SECTION 6: ROLES AND RESPONSBILITIES 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 Chief Executive.

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 Chief Executive.

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
   - Proposing nominations for appointments to Champion roles and recommending terms of reference to accompany the roles in accordance with the Guidance Note for Champions in Part 5 of the Constitution
   - 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 receive periodic updates from Champions appointed by the Council, including the Champion for Armed Forces Covenant

9. To exercise the Council's functions relating to local government pensions, etc (regulations under Section 7,12 or 24 of the Superannuation Act 1972).

10. 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).

11. Responsibility for matters in respect of the remuneration of the Head of Paid Service.

Elections

12. 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

13. 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.

14. To advise the Council on the adoption or revision of the Members' Code of Conduct.

15. To monitor the operation of the Members' Code of Conduct.

16. To make and implement arrangements for dealing with complaints in accordance with the Localism Act, 2011 and any subsequent regulations and guidance.

17. 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.

18. 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 Chief Operating Officer 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 Chief Operating Officer 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**

Under the National Scheme of Delegation for planning decision making, the Development Management Committee has responsibility for determining applications which fall within Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and which have been referred to the Committee at a Referral Meeting following an Assessment of Significance.

The Referral Meeting is held between the Chair of the Development Management Committee or their nominated deputy (usually this will be the Vice-Chair of the Committee) and the Executive Head of Property and Growth or their nominated deputy.

Schedule 2 applications may only be referred to committee where the Executive Head of Property and Growth and the Chair of the Development Management Committee both agree that the proposal will:

- raise one or more issues of economic, social or environmental significance to the local area; or
- raise one or more significant planning matters, having regard to the development plan and any other material considerations; or
- relate to an 'own interest' application

The Council's Protocol for managing decision-making under the National Scheme of Delegation and deciding applications to be determined by the Development Management Committee is set out below at para. 6.7

Matters for Committee

6.6 (1) All Planning Matters agreed to be referred to the Development Management Committee via a Referral Meeting held under the Gateway Procedure required under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) (Regulations 2026 and in accordance with the Protocol at para 6.7 below.

(2) Planning matters* that are not listed in either Schedule 1 or Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions (England) Regulations 2026 which the Executive Head of Property and Growth wishes to refer to the Committee for decision**.**

(3) 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, and reporting of decisions made under the new arrangements for Schedule 1 and Schedule 2 applications.

**Planning matters includes 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.*

6.7 **Protocol for Managing Decision Making under the National Scheme of Delegation**

The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. Statutory guidance: Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England – published 1st June 2026

1. Overview

This protocol applies to all decisions to be made after the Regulations come into force, indicated to be 31st October 2026, irrespective of when an application was submitted or whether a committee decision would previously have been required in accordance with the Council's scheme of delegation, or there had been a request for referral to Committee before that date. These all fall away on the change to the regulations taking effect. All Schedule 1 applications will automatically be delegated to officers for decisions as per the Regulations, unless there is a connection to a Schedule 2 application that requires referral to committee.

For all Schedule 2 applications there remains a general presumption that decisions will be made under delegated powers by Officers. Case Officers will prepare an Assessment

of Significance ('AoS') in the fifth week after a Schedule 2 application is validated OR in advance of preparing a report to make a recommendation on the application. An AoS will not however be required where local triage arrangements as set out in section 2 of this protocol are in place to remove the need for individual assessment.

The AoS will include the Case Officer's recommendation as to whether:

a) In the case of a Schedule 2 application, the proposal raises one or more issues of economic, social or environmental significance to the local area, or one or more significant planning matters having regard to the development plan and any other material considerations, or
b) In the case of an Own-Interest application, the application would benefit from committee consideration in the interests of transparency and public accountability.

In reaching the recommendation above due regard will be given to guidance issued by the Secretary of State and the following local guidance. The AoS should reference the local guidance, and it will be sufficient to highlight the presumptions contained therein if no exceptional justification dictates otherwise. Where a recommendation departs from the presumptions contained in the local guidance the AoS should clearly explain the reasoning for this with reference to Regulation 5(2) and 5(4) or 6(4).

The AoS will be reviewed by a Principal Planning Officer or the Service Manager – Development Management. The AoS will then be considered by the nominated Officer and nominated Member under the process set out below.

2. Schedule 2 Applications – local guidance and application of triage

In respect of Schedule 2 applications the following local guidance will be used when determining whether an application will be referred to the Development Management Committee:

a. **Listed Buildings** - For applications for Listed Building Consent made under s10(1) of the Listed Buildings Act, other than those applications connected with an application for planning permission that is otherwise being referred to the Development Management Committee, it is presumed that the application **will not be** referred to Development Management Committee *unless* the application is recommended for approval and there is:

1. An outstanding objection from Historic England, or
2. The application involves a Listed Building of Grade I or Grade II*, or
3. The officer recommendation is approval of the total or substantial demolition of Listed Buildings

b. **Major Applications** - Applications for planning permission that are 'Major' applications, as defined by the Town and Country Planning (Development Management Procedure) (England) Order (DMPO), or for a Reserved Matters phase application in relation to a large outline permission, will be considered on a case-by-case basis.

c. **Retrospective and variation Applications** - For applications made under s73(1) or 73A(1) it is presumed that they **will not be** referred to Development Management Committee *unless* the application in question would otherwise be referred to committee under another paragraph within this guidance.

d. **Planning Obligations** - For applications made to modify or discharge a planning obligation they will not be referred to Development Management Committee unless they relate to the modification, variation or discharge of the main obligation/heads of terms. Matters relating to the operation of a legal agreement are not defined as planning obligations and therefore do not fall under this requirement.

The following Schedule 2 Applications will be Triaged out of the requirement to prepare an AoS under this Local Guidance and will automatically be presumed to be delegated:

Adverts**:** For applications made under regulation 9(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement).

Trees: For applications made under regulation 16(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order).

Listed Building Consent (conditions): Discharge or variation for conditions on Listed Building Consents (under s19(1) of the Listed Buildings Act)

In respect of applications by a specified person/the Council the following local guidance will be used to determine whether an application will be referred to the Development Management Committee:

a) For applications made by a Member of Rushmoor Borough Council, or a Senior Officer of Rushmoor Borough Council[1], it is presumed that the application **will be** referred to the Development Management Committee.

b) For applications made by Rushmoor Borough Council, an Ordinary Officer of Rushmoor Borough Council[2], or an entity owned or controlled (whether wholly or partly) by the Council or any of its members or officers; it is presumed that they **will not be** referred to the Development Management Committee *unless* they are minor commercial applications, minor residential applications or major applications.

c) Approval of applications by or on behalf of a member of staff that has a role or involvement in the planning application process, e.g. anyone working in the Planning Team, will be referred to the Development Management Committee.

3. Process for considering referral to the Development Management Committee (Referral meetings)

A meeting, which may be held virtually or in person, between the Nominated Member (the Chair of the Development Management Committee or their nominated deputy) and the Nominated Officer (the Executive Head of Property and Growth or their nominated deputy), hereafter the 'referral meeting', will be held fortnightly unless no relevant applications have been validated by the Council in the preceding fortnight.

The AoS produced by Case Officers for the relevant applications will be considered by the Nominated Member and Nominated Officer and a decision will be reached as to whether to refer the matter to the Development Management Committee utilising any guidance issued by the Secretary of State and the local guidance above.

The Nominated Member and the Nominated Officer will make every effort to reach agreement on which cases should be referred to committee. However, where agreement is not possible, the case will be delegated to officers under regulation 5(3).

[1] In this guidance 'Senior Officer' is meant to refer to the Chief Executive; the Deputy Chief Executive, the Directors, who report to and are directly accountable to the Chief Executive/Deputy and fulfil the roles of statutory Chief Officers, Section 151 Officer and non-statutory Chief Officers; heads of service, who report to the Directors or Chief Executive; and the Monitoring Officer.

[2] In this guidance 'Ordinary Officer of Rushmoor Borough Council' is meant to refer to an employee of the Borough Council other than a Senior Officer of Rushmoor Borough Council.

4. Recording of decisions at Referral Meetings

All decisions on relevant Schedule 2 as to whether to refer an application to Development Management Committee or delegate a decision to officers will be recorded.

That record will include the cases that have been considered for referral to committee, the outcome of the consideration and the reason for the decision. It will be sufficient to make reference to the published AoS for a relevant case if the decision reflects the recommendation therein.

A list of delegated decisions made following referral meetings will be published on the council website. A report will be provided to Development Management Committee on a quarterly basis recording those decisions.

APPENDIX

Appendix, List of Schedule 1 and Schedule 2 applications

Schedule One	Schedule Two
• householder development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015) • minor commercial development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015) • minor residential development which is defined in the Regulations as: • development that includes only dwellings and development for the purposes incidental to the enjoyment of dwellings, comprises at least one but not more than nine dwellings, and is to be carried out on a site having an area smaller than 0.5 hectares • development of a building containing flats, or development within the curtilage of such a building, for any purpose incidental to the enjoyment of the flats or any of them but excludes development in respect of a building containing flats, or development within the curtilage of such a building, that involves either or both of a change of use or change to the number of flats • an application for any consent, agreement or approval required by or under a planning permission, development order or local development order for development within paragraph (a) or (b) • to develop land without compliance with conditions previously attached) in respect of which the previous planning permission was a Schedule 1 planning permission (applications under section 73(1) of the Town and Country Planning Act 1990) • reserved matters approval in respect of an outline planning permission other than a large outline phase permission (i.e. one which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 square metres or more) (applications under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015)	• applications for planning permission which are not householder, minor commercial or minor residential applications • applications for planning permission which would otherwise fall into Schedule 1 but are connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent • applications to develop land without compliance with conditions previously attached in respect of which the previous planning permission was a Schedule 2 planning permission (under section 73(1) of the Town and Country Planning Act 1990) • applications for development which has already been carried out (under section 73A(1) of the Town and Country Planning Act 1990) • where it is related to a large outline planning permission, applications for reserved matters approvals (under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015) • where a local planning authority considers a planning obligation is connected to a Schedule 2 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990) • where a local planning authority considers a planning obligation is connected to a Schedule 2 application, application for modification or discharge of a planning obligation (under section 106A(3) of the Town and Country Planning Act 1990) • applications for listed building consent (under section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990) • applications for the variation or discharge of conditions of listed building consent (under section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990) • applications for advertisement consent (under regulation 9 of the Town and Country Planning

Schedule One	Schedule Two
• discharge of conditions (applications under Article 27(1) of Town and Country Planning (Development Management Procedure) (England) Order 2015) • prior approval for permitted development rights (applications under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015) • permission in principle (as referred to in section 58A of the Town and Country Planning Act 1990) • where a local planning authority considers a planning obligation is connected to a Schedule 1 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990) • where local planning authority considers a planning obligation is connected to a Schedule 1 application, modification or discharge of a planning obligation (applications under section 106A(3) of the Town and Country Planning Act 1990) • non-material changes to planning permission or permission in principle (applications under section 96A(4) of the Town and Country Planning Act 1990) • certificates of lawfulness of existing use or development (under section 191(1) of the Town and Country Planning Act 1990) • certificates of lawfulness of proposed used or development (under section 192(2) of the Town and Country Planning Act 1990) • certificates of lawfulness for proposed works to listed buildings (under section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990) • biodiversity gain plan (duty to approve under paragraph 14 of Schedule 7A to the Town and Country Planning Act 1990) • certificates of appropriate alternative development (applications under section 17 of the Land Compensation Act 1961)	(Control of Advertisements) (England) Regulations 2007) • applications for consent under tree preservation orders (under regulation 16 of the Town and Country Planning (Tree Preservation) (England)Regulations 2012)