

PART 3: RESPONSIBILITY FOR FUNCTIONS

1. The Principles of Delegation

1.1 One of the primary purposes of the Constitution is to make it clear where responsibility for a particular function lies, and which person or body (Full Council, Committee, Sub-Committee, Executive (whether acting individually or collectively) or Officer) makes the decision that will result in an action being taken or not taken.

1.2 The Hierarchy of Decision-Making

The Full Council

The Full Council will exercise the functions reserved by law to Full Council in Article 4 of this Constitution and those determined locally to be functions for Full Council as set out in [Section 3](#) of this Part of the Constitution.

The Executive

The Executive will exercise the functions set out in [Section 4](#) of this Part of the Constitution.

The responsibility for local choice functions

The responsibility for local choice functions will be exercised in accordance with [Section 2](#) of this Part of the Constitution.

Cabinet Members

Cabinet Members will exercise the functions set out in [Section 4](#) of this Part of the Constitution.

Committees

Committees will exercise the functions set out in [Section 3](#) of this Part of the Constitution. Committees are able to appoint sub-committees and particularly the Overview and Scrutiny Management Committee may appoint standing panels mirroring the Cabinet Portfolios. Further details of the membership of these panels may be obtained from the Scrutiny Manager.

Officers

Officers will exercise delegated functions set out:

- a. in column 4 of the table in [Section 2](#) of this Part of the Constitution (Responsibility for Local Choice Functions);
- b. in column 4 of the table in [Section 3](#) of this Part of the Constitution (Committees and Sub-Committees – Regulatory Panels, etc);
- c. as specified in [Section 4](#) of this Part of the Constitution (Executive Functions);
- d. under [Section 1](#) of this Part of the Constitution (Principles);
- e. in the [Scheme of Officer Delegation](#); and
- f. as provided for elsewhere in the Constitution.

1.3 If a function is delegated to the appropriate Chief Officer, the Chief Executive may nominate a substitute Chief Officer where this would, in the Chief Executive's opinion, be appropriate.

- 1.4 If a decision falls within the remit of a Cabinet Member described in [Section 4](#) of this Part of the Constitution that Member may take the decision. If responsibility overlaps Cabinet Member remits, the decision must be referred to the Cabinet.
- 1.5 All references to “Chief Officer” means the Chief or Statutory Officer having primary responsibility for that function and area described in Article 11 of this Constitution. Such Officer will have all necessary power and authority to implement any such decision in relation to the functions on behalf of the decision-making body.
- 1.6 Limitations on and Parameters of Delegations
- a. The exercise of a delegated power, duty or function shall be subject to:
 - i. the City Council’s Policy Framework and Budget; and
 - ii. the City Council’s Constitution (including, but not limited to any Special Procedure and/or Protocol, the Council Procedure Rules, Financial Regulations, etc) and any Corporate Standards;
 - b. All delegated functions shall be deemed to be exercised on behalf of and/or in the name of the Council.
 - c. An officer to whom a power, duty or function is delegated may authorise another officer to exercise that power, duty or function, subject to the requirements that follow. Such authorisations shall be in writing and shall only be given to an officer over which the officer with the original delegated power etc. has control. Such authorisations should only be given where there is significant administrative convenience in doing so. The officer authorised by the other should act in the name of the officer who received the original delegation. No authorisation may be given if the statute or law prohibits it. Authorisations of this kind should not be considered to be norm but used only in appropriate circumstances and after careful thought. There can be no additional such delegation.
 - d. References to any enactment, regulation, order or byelaw shall be construed as including any re-enactment or re-making of the same, whether or not with amendments.
 - e. Any reference to any Act of Parliament includes reference to regulations, subordinate and EU legislation upon which either UK legislation is based, or from which powers, duties and functions of the Council are derived.
 - f. Where the exercise of powers is subject to prior consultation with another Cabinet Member or officer, that Cabinet Member or officer may give his or her views in general terms in advance to apply to any particular circumstances, to remove the need for consultation for each proposal.
 - g. Subject to any express instructions to the contrary from the delegating body, any power to approve also includes the power to refuse, and the power to impose appropriate conditions.
 - h. All delegations are subject to:
 - i. the right of the delegating body to decide any matter in a particular case;
 - ii. the delegatee may in any case in lieu of exercising his/her delegated power refer to the delegating body for a decision; and
 - iii. any restrictions, conditions or directions of the delegating body.
 - i. In exercising delegated powers, the delegatee shall:

- i. take account of the requirements of the Constitution, Corporate Standards and Special Procedures and shall address all legal, financial and other professional safeguards as if the matter were not delegated;
 - ii. shall exercise the delegation so as to promote the efficient, effective and economic running of the Council, and in furtherance of the Council's visions and values; and
 - iii. shall, where and when appropriate, report back to the appropriate delegating body as to the exercise of those delegated powers.
- j. Except where otherwise expressly provided either within this part of the Constitution or by resolution of the delegating body, the exercise of any delegated power, duty or function is subject to having the appropriate and necessary budgetary provision in place to take the action in the name of and/or on behalf of the Council.
 - k. Any post specifically referred to shall be deemed to include any successor post, or a post which includes within the job description, elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded.
 - l. Any reference to a Committee, Panel or Sub-Committee shall be deemed to include reference to a successor Committee or Sub-Committee provided that the subject matter of a particular delegation can be found within the terms of reference of both the earlier and the successor Committee or Sub-Committee.
 - m. Where a power or duty is delegated, and the exercise of that power or duty is contingent upon the opinion of the Council that particular conditions or factual circumstances exist, then the delegatee in question has the power to determine whether or not those circumstances exist or those conditions have been fulfilled in the name of and with the authority of the Council.
 - n. If a matter is delegated, but that delegation cannot be implemented, that should be reported to the delegating body.
 - o. Functions, matters, powers, authorisations, delegations, duties and responsibilities, etc within this Scheme shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of anything specified.
 - p. Non-executive functions are specified in Schedules 1 and 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations, 2000 (as amended). Any function that is not therefore specified must be assumed to be executive. Any mis-categorisation of a delegation as being Executive, non-Executive or other shall not invalidate a delegation.
 - q. Advice on procedures and matters to be taken into account in exercising delegated powers is provided set out in the Guidance for Officers issued by the Service Director: Legal & Business Operations.

2. Responsibility for Local Choice Functions

2.1 These are functions that could be the responsibility of an Authority's Executive (under Regulations 3(1) and Schedule 2 of the Functions Regulations 2000).

Function	Local Choice	Decision-Maker	Delegation of Functions ¹
1. Any function under a local Act, other than a function specified or referred to in Regulation 2 or Schedule 1	See Schedule 1 of this part of the Constitution	For non-Executive functions, see Article 4 and Section 3 of this Part of the Constitution	Chief Executive, Executive Directors & Service Directors
		For Executive functions, see Section 4 of this Part of the Constitution	Chief Executive, Executive Directors & Service Directors
2. Determining an appeal against any decision by, or on behalf of the authority (save for highways and related orders)	Non-Executive (save for highways and related orders)	Governance Committee	Chief Executive, Executive Directors & Service Directors
		Governance Committee	Chief Executive, Executive Directors & Service Directors
3. Appointing review boards under regulations under subsection (4), Section 34 (determination of claims and reviews) of the Social Security Act 1998	N/A	N/A	Service Director: Legal & Business Operations and appropriate Director

¹ Reference should also be made to the Officers' Scheme of Delegation (available from the Senior Democratic Services Officer) for any additional, supplementary or limits to the delegations set out in this Constitution. In the absence of any reference in the Officers' Scheme of Delegation, any function delegated by virtue of this part of the Constitution is delegated in full, although the delegator and delegatee may exercise that function in totality.

Function	Local Choice	Decision-Maker	Delegation of Functions¹
4. Making arrangements under subsection (1), Section 67 of, and Schedule 18 to School Standards and Framework Act 1998 (appeals against exclusion of pupils)	Executive	Cabinet Member	Chief Executive, Executive Directors & Service Directors
5. Making arrangements under Section 94(1) and (4) of, and Schedule 24 to the School Standards and Framework Act 1998 (admission appeals)	Executive	Cabinet Member	Service Director: Legal & Business Operations
6. Making arrangements under Section 95(2) of and Schedule 25 to the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies)	Executive	Cabinet Member	Service Director: Legal & Business Operations
7. Making arrangements under Section 20 (questions on Police matters at Council meetings) of the Police Act 1996 which allows questions to be put about the performance of a police authority	Non-Executive	Council	Service Director: Legal & Business Operations
8. Making appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (Police authorities established under Section 3) to the Police Act 1996	Non-Executive	Council	Service Director: Legal & Business Operations

Function	Local Choice	Decision-Maker	Delegation of Functions¹
9. Any function relating to contaminated land:			
a. to the extent that the function involves the formulation of a strategic policy	Executive	Cabinet Member	Executive Director: Place
b. to the extent that the function does not involve the formulation of strategic policy	Non-Executive	Licensing Committee	Executive Director: Place
10. Performing any function relating to controlling pollution or managing air quality			
a. to the extent that the function involves the formulation of a strategic policy or the adoption of a City Clean Air Zone	Executive	Cabinet Member	Executive Director: Place
b. to the extent that the function does not involve the formulation of strategic policy	Non-Executive	Licensing Committee	Executive Director: Place or other appropriate officer
11. The service of an Abatement Notice in respect of a statutory nuisance under Section 80(1) Environmental Protection Act 1990	Non-Executive	Licensing Committee	Executive Director: Communities, Culture & Homes or other specified appropriate officers
12. The passing of a resolution that Schedule 2 Noise and Statutory Nuisance Act 1993 should apply under Section 8 of the Noise and Statutory Nuisance Act 1993			
a. to the extent that the function involves the formulation of a strategic policy	Executive	Cabinet Member	Executive Director: Communities, Culture & Homes

Function	Local Choice	Decision-Maker	Delegation of Functions¹
b. to the extent that the function does not involve the formulation of strategic policy	Non-Executive	Licensing Committee to the extent that it is non-Executive, subject to delegation	Executive Director: Communities, Culture & Homes
13. The inspection of the authority's area to detect any statutory nuisance under Section 79 Environmental Protection Act 1990 a. to the extent that the function involves the formulation of a strategic policy	Executive	Cabinet Member	Executive Director: Communities, Culture & Homes or other specified or appropriate officers
b. to the extent that the function does not involve the formulation of strategic policy	Non-Executive	Licensing Committee	Executive Director: Communities, Culture & Homes or other specified or appropriate officers
14. The investigation of any complaints as to the existence of a statutory nuisance under Section 79 Environmental Protection Act 1990	Non-Executive	Licensing Committee	Executive Director: Communities, Culture & Homes or other specified or appropriate officers
15. Obtaining information under Section 330 of the Town and Country Planning Act 1990 about interests in land a. to the extent that it is necessary to exercise these powers in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders	Executive	Cabinet Member	Executive Director: Place or other specified or appropriate officers

Function	Local Choice	Decision-Maker	Delegation of Functions ¹
b. to the extent that it is necessary to exercise these powers in respect of actions which are not preliminary to the exercise of powers to make compulsory purchase orders	Non-Executive	Planning and Rights of Way Panel	Executive Director: Place or other specified or appropriate officers
16. Obtaining information about people interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 a. to the extent that it is necessary to exercise these powers in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders	Executive	Cabinet Member	Executive Director: Place or other specified or appropriate officers
b. to the extent that it is necessary to exercise these powers in respect of actions which are not preliminary to the exercise of powers to make compulsory purchase orders	Non-Executive	Planning and Rights of Way Panel	Executive Director: Place and Service Director: Legal & Business Operations or other specified or appropriate officers
17. Making agreements for highways works to be carried out	Non-Executive	Planning and Rights of Way Panel	Executive Director: Place
18. The appointment of any individual: i. to any office other than an office in which s/he is employed by the authority ii. to any body other than: a. the authority; b. a joint committee of two or more authorities; or	Executive	Cabinet	Service Director: Legal & Business Operations

Function	Local Choice	Decision-Maker	Delegation of Functions¹
iii. to any committee or sub-committee of such a body and the revoking of any such appointment			
a. to the extent that appointments are to outside bodies in connection with functions which are the responsibility of the Executive	Executive	Cabinet	Service Director: Legal & Business Operations
b. to the extent that appointments are not the responsibility of the Executive	Non-Executive	Council	
19. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities			
a. to the extent that the staff are being placed at the disposal of the other authority in relation to the discharge of functions which are the responsibility of the authority placing the staff	Non-Executive	Governance Committee	Service Director: Legal & Business Operations
b. to the extent that the staff are being placed at the disposal of the other Authority in relation to the discharge of functions which are not the responsibility of the authority placing the staff.	Executive	Cabinet	
20. Any function of a local authority in their capacity as a Harbour Authority	Non-Executive	Council	Chief Executive, Executive Directors & Service Directors

3. RESPONSIBILITY FOR COUNCIL FUNCTIONS

Body	Membership	Functions (in addition to those in Article 4)	Delegation of Functions ²
Full Council	All Members of the Authority	<p>Functions relating to Electoral Registration and the holding of elections</p> <p>Power to make, amend, revoke or re-enact byelaws</p> <p>Power to promote or oppose local or personal Bills</p> <p>Miscellaneous functions, including power to:</p> <ul style="list-style-type: none"> • confer title of honorary alderman • admit to be an honorary freeman • make Rules of Procedure • appoint Proper Officers • approve the Authority's Statement of Accounts • operate Members' Allowance Scheme • make arrangements for the appointment of Committees and 	<p>Returning Officer Electoral Registration Officer</p> <p>Service Director: Legal & Business Operations</p>

² Reference should also be made to the Officers' Scheme of Delegation (available from the Senior Democratic Services Officer) for any additional, supplementary or limits to the delegations set out in this Constitution. In the absence of any reference in the Officers' Scheme of Delegation, any function delegated by virtue of this part of the Constitution is delegated in full, although the delegator and delegatee may exercise that function in totality.

Body	Membership	Functions (in addition to those in Article 4)	Delegation of Functions²
		Making a reorganisation order implementing recommendations of a community governance review	Service Director: Legal & Business Operations
Planning and Rights of Way Committee	See Schedule 3	See Schedule 2 of this Part of the Constitution	Chief Executive, Executive Directors and Service Directors
Licensing Committee	See Schedule 3	See Schedule 2 of this Part of the Constitution	Chief Executive, Executive Directors and Service Directors
Licensing (Licensing & Gambling) Sub-Committee	See Schedule 3	See Schedule 2 of this Part of the Constitution	Chief Executive, Executive Directors and Service Directors
Licensing (General) Sub-Committee	See Schedule 3	See Schedule 2 of this Part of the Constitution	Chief Executive, Executive Directors and Service Directors
Chief Officer Employment Sub-Committee	See Schedule 3	Appointment of Chief Officers in accordance with the Council's Employment Procedure Rules	Chief Executive, Executive Directors and Service Directors
Chief Officer Employment Panel	See Schedule 3	See Schedule 2 of this Part of the Constitution	Chief Executive, Executive Directors and Service Directors
Governance Committee	See Schedule 3	See Schedule 2 of this Part of the Constitution	Chief Executive, Executive Directors and Service Directors
Overview and Scrutiny Management Committee	See Schedule 3	See Schedule 2 of this Part of the Constitution	Chief Executive, Executive Directors and Service Directors

THE EXECUTIVE

The Executive shall comprise:

Leader	Councillor Christopher Hammond
Deputy Leader & Customer and Organisation	Councillor Jacqui Rayment
Children & Learning:	
• Children's Social Care & Safeguarding	Councillor Stephen Barnes-Andrews
• Education and school; Skills and training & Youth engagement	Councillor Lorna Fielker
Culture & Homes	Councillor Satvir Kaur
Finance & Income Generation	Councillor Stephen Barnes-Andrews
Green City & Place	Councillor Stephen Leggett
Health & Adults	Councillor Lorna Fielker
Stronger Communities	Councillor Dave Shields

CABINET

The Cabinet collectively and Cabinet Members individually will be responsible for the following functions:

- ◆ The community planning process and the search for best value, with input and advice from overview and scrutiny committees and any other persons as appropriate;
- ◆ The preparation of the local authority's Policy Framework and Budget;
- ◆ The preparation of the authority's financial strategy;
- ◆ Setting a clear and realistic direction, reflected in the Council Strategy and financial strategy; setting out clear corporate priorities and ensuring they are reflected in the budget and other planning and decision-making processes; ensuring that decisions of the Executive reflect corporate priorities and plans, including decisions about the allocation of resources; communicating decisions on corporate priorities to the local community;
- ◆ The promotion and pursuit of principles espoused by the Council in respect of social cohesion, and a sustainable environment, in its role as an employer, service provider and the exercise of community leadership;
- ◆ Achieving efficiencies through taking in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, delivering and implementing the budget and policies decided by Full Council;
- ◆ Being the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs;
- ◆ Determining proposals for and variations to the Policy Framework and Budget that are to be proposed to Full Council;
- ◆ Considering reports of Overview and Scrutiny Management Committee, and its Panels (sub-committees) and formulating responses to those;
- ◆ Making any decision in respect of an Executive function which has been delegated where the delegate has decided not to exercise his/her delegation;
- ◆ In the absence of any Cabinet Member (including the Leader) or where any Cabinet Member (including the Leader) is not available or able to make a decision, Cabinet may, subject to the Leader's agreement, discharge that Executive function in respect of that decision;
- ◆ Subject to the budget, determining the grants to be paid by the Council;
- ◆ The Council's pursuit of efficiencies and Value for Money in its use of resources for the provision of services to citizens of the City and its business community by pursuing a holistic approach through the effective integration of programmes and plans including the Sustainable Community Strategy and Southampton Connect and the Council's customer focus through programmes of continuing improvement;
- ◆ The appointment of any individual:
 - to any office other than an office in which s/he is employed by the authority;
 - to any other body other than (i) the authority (ii) a joint committee of two or more authorities; or to any committee or sub-committee of such a body.and the revoking of any such appointment, to the extent that appointments are usually but not exclusively to outside bodies in connection with functions which are the responsibility of the Executive;
- ◆ The appointment of any panel, body or other grouping of elected Members, officers or other persons, together or in combination, whether or not jointly with any other authority or

organisation other than a committee, a sub-committee of the Council or a joint committee of two or more authorities, as defined in Section 101 of the Local Government Act 1972;

- ◆ Matters relating to the Portfolio involving Member contacts with the Government and any Regional or National organisations;
- ◆ The application of national policies locally and any consequent forward planning necessary;
- ◆ Liaison and joint working with other Cabinet Members to ensure the objectives of the Council are met and that Business and Service Plans link with commitments agreed by the Cabinet;
- ◆ Reporting to Full Council and its decision-making and scrutiny functions where appropriate;
- ◆ Seeking comments on Policy development through Cabinet and Scrutiny and issuing statements and bulletins related to matters within the Portfolio;
- ◆ Representing the Council on and exercising any functions in relation to any Partnership Boards or Committees to which they are appointed.

Delegation of Functions

The Chief Executive and Executive Directors.*

LEADER

The Leader shall be responsible for:

- ◆ Appointing a Cabinet of not fewer than three and not more than ten councillors (including the Leader);
- ◆ Determining a scheme of delegation for Executive functions.

The Cabinet Member shall be responsible for and lead on the following functions:

TO BE CONFIRMED

Delegation of Functions

The Chief Executive and Executive Directors.*

CABINET MEMBER FOR CUSTOMER & ORGANISATION

The Cabinet Member shall be responsible for and lead on the following functions:

TO BE CONFIRMED

Delegation of Functions

The Chief Executive and Executive Directors.*

CABINET MEMBER FOR CHILDREN & LEARNING

This Cabinet Member is the Lead Member with responsibilities for children's services under Section 19 of the Children Act 2004

The Cabinet Member shall be responsible for and lead on the following functions:

TO BE CONFIRMED

Delegation of Functions

The Chief Executive and Executive Directors.*

CABINET MEMBER FOR CULTURE & HOMES

The Cabinet Member shall be responsible for and lead on the following functions:

TO BE CONFIRMED

Delegation of Functions

The Chief Executive and Executive Directors.*

CABINET MEMBER FOR FINANCE & INCOME GENERATION

The Cabinet Member shall be responsible for and lead on the following functions:

TO BE CONFIRMED

Delegation of Functions

The Chief Executive and Executive Directors.*

CABINET MEMBER FOR GREEN CITY AND PLACE

The Cabinet Member shall be responsible for and lead on the following functions:

TO BE CONFIRMED

Delegation of Functions

The Chief Executive and Executive Directors.*

CABINET MEMBER FOR HEALTH & ADULTS

The Cabinet Member shall be responsible for and lead on the following functions:

TO BE CONFIRMED

Delegation of Functions

The Chief Executive and Executive Directors.*

CABINET MEMBER FOR STRONGER COMMUNITIES

The Cabinet Member shall be responsible for and lead on the following functions:

TO BE CONFIRMED

Delegation of Functions

The Chief Executive and Executive Directors.*

- * Reference should also be made to the Officers' Scheme of Delegation (available from the Democratic Services Manager) for any additional, supplementary or limits to the delegations set out in this Constitution. In the absence of any reference in the Officers' Scheme of Delegation, any function delegated by virtue of this part of the Constitution is delegated in full, although the delegator and delegatee may exercise that function in totality.

Schedule 1
FUNCTIONS UNDER THE HAMPSHIRE ACT 1983

Executive Functions

- Sections 18, 19, 20 and 21 – Itchen Bridge – Council has power to make order re demanding, taking and recovery of tolls and may make byelaws re the bridge. Also power to prosecute.
- Sections 22 – 31 – Itchen Bridge – determination of level, type and recovery of toll
- Section 32 – Itchen Bridge – Finance
- Section 35 – Itchen Bridge – Closure of
- Section 36 – 46 – Itchen Bridge – tidal and other works affecting bridge
- Section 70 – Council has power to provide facilities for hovercraft, hydrojuniorvessels etc

Non – Executive Functions

- Section 4 – Hairdressers and Barbers – Application for registration to carry on business on premises. Council to issue certificate of registration. Council can prosecute for non – registration or for failure to display certificate.
- Section 7 – Touting, hawking, photographing etc – Council may designate places and grant consent. Council can prosecute and aggrieved in respect of Consent can appeal to Magistrates Court.
- Section 8 – Control of stray dogs
- Section 9 – Seizure of horses
- Section 10 – Byelaws as to Leisure Centres – Council may make byelaws for specified purposes.
- Sections 11, 12 and 13 – Fire Precautions – Council may reject plans or impose conditions. Any person aggrieved may appeal. Council has power to prosecute.
- Section 34 – Itchen Bridge – Power to make byelaws
- Sections 58 and 59 – Unlawfully parked vehicles re the Common, parks and recreation grounds – Council may prosecute
- Section 60 – Mayflower Park – Council may close the park for 10 consecutive days etc
- Section 61 – Pedestrian ways – Council may by resolution etc declare a pedestrian way and may make byelaws
- Section 68 – Prevention of obstruction of streets

Schedule 2

TERMS OF REFERENCE FOR LICENSING COMMITTEE

GENERAL

- a. This is a committee of the Council appointed by the Council under Section 6 of the Licensing Act 2003.
- b. The Council has arranged under Section 7 of the 2003 Act and Section 101(1) of the 1972 Act for the discharge by the Committee of such of the Council's functions as are within the Committee's terms of reference (set out below).
- c. Certain functions are delegated by this Committee to Officers. Full details may be found in the Officers' Scheme of Delegation which may be obtained from the Head of Business Operations.
- d. Where a function or matter within the Panel's competence has been delegated to an officer, the Committee may exercise that function/matter concurrently with the officer to whom it has been delegated.
- e. The exercise of any function or matter within the Committee's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Service Director: Legal & Business Operations in pursuance of Council Procedure Rule 26.2 or which may be prescribed by law.

TERMS OF REFERENCE

1. To undertake all licensing functions, powers and duties conferred by the Licensing Act 2003 and as set out in schedule 1B of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2853 of 2000) as amended and the Local Government Act, 1972 including but not limited to the matters set out below.
2. Approve a framework for the effective discharge by the Council of the statutory licensing function by itself and its sub-committees.
3. Keep under review and publish a Statement of Licensing Policy.
4. Appoint sub-committee(s) to discharge the Council's licensing functions under the Licensing Act 2003.
5. Appoint sub-committee(s) to discharge the Council's licensing functions as set out in schedule 1B of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2853 of 2000) as amended and the Local Government Act 1972.
6. To set licence fees as appropriate under the Gambling Act 2005.

TERMS OF REFERENCE FOR LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE

GENERAL

- a. This is a sub-committee of the Licensing Committee appointed by that Committee under the Licensing Act 2003.
- b. The Committee has arranged under Section 9 of that Act for the discharge by the Sub-Committee of such of the Council's functions as are within the Sub-Committee's terms of reference (set out below).
- c. Certain functions are delegated by this Sub-Committee to Officers. Full details may be found in the Officers' Scheme of Delegation which may be obtained from the Head of Business Operations.
- d. Where a function or matter within the Panel's competence has been delegated to an officer, the Sub-Committee may exercise that function/matter concurrently with the officer to whom it has been delegated.
- e. The exercise of any function or matter within the Sub-Committee's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Service Director: Legal & Business Operations in pursuance of Council Procedure Rule 26.2 or which may be prescribed by law.

TERMS OF REFERENCE

Licensing Act 2003

Except for matters of Policy to undertake all functions, powers and duties conferred by the Licensing Act 2003 including but not limited to the matters set out below:

1. Power to determine applications for personal licences.
2. Power to determine applications for premises licences and club premises certificate.
3. Power to determine applications for variation of premises licence and club premises certificates.
4. Power to determine applications for transfer of premises licences.
5. Power to review premises licence and club premises certificates.
6. Power to determine police or environmental health objections to temporary event notices.

Gambling Act 2005

7. a. Where representations on the following applications have been received and not withdrawn to determine applications:
 - i. for premise licences;
 - ii. for variation of premises licences;
 - iii. for transfer of premises licences;
 - iv. for provisional statements;
 - v. for club gaming or machine permits;
- b. The cancellation of club gaming or club machine permits;

- c. Decision to give a counter notice to a temporary use notice;
 - d. Take “action” under Section 202 where the review is heard by the sub committee
8. Power to register societies wishing to promote lotteries.
9. Power to issue premises licences and to receive temporary use notices.

TERMS OF REFERENCE FOR LICENSING (GENERAL) SUB-COMMITTEE

GENERAL

- a. This Sub-Committee is a Sub-Committee of the Licensing Committee appointed by the Committee under the Local Government Act 1972.
- b. The Committee has arranged under Section 101(1) of that Act for the discharge by the Sub-Committee of such of the Council's functions as are within the Sub-Committee's terms of reference (set out below).
- c. Certain functions are delegated by this Panel to Officers. Full details may be found in the Officers' Scheme of Delegation which may be obtained from the Head of Business Operations.
- d. Where a function or matter within the Sub-Committee's competence has been delegated to an officer, the Sub-Committees may exercise that function/matter concurrently with the officer to whom it has been delegated.
- e. The exercise of any function or matter within the Sub-Committee's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Service Director: Legal & Business Operations in pursuance of Council Procedure Rule 26.2.

TERMS OF REFERENCE

Except for matters of Policy to undertake all licensing functions, powers and duties conferred by the Local Government Act 1972 including but not limited to the matters set out below:

1. Power to license hackney carriages and private hire vehicles
 - (a) as to the hackney carriages, the Town Police Clauses Act, 1847 (10 & 11 Vict.c.89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict.c.55), and section 15 of the Transport Act 1985 (c.67); and sections 47, 57,58,60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976(c.57);
 - (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
2. Power to license drivers of hackney carriages and private hire vehicles
Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
3. Power to license operators of hackney carriages and private hire vehicles
Sections 51, 53, 54, 59, 61 and 69 of the Local Government (Miscellaneous Provisions) Act 1976
4. Power to license sex shops and sex cinema and sex entertainment venues
Section 2 and Schedule 3 Local Government (Miscellaneous Provisions) Act 1976
5. Power to license performances of hypnotism
The Hypnotism Act 1952

6. Power to license markets and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982,
7. Power to license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c.31) and section 2 of the House to House Collections Act 1939 (c44)
8. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
9. Power to license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907 (c.53)
10. Duty to keep list of persons entitled to sell non-medicinal poisons	Sections 3(1)(b)(ii), 5,6 and 11 of the Poisons Act 1972 (c.66)
11. Power to register and license premises for the preparation of food	Section 19 of the Food Safety Act 1990 (c.16)
12. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975 (c.52)
13. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27)
<u>Note:</u> The above function is exercised by the Fire Officer.	
14. Power to issue fire certificates	Section 5 of the Fire Precautions Act 1971 (c.40)
15. Power to license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 (c.60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11)
16. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951 (c.35); section 1 of the Animal Boarding Establishments Act 1963 (c.43); the Riding Establishments Acts 1964 and 1970 (1964c.70 and 1970c.70); section 1 of the Breeding of Dogs Act 1973 (c.60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
17. Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulations) Act 1925 (c.38)
18. Power to license zoos	Section 1 of the Zoo Licensing Act 1981 (c.37)
19. Power to license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976 (c.38)
20. Power to license knackers' yards	Section 4 of the Slaughterhouses Act 1974. See <i>also</i> the Animal By-Products Order 1999 (S.I. 1999/646)
21. Animal Welfare powers	Animal Welfare Act 2006 (all functions insofar as they are non-Executive functions)

22. Power to license the employment of children	Part II of the Children and Young Persons Act 1933 (c33), byelaws made under that part, and part II of the Children and Young Persons Act 1963 (c37)
23. Power to approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 (c.76) and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510)
24. Power to grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40)
25. Power to license agencies for the supply of nurses	Section 2 of the Nurses Agencies Act 1957 (c.16)
26. Power to issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11)
27. Power to license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
28. Power to license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
29. Power to issue a license to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871)
30. Power to sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35)
31. Power to approve meat product premises	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)
32. Power to approve premises for production of minced meat or meat preparations	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)
33. Power to approve dairy establishments	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)
34. Power to approve egg product establishments	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520)
35. Power 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	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)
36. Power to approve fish products premises	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994)
37. Power to approve dispatch or purification centres	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
38. Power to register fishing vessels on board which shrimps or molluscs are cooked	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
39. Power to approve factory vessels and fishery product establishments	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998

40. Power to register auction and wholesale markets	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
41. Duty to keep register of food business premises	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828)
42. Power to register food business premises	Regulation 9 of the Food Premises (Registration) Regulations 1991
43. Functions under any of the “relevant statutory provisions” 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, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer	Part 1 of the Health and Safety at Work etc. Act 1974 (c.37)
44. Functions relating to sea fisheries	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c.38)
45. Registration of hairdressers and barbers	Section 4 Hampshire Act 1983
46. Touting, hawking, photography etc	Section 7 Hampshire Act 1983
47. Control of stray dogs	Section 8 Hampshire Act 1983
48. Seizure of horses	Section 9 Hampshire Act 1983
49. Any function relating to contaminated land. (Except to the extent that the function involves the formulation of a strategic policy, in which case it is an executive function on which the panel should be consulted.)	Part IIA of the Environmental Protection Act 1990 (c43) and subordinate legislation under that part
50. The discharge of any function relating to the control of pollution or the management of air quality. (Except to the extent that the function involves the formulation of a strategic policy, in which case it is an executive function on which the panel should be consulted.)	Pollution Prevention and Control Act 1999 (c 24); Pt IV of the Environment Act 1995 (c 25); Part 1 of the Environmental Protection Act, 1990 (c 43) and the Clean Air Act, 1993 (c 11)
51. The service of an abatement notice in respect of a statutory nuisance.	Section 80(1) of the Environment Protection Act, 1990
52. The inspection of the Authority's area to detect any statutory nuisance. (Except to the extent that the function involves the formulation of a strategic policy, in which case it is an executive function on which the panel should be consulted.)	Section 79 of the Environmental Protection Act, 1990.
53. The investigation of any complaint as to the existence of a statutory nuisance.	Section 79 of the Environmental Protection Act, 1990.

54. The obtaining of particulars of persons interested in land.
(Except to the extent that it is necessary to exercise these powers in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders)

Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976.

8.	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 6, 7 ,11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418)
9.	Power to enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990
10.	Power to issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990
11.	Power to serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990
12.	Power to grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
13.	Power to authorise entry onto land	Section 196A of the Town and Country Planning Act 1990
14.	Power to require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990
15.	Power to serve a planning contravention notice, breach of condition notice or stop notice	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990
16.	Power to issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990
17.	Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990
18.	Power to determine applications for hazardous substances consent, and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10)
19.	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act
20.	Power to require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990
21.	Power to determine application for listed building consent, and related powers	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9)
22.	Power to determine applications for conservation area consent	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by section 74(3) of that Act

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| 23. Duties relating to applications for listed building consent and conservation area consent | Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of the Department of the Environment Circular 14/97 |
| 24. Power to serve a building preservation notice, and related powers | Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 |
| 25. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area | Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 |
| 26. Power to acquire a listed building in need of repair and to serve a repairs notice | Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 |
| 27. Power to apply for an injunction in relation to a listed building | Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 |
| 28. Power to execute urgent works | Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 |
| 29. Power to issue licences authorising the use of land as a caravan site ("site licences") | Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c.62) |
| 30. Power to license the use of moveable dwellings and camping sites | Section 269(1) of the Public Health Act 1936(c.49) |
| 31. Power to register common land or town or village greens, except where the powers is exercisable solely for the purpose of giving effect to: | |
| (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to , the Acquisition of Land Act 1981 (c.67) or | Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843) |
| (b) an order under section 147 of the Inclosure Act 1845 (c.8 & 9 Vict.c.118) | |
| 32. Power to register variation of rights of common | Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471) |
| 33. The obtaining of information as to interests in land.
(Except to the extent that it is necessary to exercise these powers in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders. | Section 330 of the Town and Country Planning Act, 1990. |

34.	The making of agreements for the execution of highways works	Section 278 of the Highways Act, 1980 (c.66) substituted by the New Roads and Street Works Act, 1991 (c.22), Section 23
35.	Power to grant a street works licence	Section 50 of the New roads and Street Works Act 1991 (c.22)
36.	Power to permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980 (c.66)
37.	Power to license planting, retention and maintenance of trees etc. in part of highway	Section 142 of the Highways Act 1980
38.	Power to authorise erection of stiles etc. on footpaths or bridleways	Section 147 of the highways Act 1980
39.	Power to license works in relation to buildings etc. which obstruct the highway	Section 169 of the highways Act 1980
40.	Power to consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980
41.	Power to dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980
42.	Power to restrict the placing of rails, beams, etc. over highways	Section 178 of the Highways Act 1980
43.	Power to consent to construction of cellars etc. under street	Section 179 of the Highways Act 1980 as amended by Section 22 of the Local Government (Miscellaneous Provisions) Act, 1982 (c.30)
44.	Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators	Section 180 of the Highways Act 1980
45.	Power to create footpath or bridleway by agreement	Section 25 of the Highways Act 1980 (c.66)
46.	Power to create footpaths and bridleways	Section 26 of the Highways Act 1980
47.	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
48.	Power to stop up footpaths and bridleways	Section 118 of the Highways Act 1980
49.	Power to determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
50.	Power to make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
51.	Power to make a special extinguishment order	Section 118B of the Highways Act 1980
52.	Power to divert footpaths and bridleways	Section 119 of the Highways Act 1980
53.	Power to make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980
54.	Power to make a rail crossing diversion order	Section 119A of the Highways Act 1980

55.	Power to make a special diversion order	Section 119B of the Highways Act 1980
56.	Power to require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
57.	Power to make an SSSI diversion order	Section 119D of the Highways Act 1980
58.	Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980
59.	Power to decline to determine certain applications	Section 121C of the Highways Act 1980
60.	Duty to assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
61.	Duty to serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980
62.	Power to apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980
63.	Power to authorise temporary disturbance of surface of footpath or bridleway	Section 135 of the Highways Act 1980
64.	Power temporarily to divert footpath or bridleway.	Section 135A of the Highways Act 1980
65.	Functions relating to the making good of damage and the removal of obstructions	Section 135B of the Highways Act 1980
66.	Powers relating to the removal of things so deposited on highways as to be a nuisance	Section 149 of the Highways Act 1980
67.	Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981 (c.67)
68.	Duty to keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981 (c.69)
69.	Power to include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
70.	Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981
71.	Duty to reclassify roads used as public paths	Section 54 of the Wildlife and Countryside Act 1981
72.	Power to prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
73.	Power to designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984 (c.38)
74.	Power to extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981 (c.68)

75.	Power to authorise stopping-up or diversion of footpath or bridleway	Section 257 of the Town and Country Planning Act 1990
76.	Power to extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990
77.	Power to enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000 (c.37)
78.	Power to provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000
79.	Power to make limestone pavement order	Section 34(2) of the Wildlife and Countryside Act 1981 (c.69)
80.	Powers relating to the protection of important hedgerows	The Hedgerows Regulations 1997 (S.I. 1997/1160)
81.	Powers relating to the preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892)
82.	Unlawfully parked vehicles re the Common, Parks and Recreation Grounds	Section 58 & 59, Hampshire Act, 1983
83.	Pedestrian Ways	Section 61, Hampshire Act 1983
84.	Fire Precautions- Parking Places: safety requirements	Section 11, Hampshire Act 1983
85.	Access for Fire Brigade	Section 12, Hampshire Act 1983
86.	Fire precautions in certain large buildings.	Section 13, Hampshire Act 1983
87.	Use of Mayflower Park for boat shows etc.	Section 60, Hampshire Act 1983
88.	Prevention of obstruction of streets.	Section 68, Hampshire Act 1983
89.	High hedges	Part 8, Anti-Social Behaviour Act 2003
90.	Determination of Applications for Certificates of Alternative Development	Land Compensation Act 1961

TERMS OF REFERENCE FOR GOVERNANCE COMMITTEE

GENERAL

- a. This Committee is a committee of the Council appointed by the Council under the Local Government Act 1972
- b. Certain functions are delegated by this Committee to Officers. Full details may be found in Part 3 of the Council's Constitution
- c. Where a function or matter within the Committee's competence has been delegated to an officer, the Committee may exercise that function/matter concurrently with the officer to whom it has been delegated.
- d. The exercise of any function or matter within the Committee's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Service Director: Legal & Business Operations in pursuance of Council Procedure Rule 26.2.

TERMS OF REFERENCE

Standards, ethics and probity

1. To lead on the Council's duties under Chapter 7 Localism Act 2011 and to design, implement, monitor, approve and review the standards of ethics and probity of the Council, both for Councillors and employees. The Committee's powers shall include responding to consultation documents and the promulgation of Codes of Conduct but the adoption and revisions to the local Members Code of Conduct shall be reserved to the Council.
2. To promote a culture of openness, ready accountability and probity in order to ensure the highest standards of conduct of Councillors and employees.
3. To lead on all aspects of Corporate Governance by promoting the values of putting people first, valuing public service and creating a norm of the highest standards of personal conduct.
4. To oversee and manage programmes of guidance, advice and training on ethics, standards and probity for Councillors and employees and on the Members Code of Conduct.
5. To be responsible for the Council's register of Members' interests and to receive reports from the Monitoring Officer on the operation of the register from time to time.
6. To be responsible for written guidance and advice on the operation of the system of declarations of Members' Interests and to receive reports from the Monitoring Officer on the operation of the system of declarations from time to time.
7. To establish, monitor, approve and issue advice and guidance to Councillors on a system of dispensations to speak on, or participate in, matters in which they have interests and give dispensation in appropriate cases.
8. To exercise the functions of the Council in relation to the ethical framework, corporate governance and standards of conduct of Joint Committees and other bodies.
9. To establish a Standards Sub-Committee to investigate and determine appropriate action in respect of alleged breaches of the Members Code of Conduct.
10. To support the Monitoring Officer and Executive Director: Finance & Commercialisation &

Commercialisation in their statutory roles and the issuing of guidance on them from time to time.

11. To receive regular reports on the performance of the Corporate Complaints process, Local Government & Social Care Ombudsman referrals, Annual Governance Statement and Code of Corporate Governance and to recommend revisions to related policies and procedures as appropriate.

Audit role

12. To provide independent assurance on the adequacy of the risk management framework and the internal control and reporting environment, including (but not limited to) the reliability of the financial reporting process and the annual governance statement.
13. To be satisfied and provide assurance that appropriate action is being taken on risk and internal control related issues identified by the internal and external auditors and other review and inspection bodies.
14. To receive, and make recommendations on, such reports as are required in relation to all audit matters including the Annual Audit Plan.
15. The Committee shall specifically have responsibility for oversight of and provision of assurance on the following functions:
 - ensuring that Council assets are safeguarded;
 - maintaining proper accounting records;
 - ensuring the independence, objectivity and effectiveness of internal and external audit;
 - the arrangements made for cooperation between internal and external audit and other review bodies;
 - considering the reports of internal and external audit and other review and inspection bodies;
 - the scope and effectiveness of the internal control systems established by management to identify, assess, manage and monitor financial and non-financial risks (including measures to protect against, detect and respond to fraud).

Employment Matters

General

- a. Certain functions are delegated by this Panel to Officers. Full details may be found in the Officer's Scheme of Delegation which may be obtained [online](#).
 - b. Where a function or matter within the Panel's competence has been delegated to an officer, the Panel may exercise that function/matter concurrently with the officer to whom it has been delegated.
 - c. The exercise of any function or matter within the Panel's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Service Director: Legal & Business Operations in pursuance of Council Procedure Rule 26.2.
1. Power to appoint staff, excluding Chief Officers, and to determine the terms and conditions on which all staff hold office but excluding revisions to pay scales (including procedures for their dismissal). (Section 122 Local Government Act 1972).

2. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities, to the extent that the staff are being placed at the disposal of the other authority in relation to the discharge of functions which are not the responsibility of the Executive of the authority placing the staff. (Section 13(4) and (5) Local Government Act 1972).
3. Functions relating to local government pensions, etc. (Regulations under Section 7, 12 or 24 Superannuation Act 1972).
4. To agree redundancy and severance payments and early release of pension benefits, where added years, enhanced payments or any element of discretion is sought.
5. To determine any appeal against a decision where a right of appeal exists at law, but where there is no specific provision in the terms of reference of any other Committee or Panel for the hearing of such an appeal.
6. To determine school transport and associated appeals.
7. To have oversight and keep under review all the HR policies and procedures.
8. To determine any appeal where, in the opinion of the Service Director: Legal & Business Operations, a right of appeal should be conferred to give effect to the operation of the principles of natural justice or the principles contained in the Human Rights Act 1998.

TERMS OF REFERENCE FOR STANDARDS SUB-COMMITTEE

1. To assess written allegations that a member or co-opted member (or former member or co-opted member) of the Council has failed, or may have failed, to comply with the Members Code of Conduct in accordance with Chapter 7 Localism Act 2011 or any amendment or re-enacted thereof and to administer sanctions where appropriate.
 2. To grant dispensations to members under Section 33 Localism Act 2011 or any amendment or re-enacted thereof.
- NB Reference to member, co-opted member or former member includes reference to former independent members of the Governance Committee and Church and Parent Governor representatives.

TERMS OF REFERENCE FOR STANDARDS APPEALS SUB-COMMITTEE

1. To hear an appeal by any member where the Standards Sub Committee has found that the member has failed to comply with the Members Code of Conduct in accordance with Chapter 7 Localism Act 2011 or any amendment or re-enacted thereof and administer sanctions where appropriate.

TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

GENERAL

- a. This Committee is a committee of the Council appointed by the Council under Section 102(1) of the Local Government Act 1972.
- b. The Council has arranged under Section 101(1) of that Act for the discharge by the Committee of such of the Council's functions as are within the Committee's terms of reference (set out below).
- c. Certain functions are delegated by this Committee to Officers. Full details may be found in the Officer's Scheme of Delegation which may be obtained from the Head of Business Operations.
- d. Where a function or matter within the Committee's competence has been delegated to an officer, the Committee may exercise that function/matter concurrently with the officer to whom it has been delegated.
- e. The exercise of any function or matter within the Committee's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Service Director: Legal & Business Operations in pursuance of Council Procedure Rule 26.2.

TERMS OF REFERENCE

1. Approve a framework for the effective discharge by the Council of the statutory overview and scrutiny function by itself and its Scrutiny Panels;
2. Prepare and monitor a Scrutiny Programme, to be developed in consultation with members of Scrutiny Panels.
3. Appoint such sub-committees as it considers appropriate to fulfil the overview and scrutiny functions on behalf of the Council;
4. Where matters fall within the remit of more than one overview and scrutiny subcommittee, determine which of those sub-committees will assume responsibility for any particular issue and to resolve any issues of dispute of sub-committees.
5. To be responsible for the scrutiny of all corporate and resource management issues.
6. To exercise the power of call-in.
7. To undertake scrutiny of the Forward Plan.
8. To undertake regular monitoring of the Council's performance and budgets and to assess progress made in delivering services in conjunction with partners.
9. In accordance with the Police and Justice Act 2006 to engage as appropriate with the designated Responsible Authorities in respect of crime and disorder matters.
10. Consider, at least once a year, and make reports or recommendations to the local authority with regards to actions undertaken by the responsible authorities on the Safe City Partnership.
11. To receive matters raised through the Councillor Call to Action, including crime and disorder matters.

SCRUTINY PANEL TERMS OF REFERENCE

GENERAL

The Health Overview & Scrutiny Panel and Children & Families Scrutiny Panel will have six scheduled meetings per year, with additional meetings organised as required.

TERMS OF REFERENCE

Health Overview and Scrutiny Panel

1. To discharge all responsibilities of the Council for health overview and scrutiny, whether as a statutory duty or through the exercise of a power, including subject to formal guidance being issued from the Department of Health, the referral of issues to the Secretary of State.
2. To undertake the scrutiny of Adult Social Care issues in the City unless they are forward plan items. In such circumstances members of the Health Overview & Scrutiny Panel will be invited to the relevant Overview & Scrutiny Management Committee meeting where they are discussed.
3. To develop and agree the annual health and social care scrutiny work programme.
4. To scrutinise the development and implementation of the Joint Strategic Needs Assessment and Health & Wellbeing Strategy developed by the Health and Wellbeing Board.
5. To provide the membership of any joint committee established to respond to formal consultations by an NHS body on an issue which impacts the residents of more than one overview and scrutiny committee area.
6. To consider Councillor Calls for Action for health and social care matters.
7. To respond to proposals and consultations from NHS bodies in respect of substantial variations in service provision and any other major health consultation exercises.
8. Liaise with the Southampton Healthwatch and to respond to any matters brought to the attention of overview and scrutiny by Southampton Healthwatch.
9. Provide a vehicle for the City Council's Overview & Scrutiny Management Committee to refer recommendations arising from panel inquiries relating to the City's health, care and well-being to Southampton Healthwatch, for further monitoring.
10. Undertake inquiries relating to health and well-being issues in the city.

Children and Families Scrutiny Panel

1. To undertake the scrutiny of Children & Families Services in the City, including the Multi Agency Safeguarding Hub (MASH), Early Help, Specialist & Core Service, looked after children, education and early years and youth offending services, unless they are forward plan items. In such circumstances members of the Children & Families Scrutiny Panel will be invited to the relevant Overview & Scrutiny Management Committee meeting where they are discussed.

Scrutiny of Children & Families Services in the City to include:

2. Monitoring the implementation and challenging the progress of the Council's action plan to address the recommendations made by Ofsted following their inspection of Children's Services in Southampton and review of Southampton Local Safeguarding Children Board (LSCB) in July 2014.
3. Regular scrutiny of the performance of multi-agency arrangements for the provision of early help and services to children and their families.
4. Scrutiny of early years and education including the implementation of the Vision for Learning 2014 – 2024.
5. Scrutiny of the development and implementation of the Youth Justice Strategy developed by the Youth Offending Board.
6. Referring issues to the Chair of the LSCB and the Corporate Parenting Committee.

Scrutiny Inquiry Panel

1. Undertake Inquiries as directed by the Overview & Scrutiny Management Committee.

**TERMS OF REFERENCE FOR CHIEF OFFICER EMPLOYMENT SUB-COMMITTEE
(known as Chief Officer Employment Panel)**

GENERAL

- a. The Committee has arranged under Section 101(1) of that Act for the discharge by the Panel of such of the Council's functions as are within the Panel's terms of reference (set out below).
- b. The exercise of any function or matter within the Panel's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Service Director: Legal & Business Operations in pursuance of Council Procedure Rule 26.2.

TERMS OF REFERENCE

Power to appoint and dismiss on capability grounds as permitted under legislation, the Head of Paid Service, statutory and non-statutory Chief Officers and Deputy Chief Officers in accordance with the Council's Officer Employment Procedure Rules.

NB: COEP has delegated the appointment and dismissal of Deputy Chief Officers to the Chief Executive and Executive Directors as appropriate. The Chief Executive, Executive Directors, Statutory and Chief Officers will continue to be appointed (and where necessary dismissed) by COEP subject to statutory procedures.

TERMS OF REFERENCE FOR HEALTH & WELLBEING BOARD

GENERAL

- a) The Health & Wellbeing Board is a committee of the Council under S102 (1) of the Local Government Act 1972.
- b) The Council has arranged under S101 of that Act for the discharge by the Board of such functions as are set out in the terms of reference set out below.
- c) Certain functions under S196 (2) of the Health and Social Care Act 2012 may be delegated by the Board to officers. Full details may be found in the Officer's Scheme of Delegation which may be obtained from the Scrutiny Manager. Other matters falling within these Terms of Reference may be delegated to a Sub Committee of the Board.
- d) Where a function or matter within the Board's competence has been delegated to an officer or a sub-committee, the Board may exercise that function/matter concurrently with the officer to whom it has been delegated.
- e) The exercise of any function or matter within the Council's competencies always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Service Director: Legal & Business Operations in pursuance of Council Procedure Rule 26.2. A Special Procedure giving effect to The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 has been approved in accordance with Council Procedure Rule 26.2. The Special Procedure disapplies the provisions of the Local Government and Housing Act 1989 relating to the political proportionality on committees and sub-committees and providing that a person who is a member of the Board shall not be treated as a non-voting member unless the full Council directs otherwise, together with other voting and ancillary matters has been approved in accordance with Council Procedure Rule 26.2.

TERMS OF REFERENCE

1. Section 194 (2) (a) of the Health and Social Care Act 2012 requires that the minimum membership of the Health and Wellbeing Board shall be:
 - At least one elected Member of Southampton City Council (to be appointed by the Leader of the Council having had due regard to the recommendations of the Health & Well Being Board)
 - The Director of Public Health (DPH)
 - The Director of Adult Social Services (DASS)
 - The Director of Children's Services(DCS)
 - A representative of Healthwatch
 - A representative from NHS Commissioning Board's Wessex Area team
 - A representative from NHS Southampton Clinical Commissioning Group
 - Such other persons as the Council considers appropriate.

The actual membership and composition of the Board will be determined by Council and reviewed on an annual basis.

The Board shall:

2. Appoint such sub-committees, working groups or time limited groups as it considers appropriate to fulfil the Health and Wellbeing functions on behalf of the Council.

3. For the purpose of advancing the health and wellbeing of the people in its area; encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner.
4. Provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under S75 of the National Health Service Act 2006 in connection with the provision of such services.
5. Encourage persons who arrange for the provision of any health related services in its areas to work closely with the Health and Wellbeing Board.
6. Encourage persons who arrange for the provision of any health or social care services in its areas and persons who arrange for the provision of any health related services in its area to work closely together.
7. Exercise the functions of a Local Authority and its partner clinical commissioning groups under sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007.
8. Exercise any functions that are exercisable by the Authority to promote or advance health and wellbeing not otherwise reserved to Council or the Executive.
9. Provide opinion on whether the Local Authority is discharging its duty under section 116B of the 2007 Act.
10. The functions referred to at 8 above do not apply to the functions of the Authority by virtue of Section 244 of the National Health Service Act 2006.

SOUTHAMPTON COVID-19 LOCAL OUTBREAK ENGAGEMENT BOARD

Terms of Reference

Purpose

The Southampton Covid-19 Local Outbreak Engagement Board is responsible for strategic oversight of health protection regarding Covid-19 in Southampton, including prevention, surveillance, planning and response to ensure they meet the needs of the population.

The Board will support the local delivery of the primary objectives of the Government's strategy to control the Covid-19 reproduction number (R), reduce the spread of infection and save lives, in doing so help to return life to as normal as possible, for as many people as possible, in a way that is safe, protects our health and care systems and releases our economy.

The response will be delivered at various levels and by various partner organisations, but these will need to be brought together at local authority level through the Executive Director of Wellbeing (Health & Adults), supported by the Director of Public Health as lead officer, to ensure a community focus and appropriately tailored response. In addition to the place-based approach overseen by the Board the levels will include:

- National - a National Outbreak Control Plans Advisory Board will be established to draw on expertise from across local government and ensure the NHS Test and Trace programme builds on local capability, and to share best practice and inform future programme development;
- Regional - Co-ordination required on a regional level will be provided through the HIOW Local Resilience Forum and Integrated Care System arrangements;
- Local – Southampton COVID-19 Health Protection Board, working through Local Engagement Boards to define measures to contain outbreaks and protect health.

Membership

Chair: Leader of the Council

Deputy Chair: Cllr Fielker (Chair of HWB, Cabinet Member for Health & Adults)

Cllr Paffey, Cabinet Member for Children & Learning

Cllr Shields, Cabinet Member for Stronger Communities

Board supported by:

Director of Public Health, SCC

Director – Adult Social Care, SCC

Director – Children's Social Care, SCC

CCG Governing Body Chair

Healthwatch & SVS Deputy Chief Executive

Medical Director, University Hospitals Southampton

Director of Meachers Transport – representative of Southampton Chamber of Commerce

Southampton City Council Communications Lead Officer

The Board will invite representation from other organisations or roles specific to the agenda items under consideration.

Objectives

The Southampton Covid-19 Local Outbreak Engagement Board will:

- Be the public face of Southampton City Council's response in the event of an outbreak of COVID-19
- Provide political oversight of ongoing development and delivery of the Southampton City Local Covid-19 Outbreak Control Plan, including:
- Approving recommendations from the Health Protection Board for allocation of resources to support the effective delivery of the Plan
- Lead engagement with local communities, advising on community engagement, including with vulnerable and/or higher risk communities of interest
- Approve the communications strategy for the Local Outbreak Control Plan
- Approve implementation measures (or make recommendations to other bodies where appropriate) that will prevent virus transmission.
- Monitor the response to local outbreaks and ensure learning informs future practice
- Make recommendations for the wider policy agenda including the recovery workstreams, NHS Recovery and Restoration programme and the Health and Wellbeing Strategy

Accountability

The group will be accountable to Cabinet in its Statutory role, bringing together key partners in the local health and care system.

It will also have reporting relationships to

- HIOW level governance process for functions delivered at this level
- Southampton's Health and Wellbeing Board

Frequency of Meetings

The Board will meet as and when considered necessary by the Chairman of the Board.

Meetings are open to the public. An agenda and papers will be published at least 5 working days before the meeting. Conflicts of interest must be declared by any member of the group.

Quoracy

A quorum for meetings will be a minimum of 2 people, one of whom will be the Chair or nominated Co-Chair.

Review

Terms of Reference will be reviewed on a bi-monthly basis.

September 2020

SCHEDULE 3

MEMBERSHIP OF THE EXECUTIVE AND COMMITTEES OF THE COUNCIL

MEMBER APPOINTMENTS MADE BY COUNCIL

CABINET (THE EXECUTIVE)

The Executive shall comprise:

Leader	Councillor Christopher Hammond
Deputy Leader & Customer and Organisation	Councillor Jacqui Rayment
Children & Learning:	
• Children's Social Care & Safeguarding	Councillor Stephen Barnes-Andrews
• Education and school; Skills and training & Youth engagement	Councillor Lorna Fielker
Culture & Homes	Councillor Satvir Kaur
Finance & Income Generation	Councillor Stephen Barnes-Andrews
Green City & Place	Councillor Stephen Leggett
Health & Adults	Councillor Lorna Fielker
Stronger Communities	Councillor Dave Shields

COMMITTEES, SUB-COMMITTEES AND PANELS

Chief Officer Employment Panel
Governance Committee
Licensing Committee
 Licensing & Gambling Sub-Committee
 Licensing (General) Sub-Committee
Overview and Scrutiny Management Committee
Planning and Rights of Way Panel
Standards Sub-Committee
 Standards (Appeals) Sub-Committee

SCRUTINY PANELS

Health Overview & Scrutiny Panel
Children & Families Scrutiny Panel
Scrutiny Inquiry Panel

Details of the political make-up and membership of the above Committees and Panels can be found on Cityweb at:

<http://www.southampton.gov.uk/modernGov/ieDocHome.aspx?bcr=1>

PARTNERSHIPS

South East Employers
South East Employers (Local Democracy Network)
Partnership for Urban South Hampshire <http://www.push.gov.uk/>
Joint Commissioning Board (with the CCG)

JOINT COMMITTEES & PANELS WITH OTHER AUTHORITIES

Hampshire Fire and Rescue Authority
Police & Crime Panel
Hampshire Partnership
Hampshire & Isle of Wight Joint Scrutiny Panel
Health and Well-Being Board
Partnership for Urban South Hampshire
Solent Transport Board
Transport for the South East (Solent Transport)
Hampshire County Council's Pension Fund Panel & Board
Major Cities Housing Group

Details of the political make-up and membership of the above Partnership and Joint Committees can be found on Cityweb at:

<http://www.southampton.gov.uk/modernGov/mqListOutsideBodies.aspx?bcr=1>

MEMBER APPOINTMENTS MADE BY CABINET TO:

REGISTERED CHARITIES, TRUSTS, CORPORATIONS & COMPANIES

Clinical Commissioning Group
F W Smith Bequest Purchasing Committee
Hampshire British Legion Poppy Appeal
King Edward VI School Governing Board
Nuffield Theatre – Southampton Theatre Trust Ltd Board
Solent Skies – Board of Directors
Southern Health NHS Foundation Trust
Thorner's Homes
University Hospital Southampton NHS Foundation Trust
Wulfris Educational Foundation, Southampton

STATUTORY COMMITTEES, PANELS & GROUPS

Corporate Parenting
Local Safeguarding Adults Board
Local Safeguarding Children's Board
Safe City Partnership
Schools Forum
Standing Advisory Committee of Religious Education (SACRE)

PARTNERSHIPS

Business Improvement Board
Business South
City Eye
Community Champion for Armed Forces
Community Champion for Heritage
Community Champion for Mental Health
Community Champions for Older Persons
Future of Work Advisory Board
Learning Disabilities Partnership Board
Local Government Association
Local Government Information Unit
Port Health Consultative Board
Project Integra Strategic Board
Solent Local Enterprise Partnership
Solent LEP – Skills & Advisory Board
Southampton 2025
Southampton Energy Partnership
Southampton International Airport Consultative Committee
Southampton Record Series

Southampton Solent University Board of Governors
Southampton Voluntary Services
Southern Inshore Fisheries and Conservation Authority
Southern Regional Flood & Coastal Committee
Standing Conference on Problems Associated with the Coastline (SCOPAC)

INTERNAL AD HOC

Community Chest Advisory Panel

Details can be found on Cityweb at:

<http://www.southampton.gov.uk/modernGov/mgListOutsideBodies.aspx?bcr=1>