

Part 2: Chapter 2

Responsibility for Non-Executive Functions delegated to Committees and allocation of Local Choice Functions

2.1 Responsibility for Non-Executive Functions

Allocation of Functions to Regulatory Committee A, Regulatory Committee B, the Audit Committee, the Pension Fund Panel, the Employment in Hampshire County Council Committee, and the Conduct Advisory Panel.

Non-Executive functions are functions of the County Council that cannot be the responsibility of the County Council's Executive under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) ("the Functions Regulations") Regulation 2 and Schedule 1. The County Council has decided that the Non-Executive Functions referred to in Column 1 of the below table should be the responsibility of the Committee referred to at Column 2 of the table.

Sub-Committees of Committees may be created where appropriate to perform aspects of these functions

1. Functions	2. Committee	3. Membership	4. Delegation
All functions relating to Town and Country Planning and Development Control exercisable by the County Council, as specified in Schedule 1, Part A of the Functions Regulations.	Regulatory Committee A	Members of the County Council	Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4.
Functions	Regulatory	Members of	Chief Officer

relating to change of name of County Council as exercisable by the County Council specified in Schedule 1, Part E, Paragraph 1 of the Functions Regulations.	Committee A	the County Council	with responsibility for subject area in accordance with Part 2, Chapter 4
All Licensing and Registration functions exercisable by the County Council as specified in Schedule 1, Part B of the Functions Regulations.	Regulatory Committee A	Members of the County Council	Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4
All functions relating to Health and Safety at Work exercisable by the County Council as specified in Schedule 1, Part C of the Functions Regulations, to the extent that those functions are performed in a way other than in the County Council's capacity as an employer .	Regulatory Committee A	Members of the County Council	Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4
Miscellaneous functions relating to public rights of way exercisable by the County	Regulatory Committee A	Members of the County Council	Chief Officer with responsibility for subject area in accordance with

Council as specified in Schedule 1, Part I of the Functions Regulations			Part 2, Chapter 4
All other Licensing Regulatory and Registration functions exercisable by the County Council as specified in the Functions Regulations not otherwise allocated specifically in this table to Regulatory Committee A or Regulatory Committee B.	Regulatory Committee A	Members of the County Council	Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4
Miscellaneous functions relating to sea fisheries, and power to make limestone pavement orders, as specified in Schedule 1 Part I Paragraphs 35 and 41 of the Functions Regulations.	Regulatory Committee A	Members of the County Council	Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4
Functions in respect of the determination of the terms and conditions of service for staff employed by the County Council, (including procedures for their dismissal) as specified in Schedule 1, Part H Paragraph 37	Employment in Hampshire County Council Committee	Members of the County Council	Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4. NB Chief Officer remuneration to be ratified by EHCC following the

<p>of the Functions Regulations) not allocated to Regulatory Committee B.</p> <p>To ratify Chief Officer remuneration</p> <p>To act as appointing Committee in respect of the appointment of Officers to any post referred to at Paragraph 43.3 of Standing Orders (set out at Part 3, Chapter 1 of the Constitution), where it is proposed that such appointment be made exclusively from amongst existing Officers of the County Council.</p> <p>To receive recommendations from the Independent Remuneration Panel on Members Allowances and to make recommendations to the County Council thereon.</p>			<p>recommendations of the Leader and Chief Executive.</p>
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Functions relating to Local Government Pensions, etc. as specified in Schedule 1 Part H of the Functions Regulations not allocated to Regulatory Committee B including administration of the Pension Fund on behalf of the County Council as Superannuation Authority	Pension Fund Panel	Members of the County Council plus Co-Opted Members	Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4
Functions relating to elections exercisable by the County Council as specified in Schedule 1 Part D of the Functions Regulations	Audit Committee	Members of the County Council	Chief Executive

2.2 Responsibility for Local Choice Functions;

Local Choice Functions are functions that could be (but need not be) the responsibility of an Authority's Executive under Regulation 3 and Schedule 2 of the Functions Regulations. The County Council has decided that the Local Choice Functions referred to at column 1 of the below table should be the responsibility of the decision making body (County Council, Committee, or Executive) as referred to at column 2 of this table.

Where a Local Choice Function is delegated to a Committee of the County Council, Sub-Committees of the Committee may be created to perform aspects of such functions.

1. Function	2. Decision-making body	3. Taking the decision	4. Delegation to Officers
1. Any function	Executive (to the	Collectively or	Chief Officer with

under a local Act, other than a function specified or referred to in Regulation 2 or Schedule 1 of the Functions Regulations	extent that these are not functions of the County Council as River Hamble Harbour Authority, in which case Paragraph 15 of this table applies)	individually (1)	responsibility for subject area in accordance with Part 2, Chapter 4
2. Determining an appeal against any decision by, or on behalf of, the County Council including school transport appeals relating to the safety of walking routes, staff disciplinary appeals and pension appeals	Regulatory Committee B	Appointed Members of the Committee	Chief Officers have full authority to take any necessary actions within the County Council's disciplinary procedures up to, and including dismissal. Any appeal is subject to final Member decision.
Determining an appeal against any decision by, or on behalf of, the County Council in respect of exceptions to school transport policies other than appeals relating to the safety of walking routes.	Executive	Lead Executive Member for Children's Services	For all other appeals Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4
3. Making arrangements in relation to appeals against exclusion of pupils from maintained schools	Regulatory Committee B	Appointed Members of the Committee	Head of Legal Services, and Director of Children's Services
4. Making arrangements pursuant to Sections 94 (1),	Regulatory Committee B	Appointed Members of the Committee	Head of Legal Services, and Director of Children's

(1A) and (4) of the School Standards and Framework Act 1998 (admission appeals)			Services
5. Making arrangements under Section 95 (2) of the School Standards and Framework Act 1998 (children to whom Section 87 of such Act applies: appeals by governing bodies)	Regulatory Committee B	Appointed Members of the Committee	Head of Legal Services, and Director of Children's Services
6. Any function relating to contaminated land	Executive	Executive Member for Environment, Transport and Economy	Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4
7. Performing any function relating to controlling pollution or managing air quality	Executive	Executive Member for Environment, Transport and Economy	Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4
8. Obtaining information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Executive	Executive Member for Environment, Transport and Economy	Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4
9. Obtaining information about people interested (right, share or claim) in land, under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Executive	Executive Member for Policy and Resources	Head of Legal Services, and Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4.
10. Making arrangements for highways works	Executive	Executive Member for Environment,	Head of Legal Services

to be carried out		Transport and Economy	
11. The appointment of any individual: a) to any office other than an office in which he or she is employed by the County Council b) to any body other than the County Council, or a joint Committee of two or more authorities; or c) to any Committee or Sub-Committee of such a body	County Council		Head of Legal Services
12. The making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities.	Executive	Collectively or individually ⁽¹⁾	Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4
13. Functions of the County Council as River Hamble Harbour Authority	River Hamble Harbour Board	Members of the County Council (3) and Co-opted Members (4)	Director of Culture, Communities and Business Services

⁽¹⁾ If a decision falls within the remit of an individual Executive Member described in column 3 that Member may take the decision. If a decision overlaps other Executive Member responsibilities, the decision should be joint.

If a function is delegated to a Chief Officer, the Chief Executive may allocate or re-allocate responsibility for exercising a particular function where this would in the Chief Executive's opinion be appropriate in accordance with Chapter 4. Paragraph 4.1 of this Part.