

DARTFORD

BOROUGH COUNCIL

PART 3

RESPONSIBILITY FOR

FUNCTIONS

Reviewed and amended under delegated authority [GAC 16.07.2012 [Min.No.35]]
Reviewed and amended under the Managing Director's delegated authority – 16 December 2013
Reviewed and amended under the Managing Director's delegated authority – 1 May 2014
Reviewed and amended under the Managing Director's delegated authority – 10 February 2015
Reviewed and amended under the Managing Director's delegated authority – 14 June 2016
Reviewed and amended under the Managing Director's delegated authority – 22 February 2019
Reviewed and amended under the Managing Director's delegated authority – 23 July 2019
Reviewed and amended under the Strategic Director (Internal Services)'s delegated authority – 17 June 2020

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 consideration of a draft strategic policy as set out in the Article 4.01 of this Constitution	Cabinet	Elected members of the Council of the political group(s) on the Council forming the administration	

Function	Decision making body	Membership	Delegation of functions
14. The approval of a strategic policy as set out in Article 4.01 of this Constitution	General Assembly of the Council	Elected members of the Council	
15. Overseeing the Council's treasury management functions (scrutiny function)	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. Development Control Board	Elected members of the Council (politically balanced) of whom no more than one 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
3. Licensing Committee	Elected members of the Council (politically balanced)	To exercise the Council's licensing and registration functions as specified in the Committee'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 Sub-committees	Elected members of the Council taken from membership of the parent Licensing Committee	Functions as specified in the Sub-committees' Terms of Reference in Part 3 to this Constitution	As specified in the Scheme of Delegations to Officers in Part 3 of 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 To discharge the Council's ethical governance duties/standards functions as specified in the Board'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
2. Hearing Panel	Elected members of the Council (politically balanced)	To hear and determine allegations/complaints that Borough Councillors, Parish or Town Councillors or Co-opted Members have failed, or may have failed, to comply with the Code of Conduct and to determine the outcome of complaints in accordance with the adopted 'Arrangements for Dealing with Code of Conduct Breaches' in Part 5 of this Constitution	
3. Statutory Officer Advisory Panel	Elected members of the Council (politically balanced) and where applicable, two independent persons	The interviewing and disciplinary body in relation to Statutory Officers 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	
6. Appeals Panel	Elected members of the Council (politically balanced)	The functions and responsibilities specified in the Appeals Panel's Terms of Reference relating to statutory officer misconduct sanction appeals as set out 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 respectively to 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 and Medway Police and Crime Panel	Cabinet member	Scrutinises the police and crime commissioner, promotes openness in the transaction of police business and supports the police and crime commissioner in the effective exercise of their functions	
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)	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	

and Section 20 Local Government Act 2000)		councils in line with government advice	
---	--	---	--

4.2 (Major Partnerships)	As specified in the Partnerships' Register
4.3 (Minor Partnerships)	As specified in the Partnerships' Register

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		Joint working arrangements for: Environmental Health; Internal Audit and Fraud; and Revenues and Benefits	As specified in a Partnership Working Agreement between the parties As specified in the Scheme of Delegations to Officers in Part 3 of this Constitution

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

5.1 Management Team

Post	Functions and Areas of Responsibility
Managing Director	<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[SM1]</p> <p>Representing the Council on Partnership and External Bodies (as required by statute or the Council)</p>
Strategic Director (Internal Services)	<p>Audit, Building Management (Civic Centre), Civil Protection, Communications, Consultation, Corporate Health and Safety, Corporate Policy, Corporate Support, Customer Services (Contact Centre), Electoral Registration, Engagement, Equalities, Finance, Fraud, Human Resources, Grants, ICT, Internal Drainage Board related matters, Joint Working Arrangements with Sevenoaks District Council (Audit, Benefits, Business Rates, Council Tax, Fraud & Revenues), Markets, Partnerships, Performance Management & Improvement, Procurement Management, Project Delivery, Property Information, Sports Development, Street Naming, Town Centre Liaison & Valuation Services</p> <p>Representing the Council on Partnership and External Bodies (as required by statute or the Council)</p>
Strategic Director (External Services)	<p>Building Control, Carbon Champion, Cemeteries, Choice Based Lettings, Community Safety, CCTV (Monitoring), Development Control, Development Plan, Strategic Emergency Planning Emergency Response, Enforcement and Regulation, Environmental Health, Gambling, Grounds Maintenance, Health and Safety Regulation and Enforcement, Housing (Landlord Function), Housing Policy, Unauthorised Encampments, Licensing, Parking Services (Management), Parks and Open Spaces (including Horticulture), Parks Rangers, Planning Enforcement, Planning Policy, Public Health Aspects (of drainage), Refuse Collection, Recycling, Safeguarding, Strategic Housing (Homelessness and Private Sector Renewal), Street Cleansing & Waste (Refuse Collection)</p> <p>Representing the Council on Partnership and External Bodies (as required by statute or the Council)</p>

5.2 Posts with specific roles and responsibilities

Strategic Director (Internal Services)	Electoral Registration Officer
Electoral Services Manager	Deputy Electoral Registration Officer
Strategic Director (Internal Services)	Returning Officer
Strategic Director (Internal Services)	Senior Information Risk Officer (SIRO)
Head of Legal Services	Deputy Monitoring Officer
Head of Legal Services	Data Protection Officer (DPO)
Head of Legal Services	Senior Responsible Officer (RIPA)
Financial Services Manager	Deputy Section 151 Officer

5.3 Statutory Officer roles

POST	DESIGNATION
Managing Director	Head of Paid Service
Strategic Director (Internal Services)	Chief Finance Officer (Section 151 Officer)
Strategic Director (External Services)	Monitoring Officer

5.4 Proper Officer functions

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