

DARTFORD

BOROUGH COUNCIL

PART 3

RESPONSIBILITY FOR

FUNCTIONS

1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Function	Decision making body	Membership	Delegation of functions
1. The discharge of any local function other than those relating to licensing, registration or regulatory matters	Cabinet	Elected members of the Council of the political group(s) on the Council forming the administration	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
2. The determination of an appeal as specified in Terms of Reference against a decision made by or on behalf of the Council	Appeals Panel	Elected members of the Council (politically balanced)	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
3. The obtaining of information under Section 330 of the Town and Country Planning Act 1990	Development Control Board	Elected members of the Council (politically balanced)	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
4. The obtaining of information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Cabinet	Elected members of the Council of the political group(s) on the Council forming the administration	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
5. The discharge of any function relating to contaminated land (excluding regulatory, consent or enforcement functions)	Cabinet	Elected members of the Council of the political group(s) on the Council forming the administration	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
6. Control of pollution (excluding regulatory, consent and enforcement functions), Management of Air Quality	Cabinet	Elected members of the Council of the political group(s) on the Council forming the administration	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
7. Service of statutory Nuisance Abatement Notices	Cabinet	Elected members of the Council of the political group(s) on the Council forming the administration	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
8. Inspection of the Council's area to detect any Statutory Nuisance	Cabinet	Elected members of the Council of the political group(s) on the Council forming the administration	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
9. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area	Cabinet	Elected members of the Council of the political group(s) on the Council forming the administration	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
10. Investigation of any complaint as to the existence of a Statutory Nuisance	Cabinet	Elected members of the Council of the political group(s) on the Council forming the administration	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
11. In connection with Council functions, the appointment of any individual to any office other than an office of employment of the Council and to anybody other than the Council or to any committee, or sub-committee of any such body and the revocation of any such appointment	General Assembly of the Council	Elected members of the Council	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
12. In connection with Cabinet functions, the appointment of any individual to any office other than an office of employment of the Council and to anybody other than the Council or to any committee, or sub-committee of any such body and the revocation of any such appointment	Cabinet	Elected members of the Council of the political group(s) on the Council forming the administration	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
13. The preparation in draft, of a strategic policy as set out in the GAC's Terms of	Cabinet	Elected members of the Council of the political group(s) on the Council forming the	

Function	Decision making body	Membership	Delegation of functions
Reference and Article 4.01 of this Constitution		administration	
14. The approval of a strategic policy as set out in the GAC's Terms of Reference and Article 4.01 of this Constitution	General Assembly of the Council	Elected members of the Council	
15. Overseeing the Council's treasury management functions	Treasury Management Panel	Elected members of the Council (politically balanced)	

2.1 RESPONSIBILITY FOR REGULATORY/QUASI-JUDICIAL FUNCTIONS

Committee	Membership	Functions	Delegation of functions
1. Appeals Panel	Elected members of the Council (politically balanced)	To consider appeals against dismissal and grievances by employees of the Council as specified in Part 3 of this Constitution	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
2. Remuneration and Performance Management Panel	Elected members of the Council (politically balanced)	To act as the disciplinary panel in relation to Statutory officers, Directors and Officers reporting to Council as specified in the Panel's Terms of Reference in Part 3 of this Constitution	
3. Development Control Board	Elected members of the Council (politically balanced) of whom no more than 1 may be a Member of the Cabinet	Functions relating to town and country planning and development control as specified in the Board's Terms of Reference in Part 3 of this Constitution	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
4. Licensing Committee	Elected members of the Council (politically balanced)	Functions relating to licensing, gambling and registration as specified in the Committee's Terms of Reference in Part 3 to this Constitution	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
5. Licensing Sub-committee	Elected members of the Council taken from membership of the parent Licensing Committee	Functions relating to the determination of licensing and gambling applications as specified in the Sub-committee's Terms of Reference in Part 3 to this Constitution	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
6. Standards Committee	Elected members of the Council Independent Members/Persons Parish/Town representatives	Functions relating to ethical governance functions as specified in the Committee's Terms of Reference in Part 3 to this Constitution Adjudicator on politically restricted posts applications for exemption and appeals for directions as specified in the Committee's Terms of Reference in Part 3 to this Constitution Functions relating to the review of the Whistleblowing Policy and Corporate Complaints Procedure specified in the Committee's Terms of Reference in Part 3 to this Constitution	

Function	Decision making body	Membership	Delegation of functions
7. Assessment Sub-committee	Elected member of the Council Independent Member/Person Parish/Town Council representative [all taken from membership of the parent Standards Committee]	Functions relating to the initial assessment of Member Code of Conduct complaints as specified in the Sub-committee's Terms of Reference in Part 3 to this Constitution	
8. Review Sub-committee	Elected member of the Council Independent Member/Person Parish/Town Council representative [all taken from membership of the parent Standards Committee]	Functions relating to the review of the Assessment Sub-committee's decision as specified in the Sub-committee's Terms of Reference in Part 3 to this Constitution	
9. Hearing Sub-committee	Elected members of the Council Independent Member/Person Parish/Town Council representative [all taken from membership of the parent Standards Committee]	Functions relating to the determination of Member Code of Conduct complaints following investigation as specified in the Sub-committee's Terms of Reference in Part 3 to this Constitution	
10. Politically Restricted Posts Sub-committee	Elected members of the Council (politically balanced) Independent Member/Person	Functions relating to the consideration of applications, appeals, issuing directions and giving general advice on matters related to politically restricted posts as specified in the Sub-committee's Terms of Reference in Part 3 to this Constitution	
11. Discretionary Housing Payments Panel	Elected members of the Council (politically balanced)	Functions relating to reviews of decisions into discretionary housing payments as specified in the Panel's Terms of Reference in Part 3 to this Constitution	

2.2 RESPONSIBILITY FOR COUNCIL FUNCTIONS – OTHER COMMITTEES, SUB-COMMITTEES, BOARDS AND PANELS

Function	Decision making body	Membership	Delegation of functions
1. Audit Board	Elected members of the Council (politically balanced)	To review the adequacy of the system of internal audit control in all major aspects of the Council's operations including risk and financial affairs as specified in the Board's Terms of Reference in Part 3 of this Constitution	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
2. Appointments Panel	Elected members of the Council (politically balanced)	The interviewing body in relation to Statutory Officers as specified in the Panel's Terms of Reference in Part 3 of this Constitution	
3. Remuneration and Performance Management Panel	Elected members of the Council (politically balanced)	The body undertaking annual performance management review of the progress and performance of Directors and Officers reporting to Council as specified in the Panel's Terms of Reference in Part 3 of this Constitution	
4. Independent Remuneration Panel	Co-opted Members	The body making recommendations to the General Assembly of the Council on the Members' Allowances Scheme as specified in the Panel's Terms of Reference in Part 3 of this Constitution	

5. Electoral Provisions Sub-committee	Elected members of the Council (politically balanced)	The body making recommendations to the General Assembly on electoral matters as specified in the Sub-committee's Terms of Reference in Part 3 of this Constitution	

3. RESPONSIBILITY FOR EXECUTIVE (CABINET) FUNCTIONS

Who is responsible	Membership	Function	Onward limits on Delegations
The Cabinet (collectively sitting as a committee) NB: No delegations to individual Members	Elected members of the Council of the political group(s) on the Council forming the administration	The functions and responsibilities specified in the Cabinet's Terms of Reference as set out in Part 3 of this Constitution	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
Cabinet Advisory Panels (A and B respectively)	Elected members of the Council (politically balanced)	The functions and responsibilities specified in the Cabinet Advisory Panels' Terms of Reference as set out in Part 3 of this Constitution	
Appeals Panel	Elected members of the Council (politically balanced)	The functions and responsibilities specified in the Appeals Panel's Terms of Reference relating to allocation appeals, Data Protection Act 1998 corrections etc and grants applications as set out in Part 3 of this Constitution	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
Deeds, Trust and Obligations Committee	Elected members of the Council (politically balanced) and independent lay persons	The functions and responsibilities specified in the Deed, Trust and Obligation Committee's Terms of Reference relating to the management of the Council's charitable land holdings as set out in Part 3 of this Constitution	
Joint Transportation Board	Elected members of the Council (politically balanced) Kent County Councillors & Parish Councillor	The functions and responsibilities specified in the Joint Transportation Board's Terms of Reference as set out in Part 3 of this Constitution	

4. JOINT COMMITTEES/JOINT ARRANGEMENTS

4.1 Joint Committee	Membership	Function	Onward limits on Delegations
Eltham Crematorium (Section 101(5) Local Government Act 1972 and Section 20 Local Government Act 2000)	Cabinet member	To exercise all the functions, powers and duties of each of the Constituent Councils (London Borough of Greenwich, London Borough of Bexley and Dartford Borough Council) and Crematoria Authorities under the provisions of the Cremation Acts 1902 and 1952 as it relates to Eltham Crematorium and any subsequent relevant legislation	
Kent Waste Partnership Joint Waste Management Committee (Sections 101(5), 102(1) Local Government Act 1972 and Section 20 Local Government Act 2000)	Cabinet member	To exercise all the functions, powers and duties of each of the Constituent Councils (Ashford, Canterbury, Dartford, Dover, Gravesham, Kent County, Maidstone, Sevenoaks, Shepway, Swale, Thanet, Tonbridge and Malling and Tunbridge Wells) in relation to the delivery of a joint waste management strategy and vision for Kent	
PATROL (Parking and Traffic Regulations Outside London) (Section 101(5) Local Government Act 1972 and Section 20 Local Government Act 2000)	Elected member of the Council	To provide a national joint committee of councils having SPA/PPA areas for the purpose of appointing independent adjudicators and providing fair, consistent and equitable adjudication for appellants and councils in line with government advice	

4.2 (Major Partnerships)¹			
Who is responsible	Membership	Function	Onward limits on Delegations
Dartford and Gravesham Community Safety Partnership	Leader of the Council Managing Director	The CSP comprises eight statutory bodies who have a legal duty to work with other local agencies and organisations to develop and implement strategies to tackle crime and disorder, including anti-social and other behaviour adversely affecting the local environment, as well as the misuse of drugs in their area	
Thames Gateway Kent Partnership	Deputy Leader of the Council	Champions the economic, social and environmental regeneration of Kent Thameside, Medway and Swale	
4.3 (Minor Partnerships)²			
Who is responsible	Membership	Function	Onward limits on Delegations
Groundwork Kent and Medway	Elected member of the Council Council Officer	Helps build sustainable communities in areas of need through joint environmental action	
Health Action Dartford			
Kent Equality Cohesion Council	Elected member of the Council Council Officer	Works towards the reduction of inequality, the elimination of discrimination and to promote good relations between the diverse communities people with a view to strengthening community cohesion in the county of Kent	
Kent County Playing Fields Association	Elected member of the Council Managing Director	To ensure that there are adequate facilities for recreation in every city, town and village in Kent and to encourage the provision, improvement, retention and use of playing fields, children's playgrounds and other recreational centres	
Kent Resilience Forum	Leader of the Council Managing Director	The primary forum for delivering the Kent Recombitment	
Kent Thameside Economic Board	Leader of the Council Managing Director	To deliver the Kent Thameside Economic Board business plan	
Thames Gateway London Partnership Board	Elected member of the Council	To help achieve balanced and sustainable regeneration by: supporting the strategic regeneration and sustainable development of the Thames Gateway; working in partnership to support the physical and economic development of the Thames Gateway; working in partnership to foster safe, strong and cohesive communities in the Thames Gateway; and working with local partners to develop opportunities for the community and improve the quality of life	
Town Centre Partnership	Elected members of the Council Council Officer	Working towards improving the vitality and viability of Dartford Town Centre	

¹ Only those partnerships with Member representation are listed

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4.4 Delegations to and from other authorities			
Parties to arrangements		Delegations	Onward limits on Delegations
Kent County Council and Dartford Borough Council		Delegation of various powers relating to the enforcement of parking control in the Borough of Dartford	As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution
Kent County Council and Dartford Borough Council		Delegation of powers relating to the prosecution of fly-tipping offences in the Borough of Dartford	As specified in a Memorandum of Understanding between the parties
Sevenoaks District Council and Dartford Borough Council		<p>The delegation by Sevenoaks District Council to Dartford Borough Council via its Head of Paid Service, of the discharge of all functions with regard to the Internal Audit and Fraud service and the placing of Sevenoaks District Council staff at the disposal of Dartford Borough Council for the purposes of its Internal Audit and Fraud functions</p> <p>Dartford Borough Council authorises Sevenoaks District Council via its Head of Paid Service, to undertake the administrative functions associated with the Revenues and Benefits service and the placing of Dartford Borough Council staff at the disposal of Sevenoaks District Council for the purposes of its Revenues and Benefits functions</p>	<p>As specified in a Partnership Working Agreement between the parties</p> <p>As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution</p>

5. OFFICER ROLES - The following roles are underpinned by the fundamental principles of political neutrality and service to the whole Council:

5.1 Officers reporting to Council

Post	Functions and Areas of Responsibility
Managing Director (and Head of Paid Service and Section 151 Officer)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all Officers)</p> <p>Provision of professional advice to the General Assembly of the Council, the Cabinet, Policy Overview Committee, Scrutiny Committee, Crime and Disorder (Overview and Scrutiny) Committee and other Committees, Boards, and Panels</p> <p>Together with the Monitoring Officer, responsible for a system of record keeping for all the Council's decisions (Cabinet, Committees etc)</p> <p>Managers for the following services report to the Managing Director: Financial Services, Human Resources, Joint Working (Benefits, Business Rates, Council Tax, Revenues) Legal Services, Policy and Corporate Support (Communications, Consultation a& Engagement, Corporate Policy, Equalities, Grants, Partnerships, Performance Management & Improvement, Project Delivery, Sports Development) & Property Services</p> <p>Responsible for the administration of the Council's financial affairs (Audit Board)</p> <p>Representing the Council on Partnership and External Bodies (as required by statute or the Council)</p>
Executive Director (and Monitoring Officer)	<p>Civil Protection, Drainage, Electoral Registration, Grounds Maintenance, ICT, Land Charges, Member Services, Monitoring Officer, Parks and Open Spaces, Property Information, Refuse Collection, Recycling, Street Cleansing, Street Naming, Waste</p> <p>Ensuring lawfulness and integrity in the operation of the Council's decision-making process including investigation and reporting on issues that embrace all aspects of the Council's functions</p> <p>Representing the Council on Partnership and External Bodies (as required by statute or the Council)</p>

Post	Functions and Areas of Responsibility
Strategic Director	Building Management (Civic Centre), Cash Office, Community Safety, CCTV (Monitoring), Choice Based Lettings, Customer Services (Contact Centre), Enforcement and Regulation, Environmental Health, Gambling, Health and Safety, Housing (Landlord Function, Strategic Housing, Homelessness and Private Sector Renewal), Housing Policy, Illegal Encampments, Licensing, Parking Services, Parks Rangers, Public Health Aspects of Drainage, Safeguarding, Town Centre Liaison, Town Centre Warden Representing the Council on Partnership and External Bodies (as required by statute or the Council)
Regeneration Director	Building Control, Culture, Carbon Champion, Cemeteries, Dartford Festival, Development Control, Development Plan, Economic Development, Markets, Museum, Planning Policy, Sports and Leisure Facilities, The Orchard Theatre (as client) Representing the Council on Partnership and External Bodies (as required by statute or the Council)
Project Director	Land and Property Assets, offering valuation advice to the Council
Head of Finance and Resources (and Deputy section 151 Officer)	Audit, Finance, Fraud, Human Resources Insurance, Procurement Management Representing the Council on Partnership and External Bodies (as required by statute or the Council)
Head of Legal Services (and Deputy Monitoring Officer)	Legal Services, Corporate Complaints, Data Protection, Freedom of Information, SPOC

5.2 Statutory Officer roles

POST	DESIGNATION
Managing Director	Head of Paid Service
Managing Director	Chief Finance Officer
Executive Director	Monitoring Officer

5.3 Proper Officer functions

APPOINTMENT
As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution