

## LICENSING AND GENERAL PURPOSES COMMITTEE POWERS AND DUTIES

### General Powers

1. To consider and make recommendations to the Council in relation to the making, amendment, revocation or re-enactment of byelaws under any statutory provision (including a local act), whenever passed, and Section 14 of the Interpretation Act, 1978.
2. To keep Standing Orders under review as necessary and make recommendations to the Council for amendments (Section 106 and paragraph 42 of Schedule 12 of the Local Government Act, 1972).
3. To monitor the application of the Council's Members' Allowances Scheme and to make recommendations as appropriate to the Independent Remuneration Panel.
4. To exercise the following functions relating to name and status of areas and individuals (civic ceremonial) and to make recommendations, as appropriate, to the Council:
  - Change of name of the district or any parish therein (Sections 74 and 75 of the Local Government Act, 1972)
  - Power to petition for a charter to confer borough status (Section 245b of the Local Government Act, 1972)
  - Power to confer the title of honorary alderman or to admit to be an honorary freeman (Section 249 of the Local Government Act, 1972)
5. To consider and recommend to the Council the terms of reference under which a Community Governance Review shall be carried out (Sections 81 - 82 Local Government and Public Involvement in Health Act 2007)
6. To exercise powers to make payments or provide benefits in cases of maladministration, etc (Section 92 of the Local Government Act, 2000).
7. To make appointments of any individual to any body other than the Authority or a joint committee 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.
8. To establish and implement procedures for the determination of appeals against a decision made by or on behalf of the Authority in relation to staffing matters and any matter delegated to the Cabinet.

9. To exercise the Council's functions relating to local government pensions, etc (regulations under Sections 7, 12 or 24 of the Superannuation Act, 1972).
10. Subject to the appropriate statutory provisions, to exercise the Council's functions in relation to the appointment of staff (Section 112 of the Local Government Act, 1972) and, in particular, to appoint:
  - Head of Paid Service (Chief Executive) (subject to confirmation by the Council)
  - Chief Finance Officer and Monitoring Officer (Solicitor to the Council) (by a Member Panel appointed by the Committee, subject to confirmation by the Committee)
  - Corporate Directors (by a Member Panel appointed by the Committee, subject to confirmation by the Committee)
  - Heads of Service (by a Member Panel appointed by the Committee).
11. To exercise powers to protect the rights of the public to use and enjoy highways (Section 130 of the Highways Act, 1980).
12. To consider and advise the Council as appropriate, on the promotion, opposition to or amendment of local or personal Bills (Section 239 of the Local Government Act, 1972).
13. To exercise the Council's powers in relation to the following elections and electoral registration functions (subject to policy matters being referred to the Council, particularly in the case of (f) and (g) below):
  - (a) to confirm the appointment of the person selected as Chief Executive, or the person designated by the Council as the Proper Officer, as the Council's electoral registration officer and returning officer for local government elections (Sections 8(2) and 35 of the Representation of the People Act, 1983)
  - (b) in relation to parishes and parish councils (Sections 10, 11 and 91 of the Local Government Act, 1972 and Part II of the Local Government and Rating Act, 1997 and subordinate legislation under that Part)
  - (c) powers in respect to the holding of elections and related matters (Sections 86, 87 and 91 of the Local Government Act, 1972, Section 39(4) of the Representation of the People Act, 1983, Section 21 of the Representation of the People Act, 1985, Rule 48(3) of the Local Elections Rules, 1986) and the Electoral Administration Act 2006
  - (d) powers in relation to expenses incurred and the assignment of officers to requisitions of the electoral registration officer (Sections 52(4) and 54 of the Representation of the People Act, 1983)
  - (e) duty to provide assistance at European parliamentary elections (para. 4(3 and 4) of Schedule 1 to the European Parliamentary Elections Act, 1978)

- (f) duty to divide the constituency into polling districts (Section 18 of the Representation of the People Act, 1983)
  - (g) power to divide electoral divisions into polling districts at local government elections (Section 31 of the Representation of the People Act, 1983).
14. To exercise powers under the Criminal Justice and Police Act 2001 to designate a public place for the purposes of police powers in relation to alcohol consumption.

### **Finance and Audit Powers and Responsibilities**

- 15. To approve the Council's statement of accounts, income and expenditure and balance sheet (Accounts and Audit Regulations, 1996).
- 16. To keep under review matters arising from, and processes relating to, internal audit and control reports.
- 17. To monitor the effectiveness of the Council's corporate systems and controls, compliance with legislation and control procedures, systems for managing risk and assessments of risk exposure.
- 18. To consider the scope of internal audit activity and the programme of work of internal audit.
- 19. To consider such matters arising from external audit as may be referred to it by the external auditor.
- 20. To monitor the application of, and keep under review, the whistle blowing policy, anti-fraud and corruption policy and other similar policies adopted by the Council.

### **Licensing Powers**

- 21. To exercise the licensing and registration functions (in accordance with the provisions of the Local Authorities (Functions and Responsibilities) Regulations, 2000) in respect of the following powers:
  - To issue licences authorising the use of land as a caravan site
  - To license the use of moveable dwellings and camping sites
  - To license hackney carriages and private hire vehicles, together with their drivers and operators
  - To register pool promoters
  - To grant track betting licences and to license inter-track betting schemes

- To grant permits in respect of premises with amusement machines or where amusements with prizes are provided
- To register societies wishing to promote lotteries
- To issue cinema and cinema club licences
- To license sex shops and sex cinemas
- To license performances of hypnotism
- To license premises for acupuncture, tattooing, ear piercing and electrolysis
- To license pleasure boats and pleasure vessels
- To license street trading
- To license dealers in game and the killing and selling of game
- To register and license premises for the preparation of food
- To license scrap dealers
- To license premises for the breeding of dogs
- To license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business
- To license zoos and dangerous wild animals
- To license knackers' yards
- To license persons to collect for charitable and other causes
- To grant consent for the operation of a loudspeaker
- To approve meat product premises and premises for the production of minced meat or meat preparations
- To approve dairy, fish and egg products establishments
- To issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods
- To approve dispatch or purification centres
- To register food business premises

22. To discharge the licensing functions and powers granted under the Licensing Act, 2003, in accordance with Section 9 and guidance issued under Section 182 of the Act.
23. To discharge the functions and powers granted under the Gambling Act 2005 in accordance with the provisions contained in Section 154 of the Act.
24. To discharge the functions and powers in relation to early morning alcohol restriction orders and late night levy requirements under the Police Reform and Social Responsibility Act 2011.
25. To undertake the Council's functions within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work, etc Act, 1974 to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.
26. To undertake the Council's food hygiene and food safety functions within the meaning of the Food Safety Act, 1990, and relevant food safety statutory provisions relating to the licensing and regulatory matters of the Committee.
27. To deal with any function relating to contaminated land pursuant to Part IIA of the Environmental Protection Act, 1990 and subordinate legislation under that Part.
28. To discharge any function relating to the control of pollution or the management of air quality under the Pollution Prevention and Control Act, 1999, Part IV of the Environment Act, 1995, Part I of the Environmental Protection Act, 1990 and the Clean Air Act, 1993.
29. To discharge any function relating to:
  - service of an abatement notice (Section 80(1) of the Environmental Protection Act, 1990)
  - inspection of the Borough for the purposes of detection (Section 79 of the Environmental Protection Act, 1990)
  - investigation of any complaint (Section 79 of the Environmental Protection Act, 1990)
30. To exercise the powers conferred upon the Council under the following sections 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).
31. To discharge the functions granted under the Health Act 2006 and ancillary Regulations

**Standards and Members' Code of Conduct Responsibilities**

- 32. To promote and maintain high standards of conduct by councillors and Co-opted Members of the Council.
- 33. To assist councillors and Co-opted Members of the Council to observe the Members' Code of Conduct.
- 34. To advise the Council on the adoption or revision of the Members' Code of Conduct.
- 35. To monitor the operation of the Members' Code of Conduct.
- 36. To advise, train or arrange to train councillors and Co-opted Members on matters relating to interests set out in the Members' Code of Conduct.
- 37. To make and implement arrangements for dealing with complaints in accordance with the Localism Act, 2011 and any subsequent regulations and guidance.
- 38. 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.
- 39. To grant dispensations to councillors and Co-opted Members from requirements relating to interests set out in the Code of Conduct.

**Ombudsman**

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