

DARTFORD BOROUGH COUNCIL

CONSTITUTION OF THE COUNCIL

PART 3 RESPONSIBILITY FOR FUNCTIONS

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Constitution/DBC Part 3
Responsibility for Functions 20
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3.1 RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Function	Decision making body	Membership	Delegation of functions
1. 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 on the Council forming the administration	As may be specified in the Scheme of Delegations to Officers
2. 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 on the Council forming the administration	As may be specified in the Scheme of Delegations to Officers
3. Control of pollution (excluding regulatory, consent and enforcement functions), and management of air quality	Cabinet	Elected members of the Council of the political group on the Council forming the administration	As may be specified in the Scheme of Delegations to Officers
4. Service of statutory Nuisance Abatement Notices	Cabinet	Elected members of the Council of the political group on the Council forming the administration	As may be specified in the Scheme of Delegations to Officers
5. Inspection of the Council's area to detect any Statutory Nuisance	Cabinet	Elected members of the Council of the political group on the Council forming the administration	As may be specified in the Scheme of Delegations to Officers
6. 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 on the Council forming the administration	As may be specified in the Scheme of Delegations to Officers
7. Investigation of any complaint as to the existence of a Statutory Nuisance	Cabinet	Elected members of the Council of the political group on the Council forming the administration	As may be specified in the Scheme of Delegations to Officers
8. The consideration of a draft strategic policy/plan as set out in the Article 4.01 of this Constitution	Cabinet	Elected members of the Council of the political group on the Council forming the administration	As may be specified in the Scheme of Delegations to Officers

1. RESPONSIBILITY FOR REGULATORY FUNCTIONS

Committee	Membership	Functions	Delegation of functions
1 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	As may be specified in the Scheme of Delegations to Officers
2. Licensing Committee	Elected members of the Council	Functions relating to licensing as specified in the Committee's Terms of Reference	As may be specified in the Scheme of Delegations to Officers
3. Licensing committees	Sub- Elected members of the Council taken from membership of the parent Licensing Committee	Functions as specified in the Sub-committees' Terms of Reference	As may be specified in the Scheme of Delegations to Officers

2. RESPONSIBILITY FOR NON-EXECUTIVE (CABINET) FUNCTIONS

Decision making body	Membership	Function	Delegation of functions
1.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 may be specified in the Scheme of Delegations to Officers
2. 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	As may be specified in the Scheme of Delegations to Officers

		Board's Terms of Reference. To discharge the Council's ethical governance duties/standards functions as specified in the Board's Terms of Reference	As may be specified in the Scheme of Delegations to Officers
3. Electoral Provisions Sub-committee	Elected members of the Council (politically balanced)	The body making recommendations to the General Assembly of the Council on electoral matters as specified in the Sub-committee's Terms of Reference	As may be specified in the Scheme of Delegations to Officers
4. 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'	As may be specified in the Scheme of Delegations to Officers
5. 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	
6. 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	
7. Treasury Management Panel	Elected members of the Council (politically balanced)	Overseeing the Council's treasury management functions	As may be specified in the Scheme of Delegations to Officers

3. RESPONSIBILITY FOR EXECUTIVE (CABINET) FUNCTIONS

Who is responsible	Membership	Function	Onward limits on Delegations
The Cabinet (collectively sitting as a committee)	Elected members of the Council of the political group on the Council forming the administration	The functions and responsibilities specified in the Cabinet's Terms of Reference and discharge of any function under a local Act other than a non- executive function specified or referred to in regulation 2 or Schedule 1, of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)	No delegations to individual Members
Appeals Panel	Elected members of the Council (politically balanced)	The functions and responsibilities specified in the Appeals Panel's Terms of Reference relating to grants' applications	As may be specified in the Scheme of Delegations to Officers
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	
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	As may be specified in the Scheme of Delegations to Officers
Joint Transportation Board – a non-statutory forum	Elected members of the Council (politically balanced), Kent County Councillors and Parish/Town Council representatives	The functions and responsibilities associated with advising on highways and transportation works etc. as set out in Part 3 of this Constitution	As may be specified in the Scheme of Delegations to Officers
Grants Approval Panel	Elected members of the Council (politically balanced)	The functions and responsibilities specified in the Grants Approval Panel's Terms of Reference relating the consideration, approval or rejection of applications under the Council's Community Grants Scheme as set out in Part 3 of this Constitution	As may be specified in the Scheme of Delegations to Officers
Housing Advisory Board (no-decision – recommending to Cabinet)	Elected members of the Council and members of the former Tenants & Leaseholders Liaison	The functions and responsibilities specified in the Board's Terms of Reference relating to the oversight of and an advisory role on housing related matters as set out in Part 3	As may be specified in the Scheme of Delegations to Officers

	Group and the Residents' Consultation Group		of this Constitution	
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4. JOINT COMMITTEES

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	
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	

5. JOINT ARRANGEMENTS

Joint Arrangements	Membership		Function	Onward limits on Delegations
Joint Transportation Board	Elected members of the Council (politically balanced), Kent County Councillors and Parish/Town Council representatives	A non-statutory forum	The functions and responsibilities associated with advising on highways and transportation works etc.	As may be specified in the Scheme of Delegations to Officers
Sevenoaks District Council and Dartford Borough Council		Partnership Agreement dated 26 May 2022	Joint working arrangements for Internal Audit, Fraud and Revenues and Benefits	See 4.4 below

(MAJOR PARTNERSHIPS)	As specified in the Partnerships' Register
(MINOR PARTNERSHIPS)	As specified in the Partnerships' Register

Delegations to and from other authorities			
Parties to arrangements		Delegations	Onward limits on Delegations
Kent County Council and Dartford Borough Council	Memorandum Understanding of 2/10/2000	Delegation of various powers relating to the enforcement of on-street parking in the Borough of Dartford	As may be specified in the Scheme of Delegations to Officers
Sevenoaks District Council and Dartford Borough Council	Partnership Agreement dated 26 May 2022	Joint working arrangements for Internal Audit, Fraud and Revenues and Benefits	As may be specified in the Scheme of Delegations to Officers

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

7. Leadership Team

Post	Functions and Areas of Responsibility
Chief Officer and Director of Corporate Services	<p>Responsible for Business Continuity, Democratic Services, Elections, Finance, Human Resources, Information Technology, Internal Audit, Legal Services, Revs and Bens and Treasury Management</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>Representing the Council on Partnerships and External Bodies (as required by statute or the Council)</p>
Director of Housing and Public Protection	<p>Responsible for Bereavement Services, Climate Change & Biodiversity, Community Safety, Emergency Planning, Enforcement, Environmental Health, Housing (Landlord Function), Parking Services, Parks, Waste & Recycling and Private Sector & Strategic Housing</p> <p>Representing the Council on Partnership and External Bodies (as required by statute or the Council)</p>
Director of Growth and Community	<p>Responsible for Asset Management, Building Control, Business Support, Communications, Community Development, Corporate Performance, Corporate Policy, Culture, Customer Services, Economic Development, Elders Forum, Emergency Planning, Events, Health, Land Charges, Leisure, Markets, Major Projects, Planning, Property Information/GIS and Youth Council.</p> <p>Representing the Council on Partnership and External Bodies (as required by statute or the Council)</p>

8. Posts with specific roles and responsibilities

Chief Officer and Director of Corporate Services	Electoral Registration Officer
Electoral Services Manager	Deputy Electoral Registration Officer
Chief Officer and Director of Corporate Services	Returning Officer
Chief Officer and Director of Corporate Services	Senior Information Risk Officer (SIRO)
Head of Legal Services	Data Protection Officer (DPO)
Head of Legal Services	Senior Responsible Officer (RIPA)

9. Statutory Officer roles

POST	DESIGNATION
Chief Officer and Director of Corporate Services	Head of Paid Service
Head of Finance	Chief Finance Officer (Section 151 Officer)
Head of Legal Services	Monitoring Officer

10. Proper Officer functions

APPOINTMENTS
As may be specified in the Scheme of Delegations to Officers

3.2 SCHEME OF DELEGATIONS TO OFFICERS

11. SCOPE

1.1 The functions which Dartford Borough Council are responsible for are either executive or non-executive.

Non-executive functions: are those specifically required by statute or designated by the Council i.e. the General Assembly of the Council (GAC) to be non-executive functions. These will be exercised by either the GAC, or by committees, boards, panels appointed by the GAC, or by officers.

Executive functions:

are all those functions which will be exercised by either the Cabinet collectively, or a committee or sub-committee of the Cabinet or by officers.

- 12 This Scheme of Delegations to Officers shall be interpreted in accordance with the relevant provisions of the Local Government Act 2000, in particular Section 13 (functions which are to be the responsibility of the executive) and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
- 13 Any arrangements made by virtue of this Scheme of Delegations are not to prevent the GAC, Cabinet, committee or board by whom the arrangements are made, from exercising those functions.
- 14 This Scheme of Delegations has been approved in its totality by both the GAC and by the Cabinet and no delegation contained within it shall be treated as invalid by reason of it being incorrectly classified as a GAC function instead of a Cabinet function or vice versa.
- 15 This Scheme may be amended from time to time in any manner as is considered appropriate:
 - (1) in relation to Council functions:
 - (a) by the GAC; or
 - (b) by the relevant committee, sub-committee or board insofar as it relates to functions discharged by that committee, sub-committee or board; or
 - (c) by Directors under delegated authority.¹
 - (2) in relation to executive functions:
 - (a) by Cabinet; or
 - (b) by Directors under delegated authority².

12. GENERAL PRINCIPLES

- 16 Under this Scheme, the GAC, in pursuance of powers under Sections 101, 151 and 270 of the Local Government Act 1972 and the Cabinet, in pursuance of powers under Sections 14(3)(b) & (5) of the Local Government Act 2000 and all other powers enabling, delegates to the Directors and service heads, to the extent of their respective powers, the functions referred to in this Scheme at Annexes 1 and 2.
- 17 This Scheme delegates powers and duties within broad functional descriptions and

¹Annual Meeting 25.05.11 Min.No.25 (Managing Director)/Directors – reviewed September 2024

²Cabinet 21.04.11 Min.N o. 167/Directors – reviewed September 2024

includes powers and duties under all legislation present and future within those descriptions and all powers and duties including those relating to the employment of staff incidental to that legislation, as well as authorising the affixing of the Common Seal, the institution, defending or participating in any legal proceedings in any case where such action(s) is necessary, to give effect to decisions of the GAC and the Cabinet or in any case, where it is considered that such action is necessary, to protect the Council's interests.

- 18 This Scheme includes the power for the GAC and the Cabinet to delegate functions to officers of other local authorities and to appoint or designate any officer as an

‘authorised officer’, ‘inspector’, ‘person duly authorised’ or similar, under any of the legislation or functions specified in this Scheme.

- 1.9 All powers delegated under this Scheme shall, so far as the power itself is exercisable by the GAC only under an agency agreement pursuant to Section 101 of the Local Government Act 1972 or by the Cabinet pursuant to Section 19 of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), be exercised in accordance with the terms of such agency agreement.
- 1.10 The action of an officer under a delegated power shall be deemed to be the act of the GAC or the Cabinet (as the case may be).
- 1.11 Nothing in these delegated powers shall restrict the powers or duties placed upon any officer by statute.
- 1.12 The exercise of the powers and functions delegated by this Scheme shall without prejudice to any specific delegation or authorisation set out and subject to any express conditions/exclusions/limitations/notes specified, be taken to include power to do anything incidental or conducive to the discharge of such functions, including administrative and procedural acts, exercising discretion, making determinations and imposing, amending, deleting, revoking, enforcing conditions, limitations, restrictions or other terms on any approval, consent licence, permission or registration.
- 1.13 Any reference to any Act, Rule, Order or Regulation shall be taken as including a reference to that Act, Rule, Order or Regulation as re- enacted replaced or modified from time to time. References to any statutory provision shall include a reference to any subordinate or secondary legislation made under or taking effect under it from time to time.

13. LIMITATIONS

- 1.14 Any exercise of delegated powers under this Scheme or any other scheme of delegation shall comply with:
 - (a) any statutory restrictions;
 - (b) the Constitution;
 - (c) the following Standing Orders:
 - Standing Order 37 - Delegation of Urgent and Routine Matters
 - Standing Order 42 - Disposal of Property
 - Standing Orders 49 - 54 - Access to Information Procedure Rules
 - Standing Order 55 - Motions Affecting Persons Employed by the Council
 - Standing Order 57 – Key Decisions
 - Standing Orders 46 - 47 - Budget and Policy Framework Procedure Rules
 - Standing Orders 59 - 63 - Officer Employment Procedure Rules
 - (d) Contracts Standing Orders;
 - (e) Financial Regulations;
 - (f) the Budget and Policy Framework and any other plans and strategies approved by the GAC or Cabinet;
 - (g) the Employee Code of Conduct, the Member Code of Conduct or such other codes as may be in place from time to time;
 - (h) the Code of Practice on Local Authority Publicity;
 - (i) the agreed arrangements for recording decisions; and
 - (j) any additional conditions imposed either by the GAC, Cabinet or by statute or any statutory code of conduct.
- 1.15 The exercise of the powers delegated under this Scheme or any other scheme of delegation involving the incurring of expenditure, is subject to there being sufficient

approved provision within budgets to cover the expenditure.

- 1.16 Before exercising any delegated powers, consideration shall be given to:
 - (a) human rights implications under the Human Rights Act 1998, to ensure that individual rights and freedoms are consciously balanced with the GAC's and Cabinet's obligations and duties;
 - (b) the public sector equality duty under the Equality Act 2010, to ensure that equality considerations are embedded into day-to-day decision-making.
- 1.17 To ensure that Councillors have adequate opportunity to comment on and be involved in the decision-making process where appropriate, the exercise of delegated powers under this Scheme or pursuant to a GAC or Cabinet resolution, may require that the delegation be exercised in consultation with the Cabinet Chairman or Portfolio Member etc.

14. MATTERS NOT DELEGATED

- 1.18 This Scheme does not delegate any matter:
 - (a) reserved by law or by the Constitution to the GAC or the Cabinet;
 - (b) which may not by law, be delegated to an officer;
 - (c) any matter expressly reserved to a committee, board or panel by the Constitution, Standing Orders or Financial Regulations, or withdrawn from delegation by this Scheme or by a committee, board or panel;
 - (d) any power to make an order for the compulsory acquisition of land;
 - (e) any power to acquire land in advance of requirements;
 - (f) any power to confirm any order, or to issue or grant any permission, consent, licence or other determination, which is the subject of a statutory right of objection that has been duly exercised.

15. DELEGATIONS

- 1.19 For the purposes of this Scheme, the GAC and Cabinet arrange for their respective functions (Annexes 1 and 2) to be discharged by Directors and service heads.
- 1.20 The delegations apply to those functions, which have not, by virtue of the Constitution and/or Standing Orders or any other instrument, been reserved to the GAC or Cabinet and any committees, sub-committees, panels or boards thereof.
- 1.21 Delegations set out in this Scheme are in addition to any delegations referred to in the Constitution and/or Standing Orders.
- 1.22 Directors and service heads are delegated all those powers necessary to act within this Scheme, including the expenditure of money within the financial limits referred to in the Scheme of Delegations to Officers.
- 1.23 Apart from those powers set out in this Scheme which have been generally or specifically delegated to Directors and service heads, any remaining functions which have not been specifically reserved to the GAC, Cabinet or any committees, sub-committees, boards or panels thereof, are delegated to Directors and service heads.
- 1.24 In respect of any matter falling within the parameters of this Scheme, Directors may further delegate to and authorise officers by designation, to exercise any of the powers delegated to them under this Scheme or any other applicable scheme of delegation, in so far as is legally permissible and in so far as not already delegated by virtue of the Constitution and/or Standing Orders. Such further delegations and authorisations shall be recorded in a sub-delegations scheme (the 'Sub-delegations'). Directors may at any time arrange for the transfer/reallocation of functions to, from and within their respective Directorates, as they consider appropriate.

125 Directors may further authorise officers by designation, within their Directorates to exercise any of the powers delegated to them under this Scheme or any other applicable scheme of delegation, in so far as is legally permissible and in so far as not already delegated by virtue of the Constitution and/or Standing Orders. Such further authorisations shall be recorded in the Sub-delegations.

126 All delegated powers shall be exercised in the name of the relevant Director but this
127 shall be without prejudice to the right of an officer to exercise such powers in their name where professional standards so require e.g. the issue of a report on the Council's land transactions by the Council's qualified valuer or the institution of legal proceedings by the Head of Law.

16. Statutory Officers

128 The functions of the Head of Paid Service, Monitoring Officer and Section 151 Officer are set out in Part 2, Article 12 of the Constitution. So far as not specified by legislation, the Head of Paid Service, Monitoring Officer and Section 151 Officer are delegated all powers necessary to carry out their statutory functions.

17. Proper Officer functions

129 Pursuant to Section 270(3) of the Local Government Act 1972, Directors are appointed 'proper officers' as described in specified sections of relevant Acts of Parliament or regulations. Directors may nominate or designate an officer to act as proper officer or deputy proper officer for any specified functions. Any such nomination or designation shall be recorded in the Sub-delegations.

Adopted by Cabinet – 21 April 2011 [Min.No.167]
Adopted at the Annual Meeting – 25 May 2011 [Min.No.25]
Adopted by Cabinet – 7 September 2017 [Min.No.52]
Adopted by the GAC – 20 November 2017 [Min.No.50]
Reviewed under delegated authority- 15 June 2020
Reviewed and adopted by Cabinet -22 July 2021 [Min. No.34]
Reviewed and adopted by the GAC – 26 July 2021[Min.No.37]
Reviewed under delegated authority - 1 April 2023
Reviewed under delegated authority 17 September 2024

18. ANNEX 1: THE DELEGATED FUNCTIONS – GENERAL ASSEMBLY OF THE COUNCIL (GAC)

The Council delegates the following general functions to Directors and service heads to be exercised in respect of non-executive functions of the Council as set out in the Sub-delegations.

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
COUNCIL FUNCTIONS	
Local Authorities (Functions and Responsibilities)(England) Regulations 2000 - Schedule 1 (as amended)	
Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 - licensing functions	As set out in Environmental Health Sub – delegations
Business and Planning Act 2020 – pavement licences	As set out in Licensing and Gambling Sub – delegations
Caravan Sites and Control of Development Act 1990	
Section 1 – institution of legal proceedings	As set out in Legal Services Sub – delegations
Section 3(3) - site licensing	As set out in Housing Solutions & Private Sector Housing Team Sub-delegations
Anti-Social Behaviour Act 2003 - Part 8 (Sections 69, 70, 71 & 74) - high hedges complaints	As set out in Planning Services Sub – delegations
Dangerous Wild Animals Act 1976 – Section 1 - licensing functions	As set out in Environmental Health Sub – delegations
Food Safety Act 1990 - Section 19 – registration & licensing premises	As set out in Environmental Health Sub – delegations
Gambling Act 2005	
Sections 29, 30, 39 and 350 - information exchange, occasional use notices, and disapplication functions	As set out in Licensing and Gambling Sub – delegations
Section 346 - institution of legal proceedings	As set out in Legal Services Sub-delegations
Health Act 2006 – Part 1 Chapter 1 (Sections 6(5), 7(4), 8(4), 10(3), 10(5)), paras 13, 15 & 16 of Schedule 1, & para 1 of Schedule 2 & regulations - enforcement and penalty notices	As set out (as applicable) in: Enforcement Services Sub-delegations Environmental Health Sub-delegations Licensing and Gambling Sub – delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
COUNCIL FUNCTIONS	
Local Authorities (Functions and Responsibilities)(England) Regulations 2000 - Schedule 1 (as amended)	
Health and Safety at Work etc. Act 1974 (functions relating to health and safety at work (to the extent that those functions are discharged otherwise than in the Council's capacity as an employer) & powers of entry	As set out in Environmental Health Sub-delegations
Section 19 – appointment of inspectors	As set out in Environmental Health Sub – delegations
Section 33 - institution of legal proceedings	As set out in Legal Services Sub-delegations
Hedgerow Regulations 1997 – protection of hedgerows	As set out in Planning Services Sub – delegations
Housing Grants, Construction and Regeneration Act 1996 – Section 52(4) – repayment of grants	As set out in Financial Services Sub – delegations
Hypnotism Act 1952	
Sections 2(3) & 3 - Institution of legal proceedings	As set out in Legal Services Sub-delegations
Sections 1 & 2 - licensing hypnotism performances	As set out in Licensing and Gambling Sub – delegations
Licensing Act 2003 – licensing functions	As set out (as applicable) in: Building Control Sub-delegations Environmental Health Sub-delegations Legal Services Sub-delegations Licensing and Gambling Sub – delegations Planning Services Sub-delegations
Local Authorities (Referendums) (Petitions) (England) Regulations 2011 - Regs 4 & 5 – Proper Officer functions	As set out in Electoral Registration Sub-delegations
Local Government Act 1972 – Sections 86 & 91(1) – declaration of casual vacancy & filling inchorate Parish/Town Committee vacancies	As set out in Electoral Registration Sub-delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
COUNCIL FUNCTIONS	
Local Authorities (Functions and Responsibilities)(England) Regulations 2000 - Schedule 1 (as amended)	
Local Government Act 1972 – Sections 112 & 151 - appoint staff & determine the terms and conditions on which they hold office (including procedures for their dismissal)	As set out (as applicable) in: Financial Services Sub-delegations Democratic Services Sub-delegations
Local Government Act 2000 - Section 92 - make payments or provide other benefits in cases of maladministration etc.	As set out in Leadership Team Sub-delegations
Local Government (Miscellaneous Provisions) Act 1976 – Sections 47, 48, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62 & 79 licensing of hackney carriages and private hire vehicles	As set out (as applicable) in: Environmental Health Sub-delegations Licensing and Gambling Sub – delegations
Local Government (Miscellaneous) Provisions Act 1982	
Schedule 4 – institution of legal proceedings	As set out in Legal Services Sub – delegations
Part III & Schedule 4 – licensing of market and street trading	As set out (as applicable) in: Markets Sub – delegations
Sections 2, 4, 13, 14, 15, 16 & 17 – Licensing of sex shops, premises for acupuncture, tattooing, ear-piercing and electrolysis	As set out (as applicable) in: Environmental Health Sub – delegations Licensing and Gambling Sub – delegations
Section 41 – lost & uncollected property	As set out in Building Management Sub-delegations
Localism Act 2011	As set out (as applicable) in: Leadership Team Sub – delegations Democratic Services Sub-delegations Planning Services Sub-delegations
Noise and Statutory Nuisance Act 1993 - Schedule 2 - granting consent for the operation of loudspeakers	As set out in Environmental Health Sub – delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
COUNCIL FUNCTIONS	
Local Authorities (Functions and Responsibilities)(England) Regulations 2000- Schedule 1 (as amended)	
Planning (Hazardous Substances) Act 1990 - Sections 9(1) & 10 – determination of applications for hazardous substances consent, and related powers	As set out in Planning Services Sub – delegations
Planning (Listed Buildings and Conservation Areas) Act 1990 – Sections 3(1), 4(1), 38, 48 & 54 – service of building preservation notices, repairs notices & enforcement notices	As set out in Planning Services Sub – delegations
Planning (Hazardous Substances) Act 1990 - Sections 9(1) & 10 – determination of applications for hazardous substances consent, and related powers	As set out in Planning Services Sub – delegations
Police & Crime Commissioner Elections Regulations 2012 Police & Crime Commissioner Elections Order 2022 – PCC elections	As set out in Electoral Registration Sub – delegations
The Political Parties, Elections and Referendums Act 2000	As set out in Electoral Registration Sub – delegations
Public Health Act 1936 – Section 269(1) – licensing the use of moveable dwellings & camping sites	As set out in Environmental Health Sub – delegations
Representation of the People Act 1983 – Sections 8, 9D, 28(1)(a) & 35(1) – Officer appointments	As set out in Electoral Registration Sub – delegations
Safety of Sports Grounds Act 1975 – dealing with safety certificates	As set out in Environmental Health Sub – delegations
Town and Country Planning Act 1990	
Sections 171E, 187, 187A(9), 187B, - institution of legal proceedings and application for injunction Sections 172, 173A, 183, 187A, 215(1), & 330 – service of enforcement notices & requisition for information	As set out in Legal Services Sub – delegations
Sections 70A, 70C, 106, 171C, 171E, 171BA, 171BB, 172, 172A, 173A, 174, 178, 183(1), 187A, 187B, 191(4), 192(2), 193(7), 196A, 198, 215(1), 219, 225, & 330 – decline to determine application for planning permission, enter into agreement regulating development or use of land, various enforcement functions, preservation of trees, maintenance of land & requisition for information etc.	As set out in Planning Services Sub-delegations
Section 225 – removal or obliteration of placards or posters	As set out in Enforcement Services Sub – delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
COUNCIL FUNCTIONS	
Local Authorities (Functions and Responsibilities)(England) Regulations 2000 - Schedule 1 (as amended)	
Town and Country Planning (General Permitted Development) Order 1995 Town and Country Planning (General Permitted Development) Order 2015 Parts 6, 7, 24 & 31 - make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	As set out in Planning Services Sub-delegations
Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011 Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2017 – establish need or otherwise for EIAs	As set out in Planning Services Sub-delegations
Town and Country Planning (Tree Preservation) Regulations 2012	As set out in Planning Services Sub-delegations
Town & Country Planning (Permission in Principle) (Amendment) Order 2017	As set out in Planning Services Sub-delegations
Town Police Clauses Act 1847	
Section 21 - applications for street parties and processions	As set out in Enforcement Services Sub – delegations
Institution of legal proceedings	As set out in Legal Services Sub – delegations
The relevant Sections of the Act relating to the licensing of Hackney Carriages and Private Hire Vehicles	As set out in Licensing and Gambling Sub-delegations
Voter Identification Regulations 2022 – issue of Voter Authority Certificates	As set out in Electoral Registration Sub-delegations
Zoo Licensing Act 1981 – Section 1 – licensing functions	As set out in Environmental Health Sub – delegations
Other Functions not referred to in regulations or this Schedule	
Any function which is not specified in the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) or any subsequent regulations and this Schedule	Unless retained by the GAC, a committee, board or panel of the GAC

19. ANNEX 2: THE DELEGATED FUNCTIONS – CABINET

The Cabinet delegates the following general functions to Directors and service heads to be exercised in respect of executive functions of the Council as set out in the Sub-delegations:

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000)(as amended)¹	
Accounts and Audit Regulations 2015 - sign statement of accounts	As set out in Finance Sub – delegations
Allotments Acts 1922 – 1950 – enter into agreements	As set out in Waste and Parks Sub – delegations
Animals Act 1971 – removal of horses	As set out in Enforcement Services Sub – delegations
Animal Health Act 1981 – control of animal diseases and welfare of animals	As set out in Enforcement Services Sub – delegations
Animal Welfare Act 2006	
Section 30 – institution of legal proceedings	As set out in Legal Services Sub – delegations
The relevant provisions of the Act relating to the welfare of animals & powers of entry	As set out in Environmental Health Sub – delegations
Anti-Social Behaviour Act 2003	
Institution of legal proceedings	As set out in Legal Services Sub – delegations
Section 14 -- demotion of secure tenancies	As set out in Housing (Landlord Function) Sub-delegations

¹ Any function of a local authority which is not specified in regulations is to be the responsibility of the executive of the authority under executive arrangements

Delegations/Cabinet Delegated Functions

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	

Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000)(as amended)	
Anti-Social Behaviour Act 2003	
Part 6 (Sections 48 – 52 & 68) – issue of defacement remedial notices, fixed penalty notices & high hedge remedial notices & demotion of secure tenancy	As set out (as applicable) in: Enforcement Services Sub – delegations Environmental Health Sub – delegations Housing (Landlord Function) Sub - delegations
Anti-Social Behaviour, Crime and Policing Act 2014	
Institution of legal proceedings	As set out in Legal Services Sub – delegations
Parts 1, 2, 4 & 6 – exercise of certain functions relating to injunctions, criminal behaviour orders, community protection, community remedies & fixed penalty notices	As set out (as applicable) in: Enforcement Services Sub-delegations Environmental Health Sub – delegations Housing (Landlord Function) Sub-delegations Parking Services Sub-delegations
Assets of Community Value (England) Regulations 2012	As set out (as applicable) in: Leadership Team Sub – delegations Legal Services Sub-delegations
Building Act 1984	
Sections 8-11,14- 16,18-33, 35, 36, 47, 50(8), 52(5), 56, 59, 72, 74, 75, 77, 78, 79, 81, 95, 96, 99 & 113 – approve or refuse dispensations, pass, reject or rescind plans, require conformity tests, discharge functions related to initial notices, demolition orders, closure orders & dangerous structures, requisitions for information, obstruction to private sewers & powers of entry	As set out (as applicable) in: Building Control Sub-delegations Environmental Health Sub-delegations Legal Services Sub-delegations
Section 76, Parts II, III & IV - service of statutory notices & discharge of functions listed in 'other provisions about buildings' and 'general'	As set out (as applicable) in: Environmental Health Sub – delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000)(as amended)	
Building (Approved Inspectors etc) Regulations 2010 – Regulations 10, 14, 16, 19 & 22 – functions relating to plans & certificates	As set out in Building Control Sub-delegations
Building (Local Authority Charges) Regulations 2010 – Regulations 3, 4, 6, 7, 8, 11, 12 – functions relating to the Standard Fee Scheme	As set out in Building Control Sub-delegations
Building Regulations 2010 – Regulations 13, 14 15, 16, 17, 18, 29 & 46 - functions relating to plans, building notices, completion certificates, energy ratings, sampling & testing	As set out in Building Control Sub-delegations
Caravan Sites and Control of Development Act 1960	
Section 1 – institution of legal proceedings	As set out in Legal Services Sub – delegations
Functions relating to the control of caravan sites (excluding Section 3(3) (see Council functions)) & powers of entry	As set out in Housing Solutions & Private Sector Housing Team Sub-delegations
Christmas Day (Trading) Act 2004	As set out in Environmental Health Sub – delegations
Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022	As set out in Parking Services Sub – delegations
Civil Procedure Rules – Statement of Truth & offers to settle	As set out in Legal Services Sub – delegations
Clean Air Act 1993	As set out (as applicable) in: Environmental Health Sub – delegations Legal Services Sub – delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000)(as amended)	
Clean Neighbourhoods and Environment Act 2005	
Institution of legal proceedings under relevant Sections of the Act	As set out in Legal Services Sub – delegations
Sections 6(1) (fixed penalty notices), & Parts 3 (Section 18 & 19 – dropping litter offences), 4 (graffiti and defacement) 5 (waste), 7 (noise) &9 (other statutory duties)	As set out (as applicable) in: Enforcement Services Sub – delegations Environmental Health Sub – delegations
Commonhold and Leasehold Reform Act 2002 - functions relating to residential property (Council housing) management	As set out in Housing (Landlord Function) Sub – delegations
Communications Act 2003 - functions relating to requests to remove public pay phones	As set out in Planning Services Sub – delegations
Community Infrastructure Levy Regulations 2010	As set in in Planning Services Sub-delegations
Conservation of Habitat & Species Regulations 2010 – determining Appropriate Assessments	As set in in Planning Services Sub-delegations
Control of Dogs Order 1992	
Article 3 - institution of legal proceedings	As set out in Legal Services Sub – delegations
The relevant Articles of the Order relating to wearing of dog collars & seizure of dogs	As set out in Environmental Health Sub – delegations

Delegations/Cabinet Delegated Functions

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	

Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000)(as amended)	
Control of Horses Act 2015	As set out (as applicable) in: Enforcement Services Sub – delegations Environmental Health Sub – delegations
Control of Pesticides Regulations 1986	As set out in Environmental Health Sub – delegations
Control of Pollution Act 1974	
Section 62 – institution of legal proceedings	As set out in Legal Services Sub – delegations
Section 23 & Part III – functions relating to prohibition of parking to facilitate street cleaning, noise & powers of entry	As set out (as applicable) in: Enforcement Services Sub – delegations Environmental Health Sub – delegations
Control of Pollution (Amendment) Act 1989 - Section 5B(2) – issue of fixed penalty notices	As set out in Enforcement Services Sub – delegations
Council Tax (Administration and Enforcement) Regulations 1992 - Part VI, Regulation 49 – administration and enforcement of Council Tax	As set out (as applicable) in: Finance Sub-delegations Revenues Sub-delegations
Council Tax/Housing Benefit - administration of benefits (including assessment, payments, overpayments, excess payments, subsidy, appeals, civil penalties, administration penalties, discretionary housing payments) Social Security Contributions and Benefits Act 1992 Social Security Administration Act 1992 Social Security (Consequential Provisions) Act 1992 Child Support, Pensions and Social Security Act 2000 Welfare Reform Act 2007 Tribunals, Courts and Enforcement Act 2007 Welfare Reform Act 2012	As set out in Benefits Sub-delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000)(as amended)	
Council Tax Reduction Schemes (Detection of Fraud & Enforcement)(England) Regulations 2013 – Regulation 12 & 13 – issue of civil penalties	As set out in Revenues Sub-delegations
Countryside and Rights of Way Act 2000	As set out in Environmental Health Sub – delegations
County of Kent Act 1981	
Sections 18, 30(3) (4) & (5) & Section 80 – issue of notices for renumbering and renaming streets and properties and brown tail moth	As set out (as applicable) in: Environmental Health Sub – delegations Legal Services Sub-delegations Property Information Sub-delegations
Sections 53 - access for Fire Services	As set out in Building Control Sub-delegations
Criminal Justice and Public Order Act 1994 – Sections 77 & 78 – enforcement functions relating to unauthorised campers on land & powers of entry	As set out in Enforcement Services Sub – delegations
Dangerous Dogs Act 1991	
Section 3 - institution of legal proceedings	As set out in Legal Services Sub-delegations
Sections 3, 4 & 5 – functions relating to keeping dogs under control, disqualification and destructions orders & powers of entry	As set out in Environmental Health Sub – delegations
Dangerous Wild Animals Act 1976 – discharge of functions (other than Section 1 - see Council delegations)	As set out in Environmental Health Sub – delegations
Data Protection Act 2018 and UK GDPR	As set out in Leadership Team Sub – delegations As set out in Legal Services Sub-delegations
Dogs Act 1871 – laying a civil complaint in the Magistrates' Court for dog destruction	As set out in Legal Services Sub-delegations

Delegations/Cabinet Delegated Functions

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000)(as amended)	
Dogs (Fouling Of Land) Act 1996 – Borough of Dartford Dogs (Fouling of Land) Order 1998	<p>As set out (as applicable) in:</p> <p>Environmental Health Sub – delegations</p> <p>Enforcement Services Sub-Delegations</p> <p>Legal Services Sub-delegations</p> <p>Waste and Recycling Sub-delegations</p>
Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020	<p>As set out Housing Solutions & Private Sector Housing Team Sub-delegations</p>
Energy Efficiency (Private Rented Property)(England & Wales) Regulations 2015	<p>As set out Housing Solutions & Private Sector Housing Team Sub-delegations</p>
Enforcement of Parking Contraventions (England) General Regulations 2007 – functions detailed in the Agency Agreement for the Enforcement of Parking Control	<p>As set out in Parking Services Sub – delegations</p>
Environment Act 1995 – Section 108 & Parts IV & V – air quality functions & powers of entry	<p>As set out (as applicable) in:</p> <p>Enforcement Services Sub – delegations</p> <p>Environmental Health Sub – delegations</p>
Sections 46(3), 47(2), 59, 92, 93, 94 – functions relating to commercial and industrial waste, litter abatement, clearing notices, litter control notices & issue of fixed penalty notices	<p>As set out in Waste and Parks Sub – delegations</p>
Sections 33, 34A(2), 47(2), 47ZA(2), 59, 71, 88, 92, 93, 94, 94A(2), 149(1), Schedules 3 & 3(A) & parts I, IIA, III & VI - pollution control, contaminated land, statutory nuisances, stray dogs, fixed penalty notices & powers of entry	<p>As set out (as applicable) in:</p> <p>Enforcement Services Sub – delegations</p> <p>Environmental Health Sub – delegations</p>
Environmental Damage (Prevention And Remediation) (England) Regulations 2015	<p>As set out in Environmental Health Sub – delegations</p>

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000)(as amended)	
Environment Protection Act 1990 - Sections 23, 24, 33, 34, 78M, 78M(5), 80, 81(5), 87, 88, 92, 92C, 93, 94A(2) – institution of legal proceedings	As set out (as applicable) in: Environmental Health Sub – delegations Legal Services Sub-delegations Waste & Recycling Sub-delegations
Food and Environment Protection Act 1985	
Section 21 - institution of legal proceedings (pesticides & contamination of food)	As set out in Legal Services Sub-delegations
The relevant Sections of the Act relating to powers of entry and enforcement (pesticides & contamination of food)	As set out in Environmental Health Sub – delegations
Food Information Regulations 2014	As set out in Environmental Health Sub – delegations
Food Safety Act 1990	
Parts II & III - institution of legal proceedings	As set out in Legal Services Sub-delegations
The relevant Sections of the Act relating to the enforcement of food safety functions (excluding Section 19 (see Council functions)) & powers of entry	As set out in Environmental Health Sub – delegations
Food Safety and Hygiene (England) Regulations 2013	
The relevant regulations relating to the institution of legal proceedings	As set out in Legal Services Sub-delegations
The relevant Sections of the Act relating to the issue of notices & orders, procuring samples & powers of entry	As set out in Environmental Health Sub – delegations
Freedom of Information Act 2000 – qualified person	As set out (as applicable) in: Leadership Team Sub-delegations Legal Services Sub-delegations Monitoring Officer Sub-delegations
General Food Regulations 2004	As set out in Environmental Health Sub – delegations

Delegations/Cabinet Delegated Functions

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000)(as amended)	
Guard Dogs Act 1975 – functions relating to the licensing of guard dogs	As set out in Environmental Health Sub – delegations
Health Act 2006 - Part 1 Chapter 1 – enforcement & issue of fixed penalty notices	As set out in Enforcement Services Sub – delegations
Health and Social Care Act 2012	As set out in Environmental Health Sub – delegations
Homelessness Reduction Act 2017	As set out in Housing Solutions & Private Sector Housing Team Sub – delegations
Housing Act 1985	
Sections 82A, 140, 141 & 154(2) – institution of legal proceedings	As set out in Legal Services Sub-delegations
Schedule 16 – adjustment of mortgage interest rates	As set out in Finance Sub-delegations
Parts II, III, IV, V, VI, X & XI - provision of housing accommodation, housing the homeless, functions relating to secure tenancies, right to buy, repair notices, HMOs & powers of entry	As set out (as applicable) in: Housing (Landlord Function) Sub – delegations Housing Solutions & Private Sector Housing Team Sub-delegations
Housing Act 1996	
Sections 127, 128, 143D, 143E, 153A – 153E – institution of legal proceedings and application for injunction	As set out in Legal Services Sub-delegations
Sections 153(A), (C & (E) & Parts VI & VII – introductory & demoted tenancies, allocation of Council properties and garages	As set out in Housing (Landlord Function) Sub – delegations
Housing Act 2004 – functions relating to housing conditions, issue of licences for HMOs, service of orders & notices, institution of legal proceedings & powers of entry	As set out (as applicable) in: Legal Services Sub-delegations Housing (Landlord Function) Sub-delegations Housing Solutions & Private Sector Housing Team Sub-delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000)(as amended)	
Housing and Planning Act 2016 – Section 172 – compulsory acquisition and surveys of land etc.	As set out in Land and Property Assets Sub – delegations
Housing Grants Construction and Planning Services Act 1996 – Part I – improvements and repairs grants	As set out in Housing Options & Private Sector Housing Team Sub-delegations
Land Compensation Act 1961 – Section 17 – certificates of appropriate alternative development	As set out in Planning Services Sub – delegations
Land Compensation Act 1973	
Sections 29 & 37 - compensation and disturbance payments	As set out (as applicable) in: Land and Property Assets Sub – delegations Legal Services Sub-delegations
Section 29 - discretionary payments for displacement of Council tenant	As set out in Housing (Landlord Function) Sub – delegations
Land Drainage Act 1991 - Section 25 – maintaining watercourse flows	As set out in Environmental Health Sub – delegations
Landlord and Tenant Acts and Agricultural Holdings and Related Acts – settlement of claims	As set out in Land and Property Assets Sub – delegations
Law of Property Act 1925 – Section 146 – rights of entry or forfeiture	As set out (as applicable) in: Legal Services Sub-delegations
Leasehold Reform, Housing and Urban Development Act 1993 – Sections 1, 56, 69, 76 & 108 – grant of freeholds & long leases to qualifying tenants, agreements for estate management schemes & rent to mortgage	As set out in Housing (Landlord Function) Sub – delegations
Licensing Act 2003	As set out in Land & Property Sub-delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000)(as amended)	
Licensing and Management of Houses in Multiple Occupation and Other House (Miscellaneous Provisions) Regulations 2006	As set out in Housing Options & Private Sector Housing Team Sub-delegations
Local Authorities' Cemeteries Order 1977 – functions relating to the management of cemeteries	As set out in Cemeteries Sub-delegations
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 – access to information (public meetings)	As set out (as applicable) in Leadership Team Sub – delegations Democratic Services Sub – delegations
Local Authorities (Goods and Services) Act 1970 - Functions relating to the supply of goods and services & the carrying out of suitable work for public bodies	As set out (as applicable) in: Leadership Team Sub-delegations Land and Property Assets Sub – delegations
Local Authorities (Standing Orders) Regulations 2001 (as amended) – proper officer appointment	As set out in Human Resources Sub-delegations
Local Government Act 1972	
Sections 83(1), 96(1), 96(2), 115(2), 123, 146(1), 214, 222, 223 & 237 – appointed officer functions, issue of open space land disposal notices, deeds of grant for exclusive rights of burial, application for injunctions, institution of legal proceedings for breach of byelaws & dealing with RIPA applications	As set out (as applicable) in: Enforcement Services Sub – delegations Environmental Health Sub - delegations Financial Services Sub-delegations Legal Services Sub-delegations Democratic Services Sub-delegations Monitoring Officer Sub-delegations
Sections 138 & 222 – incur expenditure & grant loans & apply for injunctions	As set out in Leadership Team Sub-delegations
Local Government Act 2003	As set out in Environmental Health Sub – delegations
Local Government and Housing Act 1989	
Sections 119(8) & 164 – determine right to buy applications & repayments of grants & exemptions from politically restricted posts	As set out (as applicable) in: Leadership Team Sub-delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000)(as amended)	
Local Government Finance Act 1988 – Sections 89 & 120 – functions relating to the collection fund & refund of overpayments	As set out (as applicable) in: Finance Sub-delegations Revenues Sub-delegations
Local Government Finance Act 1992 – write-offs and institution of winding up/bankruptcy proceedings and administration of the prescribed (pension age) and local (working age) Council Tax Reduction Scheme	As set out in: Benefits Sub-delegations Finance Sub-delegations
Local Government Finance Act 2012 – administration of the prescribed (pension age) and local (working age) Council Tax Reduction Scheme	As set out in Benefits Sub-delegations
Local Government (Miscellaneous Provisions) Act 1976	
Sections 23, 16, 33 & 35 – dangerous trees, requisitions for information & removal of obstructions from private sewers & restoration of continuation of supply of water, gas & electricity	As set out in: Environmental Health Sub – delegations Housing Solutions & Private Sector Housing Team Sub-delegations Waste and Parks Sub-delegations
Local Government (Miscellaneous Provisions) Act 1976	
Sections 16 & 20 & Part II –institution of legal proceedings Section 41 – lost & uncollected property	As set out in: Building Management sub-delegations Legal Services Sub – delegations

Delegations/Cabinet Delegated Functions

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000)(as amended)	
Local Government (Miscellaneous Provisions) Act 1976	
Sections 16, 33, 68 & remaining Sections of Part II (excluding Sections 47, 48, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62 & 79 – (see Council functions)), requisitions for information, restoration or continuation of supply of water, gas and electricity	As set out (as applicable) in: Environmental Health Sub - delegations Licensing and Gambling Sub – delegations Housing Solutions & Private Sector Housing Team Sub- delegations
Local Government (Miscellaneous) Provisions Act 1982	
Part VIII – institution of legal proceedings	As set out in Legal Services Sub – delegations
Sections 29 & 41 & Parts IV & VIII– issue of notices for lost & uncollected property on Council premises, functions related to control of refreshment premises, acupuncture, tattooing, ear-piercing and electrolysis & powers of entry	As set out (as applicable) in: Building Management Sub - delegations Environmental Health Sub - delegations Housing (Landlord Function) Sub – delegations
Local Government Act 2000 – Sections 2 & 19 &scrutiny reports	As set out (as applicable) in: Leadership Team Sub- delegations Democratic Services Sub-delegations
Local Land Charges Act 1975, Local land Charges Rules 1977 & Local Authorities (England) (Charges for Property Searches) Regulations 2008	As set out in Land Charges Sub-delegations
Mobile Homes (Requirement For Manager Of Site To Be Fit And Proper Person) (England) Regulations 2020	As set out in Housing Solutions and Private Sector Housing Sub- delegations
Money Laundering Regulations 2007 – appointed officers	As set out in Financial Services Sub-delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000(as amended)	
Neighbourhood Planning (General) Regulations 2012 – Regulations 5A, 6,7,14-19	As set out in Planning Services Sub-delegations
Noise Act 1996	
Section 4 - institution of legal proceedings	As set out in Legal Services Sub – delegations
The relevant Sections of the Act relating to the control of noise emitted from dwellings at night & forfeiture and confiscation of equipment & powers of entry	As set out (as applicable) in: Environmental Health Sub - delegations Licensing and Gambling Sub – delegations
Noise and Statutory Nuisance Act 1993	
Sections 3 & 5 - institution of legal proceedings	As set out in Legal Services Sub – delegations
Schedule 3 and other relevant Sections of the Act relating to loudspeaker noise in streets (excluding Schedule 2 (see Council functions)) & powers of entry	As set out in Environmental Health Sub – delegations
Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 - write off of debts	As set out (as applicable) in: Finance Sub – delegations Revenues Sub-delegations
Non-Domestic Rating (Collection and Enforcement) (Local Lists) (Amendment & Miscellaneous Provisions) Regulations 1991 (as amended)	As set out in Revenues Sub – delegations
Non-Domestic Rating (Payment of Interest) Regulations 1990) – write off of debts	As set out (as applicable) in: Finance Sub – delegations Revenues Sub-delegations
Official Feed And Food Controls (England) Regulations 2009	As set out in Environmental Health Sub – delegations

Delegations/Cabinet Delegated Functions

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000)(as amended)	
Pesticides Act 1998 – enforcement of pesticide control measures	As set out in Environmental Health Sub – delegations
Planning Act 2008	As set out in Planning Services Sub-delegations
Planning Hazardous Substances) Act 1990 & Planning (Hazardous Substances) Regulations 2015	
Sections 23, 24, 24A, 24(8), 26AA & 36B - institution of legal proceedings	As set out in Legal Services Sub – delegations
Relevant Sections of the Act relating to enforcement & powers of entry (excluding Sections 9(1) & 10 (see Council functions))	As set out in Planning Services Sub – delegations
Planning (Hazardous Substances) Regulations 2015 – powers of entry	As set out in Planning Services Sub – delegations
Planning (Listed Buildings and Conservation Areas) Act 1990 – Sections 9, 39, 43, 74 & 88 – functions relating to legal proceedings, enforcement notices, conservation area consents & powers of entry	As set out in Planning Services Sub – delegations
Plant Protection Products (Sustainable Use) Regulations 2012	As set out in Environmental Health Sub – delegations
Poisons Act 1972	As set out in Environmental Health Sub – delegations
Police & Criminal Evidence Act 1984	As set out in Environmental Health Sub – delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000(as amended)	
Police Reform & Social Responsibility Act 2011 – Part 2	As set out in Licensing & Gambling Sub – delegations
Pollution Prevention and Control Act 1990 – issue permits & powers of entry	As set out in Environmental Health Sub – delegations
Prevention of Damage by Pests Act 1949	
Sections 4, 5 & 9 – service of statutory notices and functions relating to carrying out works in default & powers of entry	As set out in Environmental Health Sub – delegations
Section 26 - institution of legal proceedings	As set out in Legal Services Sub – delegations
Prevention of Social Housing Fraud Act 2013 – Regulation 4 and power to prosecute for unlawful subletting of Council secure tenancies and assured tenancies of social landlords, including recovery of Unlawful Profit Orders	As set out (As applicable) in: Housing (Landlord Function) Sub-delegations Legal Services Sub – delegations
Protection from Eviction Act 1977	As set out in Housing Solutions & Private Sector Housing Team Sub-delegations
Public Health Acts (Amendment) Act 1907 - Section 31 – issue of notices for fencing lands adjoining streets	As set out (as applicable) in: Enforcement Services Sub – delegations Environmental Health Sub –delegations
Public Health Act 1925 - Section 17 – street naming functions	As set out in Property Information Sub – delegations
Public Health Act 1936	
Sections 45, 50, 51, 52, 83 – institute legal proceedings	As set out in Legal Services Sub-delegations
Section 50 – overflowing and leaking cesspools	As set out in Environmental Health Sub-delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000(as amended)	
Public Health Act 1936	
The relevant Sections of the Act relating to the Council's public health functions (excluding Section 269(1) (see Council functions)) & powers of entry	As set out in Environmental Health Sub – delegations
Public Health Act 1961	
Section 17 – repair of drains and remedy stopped up drains	As set out in: Environmental Health Sub-delegations
The relevant Sections of the Act relating to the Council's public health functions	As set out in Environmental Health Sub – delegations
Public Health (Control of Disease) Act 1984	
Part IIA – Applying for Orders, institution of legal proceedings, functions relating to control of diseases, disposal of dead bodies, canal boats & general and miscellaneous functions & powers of entry	As set out (as applicable) in; Cemeteries Sub – delegations Environmental Health Sub - delegations Legal Services Sub – delegations
Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 - enforcement	As set out in Housing Solutions & Private Sector Housing Sub – delegations
Refuse Disposal (Amenity) Act 1978	
Sections 2(A)(1) and other relevant Sections of the Act – issue of notices for removal of vehicles and functions relating to abandoned vehicles and refuse, issue of fixed penalty notices & powers of entry	As set out (as applicable) in: Enforcement Services Sub-delegations Housing (Landlord Function) Sub – delegations Waste and Recycling Sub – delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000)(as amended)	
Regulation of Investigatory Powers Act 2000 – Sections 28 & 29 – authorise covert surveillance operations & use of CHIS	As set out in Leadership Team Sub-delegations
Regulation of Investigatory Powers (Communications Data) Order 2010 – obtaining postal & telecommunications data to prevent crime & disorder	As set out in Leadership Team Sub – delegations
Regulatory Reform (Housing Assistance) Order 2002 – grants' application functions	As set out in Housing Solutions & Private Sector Housing Team Sub-delegations
Representation of the People (England and Wales) Regulations 2001 - Regulation 23 – institution of legal proceedings for failure to register	As set out in Legal Services Sub – delegations
Road Traffic Regulation Act 1984 & Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 – making road traffic orders and institution of legal proceedings for on-street & off street parking offences	As set out (as applicable) in: Legal Services Sub – delegations Planning Services Sub-delegations
Safety of Sports Grounds Act 1975 (other than dealing with safety certificates – see Council functions)	As set out in Environmental Health Sub – delegations
Scrap Metal Dealers Act 2013	As set out in Licensing Sub – delegations
Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994 – determination of applications from tenants	As set out in Housing (Landlord Function) Sub – delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000)(as amended)	
Smoke and Carbon Monoxide Alarm (England) Regulations 2015	As set out in Housing Solutions & Private sector Housing Team Sub – delegations
Sunbeds (Regulation) Act 2010	
Section 7 – enforcement functions relating to the use or supply of tanning devices that use artificial ultra-violet radiation; and for connected purposes & powers of entry	As set out in Environmental Health Sub – delegations
Section 8 – institution of legal proceedings	As set out in Legal Services Sub – delegations
Sunday Trading Act 1994	
Schedules 1, 2 & 3 - functions relating to regulating shop opening hours and ancillary matters, powers of entry & institution of legal proceedings	As set out in: Environmental Health Sub – delegations Legal Services Sub – delegations
Town and Country Planning Act 1990 – Section 225 – removal of illegal placards or posters Sections 288 and 325 – statutory review and notice of intended entry	As set out in: Legal Services Sub-Delegations Planning Services Sub-delegations
Town and Country Planning (Control of Advertisements) (England) Regulations 2007	As set out in Planning Services Sub-delegations
Town and Country Planning (Environmental Impact Assessment) Regulations 2011	As set out in Planning Services Sub-delegations
Town and Country Planning (Environmental Impact Assessment) Regulations 2017	As set out in Planning Services Sub-delegations
Town Police Clauses Act 1847 – Section 21 – applications for street parties & processions	As set out in Enforcement Sub – delegations
Trade In Animal And Related Products Regulations 2011	As set out in Environmental Health Sub – delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
CABINET FUNCTIONS	
Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) & Section 13(2) Local Government Act 2000)(as amended)	
Traffic Management Act 2004 – Dartford Borough Council (Off Street Parking Places) (Amendment No.1 Order) 2020 issue of fixed penalty notices, enforcement and administration of parking schemes within the Borough	As set out in Parking Services Sub – delegations
Traffic Management Act 2004	
Part 6 - proceedings in relation to moving traffic offences.	As set out in Legal Services Sub – delegations
Tribunals, Courts & Enforcement Act 2007 – Schedule 12 – taking control of goods to recover unpaid sums	As set out in Revenues Sub-delegations
Value Added Tax Act 1994 – Schedule 10 – opt to tax land	As set out in Finance Team Sub - delegations
Water Industry Act 1991 - Sections 77, 78, 79, 80, 82 & 85 – functions relating to the sampling of water supplies, service of notices and requisitions for information & powers of entry	As set out in Environmental Health Sub – delegations
Water Resources Act 1991	As set out in Environmental Health Sub – delegations
Wildlife and Countryside Act 1981	As set out in Environmental Health Sub – delegations
Zoo Licensing Act 1981 – powers of entry	As set out in Environmental Health Sub – delegations

Placing of staff at disposal of other authorities - enter into agreements with other local authorities for the placing of staff at the disposal of those other authorities in relation to Cabinet functions	As set out in Leadership Team Sub-delegations
Other Functions not referred to in regulations or this Schedule	
Any function which is not specified in the Local Authorities (Functions and Responsibilities (England) Regulations 2000 (as amended) or any subsequent regulations and this Schedule	To Cabinet or, a committee, board or panel of Cabinet

Delegations/Cabinet Delegated Functions