

Responsibility for Council Functions

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THE CABINET

Cabinet

For membership see schedule on page 11 of this Section

That the following Portfolio Holders be appointed with responsibility for the portfolios undermentioned:

<u>Portfolios</u>	<u>Name of member</u>
Corporate	Councillor Busk
Economic	Councillor Giddings
Environment and Health	Councillor Boulton
Housing and Community Services	Councillor Mrs Hawke
Leisure and Culture	Councillor Mrs Nokes
Planning and Transport	Councillor Hatley

Powers and Duties

Subject to the Council's Constitution and to established Council policy and to the "Call-in" procedure annexed hereto, to exercise the executive powers and duties of the Council relating to the following matters:

ALL POWERS AND DUTIES of the Council, **EXCEPT** those powers and duties delegated to specific Standing Committees and those listed below:

The Council's functions with respect to levying, or issuing a precept for, a rate or borrowing, only as prescribed by Section 101(6) of the Local Government Act 1972.

Powers and duties that are by law required to be dealt with by Council and whereby no express provision is made for those powers and duties to be delegated.

The Policy Framework (See Article 4.01)

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Expenditure in excess of Council's Capital Programme.

The approval of the Annual Revenue Estimates and Capital Programmes including priority to be allocated to the development of the Council's various services and the timing of new services having regard to the Council's financial and manpower resources.

Supplementary estimates as provided within financial regulations.

The establishment and maintenance of a consistent and equitable grading structure.

Variation of national and local conditions of employment.

Consideration of a report by the Head of Finance in terms of the Financial Regulations upon the occurrence of any of the circumstances laid down in section 114 of the Local Government Act 1988.

The setting, before the beginning of each financial year, of borrowing limits.

The approval of byelaws, regulations or other rules that have the same judicial power as regulations in terms of powers of any Act or other legislation.

The appointment of Portfolio holders and the allocation of portfolios to those holders.

The appointment of Committees and determining their powers and duties, but not committees of the Cabinet.

The appointment of Policy Panels, their role and their membership. (For the avoidance of doubt, the Overview and Scrutiny Committees and Cabinet Committee may appoint ad hoc panels.)

Appointments as to the membership of the Committees of the Council and representation of the Council on other bodies.

The Standing Orders and Financial Regulations of the Council.

Electoral Registration, elections, warding and electoral divisions.

Matters which imply the probability of significant compensation becoming payable by the Borough Council.

Determination of an appeal against any decision made by or on behalf of the Council.

Applications for credit approval.

Formulation of Housing Investment Programme.

Levels and pensionability of councillors' allowances.

Commercial Services Joint Committee

For membership see schedule on page 11 of this Section

Powers and Duties

Subject to the Council Constitution to exercise the powers in accordance with the Business Plan approved as part of the Annual Budget process by the Parent Authorities save in respect of any latitude allowed in accordance with the Finance Regulations applicable to the Joint Committees or to make executive decisions in respect of the following:

- Waste Management
 - Domestic Refuse Collection
 - Recycling Initiatives
 - Bulky/Special Collections
 - Commercial Waste
 - Clinical Waste

- Environment Cleaning
 - Street Cleaning
 - Public/Amenity area
 - Graffiti/Vandal damage
 - Dumped Waste
 - Special Events

- Grounds Maintenance
 - Highways
 - Housing
 - Cemeteries

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Schools and Colleges

Recreation/Sport

Amenity Areas

Towns and Parishes

- Building Works
 - Reactive Maintenance
 - Programmed Maintenance
 - Improvements and Conversions
 - Minor Construction

- Engineering Works
 - Highways Maintenance
 - Construction Works
 - Coastal Protection
 - Sewage/Drainage
 - Signage/Street Furniture
 - Winter Gritting/Snow Clearance
 - Emergency Response (Flooding, storms etc)

- Fleet Management/Vehicle Maintenance for the Joint Service
 - Fleet Procurement
 - Fleet Management
 - Vehicle and Plant Maintenance
 - Ad-hoc/Spot Hire Management
 - Accident Investigation
 - Statutory Operators Licence

OVERVIEW AND SCRUTINY COMMITTEES

(a) Overview and Scrutiny Committee

For membership see schedule on page 11 of this Section

Subject to the Council's Constitution to exercise the powers and duties of the Council in respect of the following matters:-

1. To review those decisions of the Cabinet that are the subject of the "call-in" procedure and to take such action as may be allowed by that procedure.
2. To review the policies of the Council and the Cabinet and to make appropriate recommendations; that is to say, whether new policies are required, whether existing policies should be amended or discontinued or what action should be taken to make the policies more effective.
3. To review the discharge by the Cabinet of any of its functions against current standards and to make appropriate recommendations to ensure that the discharge of those functions meets or exceeds those standards.
4. To review any decisions or proposed decisions of the Council and, notwithstanding (1) above, of the Cabinet and to make appropriate recommendations,
including reconsideration, alternative action, steps to ensure any recommendation is effectively and properly implemented.
5. To consider any matter referred to it by the Council or the Cabinet and to make any appropriate recommendations.
6. To consider and make appropriate recommendations in respect of the following matters:-
 - (a) Ombudsman Reports
 - (b) Reports of statutory inspections.
 - (c) Reports from the Audit Commission or District Auditor.
 - (d) Draft policies, plans and strategies which are recommended by the Cabinet or any other Committee for adoption by the Council.
 - (e) The draft Budget which is recommended to the Council by the Cabinet.
7. To undertake Best Value Reviews and to report thereon.
8. To prepare an Annual Work Plan.

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9. To appoint an Ad Hoc Panel to examine, with the aid of the Officers, a subject matter for the purpose of enabling the Officers to report thereon to the Overview and Scrutiny Committee.
10. To consider risk management

(b) **Joint Overview and Scrutiny Committee**

For membership see schedule on page 11 of this Section

Powers and duties

To discharge the functions conferred by Section 21 of the Local Government Act 2000 in relation to the activities of the Commercial Services Joint Committee.

(c) **Partnership for Urban South Hampshire (PUSH) Joint Overview and Scrutiny Committee**

For membership see schedule on page 11 of this Section

DEVELOPMENT CONTROL COMMITTEES

Northern Area Planning Committee

For membership see schedule on page 12 of this Section

Southern Area Planning Committee

For membership see schedule on page 12 of this Section

Powers and Duties:

Subject to the Council's Constitution and the scheme of delegation to the Head of Planning, to exercise the executive powers and duties of the Council relating to the following matters:

Determination within policy, or very exceptionally outwith policy where the recommendation of the Head of Planning is for permission, of all applications within their respective areas and all matters connected therewith except those applications where the Head of Planning advises there is a possible conflict with policy, public interest or possible claims for costs against the Council, in which case those applications shall be referred to the Planning Control Committee for determination.

Applications by Test Valley Borough Council.

For the avoidance of doubt, applications falling within more than one Committee area shall be determined by the Committee in whose area the application has the greatest impact, subject to any appropriate consultation with the other Committee.

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The forming of views on applications submitted by the Hampshire County Council or on Notices of Proposed Development submitted by any Government Department.

The forming of views on applications which have been submitted to the Secretary of State for Energy, including overhead electricity lines.

Tree Preservation Orders and all matters connected therewith.

Tree Felling Licences.

Diversions and stopping up of footpaths under the Planning Acts wholly within respective areas of the District.

Enforcement actions.

Challenge and prosecution in respect of unauthorised advertisement displays.

The forming of views on applications for the extraction of minerals where the Head of Planning agrees with the stated view of the County Planning officer.

Building Preservation Notices.

All matters pursuant to the Anti-Social Behaviour Act 2003 Part 8 and any subordinate legislation made thereunder and any amendments thereto.

To authorise Officers identified in the Council's Scheme of Delegation, to enter land or premises and to carry out any act included in the legislation pertaining to the above Powers and Duties.

PLANNING CONTROL COMMITTEE

For membership see schedule on page 12 of this Section

Powers and Duties

Subject to the Council's Constitution

- (a) to determine within policy or very exceptionally outwith policy those applications referred to it by either of the Planning Committees, and
- (b) to recommend to the Cabinet and to the Overview and Scrutiny Committee revisions to policy resulting from its determination of applications.

STANDARDS COMMITTEE

For membership see schedule on page 12 of this Section

Powers and Duties:

To carry out its role and functions as set out in Article 9.02 of the Constitution.

STANDARDS SUB-COMMITTEE

For membership see schedule on page 13 of this section

Powers and Duties

To determine complaints referred down from the Standards Board for England either for local determination or local investigation in respect of Borough Councillors and Parish Councillors.

LICENSING COMMITTEE

For membership see schedule on page 13 of this Section

Powers and Duties:

Subject to the Council's Constitution, the discharge of its functions as set out below:

1. Licensing functions set out in the Licensing Act 2003 and any amendments thereto
2. Licensing functions set out in the Gambling Act 2005 and any amendments thereto.
3. Hackney Carriages and Private Hire Vehicles, Drivers and Operators, Licensing and Registration.
4. Caravan site, moveable dwelling and campsite licensing.
5. Licensing of Pools Promoters, Track and Inter Track Betting, premises with amusement machines (with or without prizes) and lotteries.
6. Public Entertainment Licenses, licensing of cinemas, cinema clubs, theatres, sex shops, sex cinemas, performances of hypnotism, other entertainments and registration of door staff.
7. Health & Safety at Work Enforcement:
8. Animal control and welfare licensing including killing, selling and dealing in Game.

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9. Slaughterhouses, rag flock filling premises, scrap yards, meat products, dairy and egg production premises, food preparation premises, poultry packing stations and knacker's yards registration and licensing.
10. House-to-house and street collections licensing.
11. To hear representations from
 - (i) applicants, in cases where the application for a Street Trading Consent has been refused by the Head of Environment and Health
 - (ii) the holder of a Street Trading Consent which has been revoked by the Head of Environment and Health
12. To hear representations from
 - (i) applicants, in cases where the application for a Licence to place tables and chairs on the highway has been refused by the Head of Administration or has been issued with conditions
 - (ii) the holder of a licence to place tables and chairs on the highway which has been suspended by the Head of Administration
13. To authorise Officers identified in the Council's Scheme of Delegation to enter land or premises and to carry out any act included in the legislation pertaining to the above Powers and Duties.

LICENSING SUB-COMMITTEE

For membership see schedule on page 13 of this Section

Powers and Duties

Subject to the Council's Constitution, the discharge of its functions as set out below

1. To hold hearings pursuant to the Licensing Act 2003 and any subordinate legislation and any amendments thereto
2. To hold hearings pursuant to the Gambling Act 2005 and any subordinate legislation and any amendments thereto.

GENERAL PURPOSES COMMITTEE

For membership see schedule on page 13 of this Section

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Powers and Duties:

To exercise the powers and duties of the Council relating to

1. The appointment, discipline, dismissal or suspension of a Chief Executive, Director or Head of Service.
2. Selection and dismissal procedures.
3. Safety, health and welfare of all employees.
4. Procedures relating to discipline, grievances, redundancies, gradings and pensions.
5. Appeals relating to dismissals, discipline, redundancy and grievances, of staff other than the Chief Executive, Directors and Heads of Service.
6. The approval of local negotiations relating to salaries, wages and other employee relations matters.
7. All matters of Personnel policy relating to the terms and conditions of employees.
8. To approve the Council's annual accounts for audit from 2005/06 onwards

GENERAL PURPOSES SUB-COMMITTEE

For membership see schedule on page 13 of this Section

Powers and Duties:

Subject to the Council's Constitution to exercise the powers and duties of the Council relating to

1. Appeals relating to redundancy

SCHEDULE OF CABINET, COMMITTEE AND SUB-COMMITTEE MEMBERSHIP

THE CABINET

Cabinet

Councillor Carr (Leader), Councillor Hatley (Deputy Leader) and Councillors Arnell, Bailey, Busk, Cooper, Mrs Hawke, Jackson, Mrs Leach and Mrs Nokes.

Commercial Services Joint Committee

Membership

Councillor M H Thierry (NFDC) (Chairman), Councillor D R Busk (Vice-Chairman), and Councillors Arnell, Hatley, Mrs M D Holding (NFDC) and Wise (NFDC)

OVERVIEW AND SCRUTINY COMMITTEES

(a) **Overview and Scrutiny Committee**

Membership (17)

Councillor Drew (Chairman), Councillor Lynn (Vice-Chairman) and Councillors G L Bailey, Mrs Baverstock, Borg-Neal, Mrs Brooks, Cooper, Mrs Dowden, Mrs Dyde, Mrs Finlay, Gates, Mrs Lovell, North, Peters, Southern, Stallard and Ward.

(b) **Joint Overview and Scrutiny Committee**

Membership (3)

Councillors Mrs Baverstock, Hope and Southern together with 3 members nominated by NFDC.

(c) **Partnership for Urban South Hampshire (PUSH) Joint Overview and Scrutiny Committee**

Membership (2)

Councillor Hibberd, Councillor Collier (Deputy)

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DEVELOPMENT CONTROL COMMITTEES

Northern Area Planning Committee

Membership (26)

Councillor Southern (Chairman), Councillor Mrs Brooke (Vice-Chairman) and Councillors R Bailey, Borg-Neal, Boulton, Busk, Carr, Mrs Charnley, Drew, Gates, Giddings, Mrs Hawke, Hope, Lashbrook, Mrs Lovell, Lynn, MacDonald, McGarry, Mrs Mutton, Neal, North, Page, Peters, Stallard, Mrs Whiteley plus the Chairman of Planning Control Committee (Councillor Mrs Kerley)

Southern Area Planning Committee

Membership (25)

Councillor N Whiteley (Chairman), Councillor Hibberd (Vice-Chairman) and Councillors Anderdon, G Bailey, Mrs Baverstock, Boulton, Bundy, Busk, Collier, Cooper, Cosier, A Dowden, Mrs Dowden, Dunleavy, Mrs Dyde, Mrs Finlay, Gentle, Mrs Guy, Hatley, Mrs Lamb, Mrs Leach, Mrs Nokes, Mrs Tupper, Ward plus the Chairman of Planning Control Committee (Councillor Mrs Kerley)

PLANNING CONTROL COMMITTEE

Membership (17)

Councillor Kerley (Chairman), Councillor Collier (Vice-Chairman) Chairman of Northern Area Planning Committee (Councillor Southern), Vice-Chairman of Northern Area Planning Committee (Councillor Mrs Brooks), Chairman of Southern Area Planning Committee (Councillor N Whiteley), Vice Chairman of Southern Area Planning Committee (Councillor Hibberd), together with Councillors G Bailey, Bundy, A Dowden, Gates, Mrs Guy, Hatley, Hoe, McGarry, Neal, Mrs Tupper and Mrs Whiteley.

STANDARDS COMMITTEE

Membership (9)

Councillors Anderdon, Mrs Dowden, Mrs Dyde and N Whiteley together with three parish representatives nominated by Test Valley Association of Parish and Town Councils (currently Mr C J Barber – Longparish and Mrs A Johnston – Romsey Extra) and three independent members (Mrs V Hughes – Chairman, Mrs S Thomas – Vice Chairman and Mrs Thomson)

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STANDARDS SUB-COMMITTEE

Membership

Five members of the Standards Committee determined in accordance with Minute 293.3.3.1 Council (19 October 2006)

LICENSING COMMITTEE

Membership (15)

Councillor Hope (Chairman), Councillor Anderdon (Vice-Chairman) and Councillors Mrs Baverstock, Borg-Neal, Bundy, Mrs Charnley, A Dowden, Mrs Dyde, Lashbrook, Mrs Lovell, Lynn, McGarry, Mrs Mutton, Mrs Tupper and Mrs Whiteley

LICENSING SUB-COMMITTEE

Membership

Three members of the Licensing Committee determined in accordance with Minute number 466 Licensing Committee (27 January 2005), Minute 583 of Licensing Committee 20 April 2006 and Minute 109 Licensing Committee (26 June 2007)

GENERAL PURPOSES COMMITTEE

Membership (9)

Councillor Carr (Chairman), Councillor Neal (Vice Chairman) and Councillors Mrs Baverstock, Busk, A Dowden, Dunleavy, Hatley, Peters and N Whiteley

GENERAL PURPOSES SUB-COMMITTEE

Membership

Councillors Mrs Baverstock, Peters and N Whiteley