

# **DARTFORD**

## **BOROUGH COUNCIL**

### **PART 3**

### **RESPONSIBILITY FOR**

### **FUNCTIONS**

Reviewed and amended under delegated authority [GAC 16.07.2012 [Min.No.35]]

Reviewed and amended under the Managing Director's delegated authority – 16 December 2013

Reviewed and amended under the Managing Director's delegated authority – 1 May 2014

Reviewed and amended under the Managing Director's delegated authority – 10 February 2015

Reviewed and amended under the Managing Director's delegated authority – 14 June 2016

Reviewed and amended under the Managing Director's delegated authority – 22 February 2019

Reviewed and amended under the Managing Director's delegated authority – 23 July 2019

Reviewed and amended under the Chief Officer and Director of Corporate Service's delegated authority- 10 May 2021

Reviewed and amended under the Chief Officer and Director of Corporate Service's delegated authority- 2 July 2021

Reviewed and amended under the Chief Officer and Director of Corporate Service's delegated authority- 16 May 2022

Reviewed and amended by the Monitoring Officer – 20 February 2023

## 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 <b>draft</b> 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

### 2.1 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 Sub-committees	Elected members of the Council taken from membership of the parent Licensing Committee	Functions as specified in the Sub-committees' Terms of Reference	As may be specified in the Scheme of Delegations to Officers

### 2.2 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 <b>other than a non- executive function</b> 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 <b>grants'</b> 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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#### 4.1.A 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	

#### 4.1.B 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

<b>4.2 (MAJOR PARTNERSHIPS)</b>	As specified in the <a href="#">Partnerships' Register</a>
<b>4.3 (MINOR PARTNERSHIPS)</b>	As specified in the <a href="#">Partnerships' Register</a>

4.4 Delegations to and from other authorities			
Parties to arrangements		Delegations	Onward limits on Delegations
Kent County Council and Dartford Borough Council	Memorandum of Understanding 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

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

**5.1 Leadership Team**

<b>Post</b>	<b>Functions and Areas of Responsibility</b>
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 &amp; Biodiversity, Community Safety, Emergency Planning, Enforcement, Environmental Health, Housing (Landlord Function), Parking Services, Parks, Waste &amp; Recycling and Private Sector &amp; 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>

**5.2 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)

**5.3 Statutory Officer roles**

<b>POST</b>	<b>DESIGNATION</b>
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

**5.4 Proper Officer functions**

<b>APPOINTMENTS</b>
As may be specified in the Scheme of Delegations to Officers