

# **DARTFORD**

## **BOROUGH COUNCIL**

CONSTITUTION OF THE COUNCIL

**PART 5 TERMS OF REFERENCES**

## Contents

PART 5 TERMS OF REFERENCES .....	1
1. GENERAL ASSEMBLY OF THE COUNCIL (GAC or COUNCIL) .....	3
2. CABINET .....	11
3. CABINET ADVISORY PANELS .....	19
4. OVERVIEW & SCRUTINY COMMITTEE .....	20
5. CRIME AND DISORDER (OVERVIEW AND SCRUTINY) COMMITTEE .....	25
6. AUDIT BOARD .....	27
7. HEARING PANEL .....	33
8. TREASURY MANAGEMENT PANEL .....	34
9. DEVELOPMENT CONTROL BOARD .....	35
10. LICENSING COMMITTEE .....	40
11. LICENSING SUB-COMMITTEE .....	47
11. APPEALS PANEL .....	52
12. JOINT TRANSPORTATION BOARD .....	53
13. STATUTORY OFFICER ADVISORY PANEL .....	55
14. INDEPENDENT REMUNERATION PANEL .....	57
15. ELECTORAL PROVISIONS SUB-COMMITTEE .....	59
16. DEED, TRUST AND OBLIGATIONS COMMITTEE .....	60

## STANDING COMMITTEES, BOARDS AND PANELS OF THE COUNCIL

### 1. GENERAL ASSEMBLY OF THE COUNCIL (GAC or COUNCIL)

#### TERMS OF REFERENCE:

1. In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 - Schedule 1 (as amended)<sup>1</sup> to exercise the following functions unless delegated to a Committee, Board or Panel or Officer under the Scheme of Delegations to Officers:

(1)	(2)
<i>Function</i>	<i>Provision of Act or Statutory Instrument</i>
<b>A. Functions relating to health and safety at work</b>	
Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974.
<b>B. Functions relating to elections</b>	
1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983.

---

<sup>1</sup> As at 28 March 2023

2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
3. Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.
4. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
7. Duty to divide constituency into polling districts.	Sections 18A to 18E of, and Schedule A1 to, the Representation of the People Act 1983.
8. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
9. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
10. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.

11. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
12. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
13. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
14. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.
15. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000.
16. Duty to consult on change of scheme for elections.	Sections 33(2), 38 (2) and 40(2) of the 2007 Act.
17. Duties relating to publicity.	Sections 35, 41 and 52 of the 2007 Act.
18. Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the 2007 Act.
19. Power to alter years of ordinary elections of parish councillors.	Section 53 of the 2007 Act.
20. Functions relating to change of name of electoral area.	Section 59 of the 2007 Act.

<b>C. Functions relating to name and status of areas and individuals</b>	
1. Power to change the name of the Borough.	Section 74 of the Local Government Act 1972.
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972.
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
4. Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.
<b>D. Functions relating to community governance</b>	
1. Duties relating to community governance reviews.	Section 79 of the Local Government and Public Involvement in Health Act 2007 2007 Act.
2. Functions relating to community governance petitions.	Sections 80, 83 to 85 of the 2007 Act.
3. Functions relating to terms of reference of review.	Sections 81(4) to (6).
4. Power to undertake a community governance review.	Section 82 of the 2007 Act.
5. Functions relating to making of recommendations.	Sections 87 to 92 of the 2007 Act.

6. Duties when undertaking review.	Section 93 to 95 of the 2007 Act.
7. Duty to publicise outcome of review.	Section 96 of the 2007 Act.
8. Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the 2007 Act.
9. Power to make agreements about incidental matters.	Section 99 of the 2007 Act.
<b>E. Power to make, amend, revoke, re-enact or enforce byelaws.</b>	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978.
<b>F. Power to promote or oppose local or personal Bills.</b>	Section 239 of the Local Government Act 1972.
<b>G. Functions relating to pensions etc.</b>	
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972.
<b>H. Policy Framework - Statutory Plans</b>  <i>The Cabinet may formulate the following plans, strategies etc. for approval by the GAC</i>	See Article <a href="#">4.01 of the Constitution</a>
<b>I. Miscellaneous functions</b>	

<b>Part I: functions relating to public rights of way etc.</b>	
1. Power to create footpath, bridleway or restricted byway by agreement.	Section 25 of the Highways Act 1980.
3. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981.
4. Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.	Section 257 of the Town and Country Planning Act 1990.
5. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
<b>Part II: Staff</b>	
1. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972.
2. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.
3. Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972.



4. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989.
5. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
6. Duty to provide staff, etc. to person nominated by monitoring officer.	Sections 82A(4) and (5) of the Local Government Act 2000.
<b>Part III: Procedural/Regulatory</b>	
1. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.
2. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
3. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 2015.
4. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.
5. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001.
<b>Part IV: Other</b>	

1. To deal with all local choice functions set out in Part 3 of the Constitution which the GAC decides should be undertaken by it rather than by Cabinet	
2. To deal with all other matters which, by law, must be reserved to the GAC	
3. To respond to discussion/consultation papers in accordance with the Consultation/Discussion Papers Protocol	

## **2. CABINET**

**(To comprise of a minimum of 3 and maximum of 10 Members notified by the Leader of the Council)**

### **TERMS OF REFERENCE:**

In these Terms of Reference:

The “process of policy formulation” means:

- a. The Cabinet proposes the budget (including the allocations to different services and projects, proposed taxation levels and contingency funds) or proposes plans/strategies/arrangements (the policy framework) to the Council for adoption (with or without modifications/amendments);
- b. The GAC then either agrees the draft policy or overall budget envelope or may amend the draft policy or overall budget and tax levels in those respects in which the GAC is unhappy overall.
- c. The Cabinet is responsible for any consultation required or necessary with the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee, local partners and other stakeholders in developing the budget and formulating policy.

‘Overview and Scrutiny Committees’ means the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee.

1. To be responsible for the discharge of executive functions and to exercise all the Council's functions which are not the responsibility of any other part of the Council, by law or under the Constitution.
2. To exercise and undertake (or as the Cabinet may determine), the functions of the Council which;
  - a. are not specifically reserved to the GAC by regulations or otherwise specified

as being functions which the GAC must determine;

- b. the GAC has discretion on (i.e. may exercise the function(s) itself or delegate it), but chooses not to carry out the function(s);
- c. are not delegated by the GAC to another Committee, Board, Panel or Officer pursuant to section 101 of the Local Government Act 1972;
- d. are not listed in these Terms of Reference as being matters on which the Cabinet makes recommendations to the GAC;
- e. are not exercised in a way, which breaches or has the effect of breaching plans, strategies and policies approved by the GAC.

### **3. The Leadership Role**

- a. Lead and co-ordinate the community planning process;
- b. Lead and co-ordinate the preparation of statutory and non-statutory plans and strategies;
- c. Consult on and draw up the annual budget, including capital plans;
- d. Take decisions on resources and priorities to deliver the strategies within budgets approved by the Council, consulting with other Councillors and stakeholders in the local community as necessary;
- e. Be the focus for forming partnerships with other agencies and the business and voluntary sectors locally to address local needs.

### **4. The Policy Framework**

- a. Be responsible for effective implementation of Council policy and delivering services in line with the approved budget, policy framework and Financial Regulations.
- b. Respond to any recommendation(s) made by the Overview and Scrutiny Committees.

c. *In-Year Amendments*

The GAC may at the same time as approving/adopting a policy, agree which elements of the policy the Cabinet will have the freedom to amend.

- d. Where appropriate, seek advice from the Overview and Scrutiny Committee or from the GAC before taking a major decision even if it lies within the Council's agreed policy and budget frameworks and has been allowed for in the budget.
- e. Shape its proposals in the light of the views of the community, other local stakeholders, including potential partners/Tenants Participation Compact and the representations of Councillors outside the Cabinet.
- f. To refer work items to the Overview and Scrutiny Committees as and when necessary.
- g. To receive recommendations from the Overview and Scrutiny Committees.

**5. Local Plan and Planning Policy**

- a. Responsible for formulating the Local Development Scheme (Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended); Local Development Documents in accordance with the Town and Country Planning (Local Planning)(England) Regulations 2012 and the Community Infrastructure Levy in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and effecting the necessary consultations with stakeholders, as appropriate.

*NB The approval of Development Plan Documents (Regulation 19 of the Town and Country Planning (Local Planning)(England) Regulations 2012)) from publication stage onwards, is a decision of GAC and not the Cabinet*

- b. Subject to the process of policy formulation, recommend to the GAC for approval/adoption, statutory and other plans (refer to the GAC Terms of Reference).
- c. Expand the Council's policy framework by deciding that other plans and strategies (statutory and non-statutory) and policies be adopted by the GAC.

*NB: If the Cabinet is minded to determine a matter not in accordance with the policies adopted by the Council (a departure decision) that decision MUST be taken by the Council unless it is an urgent departure decision taken in accordance with Standing Order 46(4). Any modifications to the plans, strategies or arrangements must be adopted (with or without amendments) by the Council unless the Council at the time of adopting/approving the plans, strategies or arrangements has delegated to the Cabinet the authority to make in-year amendments to the plan, strategy or arrangement in question.*

- d. Responsible for all the steps leading up to the adoption by the GAC, of plans and strategies.
- e. To approve other plans, strategies and policies, which are not required by, law to be approved/adopted by the GAC.

## **6. Plans requiring Secretary of State Approval**

Responsible for the preparation of draft plans and ancillary documents and/or the formulation of arrangements for submission to the Council for adoption prior to being submitted to the relevant Secretary of State for approval as required from time to time.

*NB: The Cabinet is responsible for amending such plan or strategy as required by the Minister from whom approval is required and the GAC shall formally adopt the final, approved version of the plan prior to implementation*

## **7. Budget Framework**

- a. Responsible for all the steps leading up to the adoption by the Council of the overall budget framework and taxation levels (Local Government Finance Act 1992).
- b. In developing the budget, responsible for any consultation required or necessary with the Overview and Scrutiny Committee.

## **8. Economic, Environmental and Social Well-being of the Borough**

Receive recommendations from the Overview and Scrutiny Committees in relation to matters which are not the direct responsibility of the Council, but which affect the economic, environmental and social well-being of the Borough of Dartford.

## **9. Residual Planning Functions**

- a. To recommend to the GAC the making of Compulsory Purchase Orders.
- b. To receive recommendations from the Development Control Board on designation of conservation areas and to determine accordingly.
- c. To establish nature reserves under Part VII of the Environmental Protection Act 1990.
- d. To be responsible for the removal of permitted development rights through Article 4 Directions.

*NB: The Cabinet may require information as to interests into land but only where this is preliminary to the exercise of powers to make Compulsory Purchase Orders.*

- e. To oversee all procedural steps relating to the preparation of a Neighbourhood Development Plan (Part 5, the Neighbourhood Planning (General) Regulations 2012) and to consider what actions to take in response to an examiner's recommendations in respect of Neighbourhood Development Plans (Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended)).

*NB The decision to make or refuse to make a Neighbourhood Development Plan (Section 38A(4) of the Planning and Compulsory Purchase Act 2004(as amended)) is a decision of GAC and not the Cabinet*

- f. To adopt, revise and revoke Local Development Orders under Section 61A of the Town and Country Planning Act 1990 (as amended) and to oversee all procedural steps including local consultation.
- g. To oversee all procedural steps relating to the preparation of Neighbourhood Development Orders and Community Right to Build Orders (Part 6, the Neighbourhood Planning (General) Regulations 2012.

- h. To make decisions about a proposed Neighbourhood Development Order or Community Right to Build Order following receipt of the examiner's report, including making or refusing to make an Order (Schedules 4B and 4C of the Town and Country Planning Act 1990 (as amended)).

- i. Community Infrastructure Levy (CIL) - to:

- compile the CIL Charging Schedule for adoption by the GAC;
- set the CIL rate; and
- decide on the spending of CIL receipts.

**10. Environmental – pollution control etc.**

- a. Responsible for functions in respect of control of pollution, statutory nuisances and other environmental protection functions, but excluding those related to regulatory, consent or enforcement decisions.
- b. Responsible for functions relating to the management of air quality.

**11. Health and Safety**

Responsible for all matters related to health and safety for the Council.

**12. Exercise of Joint Arrangements**

- a. To make agreements with other local authorities for the placing of staff at the disposal of those other local authorities, (example to facilitate the exercise of joint arrangements) but only in relation to the discharge of Cabinet functions.
- b. To appoint an individual (and revoke the appointment) to:
- I. any office other than an office in which he/she is employed by the Council;
  - II. any body:
    - i. other than the Council;
    - ii. a joint committee of two or more authorities;
    - iii. any committee or sub-committee of such body.

**13. Contracts**



To decide whether to contract out a function or service and to whom to award the contract providing that the function/service falls within the responsibility of the Cabinet.

**14. Assets of Community Value- Localism Act 2011**

To decide the form and contents of the Council's list of assets of community value and the procedure to be applied.

**15. Local Acts**

Responsible for any function under a local Act other than the functions specified to be the responsibility of the GAC and/or as delegated by the GAC to other Committees, Boards, Panels and Officers pursuant to section 101 of the Local Government Act 1972.

**16. Spending of Budget Allocations and Reallocation of Funds**

- a. Responsible for the control, monitoring and expenditure of budgets within the Cabinet's remit.
- b. Responsible for the reallocation of funds from one service to another within the adopted budget, reserves and provisions.

*NB: If the Cabinet is minded to determine a matter not in accordance with the resources available and any parameters detailed in Standing Orders and/or Financial Regulations, that decision MUST be taken by the GAC unless it is an urgent departure decision taken in accordance with Standing Order 57(4).*

**17. Appointments to Outside Bodies**

Responsible for making appointments from within the Cabinet membership and from Councillors outside the Cabinet and other persons to any body outside the Council in

connection with the discharge of any Cabinet function and subject to the Council's Equality and Diversity Framework.

## **18. Delegations**

Remain responsible to the Council, through the Overview and Scrutiny Committee, for the Cabinet functions delegated (the decision to delegate and the way that the function is being carried out) to Officers or other structures outside the Cabinet.

## **19. Monitoring Officer and Section 151 Officer Reports**

- a. Without prejudice to the role and responsibilities of the GAC and Audit Board to receive Monitoring Officer and Section 151 Officer reports on;
  - lawfulness or maladministration;
  - unlawful expenditure where this relates to functions, which are the responsibility of the Cabinet.

*NB: The report must be copied to all Members and all action in respect of the matter in the report will be suspended until the Cabinet has considered the report. The Overview and Scrutiny Committee may consider whether it is appropriate to hold a short enquiry into the matter prior to the Cabinet's consideration of it.*

- b. After considering the Monitoring Officer's/Section 151 Officer's report, report accordingly to the GAC (and where applicable, to the Section 151 Officer and to the Council's external auditor) explaining what if any, action is to be taken in consequence of the report and the reasons for that action or for not taking action.

## **20. Discussion/Consultation Papers**

To respond to discussion/consultation papers relating to matters connected/associated with the functions of the Cabinet or matters connected/associated with bodies established by the Council or Cabinet and reporting to the Cabinet.

## **STANDING COMMITTEES, BOARDS AND PANELS OF THE COUNCIL**

### **3. CABINET ADVISORY PANELS**

#### **TERMS OF REFERENCE:**

Cabinet Advisory Panel A and Cabinet Advisory Panel B have been established to act as a sounding board and source of advice to the Cabinet and to enable backbench Members to participate in policy formulation pre-decision. These Panels are consultative forums with no decision-making powers and are advisory only i.e. reporting/recommending accordingly to the Cabinet.

#### **CABINET ADVISORY PANEL A**

**Membership, Chairman and Vice-Chairman: As established at the Annual Council Meeting or subsequently notified to the Proper Officer, by the political groups on the Council. CABINET ADVISORY PANEL B**

**Membership, Chairman and Vice-Chairman: As established at the Annual Council Meeting or subsequently notified to the Proper Officer, by the political groups on the Council.**

#### **4. OVERVIEW & SCRUTINY COMMITTEE**

**[REPORTING TO THE GENERAL ASSEMBLY OF THE COUNCIL unless otherwise stated in these Terms of Reference]**

**Membership, Chairman and Vice-Chairman: As established at the Annual Council Meeting or subsequently notified to the Proper Officer, in accordance with political proportionality, by the political groups on the Council.**

TERMS OF REFERENCE AND DELEGATED FUNCTIONS:

##### **A. OVERVIEW FUNCTIONS**

###### **1. Policy Overview**

- (1)** Without prejudice to the role and responsibilities of other Committees, Boards etc., to review general policies of the Council and to recommend accordingly to the Cabinet on future policy options.
- (2)** To seek views from other Committees/Boards in order to obtain a balanced view of the effects of Council policy and Cabinet decisions.
- (3)** To hold policy reviews and make recommendations to the Cabinet and/or the GAC in accordance with the Committee's Protocol.
- (4)** In accordance with the Committee's Protocol to assist the Cabinet and/or the GAC in the development of future policies and strategies.
- (5)** To gather information and make recommendations in accordance with the Committee's Protocol to the Cabinet and/or the GAC before policy is implemented as part of the framework for accountable, transparent decision-making.
- (6)** To carry out reviews of non-Council matters, when directly related to Council functions and/or services, and as part of the community planning process to consult with partner organisations where appropriate and make recommendations to the Cabinet in relation to matters which are not the direct responsibility of the GAC, but which nevertheless affect the economic, environmental and social well-being of the Borough.
- (7)** To consider and investigate broad policy issues, when directly related to Council functions and/or services and thereafter produce reports and recommendations for Cabinet and/or GAC in accordance with the Committee's Protocol.

- (8) In accordance with the Committee's Protocol to provide advice to the Cabinet and/or the GAC on major issues before final decisions are made.
- (9) To receive the views and recommendations of area/joint committees or forums as part of any review which impacts on the Borough.
- (10) To be consulted/receive referrals by the GAC and/or the Cabinet about issues falling within the remit of the Committee, e.g. Cabinet requesting an enquiry into a particular issue.
- (11) To carry out reviews of how certain decisions have affected a particular community or area by taking advice from area committees or forums and other community groups and representatives.

### **Service Delivery**

To consider new approaches to service delivery and recommend to the Cabinet demanding performance targets for services, so as to deliver continuous improvements which reflect both national and local considerations including;

- (1) Challenging why and how a service is being provided;
- (2) Securing comparison with the performance of others across a range of relevant indicators, taking into account the views of both service users and potential suppliers;
- (3) Consulting local taxpayers, service users, partners and the wider business community in the setting up of new performance targets;
- (4) Considering fair competition as a means of securing efficient and effective services
- (5) To make recommendation(s) to the Cabinet on suitable performance information/indicators.

### **B. SCRUTINY FUNCTIONS**

- 1. To perform the scrutiny functions on behalf of the Council within the guidelines detailed in the Committee's Protocol and specifically, the following overarching principles:

The scrutiny of any matter:

- (a) relating to the provision of and/or delivery of services to the local community;

(b) in which the Council has an interest, subject to the Council being in a position to reasonably influence the outcome for the benefit of the local community;

(c) which has an adverse impact on the delivery of Council services.

2. To submit reports to the Council on the following;

(a) any Cabinet decision which is likely to give rise to expenditure or savings above such thresholds as agreed by the Council;

(b) a Cabinet decision which is likely to have a significant impact on two or more Wards;

(c) a non-urgent departure decision(s) which is;

(i) a Cabinet decision(s) (not yet implemented) which is contrary to the policy and budget frameworks;

(ii) a Cabinet decision(s) (which has been implemented) and which is considered to be contrary to the policy/budget frameworks).

*NB: The Council has no locus to make a decision in respect of a Cabinet decision unless the Cabinet decision is contrary to or not wholly consistent with the budget or policy framework approved/adopted by the Council.*

3. To hold the Cabinet to account for the discharge of its executive functions by scrutinising decisions proposed and/or action to be taken in accordance with the Call-in mechanism detailed in the Committee's Protocol.

4. To hold the Cabinet to account for the discharge of its executive functions by scrutinising decisions after implementation i.e. post decision scrutiny, in accordance with the Committee's Protocol for the following purposes only:

(a) to seek more understanding of the decision and its implications;

(b) to question the soundness of the decision;

(c) to identify the need for Council policies to guide delegated decisions;

(d) to examine the effect and outcomes of the decision e.g. enquire into grants awarded by the Cabinet to voluntary organisations in the Borough to see how effectively expenditure has been targeted;

(e) to make recommendations, including proposals for changes to policies or practices, to the Cabinet.

*NB: A decision(s) may only be scrutinised once.*

5. To scrutinise the discharge of any other functions of the Council in accordance with the mechanism(s) detailed in the Committee's Protocol.
6. To seek comments from other Committees/Boards in order to obtain a balanced view of the effects of Council policy and Cabinet decisions.
7. To receive finalised documents relating to a key decision(s) in the Cabinet's forward plan.
8. To consider Monitoring Officer reports about lawfulness or maladministration, which relate to Cabinet functions and consider whether to hold a short enquiry into the matter the subject of the report prior to the Cabinet's consideration of it.

### **Councillor Calls for Action**

Subject to the 'excluded matters' rule referred to in the Committee's Protocol, to consider any local government matter referred to the Committee by a local ward Member, under the Councillor Call for Action provisions in the Committee's Protocol.

*NB: the matter must be a genuine, significant and persistent community concern referred to the Committee as a last resort, because the usual channels for raising the concern e.g. Council Officers, Cabinet, partner organisations etc. have been unsuccessful.*

### **C. GENERAL MATTERS**

- (12) To approve an annual overview and scrutiny work programme in accordance with Standing Order 48(7) including the programme of any sub-committee appointed by the Committee to ensure that there is efficient use of the Committee's (sub-committee's) time and that potential for duplication of effort is minimised.
- (13) To review the Cabinet's forward plans (Regulation 9 Notice) with a view to deciding which, if any, forthcoming Cabinet decisions the Committee wishes to review or scrutinize.
- (14) To appoint in accordance with Standing Order 48(4) such sub-committee(s) as the Committee considers appropriate to fulfil the functions of the Committee.
- (15) Where appropriate, and as part of the community consultation process, to seek input from Councillors (including Cabinet members), Officers, Dartford Borough Residents' Forum, other interested stakeholders and organisations and by drawing on the knowledge of constituents' views.
- (16) To report annually to the Council on the work of the Committee.

#### **D. HEALTH FUNCTIONS**

To review and scrutinize any matter relating to the planning, provision and operation of the health service in the Borough of Dartford, in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

#### **E. DISCUSSION/CONSULTATION PAPERS**

To respond to discussion/consultation papers relating to matters connected/associated with the functions of the Committee in accordance with the consultation/discussion protocol.



## **5. CRIME AND DISORDER (OVERVIEW AND SCRUTINY) COMMITTEE**

**[REPORTING TO THE GENERAL ASSEMBLY OF THE COUNCIL unless otherwise stated in these Terms of Reference]**

**Membership, Chairman and Vice-Chairman:** As established at the Annual Council Meeting or subsequently notified to the Proper Officer, in accordance with political proportionality, by the political groups on the Council.

TERMS OF REFERENCE:

DELEGATED FUNCTIONS:

### **General Provisions**

*‘Crime and disorder’ is defined as including forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment or the misuse of drugs, alcohol and other substances.*

1. To review and scrutinise the discharge of the crime and disorder functions of the responsible authorities (local authorities, fire and rescue authorities, police authorities, the police, primary care trusts) which comprise the Dartford Community Safety Partnership (the CSP), as set out in these Terms of Reference.
2. To review and scrutinise the discharge of any other local crime and disorder matter related to the Council’s crime and disorder functions.
3. To make reports or recommendations as appropriate, to the GAC, Cabinet, the CSP or any one or more responsible authority etc.
4. To review responses from and monitor the action (if any), taken by the CSP, an individual responsible authority, Officers, GAC, Cabinet etc.

### **Overview Functions**

5. No less than once in every twelve-month period, to review strategies in connection with the discharge by the CSP of its crime and disorder functions and make reports or recommendations in accordance with paragraph 3 above.

### **Scrutiny Functions**

6. No less than once in every twelve month period, to scrutinise decisions made, or action taken, by the CSP and the Council of its crime and disorder functions and make reports or recommendations in accordance with

paragraph 3 above.

7. To consider any local crime and disorder matter referred to the Committee by a local ward Member under the Councillor Call for Action provisions referred to in the Committee's Protocol.

**STANDING COMMITTEES, BOARDS AND  
PANELS OF THE COUNCIL**

**DARTFORD BOROUGH COUNCIL**

**STANDING COMMITTEES, BOARDS AND PANELS  
OF THE COUNCIL**

**6. AUDIT BOARD**

**[REPORTING TO THE GENERAL ASSEMBLY OF THE COUNCIL unless  
otherwise stated in these Terms of Reference]**

**Membership, Chairman and Vice-Chairman: As established at the Annual Council Meeting or subsequently notified to the Proper Officer, in accordance with political proportionality, by the political groups on the Council.**

**Independent Member: Mr Mo Chughtai**

**TERMS OF REFERENCE:**

**A. DELEGATED FUNCTIONS:**

**Audit and Assurance Responsibilities**

- 1. To consider the internal and external audit plans/activities.**
- 2. To monitor and review audit performance, including summaries of all reports and monitoring of audit recommendations.**
- 3. To consider audit reports of a sensitive and confidential nature.**

4. Promote the effective use of internal audit within the assurance framework.
5. Support effective relationships between external audit and internal audit, inspection agencies and other relevant bodies, and encourage the active promotion of the value of the audit process

### **Finance Responsibilities**

6. To adopt, approve publication of and authorise for issue, the Statement of Accounts.
7. To receive reports from the external auditor.

### **Whistleblowing, Anti-fraud and Corruption, Ombudsmen and Corporate Complaints**

8. To consider reports on matters involving potential significant fraud or financial irregularity.
9. Without prejudice to the roles and responsibilities of the Cabinet, to consider reports on the Whistleblowing Policy where fraud, corruption, bribery or other significant malpractice has occurred and to recommend accordingly to the Cabinet.
10. To consider reports on the Corporate Complaints Procedure where fraud, corruption, bribery or other malpractice has served to undermine the Council's internal controls and lines of reporting and to recommend accordingly to the Cabinet.
11. To ensure propriety and probity in the acquisition and disposal of corporate land holdings (excluding Council housing stock) to receive reports from the internal auditor on arrangements for disposal/acquisition, governance, risk management and internal control.

12. To receive and consider reports relating to Ombudsman investigations where fraud, corruption or other significant malpractice has occurred and to recommend accordingly to the Cabinet.
13. To review the Whistleblowing Policy to ensure that robust arrangements are in place for the proportionate and independent investigation of such matters and for appropriate follow-up action and to recommend accordingly to the Cabinet.

### **Risk Management and Corporate Governance Responsibilities**

14. To receive and consider reports relating to breaches of Contracts Standing Orders and Financial Regulations and to recommend accordingly to the Cabinet. (For the avoidance of doubt, the Cabinet shall in any event receive such reports for information).
15. Without prejudice to the roles and responsibilities of the Cabinet and other Committees/Boards to oversee and consider the Council's policy as regards the scope, timetable and mechanics for achieving value for money.
16. To consider and keep under review Council policies and procedures on procurement to ensure that these accord with Contracts Standing Orders, Financial Regulations and best practice.
17. Without prejudice to the roles and responsibilities of the Cabinet, to consider reports on matters involving contractual disputes and to recommend accordingly.
18. Without prejudice to the roles and responsibilities of the Cabinet or the General Assembly of the Council, to receive and consider reports from the Monitoring Officer on lawfulness and/or maladministration.
19. To receive and consider reports from the Section 151 Officer on vires, financial impropriety and probity issues.

- 20.** To oversee the production of the Council's Annual Governance Statement and keep under review the Council's corporate governance arrangements to ensure that these accord with and/or comply with legislation and best practice.
- 21.** To consider the effectiveness of the Council's risk management arrangements and the control environment, reviewing the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships, collaborations with other organisations and annual reports from the Monitoring Officer on the Borough Council's probity/ethical governance arrangements.

### **Strategies**

- 22.** To agree the following:

- (a)** Anti-fraud and Corruption Strategy;
- (b)** Audit Charter and Strategy.

### **Miscellaneous Activities**

- 23.** To monitor the Members' Allowances Scheme.

### **Discussion/Consultation Papers**

- 24.** To respond to discussion/consultation papers relating to matters connected/associated with the functions of the Board.

### **Probity/Ethical Governance - Standards**

- 25.** To discharge the functions (other than those which are reserved to Council) as set out in Part 1, Chapter 7 of the Localism Act 2011 including:

- (1)** To promote and maintain high standards of conduct by Councillors and Co-opted members.

- (2) To make recommendations to the General Assembly of the Council on improving standards.
- (3) To advise the Borough Council on the adoption of, or revisions to its Member Code of Conduct.
- (4) To advise, train or arrange to train Councillors and Co-opted members on matters relating to the Member Code of Conduct.
- (5) To assist Councillors and Co-opted members to observe the Member Code of Conduct.
- (6) To monitor and assess the operation and effectiveness of the Borough Council's Member Code of Conduct.
- (7) To maintain oversight of and review and manage the Borough Council's Arrangements for dealing with Member Code of Conduct Complaints.
- (8) To advise on local ethical governance protocols and procedures and to act as an advisory body in respect of Councillor probity/ethical governance matters.
- (9) To receive annual reports from the Monitoring Officer on the Borough Council's probity/ethical governance arrangements.
- (10) To monitor and review the procedures for the Register of Members' Interests and registering and declaring gifts, benefits and hospitality.
- (11) To exercise functions (1) to (5) and (10) above in relation to Parish/Town Councils wholly or mainly in the Borough of Dartford and members of those Parish/Town Councils.
- (12) To advise the Council on the operation of and variations and amendments to the Constitution having particular regard to probity and ethical standards.

(13) To grant dispensations to Borough Councillors and Co-opted members from the requirements relating to Disclosable Pecuniary Interests or Prejudicial Interests where:

- without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
- the Board considers that the dispensation is in the interests of persons living in the Borough; or
- the Board considers that it is otherwise appropriate to grant a dispensation.

(14) Pursuant to section 56B of the Local Government Act 2000 (as amended), to submit the Board Chairman's annual report to the GAC, on the discharge of the Board's general and specific functions referred to in section 54 of the 2000 Act.

**B: REFERRED FUNCTIONS:**

1. To consider external audit reports which have significant financial and policy implications for the Borough and to advise the Cabinet as appropriate.
2. To consider the Procurement Strategy and recommend accordingly to Cabinet.
3. To consider the Risk Management Framework and recommend accordingly to Cabinet.



**STANDING COMMITTEES, BOARDS AND PANELS  
OF THE COUNCIL**

**7. HEARING PANEL**

**[REPORTING TO AUDIT BOARD]**

**Chairman:** To be appointed.

**Membership:** 3 members to be drawn from the Audit Board (politically balanced)

**TERMS OF REFERENCE:**

**DELEGATED FUNCTION:**

1. On the report of an Investigating Officer, to hear and determine any allegation/complaint that a Borough Councillor, Parish or Town Councillor or Co-opted Member has failed, or may have failed, to comply with the Code of Conduct.
2. To determine the outcome of complaints in accordance with the adopted 'Arrangements for Dealing with Code of Conduct Breaches.'

**STANDING COMMITTEES, BOARDS AND PANELS  
OF THE COUNCIL**

**8. TREASURY MANAGEMENT PANEL**

**[REPORTING TO CABINET]**

**Membership, Chairman and Vice-Chairman: As established at the Annual Council Meeting or subsequently notified to the Proper Officer, in accordance with political proportionality, by the political groups on the Council.**

**TERMS OF REFERENCE:**

**DELEGATED FUNCTIONS:**

1. To oversee the Council's treasury management function, in accordance with the CIPFA Treasury Management Code of Practice and the CIPFA Prudential Code for Capital Finance in Local Authorities.
2. To scrutinise the Treasury and Annual Investment Strategy (AIS) and Officer decisions which are taken under it.
3. To scrutinise the risk management process, in particular, the approach and implementation to counterparty risk.

**STANDING COMMITTEES, BOARDS AND PANELS  
OF THE COUNCIL**

**9. DEVELOPMENT CONTROL BOARD**

**[REPORTING TO THE GENERAL ASSEMBLY OF THE COUNCIL unless otherwise stated in these Terms of Reference]**

**Membership, Chairman and Vice-Chairman: As established at the Annual Council Meeting or subsequently notified to the Proper Officer, in accordance with political proportionality, by the political groups on the Council.**

**TERMS OF REFERENCE:**

**A. DELEGATED FUNCTIONS:**

- 1.** In accordance with the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 - Schedule 1 (as amended)<sup>2</sup> to exercise the GAC's planning and development control functions.

<b>1.</b> Power to determine application for planning permission [or permission in principle].	Sections 59A(1)(b), <u>70(1)(a) and (b)</u> and <u>72</u> of the Town and Country Planning Act 1990.
<b>2.</b> Power to determine applications to develop land without compliance with conditions previously attached.	<u>Section 73</u> of the <u>Town and Country Planning Act 1990</u> .
<b>3.</b> Power to grant planning permission for development already carried out.	<u>Section 73A</u> of the <u>Town and Country Planning Act 1990</u> .

---

<sup>2</sup> As at 28 March 2023

<b>4.</b> Power to decline to determine application for planning permission [or permission in principle].	<u>Section 70A of the Town and Country Planning Act 1990.</u>
<b>5.</b> Duties relating to the making of determinations of planning applications.	<u>Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 and directions made thereunder.</u>
<b>6.</b> Power to determine application for planning permission [or permission in principle] made by a local authority, alone or jointly with another person.	<u>Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992.</u>
<b>7.</b> Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	<u>Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.</u>
<b>8.</b> Power to enter into agreement regulating development or use of land.	<u>Section 106 of the Town and Country Planning Act 1990.</u>
<b>9.</b> Power to issue a certificate of existing or proposed lawful use or development.	<u>Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.</u>
<b>10.</b> Power to serve a completion notice.	<u>Section 94(2) of the Town and Country Planning Act 1990.</u>
<b>11.</b> Power to grant consent for the display of advertisements.	<u>Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 .</u>

<b>12.</b> Power to authorise entry onto land.	<u>Section 196A of the Town and Country Planning Act 1990.</u>
<b>13.</b> Power to require the discontinuance of a use of land.	<u>Section 102 of the Town and Country Planning Act 1990.</u>
<b>14.</b> Power to serve a planning contravention notice, breach of condition notice or stop notice.	<u>Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.</u>
<b>15.</b> Power to issue a temporary stop notice.	<u>Section 171E of the Town and Country Planning Act 1990.</u>
<b>16.</b> Power to issue an enforcement notice.	<u>Section 172 of the Town and Country Planning Act 1990.</u>
<b>17.</b> Power to apply for an injunction restraining a breach of planning control.	<u>Section 187B of the Town and Country Planning Act 1990.</u>
<b>18.</b> Power to determine applications for hazardous substances consent, and related powers.	<u>Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.</u>
<b>19.</b> Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	<u>Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c. 34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.</u>
<b>20.</b> Power to require proper maintenance of land.	<u>Section 215(1) of the Town and Country Planning Act 1990.</u>

<b>21.</b> Power to determine application for listed building consent, and related powers.	<u>Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</u>
<b>22.</b> Duties relating to applications for listed building consent.	<u>Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)]9 and [regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519)]12 and [paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01.</u>
<b>23.</b> Power to serve a building preservation notice, and related powers.	<u>Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</u>
<b>24.</b> Power to issue enforcement notice in relation to demolition of [listed] building in conservation area.	<u>Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</u>
<b>25.</b> Powers to acquire a listed building in need of repair and to serve a repairs notice.	<u>Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</u>
<b>26.</b> Power to apply for an injunction in relation to a listed building.	<u>Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.</u>
<b>27.</b> Power to authorise stopping up or diversion of highway.	<u>Section 247 of the Town and Country Planning Act 1990.</u>
<b>28.</b> Power to execute urgent works.	<u>Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</u>

<b>29.</b> Duty to enter land in Part 2 of the brownfield land register.	<u>Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.</u>
<b>30.</b> Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997.
<b>31.</b> Powers relating to the preservation of trees.	<u>Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999.</u>
<b>32.</b> Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.

2. To receive reports from the Audit Board on matters connected/ancillary to the Council's planning code 'Probity in Planning Protocol for Councillors and Officers' and to respond/act accordingly.
3. To receive reports on the operation and management of the Council's Development Control Section.

#### **4. Discussion/Consultation Papers**

- (a) To respond to discussion/consultation papers relating to matters connected/associated with the functions of the Board.
- (b) To recommend accordingly to the Cabinet on matters connected with the planning policy functions, the Development Plan and on any of the residual planning functions within the Cabinet's Terms of Reference.

#### **B. REFERRED FUNCTIONS:**

1. To recommend accordingly to the Cabinet on matters connected with the draft Development Plan and on any of the residual planning functions within the Cabinet's Terms of Reference.
2. To recommend to the Cabinet, designation of conservation areas.

*NB: The Secretary of State considers that full exchange of information between the executive and any committee which takes development control decisions*

*is essential. Therefore, the involvement (on a non-voting basis) of the Cabinet member with responsibility for the Development Plan is encouraged.*

## **STANDING COMMITTEES, BOARDS AND PANELS OF THE COUNCIL**

### **10. LICENSING COMMITTEE**

#### **[REPORTING TO COUNCIL]**

**Membership, Chairman and Vice-Chairman:** As established at the Annual Council Meeting or subsequently notified to the Proper Officer, in accordance with political proportionality, by the political groups on the Council.

**[Maximum of 15 Members (Licensing Act 2003)].**

#### **TERMS OF REFERENCE:**

##### **A. DELEGATED FUNCTIONS**

1. In accordance with the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 - Schedule 1 (as amended)) to exercise the Council's licensing and registration functions as follows:

	<b>Functions relating to licensing, permits and registration</b>	Provision of Act or Statutory Instrument
<b>1.</b>	Power to issue licences authorising the use of land as a caravan site ('site licences')	Section 3(3) of the Caravan Sites and Control of Development Act 1960
<b>2.</b>	Power to license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936



<b>3.</b>	Power to license hackney carriages and private hire vehicles	(a) as to hackney carriages, the <u>Town Police Clauses Act 1847</u> , as extended by <u>section 171</u> of the <u>Public Health Act 1875</u> , and <u>section 15</u> of the and <u>sections 47, 57, 58, 60 and 79</u> of the <u>Local Government (Miscellaneous Provisions) Act 1976</u>
		(b) as to private hire vehicles, <u>sections 48, 57, 58, 60 and 79</u> of the <u>Local Government (Miscellaneous Provisions) Act 1976</u>
<b>4.</b>	Power to license drivers of hackney carriages and private hire vehicles	<u>Sections 51, 53, 54, 59, 61 and 79</u> of the <u>Local Government (Miscellaneous Provisions) Act 1976</u>
<b>5.</b>	Power to license operators of hackney carriages and private hire vehicles	<u>Sections 55 to 58, 62 and 79</u> of the <u>Local Government (Miscellaneous Provisions) Act 1976</u>
<b>6.</b>	Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (c. 13) and any regulations made under that Chapter
<b>7.</b>	Power to license scrap metal dealers and issue site and mobile collectors' licences	Scrap Metal Dealers Act 2013

<b>8.</b>	Power to license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
<b>9.</b>	Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
<b>10.</b>	Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
<b>11.</b>	Power to license zoos	Section 1 of the Zoo Licensing Act 1981
<b>12.</b>	Power to license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
<b>13.</b>	Power to register land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:	Regulation 6 of the Commons Registration (New Land) Regulations 1969
<b>(a)</b>	an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981	
<b>(b)</b>	an order under section 147 of the Inclosure Act 1845	

14.	Power to register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966
15.	Power to license guard dogs	Section 3 of the Guard Dogs Act 1975
16.	Power to license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and Section 2 of the House to House Collections Act 1939
17.	Power to license performances of hypnotism	The <u>Hypnotism Act 1952</u>
18.	Power to license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
19.	Power to register premises for acupuncture, tattooing, ear-piercing and electrolysis	<u>Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982</u>
20.	Power to license market and street trading	<u>Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982</u>
21.	Power to license night cafes and take-away food shops	Section 2 of the Late Night Refreshment Houses Act 1969
22.	Duty to keep register of food business premises	Regulation 5 of the Food remises (Registration) Regulations 1991

<b>23.</b>	Power to register food business premises	Regulation 9 of the Food Premises (Registration) Regulations 1991
<b>24.</b>	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	The <u>Safety of Sports Grounds Act 1975</u>
<b>25.</b>	Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	<u>Part III of the Fire Safety and Safety of Places of Sport Act 1987</u>
<b>26.</b>	Power to grant consent for the operation of a loudspeaker	<u>Schedule 2 to the Noise and Statutory Nuisance Act 1993</u>
<b>27.</b>	Obtaining particulars of persons interested in land	Section 16 Local Government (Miscellaneous Provisions) Act 1976
<b>28.</b>	Power to transfer enforcement functions to another enforcement authority	<u>Smoke-free (Premises and Enforcement) Regulations 2006</u>
<b>29.</b>	Determining whether a charge should be made for any approval, consent, licence, permit or registration, including the function of determining the amount unless the function is a Cabinet function	
<b>30.</b>	Power to licence sex shops and sex cinemas	Section 2 and Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended)

**4.** In accordance with the **Licensing Act 2003** and the **Gambling Act 2005** to exercise  
the Council's licensing functions as follows:

1.	To discharge the Council's functions as a licensing authority with the exception of any function conferred on the Council under Section 5 of the 2003 Act (statement of licensing policy)	<u>Licensing Act 2003 and any regulations or orders made under that Act</u>
2.	To discharge the Council's functions as a licensing authority with the exception of any function conferred on the Council under Section 349 of the 2005 Act (statement of licensing policy)	Gambling Act 2005
3.	Duty to comply with requirement to provide information to Gambling Commission	<u>Section 29</u> of the Gambling Act 2005
4.	Functions relating to exchange of information	<u>Section 30</u> of the Gambling Act 2005
5.	Functions relating to occasional use notices	<u>Section 39</u> of the Gambling Act 2005
6.	Power to designate an officer of a licensing authority as an authorised person for a purpose relating to premises	<u>Section 304</u> of the Gambling Act 2005
7.	Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises	Section 284 of the Gambling Act 2005
8.	Power to institute criminal proceedings	Section 346 of the Gambling Act 2005
9.	Power to exchange information	Section 350 of the Gambling Act 2005
10.	Functions relating to the determination of fees for premises licences	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007
11.	Functions relating to the registration and regulation of small society lotteries	Part 5 of Schedule 11 to the Gambling Act 2005

3. To receive reports on the needs of the tourist economy and the cultural strategy for the Borough and to ensure that these are reflected in Committee decision-making considerations.

## **B. REFERRED FUNCTION**

Where a matter concerns other functions in addition to licensing functions, to refer the matter to the relevant Committee, Board or Panel for consideration and for a report back to the Licensing Committee.

## STANDING COMMITTEES, BOARDS AND PANELS OF THE COUNCIL

### 11. LICENSING SUB-COMMITTEE

#### [REPORTING TO THE LICENSING COMMITTEE]

**Chairman:** Councillor (to be appointed at meeting)

**Membership:** 3 Councillors\* (to be drawn from the Licensing Committee)

*\*floating/pool membership from the Licensing Committee*

#### TERMS OF REFERENCE:

#### DELEGATED FUNCTIONS:

##### Licensing Act 2003 and the Gambling Act 2005

Except in so far as functions are delegated to an Officer, to exercise the functions of the Licensing Committee to hear and decide upon licensing applications, requests and referrals under the Licensing Act 2003 and the Gambling Act 2005 in accordance with Tables 1 and 2 attached below.

##### Scrap Metal Dealers Act 2013

To determine applications (through the hearing process), where the suitability of the applicant to hold a scrap metal dealer's licence is in question and where the Council as licensing authority, proposes to vary, refuse, revoke or impose conditions on a licence, provided the applicant has given notice to the Council, within the prescribed time, that they require the opportunity to make representations to the Sub-committee.

#### LICENSING ACT 2003 DISCHARGE OF FUNCTIONS

TABLE 1

MATTER TO BE DEALT WITH	FULL COMMITTEE (10 to 15 Members*)	SUB- COMMITTEE (3 Members)(drawn from pool of 15	OFFICERS UNDER DELEGATE D AUTHORITY
-------------------------------	---	--	---

		Members*)	Y
<b>Personal Licence</b>			
Application for Personal Licence		If a representation made	If no representation made
Application for Personal Licence with unspent convictions		All cases	
<b>Designated Premises Supervisor Licence</b>			
Application to vary Designated Premises Supervisor Licence holder		If police representation	All other cases
Request to be removed as Designated Premises Supervisor Licence holder			All cases
<b>Premises Licence</b>			
Application for Premises Licence		If a representation made	If no representation made
Application for Provisional Statement		If a representation made	If no representation made
Application to vary Premises Licence		If a representation made	If no representation made
Application for transfer of Premises Licence		If police representation	All other cases
Application to review Premises Licence		All cases	



<b>Club Premises Certificate</b>			
Application for Club Premises Certificate		If a representation made	If no representation made
Application to vary Club Premises Certificate		If a representation made	If no representation made
Application to review Club Premises Certificate		All cases	
<b>Temporary Event Notice (TEN)</b>			
Determination of a police and/or Environmental Health Officer's representation to a Temporary Event Notice		All cases	
<b>Applications for Interim Authorities</b>			
Giving immediate effect to an application		If police representation	All other cases
<b>Complaint Irrelevant, Frivolous, Vexatious etc.</b>			
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.			All cases
<b>As Responsible Authority</b>			

To make representations other than as licensing authority			All cases
---	--	--	-----------

**GAMBLING ACT  
2005 DISCHARGE  
OF FUNCTIONS**  
**TABLE 2**

<b>MATTER TO BE DEALT WITH</b>	<b>GENERAL ASSEMBLY OF THE COUNCIL</b>	<b>SUB-COMMITTEE (3 Members)(drawn from pool of 15 Members*)</b>	<b>OFFICERS UNDER DELEGATED AUTHORITY</b>
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (where appropriate)			X
Application for Premises Licences		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations have been received from the Commission

Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Review of a premises licence		X	
Application for a club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made / objections withdrawn
Cancellation of a club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of a licensed premises gaming machines permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

## STANDING COMMITTEES, BOARDS AND PANELS OF THE COUNCIL

### 11. APPEALS PANEL

Membership, Chairman and Vice-Chairman: As established at the Annual Council Meeting or subsequently notified to the Proper Officer, in accordance with political proportionality, by the political groups on the Council.

*[Membership must include one Cabinet member for Statutory Officer and Director appeals only]*

#### TERMS OF REFERENCE:

#### DELEGATED AND REFERRED FUNCTIONS:

To hear:

**1. Statutory Officer (Head of Paid Service, Monitoring Officer and Section 151 Officer) and Director** appeals relating to:

- a first written warning;
- a final written warning;
- action short of dismissal;
- a grievance outcome,
- dismissal with notice and recommending to the General Assembly of the Council;
- dismissal without notice and recommending to the General Assembly of the Council.

**2. Grant withdrawal** appeals - relating to the withdrawal of grants in excess of £10,000 and recommending to the Cabinet.

## **STANDING COMMITTEES, BOARDS AND PANELS OF THE COUNCIL**

### **12. JOINT TRANSPORTATION BOARD [REPORTING TO CABINET]**

*\*political balance rules do not apply*

**Chairman:** Appointed on rotation by DBC and KCC (DBC appointment in 2025-26):  
Councillor

**Vice-Chairman:** To be appointed from KCC members (in 2025-26)

#### **Membership:**

##### **Dartford Borough Council Members:**

**DBC Membership:** As established at the Annual Council Meeting or subsequently notified to the Proper Officer, in accordance with political proportionality, by the political groups on the Council.

##### **Kent County Council Members:**

Kent County Councillors for the 6 Dartford electoral divisions.

##### **Parish/Town Council Representatives:**

Two representatives to be nominated by the Parish/Town Councils.

#### **TERMS OF REFERENCE:**

#### **DELEGATED FUNCTIONS:**

1. To advise on highways and transportation works scheduled and completed and specifically to consider:

- i. capital and revenue funded works programmes;
  - ii. traffic regulation orders;
  - iii. street management proposals.
2. To advise and recommend on:
- i. strategic parking and waiting restriction issues;
  - ii. petitions received in relation to parking and waiting restrictions;
  - iii. Council street lighting schemes on highways;
  - iv. local transport strategy.
3. To be a forum for consultation between the Council and Kent County Council on policies, plans and strategies related to highways, road traffic and public transport.
4. To review the progress and out turn of works and business performance indicators.
5. To receive reports on highways and transportation needs within the administrative area of the Council.

## **STANDING COMMITTEES, BOARDS AND PANELS OF THE COUNCIL**

### **13. STATUTORY OFFICER ADVISORY PANEL**

**[REPORTING TO THE GENERAL ASSEMBLY OF THE COUNCIL** [as detailed in these Terms of Reference]

**Membership, Chairman and Vice-Chairman: As established at the Annual Council Meeting or subsequently notified to the Proper Officer, in accordance with political proportionality, by the political groups on the Council.**

***[Membership must at all times include one Cabinet member. See the requirement to extend membership to Independent persons as detailed in B1.(b) below]***

**TERMS OF REFERENCE:**

#### **APPOINTMENTS**

##### **A1. DELEGATED FUNCTION:**

To interview shortlisted candidates for the posts of Head of Paid Service, Monitoring Officer and Section 151 Officer in accordance with Standing Order 60.

To interview shortlisted candidates for the post of Director in accordance with Standing Order 60.

##### **A2. REFERRED FUNCTION:**

To recommend the appointment to the General Assembly of the Council, having first considered any material and well founded objection from Cabinet, under the Executive Objections Procedure, in accordance with Standing Order 60 (Recruitment/Appointment of Statutory Officers).

#### **DISCIPLINARY ACTION OF STATUTORY OFFICERS AND DIRECTORS**

##### **B1. DELEGATED FUNCTION:**

(a) Subject to paragraph(b) below, to hold disciplinary hearings into:

- conduct;
- sickness absence (excluding situations involving permanent ill - health or infirmity of mind and body);
- capability based on performance;
- some other substantial reason (excluding redundancy situations) e.g. breakdown in relationships such as loss of trust and confidence or failure to renew a fixed term contract where an undertaking or commitment has been given to renew such a contract.

(b) Where the independent investigator's report recommends dismissal, the membership of the Panel is to be extended to include at least two Independent Persons appointed under the Localism Act 2011, in the following priority order:

- (i) an Independent Person who has been appointed by the Council and who is a local government elector;
- (ii) another Independent Person who has been appointed by the Council;
- (iii) an Independent Person who has been appointed by another local authority(ies).

(c) Having considered the evidence presented at the hearing:

- to take no further action; or
- to refer back to the independent investigator for further investigation and report; or
- to issue a first written warning; or
- to issue a final written warning; or
- to take action short of dismissal; or
- to recommend dismissal to the General Assembly of the Council in accordance with B2. below.

## **B2. REFERRED FUNCTION: Dismissal**

To recommend to the General Assembly of the Council:

- dismissal with notice; or
- dismissal without notice,

having first considered any material and well founded objection from Cabinet, under the Executive Objections Procedure, referred to in Standing Order 62 (Disciplinary Action in Respect of Statutory Officers and Directors).



**STANDING COMMITTEES, BOARDS AND PANELS  
OF THE COUNCIL**

**14. INDEPENDENT REMUNERATION PANEL**

(ADVISORY PANEL OF THE COUNCIL)

**[REPORTING TO THE GENERAL ASSEMBLY OF THE COUNCIL]**

**Chairman:** Mr T I Whittaker  
**Membership:** Mr R Hargrove, Miss C Metcalf and Mr A Spencer

**TERMS OF REFERENCE:**

**DELEGATED FUNCTIONS:**

1. To make recommendations to the GAC as to;
  - (a) the amount of basic allowances payable to elected Members;
  - (b) the categories of elected Members who should receive a special responsibility allowance and the amount of such an allowance;
  - (c) whether the Members' Allowances Scheme should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does the rate of childcare and dependent carers' allowance and the means by which it is determined.
  - (d) the matters detailed in the Local Authorities (Members' Allowances) Regulations 2003 (as amended) (pension membership for Councillors, Co-optees allowances, travel and subsistence allowances etc).
2. To review the current Members' Allowances Scheme and to make written recommendations to the GAC for a new Scheme or revision to the existing Scheme as considered necessary and appropriate, taking appropriate evidence/ representations in order to take into account the following:
  - (a) The need for the Council to pay a basic allowance and the discretion to pay special responsibility allowances.
  - (b) The various roles and responsibilities of elected Members and the commitment of time and other resources involved.

- (c) The differences between the level of responsibility and time commitment of different Members' roles.
  - (d) Schemes operating elsewhere in similar Local Authorities.
  - (e) The levels of remuneration paid for other types of public duties.
  - (f) The need to attract and retain elected Members of the highest calibre who are representative of the local population, particularly in terms of race, age and gender.
3. To make recommendations to Parish/Town Councils in accordance with regulation 28 of the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended).
  4. To provide informal advice on expenses, gratuities and allowances not referred to in these Terms of Reference.
  5. To deal with other issues which may from time to time fall within the remit of the Panel through legislation.

## **STANDING COMMITTEES, BOARDS AND PANELS OF THE COUNCIL**

### **15. ELECTORAL PROVISIONS SUB-COMMITTEE**

#### **[REPORTING TO THE GENERAL ASSEMBLY OF THE COUNCIL]**

**Membership, Chairman and Vice-Chairman: As established at the Annual Council Meeting or subsequently notified to the Proper Officer, in accordance with political proportionality, by the political groups on the Council.**

#### **TERMS OF REFERENCE:**

##### **A. DELEGATED FUNCTIONS:**

1. To publish notice of the holding of a review of Polling District(s) and Polling Place(s) on behalf of the Council.
2. To consult the Returning Officer for the parliamentary election held in the constituency, which is wholly, or partly in the Borough of Dartford when a Polling District(s) and Polling Place(s) review takes place.
3. To deal with the procedural aspects of community governance reviews.
4. To seek representations from such persons as the Sub-committee considers have particular expertise in relation to access to premises or facilities for persons who have different forms of disability.
5. To receive representations from electors in the constituency situated in whole or in part in the authority's area on any reviews undertaken.
6. To respond to consultation/discussion papers related to matters connected/associated with electoral arrangement functions in accordance with the Consultation/Discussion Papers Protocol.
7. To prepare and agree on submission proposals for pilot schemes for local elections.

#### **REFERRED FUNCTION:**

To recommend accordingly to the General Assembly of the Council on the matters referred to in these Terms of Reference.

## **STANDING COMMITTEES, BOARDS AND PANELS OF THE COUNCIL**

### **16.DEED, TRUST AND OBLIGATIONS COMMITTEE**

#### **[REPORTING TO CABINET] – TERMS OF REFERENCE**

**Membership:** As established at the Annual Council Meeting or subsequently notified to the Proper Officer, in accordance with political proportionality, by the political groups on the Council.

**Chair:** Councillor A R Lloyd

**Vice-Chairman:** Councillor M J Davis

**Councillors:** R M Currans, A Gaskin, D Graham, T A Oliver, C Pearce,  
D Swinerd and Mrs P A Thurlow.

**Independent Members:** Mr A R Martin and Mr K Moore. Plus two vacancies.

***Substitution not permitted***

The Dartford Borough Council as sole trustee, has overall control of the charities and the charities' property and funds. Under the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2000, the local authority's charity function is to be discharged by Cabinet.

---

#### **KIDD LEGACY BEING PART OF CENTRAL PARK (4013609) AT DARTFORD KENT**

##### **1. The Charity**

By the Indenture (Deed of Gift) dated 28 September 1903, the Kidd Legacy land (edged red on Plan A) was bequeathed to the Council on charitable trust by Colonel Charles Newman Kidd.

##### **2. The Object**

The Deed of Gift prescribes that the Kidd Legacy land will be 'appropriated and used in perpetuity as a public recreation ground and for no other purpose whatsoever'.

---

## **HESKETH PARK**

### **1. The Charity**

By Conveyances dated 30 March 1904, 20 January 1909 and 30 September 1913, the Hesketh Park land (edged red on Plan B) was bequeathed to the Council on charitable trust by Everard Hesketh.

### **2. The Object**

Each of the Conveyances prescribes that the Hesketh Park land will be '[used]...for the purpose of a public recreation ground for the inhabitants of Dartford and not for any other purpose'.

---

## **CHILDREN'S PLAYING FIELD AND RECREATION GROUND AT SAVOY ROAD DARTFORD (302723)**

### **1. The Charity**

By Conveyance dated 30 August 1928, the land was transferred by The Right- Honourable Courtney Charles Evan Viscount Tredegar and the Trustees of his Settled Estates to the National Playing Fields Association as the freehold owner, on trust.

The Council became the charitable trustee when it entered into lease arrangements with the National Playing Fields Association, for a term commencing 31 March 1998 to 24 March 2028.

### **2. The Object**

The playing field and recreation ground to be held on trust '...for the benefit only of children of school age in the Parish of Dartford in accordance with the charitable purposes of the Association'.

---

## **THE CHARITIES' GUIDING PRINCIPLES**

The Charitable Trustee will:

- (a) act reasonably i.e. decisions should be within the range of decisions which a reasonable body of trustees could have made;
- (b) act within the powers conferred upon it and the established rules for procedures

- for dealing with issues of the kind under consideration;
- (c) act in good faith;
  - (d) adequately inform itself in order to make the decision in question, including a comprehensive risk analysis and where necessary, make further enquiries and where appropriate, consider legal and other professional advice;
  - (e) not take into consideration any factors which it is not proper for it to take into account;
  - (f) consider any factors which it should take into account;
  - (g) avoid conflicts of interest.

## **TERMS OF REFERENCE:**

### **A. DELEGATED FUNCTIONS:**

1. To be the body who on behalf of the Charitable Trustee, safeguards the Object, the Charities' property, funds and the beneficiaries' interests in accordance with the Guiding Principles.
2. To ensure that the accounts and the general administration of the Charities complies with statutory regulations.
3. To ensure that the Charities' funds are not co-mingled.
4. To do anything else within the law which promotes or helps to promote the Object.

### **B. REFERRED FUNCTION:**

To recommend accordingly to Cabinet on the affairs of the Charities.