate.

***Internal***

7. To consider the annual report and opinion of Internal Audit, and a summary of audit activity (actual and proposed) and the level of assurance it can give over the Council's governance arrangements.
8. To approve (but not direct) internal audit's strategy, plan and monitor performance.
9. To consider summaries of specific internal audit reports as requested.
10. To consider a report from internal audit on agreed high priority recommendations not implemented within a reasonable timescale.
11. To consider reports dealing with the management and performance of the Council's internal audit service, including the effectiveness of internal audit in accordance with the Accounts and Audit Regulations 2011.

**Regulatory Framework**

12. To monitor the effective development and operation of risk management and governance in the council.
13. To approve council policies on Whistleblowing and Anti-Fraud and Corruption and Bribery.

14. To approve the authority's Annual Governance Statement.
15. To consider the Council's compliance with its approved Treasury Management Strategy.
16. To consider the Council's arrangements for governance and to agree necessary actions to ensure compliance with best practice.
17. To consider the Council's compliance with its own and other published standards and controls.

**Annex 2****PLANNING COMMITTEE****TERMS OF REFERENCE**

1. To determine all matters and applications for planning permission, lawful development certificates, footpath and bridleway creation, stopping up and diversion orders, advertisement consents, listed building consents, tree preservation orders (including the power to confirm, modify or not to confirm Orders), work orders and hazardous substances consents under the Town and Country Planning Act 1990; the Planning (Listed Buildings and Conservation Areas) Act 1990; the Planning (Hazardous Substances) Act 1990; and the Town and Country Planning General Regulations 1992, The Conservation of Habitats and Species Regulations 2010, Planning and Compulsory Purchase Act 2004; and any related or amended statutes, including the determination of any application involving a departure from the development plan.
2. To take appropriate decisions on breaches of planning control including the service of Enforcement Notices, Breach of Condition Notices, Stop Notices and Injunctions under the Town and Country Planning Act 1990 and in respect of any contraventions under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Hazardous Substances) Act 1990, the Planning Compulsory Purchase Act 2004 and any related or amended statutes.
3. To serve Section 215 Notices (proper maintenance of land) under the Town and Country Planning Act 1990.
4. To determine applications for Certificates of Appropriate Alternative Development under the Land Compensation Act 1961.
5. To authorise the preparation of planning obligations under Section 106 of the Town and Country Planning Act 1990.
6. To undertake all functions relating to the protection of important hedgerows under The Hedgerows Regulations 1997.
7. To authorise the requisition of information as to interests in land in connection with all functions delegated to the Committee.
8. To respond to Executive consultations in the preparation of Development Plans and where appropriate to make recommendations thereon to Council.
9. To respond as consultees on issues relating to the:-
  - a) protection of the rights of public use of highways.
  - b) maintenance and review of the definitive map and statement of footpaths and bridleways.
  - c) reclassification of roads used as public paths.
  - d) limestone pavement orders.
10. To make recommendations to Council on estimates of income, fees and charges, expenditure and the budget required by the Committee to undertake its functions.

11. Subject to compliance with any provisions within legislation and the Council's Constitution, to delegate any of the functions of the Committee to an officer of the Council.
12. To respond on behalf of the Council to consultation papers on matters falling under the specific terms of reference of the Committee.

## Annex 3

**GENERAL PURPOSES AND LICENSING COMMITTEE****TERMS OF REFERENCE**

1. To be the licensing committee established by the Council under section 6 of the Licensing Act 2003 and to discharge the licensing authority functions under that Act and the Gambling Act 2005.
2. To keep the Council's Statement of Licensing Policy and Statement of Gambling Principles under review and recommend changes to the Executive and/or Council, as appropriate.
3. To provide regular reports to the Planning Committee and Overview and Scrutiny Panels, as appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol and gaming related crime and disorder.
4. To determine the procedure to be followed at hearings of the Licensing Sub-Committee.
5. To be responsible for all matters relating to the licensing and registration functions determined by the Council under Part B, and the functions relating to public rights of way determined by the Council under Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
6. Except in relation to the Council as an employer, to advise the Council on functions under any relevant statutory provision within the meaning of Part 1 (health, safety and welfare in connection with work and control of dangerous substances) of the Health and Safety at Work etc., Act 1974 under Part C of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
7. To advise the Council on all matters, including the appointment of appropriate Officers, relating to:-
  - a) electoral registration and elections
  - b) establishment, dissolution, grouping and any other matters relating to Parishes and Parish Councils
  - c) declarations of vacancy in certain offices
  - d) the name, status of areas and individuals
  - e) the making, amendment, revocation or re-enactment of byelaws
  - f) the promotion or opposition to local or personal Bills
  - g) Local Government pensions

under Parts D,E,F,G and H of Schedule 1 to The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
8. To authorise the requisition of information as to interests in land in connection with the functions delegated to the Committee.

9. To respond, as consultee, on issues relating to sea fisheries.
10. Where appropriate, to advise the Council on appointments to Committees, Sub-Committees and Joint Committees.
11. To advise the Council on standing orders for meetings and other matters.
12. To make recommendations to Council on estimates of income, fees and charges, expenditure and the budget required by the Committee to undertake its functions.
13. To vary the maximum hackney carriage fares applicable in the District.
14. Subject to compliance with any provisions within legislation and the Council's Constitution, to delegate any of the functions of the Committee to an officer of the Council.
15. To respond on behalf of the Council to consultation papers on matters falling under the specific terms of reference of the Committee.
16. To consider and make recommendations to the Council on any other matters not specifically set out in this Committee's, or any other Committee's, terms of reference that are not a function or responsibility of the Executive

**Annex 4****HR COMMITTEE****TERMS OF REFERENCE**

1. To advise the Council on the local pay and reward strategy for employees and their terms and conditions.
2. To make recommendations to Council on the Pay Policy Statement.
3. To receive regular updates on Health, Safety and Welfare of the Council's employees.
4. To respond on behalf of the Council to consultation papers on matters falling under the specific terms of reference of the Committee.
5. Subject to compliance with any provisions within legislation and the Council's Constitution, to delegate any of the functions of the committee to an officer of the Council.



## Annex 5

**APPEALS COMMITTEE****TERMS OF REFERENCE**

1. To agree procedures, including arrangements for persons affected to be heard by a panel of Members, for the determination of appeals or objections against decisions of the Executive, Committees or Officers in respect of the areas set out below.

Provided that the procedures shall specify that no member shall sit on a Panel that determines an appeal or objection if that member was present at a meeting of the Executive or a Committee that considered the matter about which the appeal or objection has been made.

2. Subject to any criteria and in accordance with any procedures the Council and the Committee might set, to determine, through Panels of up to five Members of the Committee, as determined by the Chief Executive, appeals or objections against decisions of the Executive, Committees or Officers in respect of the following:-

- a. **Discipline and grievance**

- (i) Disciplinary issues that have to be dealt with by Councillors in accordance with the provisions of the Council's Disciplinary Rules.
- (ii) Appeals by employees that have to be dealt with by a Panel of Councillors under the provisions of the Council's grievance procedure.
- (iii) Appeals by employees selected for redundancy under the Council's policy for redundancy.

- b. **Housing Matters**

Appeals or requests for review of decisions in respect of tenancies, right to buy, improvement, renovation or other grants, discretionary housing payments, homelessness matters, or possession proceedings in cases where the tenant is above the statutory retirement age.

- c. **Non-Domestic Rate Relief**

Appeals against decisions by the Executive in respect of applications for discretionary relief from non-domestic rates.

**d. Licensing Matters**

Where there is no specific statutory right of appeal to external bodies, to determine appeals against any decisions of Officers in relation to the grant, renewal, transfer, variation, refusal, revocation, suspension or imposition of conditions of licences granted by the Council.

3. In accordance with procedures set by the Council, through a Panel of three members determined by the Chief Executive, to conduct hearings into complaints that a member of the District Council or of a Parish or Town Council in New Forest District has failed to comply with the relevant Council's Code of Conduct.
4. Subject to compliance with any provisions within legislation and the Council's Constitution, to delegate any of the functions of the Committee to an officer of the Council.
5. To respond on behalf of the Council to consultation papers on matters falling under the specific terms of reference of the Committee.