

DARTFORD

BOROUGH COUNCIL

TERMS OF REFERENCE



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DARTFORD BOROUGH COUNCIL

ANNUAL MEETING

GENERAL ASSEMBLY OF THE COUNCIL (the GAC)

Subject to Article 4.02 and table 1 in Part 3 of the Constitution, or unless otherwise delegated, the General Assembly of the Council will exercise the following functions:

	Function	Provision of Act or Statutory Instrument
	A. Health and Safety	
	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 Council’s capacity as an employer	Part I of the Health and Safety at Work etc. Act 1974
	B. Functions relating to elections	
1.	Duty to appoint an electoral registration officer	Section 8(2) of the Representation of the People Act 1983
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 provide assistance at European Parliamentary elections	Section 6(7) and (8) of the European Parliamentary Elections Act 2002
8.	Duty to divide constituency into polling districts	Sections 18A to 18E of, and Schedule A1 to, the Representation of the People Act 1983
9.	Power to divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People

		Act 1983
10.	Powers in respect of holding of elections	Section 39(4) of the Representation of the People Act 1983
11.	Power to pay expenses properly incurred by electoral registration officers	Section 54 of the Representation of the People Act 1983
12.	Power to fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985
13.	Duty to declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972
14.	Duty to give public notice of a casual vacancy	Section 87 of the Local Government Act 1972
15.	Power to make temporary appointments to parish councils	Section 91 of the Local Government Act 1972
16.	Power to submit proposals for pilot schemes for local elections	Section 10 of the Representation of the People Act 2000)
17.	Duty to consult on change of scheme for elections	Sections 33(2), 38 (2) and 40(2) of the Local Government and Public Involvement in Health Act 2007
18.	Duties relating to publicity for whole council elections	Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007
19.	Duties relating to notice to Electoral Commission for whole council elections	Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007
20.	Power to alter years of ordinary elections of parish councillors	Section 53 of the Local Government and Public Involvement in Health Act 2007
21.	Functions relating to change of name of electoral area	Section 59 of the Local Government and Public Involvement in Health Act 2007
22.	The function of making a request for single-member electoral areas	Section 14A(1)(of the Local Government Act 1992
23.	The function of passing resolutions for schemes for elections	Sections 32(1), 37(1) or 39(1) of the Local Government and Public Involvement in Health Act 2007
24.	To keep under review electoral and administrative boundaries (and other issues relating to electoral and administrative arrangements) and to decide the	Section 13 Local Government Act 1992

	Council's response to any consultations or proposals by the Electoral Commission and the Independent Government Boundary Commission for England	
	C. Functions relating to name and status of areas and individuals	
1.	Power to change the name of 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
	D. Functions relating to community governance	
1.	Duties relating to community governance reviews	Section 79 of the Local Government and Public Involvement in Health Act 2007
2.	Functions relating to community governance petitions	Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007
3.	Functions relating to terms of reference of community governance review	Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007
4.	Power to undertake a community governance review	Section 82 of the Local Government and Public Involvement in Health Act 2007
5.	The function of making an order giving effect to recommendations made in a community governance review	Section 86 of the Local Government and Public Involvement in Health Act 2007
6.	The duty to make a change in governance arrangements	Paragraph 3 or 8 of Schedule 4 to of the Local Government and Public Involvement in Health Act 2007
7.	Functions relating to making of recommendations	Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007
8.	Duties when undertaking review	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007
9.	Duty to publicise outcome of review	Section 96 of the Local Government and Public Involvement in Health Act

		2007
10.	Duty to send two copies of order to Secretary of State and Electoral Commission	Section 98(1) of the Local Government and Public Involvement in Health Act 2007
11.	Power to make agreements about incidental matters e.g. transfer or retention of any property, rights and liabilities	Section 99 of the Local Government and Public Involvement in Health Act 2007
	E. Functions relating to pensions etc.	
	Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972
	F. Procedural/regulatory functions	
1.	Power to make, vary and revoke standing orders	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972
2.	Power to make, vary and revoke standing orders as to contracts	Section 135 of the Local Government Act 1972
3.	Duty to make arrangements for proper administration of financial affairs etc, including the adoption, amendment and revocation of Financial Regulations	Section 151 of the Local Government Act 1972
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 promote or oppose local legislation or personal Bills	Section 239 of the Local Government Act 1972
6.	On the recommendation of the Independent Remuneration Panel, to make, vary or revoke the Members' Allowances Scheme and agree the amounts payable for basic, attendance and special responsibility allowances	Section 18 Local Government and Housing Act 1989
7.	On the recommendation of the Independent Remuneration Panel, to determine the amount of any allowances payable for:	
(a)	Mayor/Deputy Mayor	Sections 3(5) and 5(4) of the Local Government Act 1972
(b)	Financial loss	Section 173(4) of the Local Government Act 1972
(c)	Travel and subsistence	Section 174 of the Local Government Act 1972
(d)	Attendance at conferences and meetings	Section 175 of the Local Government Act 1972

(e)	Councillors' pensions	Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007
8.	To make arrangements for the discharge of functions by a committee (under Terms of Reference) or officer (under the Scheme of Delegations to Officers), unless the function is a Cabinet function	Section 101(5) of the Local Government Act 1972
9.	To appoint committees, boards, panels, outside bodies etc, to agree and decide on the composition and membership of and make appointments to the same, unless the function is a Cabinet function	Section 102 of the Local Government Act 1972
10.	Power to agree to establish a joint committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority	Section 29 of the Planning and Compulsory Purchase Act 2004
11.	To adopt the Council's Member Code of Conduct	Section 51 of the Local Government Act 2000
12.	To appoint (and remove) the Leader of the Council	Section 2A of the Local Government Act 2000
13.	To adopt the Council's Constitution	Local Government Act 2000 and regulations made there under
14.	To authorise applications to the Secretary of State for housing land transfers of housing stock	Sections 32, 43 and 106A and Schedule 3A Housing Act 1985, Leasehold Reform, Housing and Urban Development Act 1993
15.	To resolve not to issue a casino premises licence	Section 166 of the Gambling Act 2005
16.	To make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption <i>The Cabinet may formulate the proposals for adoption by the GAC</i>	Section 13(2) of the Criminal Justice and Police
17.	Power to make or revoke an order designating a locality as an alcohol disorder zone <i>The Cabinet may formulate the proposals for adoption by the GAC</i>	Section 16 of the Violent Crime Reduction Act 2006
18.	To receive any reports by the Monitoring Officer or the Section 151 Officer (including Section 112 and Section 114 reports)	

19.	To consider any reports by an appointed person into misconduct by the Head of Paid Service, Monitoring Officer or Section 151 Officer	
20.	To make, amend, revoke, re-inact or adopt Byelaws	Section 236 of the Local Government Act 1972
21.	To deal with the regulatory, consent and enforcement decisions unless the function has been delegated by the GAC	Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended)
1.	G. Policy Framework - Statutory Plans <i>The Cabinet may formulate the following plans, strategies etc for approval by the GAC</i>	
(a)	Sustainable community strategy	Section 4 of the Local Government Act 2000
(b)	Crime and disorder reduction strategy	Section 5 and 6 of the Crime and Disorder Act 1998
(c)	Statement of licensing policy	Section 5 of the Licensing Act 2003
(d)	Licensing authority policy statement	Section 349 of the Gambling Act 2005
(e)	Approval of Local Development Framework documents for public consultation, from the submission stage onwards	Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development)(England) Regulations 2004 & Town and Country Planning (Local Development)(England) Regulations 2008
(f)	Children and Young People's Plan	Children and Young People's Plan (England) Regulations 2005
2.	H. Policy Framework - Other Plans <i>The Cabinet may formulate the following plans, strategies etc for approval by the GAC</i>	
(a)	Revenue and capital budget, Council Tax levy and rents of Council dwellings and related properties	Local Government Finance Act 1992
(b)	Fees and Charges Policy, Treasury Management Policy Statement, Annual Treasury Management Strategy and Medium Term Financial Strategy	
(c)	Single Equalities Scheme	
(d)	Corporate Plan	
(e)	Council Plan	

(f)	Asset Management Plan	
(g)	Housing Business Plan	
(h)	Housing Investment Programme	
(i)	Housing Strategy	
(j)	Sustainable Home Energy Strategy/Action Plan	
(k)	Other plans and strategies which the GAC may decide should be adopted or approved by it as a matter of local choice	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)
	I. Staff	
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.	Power to appoint officers for particular purposes (appointment of “ proper officers”)	Section 270(3) of the Local Government Act 1972
3.	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
4.	Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989
5.	Duty to provide staff, etc to person nominated by monitoring officer	Sections 82A(4) and (5) of the Local Government Act 2000
	J. Miscellaneous	
1.	To respond to discussion/consultation papers in accordance with the Consultation/Discussion Papers Protocol	
2.	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 the Cabinet	
3.	To adopt the Petitions Scheme and any amendments thereto	Sections 11(3) and (5) of Local Democracy, Economic Development and Construction Act 2009
4.	To consider petitions referred for debate	
5.	To deal with all other matters which, by law, must be reserved to the GAC	

DARTFORD BOROUGH COUNCIL
ANNUAL MEETING
STANDING COMMITTEES, BOARDS AND PANELS
OF THE COUNCIL

CABINET

Chairman:	Councillor
Vice-Chairman:	Councillor
Senior Cabinet Member (with portfolio):	Councillors
Cabinet Member (without portfolio):	Councillor

In these Terms of Reference, the “process of policy formulation” shall mean:

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

TERMS OF REFERENCE:
DELEGATED FUNCTIONS:

In these Terms of Reference, ‘Overview and Scrutiny Committees’ shall mean Scrutiny Committee, Crime and Disorder (Overview and Scrutiny) Committee and Policy Overview Committee.

1. The Executive Functions

- (a)** 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.
- (b)** To exercise and undertake (or as the Cabinet may determine), the functions of the Council which;

- (i) are not specifically reserved to the GAC by regulations or otherwise specified as being functions which the GAC must determine;
- (ii) 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);
- (iii) are not delegated by the GAC to another Committee, Board, Panel or Officer pursuant to section 101 of the Local Government Act 1972;
- (iv) are not listed in these Terms of Reference as being matters on which the Cabinet makes recommendations to the GAC;
- (v) are not exercised in a way, which breaches or has the effect of breaching plans, strategies and policies approved by the GAC.

2. The Leadership Role

- (1) Lead and co-ordinate the community planning process;
- (2) Lead and co-ordinate the preparation of statutory and non-statutory plans and strategies;
- (3) Consult on and draw up the annual budget, including capital plans, for submission to the Council;
- (4) 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;
- (5) Be the focus for forming partnerships with other agencies and the business and voluntary sectors locally to address local needs.

3. The Policy Framework

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

(3) In-Year Amendments

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

- (4) Where appropriate, seek advice from the Policy Overview Committee or from the Council before taking a major decision even

if it lies within the Council's agreed strategic policy framework and has been allowed for in the budget.

- (5) 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.
- (6) To refer work items to the Overview and Scrutiny Committees as and when necessary.
- (7) To receive recommendations from the Overview and Scrutiny Committees..

(8) Local Development Scheme and Local Development Framework

Responsible for formulating the Local Development Scheme (Section 15 of the Planning and Compulsory Purchase Act 2004) and the Local Development Framework (LDF) in accordance with the Town & Country Planning (Local Development) (England) Regulations 2004 (as amended) and effecting the necessary consultations (including consultations on successive drafts of the LDF while policy is being formulated) with the Development Control Board, the Policy Overview Committee, and other stakeholders as appropriate.

NB: The approval of LDF documents for public consultation from the submission stage onwards, is a decision of the GAC and not the Cabinet.

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

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 55(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.

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

4. 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.

5. Budget Framework

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

6. 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 nevertheless, affect the economic, environmental and social well-being of the Borough of Dartford.

7. 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.

8. Environmental

(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.

9. Health and Safety (Employer Responsibilities)

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

10. Personnel (Human Resources)

(a) To receive reports from the Head of Paid Service on the manner in which the discharge of the Council's personnel functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.

(b) 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.

(c) 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 other than

(a) the Council;

(b) a joint committee of two or more authorities.

(iii) any committee or sub-committee of such body.

11. 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.

12. 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.

13. Spending of Budget Allocations and Reallocation of Funds

(1) Responsible for the control, monitoring and expenditure of budgets within the Cabinet's remit.

(2) Responsible for the reallocation of funds from one service to another within the adopted budget.

NB: If the Cabinet is minded to determine a matter not in accordance with the budget 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 55(4).

14. 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 Single Equalities Scheme.

15. Delegations

Remain responsible to the Council, through the 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.

16. Monitoring Officer and Chief Finance Officer Reports

(a) Without prejudice to the role and responsibilities of the GAC and Audit Board to receive Monitoring Officer and Chief Finance Officer reports on;

(i) lawfulness or maladministration;

(ii) unlawful expenditure where this relates to functions, which are the responsibility of the Cabinet.

NB: The report must be copied to all Members of the Council and all action in respect of the matter in the report will be suspended until the Cabinet has considered the report. The 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/Chief Finance Officer's report, report accordingly to the GAC (and where applicable, to the Chief Finance 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.

17. 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.

DARTFORD BOROUGH COUNCIL
ANNUAL MEETING
STANDING COMMITTEES, BOARDS AND PANELS
OF THE COUNCIL

POLICY OVERVIEW COMMITTEE

[REPORTING TO COUNCIL unless otherwise stated in these Terms of Reference]

Chairman:	Councillor
Vice-Chairman:	Councillor
Membership:	Councillors

TERMS OF REFERENCE:
DELEGATED FUNCTIONS:

1. The Overview Function

- (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)** 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.
- (6)** 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.
- (7)** To carry out reviews of non-Council matters and as part of the community planning process, 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.

- (8) To consider and investigate broad policy issues and make reports and recommendations to the Cabinet and/or the GAC in accordance with the Committee's Protocol.
- (9) 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.
- (10) To receive the views and recommendations of area/joint committees or forums as part of any review which impacts on the Borough.
- (11) To be consulted/receive referrals by the GAC and/or the Cabinet about issues falling within the remit of the Committee, example Cabinet requesting an enquiry into a particular issue.
- (12) To approve an annual overview work programme in accordance with Standing Order 58(8) including the programme of any subcommittee 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 with a view to deciding which, if any, forthcoming Cabinet decisions the Committee wishes to review.
- (14) 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.

2. 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;

- (a) Challenging why and how a service is being provided;
- (b) 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;
- (c) Consulting local taxpayers, service users, partners and the wider business community in the setting up of new performance targets;
- (d) Considering fair competition as a means of securing efficient and effective services
- (e) To make recommendation(s) to the Cabinet on suitable performance information/indicators.

3. Overview of Health Functions

Subject to any protocols/guides which may be issued from time to time by Kent County Council, to review local health service issues in the Borough.

4. Discussion/Consultation Papers

To respond to discussion/consultation papers relating to matters connected/associated with the functions of the Committee (i.e. Best Value and Overview) in accordance with the consultation procedure.

5. ePetitions/Petitions

To 'hold officers to account' in accordance with the Petitions Scheme Guidelines.

DARTFORD BOROUGH COUNCIL

ANNUAL MEETING

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

SCRUTINY COMMITTEE

[REPORTING TO COUNCIL unless otherwise stated in these Terms of Reference]

Chairman:	Councillor
Vice-Chairman:	Councillor
Membership:	Councillors

**TERMS OF REFERENCE:
DELEGATED FUNCTIONS:**

1. To perform the scrutiny functions on behalf of the Council within the guidelines detailed in the Committee's Protocol;
 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) matters of local concern which are not the responsibility of the Council but which nevertheless affect the Borough and/or its inhabitants;
 - (c) a Cabinet decision which is likely to have a significant impact on two or more Wards;
 - (d) a non-urgent departure decision(s) which is;
 - (i) a Cabinet decision(s) (not yet implemented) which is contrary to the policy framework/budget;
 - (ii) a Cabinet decision(s) (which has been implemented) and which is considered to be contrary to the policy framework/budget).
 3. To appoint in accordance with Standing Order 58(4) such sub committee(s) as the Committee considers appropriate to fulfil the scrutiny functions of the Committee.
- 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.

4. 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.
5. 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.

6. To scrutinise the discharge of any other functions of the Council in accordance with the mechanism(s) detailed in the Committee's Protocol.
7. To report to the Cabinet and/or the Council in accordance with the Committee's Protocol on matters of local concern.
8. To seek comments from other Committees/Boards in order to obtain a balanced view of the effects of Council policy and Cabinet decisions.
9. Where appropriate, and as part of the community consultation process, to seek input from Councillors (including Members of the Cabinet), Officers, Tenants Participation Compact, other interested stakeholders and organisations and by drawing on the knowledge of constituents' views.
10. To receive finalised documents relating to a key decision(s) in the Cabinet's forward plan.
11. To scrutinise Cabinet forward plans with a view to deciding which, if any, of the forthcoming Cabinet decisions the Committee wishes to enquire into.
12. To report annually to the Council on the work of the Committee.
13. 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.

14. To approve an annual scrutiny work programme in accordance with Standing Order 58(8) 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 the potential for duplication of effort is minimised.

15. Health Scrutiny Functions

Subject to any protocols/guides which may be issued from time to time by Kent County Council, to scrutinise local health service issues in the Borough.

16. Discussion/Consultation Papers

To respond to discussion/consultation papers relating to matters connected/associated with the functions of the Committee (i.e. scrutiny) in accordance with the procedure set out in the Appendix to these Terms of Reference.

17. Councillor Calls for Action

To consider any local government matter relevant to the Council's functions (other than crime and disorder) 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.

18. ePetitions/Petitions

In accordance with the Petitions Scheme Guidelines or Ordinary Petitions Guidelines, to review the adequacy of the steps taken or proposed to be taken, in response to a petition.

DARTFORD BOROUGH COUNCIL

ANNUAL MEETING

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

**TREASURY MANAGEMENT PANEL
[REPORTING TO CABINET]**

Chairman:	Councillor
Vice-Chairman:	Councillor
Membership:	Councillors

**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.

DARTFORD BOROUGH COUNCIL

ANNUAL MEETING

STANDING COMMITTEES, BOARDS AND PANELS OF THE COUNCIL

CRIME AND DISORDER (OVERVIEW AND SCRUTINY) COMMITTEE [REPORTING TO COUNCIL unless otherwise stated in these Terms of Reference]

Chairman: Councillor
Vice-Chairman: Councillor
Membership: Councillors

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 and Gravesham 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 para. 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 para. 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.

8. ePetitions/Petitions

To 'hold officers to account' in accordance with the Petitions Scheme Guidelines.

DARTFORD BOROUGH COUNCIL
ANNUAL MEETING
STANDING COMMITTEES, BOARDS AND PANELS
OF THE COUNCIL

AUDIT BOARD

[REPORTING TO COUNCIL unless otherwise stated in these Terms of Reference]

Chairman: Councillor
Vice-Chairman: Councillor
Membership: Councillors

TERMS OF REFERENCE:

A. DELEGATED FUNCTIONS:

Audit Responsibilities

1. To consider and agree the internal and external Audit Plans/activities.
2. To monitor and review audit performance.
3. To consider audit reports which maybe of a sensitive and confidential nature.

Finance Responsibilities

4. To consider reports relating to matters of financial principle.
5. To adopt, approve publication of and authorise for issue, the Statement of Accounts.
6. To receive reports from the external auditor and Audit Commission.

Whistleblowing, Anti-fraud and Corruption Arrangements

7. To consider reports on matters involving potential significant fraud or financial irregularity.
8. Without prejudice to the roles and responsibilities of the Cabinet, to consider reports on the Whistleblowing Policy where fraud, corruption or other significant malpractice has occurred and to recommend accordingly to the Cabinet.
9. To consider reports on the Corporate Complaints Procedure where fraud, corruption or other malpractice has served to undermine the Council's

internal controls and lines of reporting and to recommend accordingly to the Cabinet.

10. In order to ensure propriety and probity on corporate land issues including the promotion of specific corporate developments, to review the decisions of the Cabinet as they relate to the treatment of planning policy and land disposals particularly where there is a potential for conflict and to ensure that Cabinet decisions relating to corporate land and the promotion of specific corporate developments are made consistently with other decisions.
11. 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.

Risk Management and Corporate Governance Responsibilities

12. 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).
13. 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.
14. To consider and keep under review Council policies and procedures on procurement to ensure that these accord with Standing Orders, Financial Regulations and best practice.
15. To consider reports on matters involving contractual disputes and to recommend accordingly.
16. Without prejudice to the roles and responsibilities of the Cabinet, to receive and consider reports from the Monitoring Officer on lawfulness and/or maladministration.
17. To receive and consider reports from the Chief Finance Officer on vires, financial impropriety and probity issues.
18. To consider and keep under review the Council's corporate governance arrangements to ensure that these accord with and/or comply with legislation and best practice.

NB: Corporate governance arrangements relating to standards of conduct i.e. how behaviour within the organisation of the Council is governed and relationships between Councillors and Officers, falls within the remit of the Standards Committee.

19. To agree the following:

- (a)** Procurement Strategy;
- (b)** Risk Management Strategy;
- (c)** Anti-fraud and Corruption Strategy;
- (d)** Audit Strategy and associated manuals etc.

Miscellaneous Activities

20. To monitor the Members' Allowances Scheme.

Discussion/Consultation Papers

21. To respond to discussion/consultation papers relating to matters connected/associated with the functions of the Board in accordance with the procedure set out in the Appendix to these Terms of Reference.

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 Audit Commission publications which have implications for the Borough and to advise the Cabinet as appropriate.
3. To advise the Council, Cabinet and Committees/Boards/Panels as appropriate, on matters involving:-
 - (a)** best practice;
 - (b)** compliance with Best Value principles.
4. To oversee the production of the Council's Annual Governance Statement and to recommend its adoption to the General Assembly of the Council.

DARTFORD BOROUGH COUNCIL

ANNUAL MEETING

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

**STANDARDS COMMITTEE
[REPORTING TO COUNCIL]**

Chairman: To be appointed

Vice-Chairman: To be appointed

Membership: Councillors

Independent Members/Persons:

Parish/Town Council Representative: Councillors

Councillor

(substitute)

**TERMS OF REFERENCE:
DELEGATED FUNCTIONS:**

- (1)** To regulate and act as an independent arbiter and guardian of the public interest in relation to Borough and Parish/Town Councils corporate governance arrangements in so far as these relate to standards of conduct (how behaviour in the organisation of the Councils is governed), including issues related to the declaration and registration of interests and gifts and hospitality.
- (2)** To promote and maintain high standards of conduct by Borough and Parish/Town Councillors and Co-opted Members.
- (3)** Through a sub-committee, to be responsible for the initial assessment of Member misconduct allegations and to determine whether the allegations should be investigated in accordance with the procedure adopted by the Committee. .
- (4)** Through a sub-committee, to review decisions not to investigate a particular allegation in accordance with the procedure adopted by the Committee.
- (5)** Through a sub-committee, to hear evidence relating to alleged breaches of the Member Code of Conduct in accordance with the procedure adopted by the Committee.
- (6)** Through a sub-committee, to consider applications, appeals, issuing directions and giving general advice on matters related to politically restricted posts in accordance with the procedure adopted by the Committee.

- (7) To be responsible for sanctions/censure arrangements to deal with cases where Member conduct falls short of the standards required.
 - (8) To receive reports from the Monitoring Officer on Member Code of Conduct related issues.
 - (9) To develop, advise on, and facilitate training in ethical standards.
 - (10) To assist Borough and Parish/Town Councillors and Co-opted Members to observe the Member Code of Conduct and any other local codes/protocols which may be in place from time to time.
 - (11) To monitor the effectiveness of the Member Code of Conduct (Borough and Parish/Town Councils) and local protocols.
 - (12) To monitor and review the Constitution in accordance with Article 15 of the Constitution.
 - (13) To grant dispensations to Borough and Parish/Town Councillors and Co-opted Members from the requirements relating to interests set out in the Member Code of Conduct.
 - (14) To deal with reports of the Monitoring Officer regarding alleged breaches of the Member Code of Conduct (Borough and Parish/Town Councils).
 - (15) To appoint one or more sub - committees for the purposes of discharging any of the Committee's functions.
 - (16) To appoint a Standards Sub Committee to deal with Parish/Town Council matters and to determine the representation and term of office of members of the Sub Committee after consultation with the Parish/Town Councils.
- NB:** The duties of the Monitoring Officer in relation to Parishes does not extend to the responsibility to report on contraventions of the law or maladministration investigations. When exercising Standards Committee functions in relation to Parish/Town Council matters (including matters related to a member of a Parish/Town Council), the Committee (or any Standards Sub Committee appointed by the Committee) must ensure that its member composition includes a Parish/Town Council representative and an independent member/person.
- (17) To refer cases to the Standards for England in accordance with guidance issued by the Board from time to time.
 - (18) To refer cases to the First-tier Tribunal (Local Government Standards in England) for a decision, where the Committee considers that the action it could take and/or the sanctions available to it, are insufficient.

- (19) To assist with the recruitment of independent members, including the power to establish a sub-committee to advise the General Assembly of the Council on the appointment.

Additional Role

- (20) To review the Whistleblowing Policy and Corporate Complaints Procedure 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.

DARTFORD BOROUGH COUNCIL

ANNUAL MEETING

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

**ASSESSMENT SUB-COMMITTEE
[REPORTING TO STANDARDS COMMITTEE]**

Chairman: Independent Member/Person
Membership: (1) Borough Councillor, (1) Parish/Town
Representative (non-dual-hatted)

TERMS OF REFERENCE:

A. DELEGATED FUNCTIONS:

To consider allegations of failure to observe the relevant Code of Conduct by Members of the Dartford Borough Council and of Parish/Town Councils within the Borough of Dartford, with delegated powers to:

To consider allegations of failure to observe the relevant Code of Conduct by Members of the Dartford Borough Council and of Parish/Town Councils within the Borough of Dartford, with delegated powers to:

- (a) refer the allegation/complaint to the Monitoring Officer for investigation.
- (b) refer the allegation/complaint to the standards committee of another relevant authority.
- (c) refer the allegation/complaint to the Standards for England.
- (d) refer the allegation/complaint to the Monitoring Officer for action short of formal investigation (e.g. training, conciliation, mediation etc) and to adjourn consideration of the allegation/complaint until completion of such action.
- (e) decide that no further action should be taken in respect of the allegation/complaint i.e. that the allegation/complaint will not be referred for investigation.
- (f) receive references back from the Monitoring Officer.

B: REFERRED FUNCTION:

To make recommendations to the Standards Committee to secure improved standards of conduct and to secure the effective handling of

allegations/complaints of by Members of Dartford Borough Council, and of Parish/Town Councils within the Borough of Dartford.

DARTFORD BOROUGH COUNCIL

ANNUAL MEETING

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

**REVIEW SUB-COMMITTEE
[REPORTING TO STANDARDS COMMITTEE]**

Chairman: Independent Member/Person
Membership: (1) Borough Councillor, (1) Parish/Town
Representative (non-dual-hatted)

**TERMS OF REFERENCE:
DELEGATED FUNCTIONS:**

To consider requests for review of the Assessment Sub-committee's decision that no action be taken in respect of an allegation/complaint i.e. a decision not to refer an allegation/complaint for investigation, with delegated powers to:

- (a)** refer the allegation/complaint to the Monitoring Officer for investigation.
- (b)** refer the allegation/complaint to the standards committee of another relevant authority.
- (c)** refer the allegation/complaint to the Standards for England.
- (d)** refer the allegation/complaint to the Monitoring Officer for action short of formal investigation and to adjourn consideration of the allegation/complaint until completion of such action.
- (e)** decide that no action should be taken in respect of the allegation/complaint i.e. that the allegation/complaint will not be referred for investigation.
- (f)** refer a complaint back to the Assessment Sub-committee as a 'new complaint', where further or new information of any significance available in support of the complaint that changes the nature of or gives rise to a potential 'new' complaint has been submitted by the complainant and which is not a repeat complaint.

DARTFORD BOROUGH COUNCIL

ANNUAL MEETING

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

**HEARING SUB-COMMITTEE
[REPORTING TO STANDARDS COMMITTEE]**

Chairman: Independent Member/Person
Membership: (1) Independent Member/Person, (2) Borough
Councillors, (1) Parish/Town Representative
(non-dual-hatted)

**TERMS OF REFERENCE:
DELEGATED FUNCTION:**

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, including findings of no failure.

**DARTFORD BOROUGH COUNCIL
ANNUAL MEETING**

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

**POLITICALLY RESTRICTED POSTS SUB - COMMITTEE
[REPORTING TO STANDARDS COMMITTEE]**

Chairman: Independent Member/Person
Membership: Borough Councillors (2)*

**politically balanced*

**TERMS OF REFERENCE:
DELEGATED FUNCTIONS:**

1. To consider applications from Council employees for exemption from political restriction in respect of their posts.
2. To consider appeals from Council employees for a direction as to whether their post is politically sensitive.
3. Where appropriate, to issue directions requiring the Council to include a post in the list of politically restricted posts it maintains.
4. To give general advice, following consultation with the Head of Paid Service, on the application of criteria for designation of a politically restricted post.

DARTFORD BOROUGH COUNCIL

ANNUAL MEETING

STANDING COMMITTEES, BOARDS AND PANELS OF THE COUNCIL

DEVELOPMENT CONTROL BOARD

[REPORTING TO COUNCIL unless otherwise stated in these Terms of Reference]

Chairman: Councillor
Vice-Chairman: Councillor
Membership: Councillors

TERMS OF REFERENCE:

A. DELEGATED FUNCTIONS:

1. Responsible for the implementation of the Development Plan through the following development control functions;

	Functions relating to Town and Country Planning and Development Control	Provision of Act or Statutory Instrument
1.	Power to determine applications for planning permission	Section 70(1)(a) and (b) of the Town and Country Planning Act 1990
2.	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	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, (paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act
3.	Powers to grant or refuse planning permission for development without complying with conditions to which previous planning permission is subject	Section 73 of the Town and Country Planning Act 1990
4.	Power to grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990
5.	Duties relating to the making of determinations of planning applications	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

6.	Power to determine application for planning permission made by a local authority, alone or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992
7.	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	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
8.	Power to issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990
9.	Power to serve a planning contravention notice, breach of condition notice or stop notice	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990
10.	Power to issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990
11.	Power to issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990
12.	Power to grant listed building consent	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
13.	Power to grant conservation area consent	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by section 74(3) of that Act
14.	Power to determine applications for hazardous substances consent, and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
15.	Power to require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990
16.	Power to dispense with duty to replace trees	Section 206(2) of the Town and Country Planning Act 1990
17.	Power to enforce duty to replace trees	Section 207 of the Town and Country Planning Act 1990
18.	Power to dispense with duty to replace trees in conservation areas	Section 213(2) of the Town and Country Planning Act 1990
19.	Power to enforce duty to replace trees in conservation areas	Section 213(3) of the Town and Country Planning Act 1990
20. (a)	Power to grant consent under a tree preservation order	Paragraph 7 of the Schedule to the Trees Regulations 1999
(b)	Power to make and confirm a tree preservation order	Sections 199 and 201 of the Town and Country Planning Act 1990
21.	Power to give directions as to the replanting of land	Paragraph 8 of the Schedule to the Trees Regulations 1999

22.	Power to require information as to interests in land	Section 330 of the Town and Country Planning Act 1990
23.	Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990
24.	Power to authorise entry on to land	Section 196A of the Town and Country Planning Act 1990
25.	Duties relating to applications for listed building consent and conservation area consent	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990
26.	Power to serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
27.	Power to issue enforcement notice in relation to demolition of [listed] building in conservation area	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990
28.	Power to issue a listed building enforcement notice	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990
29.	Power to apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990
30.	Powers to acquire a listed building in need of repair and to serve a repairs notice	[Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990
31.	Power to execute urgent works to a listed building	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990
32.	Power to revoke or modify any listed building consent	Section 23(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
33.	Power to determine whether prior approval is required to the siting and appearance of Telecommunications Code System Operators' apparatus	Schedule 2 Part 24 General Permitted Development Order 1995
34.	Power to screen applications and issue a screening opinion	Town and Country Planning (Environmental Impact Assessment) Regulations 1999
35.	Duty to give notice, etc of applications for planning permission	Town & Country Planning Act 1990 Sections 65 to 68
36.	Power to enter into agreement regulating development of use of land	Town & Country Planning Act 1990 Section 106
37.	Power to enter into agreement for the execution of highway works	Highways Act 1980 Section 278

38.	Power to authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act 1990
39.	Power to serve a completion notice	Town and Country Planning Act 1990 Section 94(2)
40.	Power to require the discontinuance of a use of land	Town and Country Planning Act 1990 Section 102
41.	Power relating to the protection of important hedgerows	Hedgerows Regulations 1997
42.	Power relating to high hedges remedial notices and to authorise entry onto land	Anti - Social Behaviour Act 2003 Part 8
43.	Obtaining particulars of persons interested in land	Section 16 Local Government (Miscellaneous Provisions) Act 1976
44.	Power to extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
45.	Determining whether a charge should be made for any approval or consent etc, including the function of determining the amount unless the function is a Cabinet function	
46.	Power to enforce all other statutory requirements arising from the exercise of functions delegated to the Board and to authorise legal proceedings	

2. To receive reports from the Standards Committee 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

To respond to discussion/consultation papers relating to matters connected/associated with the functions of the Board in accordance with the procedure set out in the Appendix to these Terms of Reference.

B. REFERRED FUNCTIONS:

1. To recommend accordingly to the Cabinet on matters connected with the 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.

DARTFORD BOROUGH COUNCIL

ANNUAL MEETING

STANDING COMMITTEES, BOARDS AND PANELS OF THE COUNCIL

LICENSING COMMITTEE [REPORTING TO COUNCIL]

Chairman: Councillor
Vice-Chairman: Councillor
Membership: Councillors

TERMS OF REFERENCE:

A. DELEGATED FUNCTIONS:

1. To exercise licensing and registration functions as follows:

	Functions relating to licensing, permits and registration	Provision of Act or Statutory Instrument
1.	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
2.	Power to license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
3.	Power to license hackney carriages and private hire vehicles	(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
		(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
4.	Power to license drivers of hackney carriages and private hire vehicles	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976

5.	Power to license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
6.	Power to license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
7.	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
8.	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
9.	Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
10.	Power to license zoos	Section 1 of the Zoo Licensing Act 1981
11.	Power to license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
12.	Power to license guard dogs	Section 1 of the Guard Dogs Act 1975
13.	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
14.	Functions relating to licensing	Sections 5 to 8 of the Licensing Act 2003
15.	Duty to comply with requirement to provide information to Gambling Commission	Section 29 of the Gambling Act 2005
16.	Functions relating to exchange of information	Section 30 of the Gambling Act 2005
17.	Functions relating to occasional use notices	Section 39 of the Gambling Act 2005
18.	Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the Gambling Act 2005
19.	Functions relating to the determination of fees for premises licences	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007

20.	Functions relating to the registration and regulation of small society lotteries	Part 5 of Schedule 11 to the Gambling Act 2005
21.	Power to license performances of hypnotism	The Hypnotism Act 1952
22.	Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
23.	Power to license market and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
24.	Power of register and license premises for the preparation of food	Section 19 of the Food Safety Act 1990
25.	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975
26.	Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part III of the Fire Safety and Safety of Places of Sport Act 1987
27.	Power to grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
28.	Obtaining particulars of persons interested in land	Section 16 Local Government (Miscellaneous Provisions) Act 1976
29.	Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement) Regulations 2006
30.	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	

2. To establish one or more sub-committees consisting of three members of the Committee to deal with the Licensing Act 2003 and Gambling Act 2005 functions set out in Tables 1 and 2 and to direct accordingly.
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.
4. To be kept abreast of the employment situation in the Borough and the need for new investment and employment where appropriate.

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.

**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 Members*)	OFFICERS UNDER DELEGATED AUTHORITY
Personal Licence			
Application for Personal Licence		If a representation made	If no representation made
Application for Personal Licence with unspent convictions		All cases	
Designated Premises Supervisor Licence			
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
Premises Licence			
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/Gambling Commission representation	All other cases
Application to review Premises Licence		All cases	
Club Premises Certificate			
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	
Temporary Event Notice (TEN)			
Determination of a police representation to a Temporary Event Notice		All cases	
Applications for Interim Authorities			
Giving immediate effect to an application		If police representation	All other cases
Complaint Irrelevant, Frivolous, Vexatious etc			
Decision on whether a complaint is irrelevant, frivolous, vexatious etc			All cases
Local Authority Consultee			
Decision to object when local authority is a consultee and not the lead authority			All cases

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

MATTER TO BE DEALT WITH	GENERAL ASSEMBLY OF THE COUNCIL	SUB-COMMITTEE (3 Members)(drawn from pool of 15 Members*)	OFFICERS UNDER DELEGATED AUTHORITY
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 representations received / representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where 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 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	

ANNUAL MEETING
STANDING COMMITTEES, BOARDS AND PANELS
OF THE COUNCIL

LICENSING SUB-COMMITTEE
[REPORTING TO LICENSING COMMITTEE]

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

**floating/pool membership from the Licensing Committee*

TERMS OF REFERENCE:
DELEGATED FUNCTION:

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.

DARTFORD BOROUGH COUNCIL

ANNUAL MEETING

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

APPEALS PANEL

[Reporting lines are as detailed in these Terms of Reference]

Chairman:	Councillor
Vice-Chairman:	Councillor
Membership:	Councillors

**TERMS OF REFERENCE:
DELEGATED FUNCTIONS:**

For the purposes of these Terms of Reference:

- (i) 'Statutory Officers' mean the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (Section 151 Officer);
- (ii) 'Officers reporting to Council' mean Directors, the Head of Finance and Resources, Head of Legal Services and Head of Housing Services.

Subject to ensuring;

- (a) That members of the Panel have not been involved in the original decision;
- (b) That determination of appeal arrangements are consistent with Article 6 of the European Convention on Human Rights including holding a hearing in public (but without prejudice to current access to information legislation):

to deal with the hearing and determination of appeals as follows:

1. Personnel (Human Resources) related appeals

- (a) Against decisions on suspension, relegation or dismissal (including a dismissal following a period of probation) of Statutory Officers and Officers reporting to Council, with the Panel reporting to the GAC.
- (b) Against decisions on a grievance (including those related to a grievance following a period of probation) of Statutory Officers and Officers reporting to Council, with the Panel reporting to the GAC.

2. Allocation Appeals

Against decisions of the Head of Housing Services (or nominee) in respect of the allocation of housing accommodation pursuant to the Housing Acts 1985 and 1996 and reporting to the Cabinet.

3. Data Protection Act 1998

To review or reconsider any decision of the Cabinet or Officer exercising delegated authority pursuant to the Scheme of Delegations to Officers, concerning access to personal information or its correction or erasure and reporting to the Cabinet.

4. Grants Applications

Against decisions of the Cabinet or Officers exercising delegated authority pursuant to the Scheme of Delegations to Officers to withdraw grants in excess of £10,000 and reporting to the Cabinet.

DARTFORD BOROUGH COUNCIL
ANNUAL MEETING
STANDING COMMITTEES, BOARDS AND PANELS
OF THE COUNCIL

APPOINTMENTS PANEL
[REPORTING TO COUNCIL]

Chairman:	Councillor
Vice-Chairman:	Councillor
*Membership:	Councillors

**[membership must include one Cabinet member]*

TERMS OF REFERENCE:

A. DELEGATED FUNCTIONS:

1. To be the interviewing body in relation to the recruitment of the Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) and Officers reporting to the Council as defined in Standing Order 60 (Recruitment/Appointment of Statutory Officers and Officers reporting to the Council).
2. To draw up a statement specifying the duties of the post concerned and any qualifications or qualities required of the applicant.
3. To advertise the post in such a way as to encourage applications from suitable candidates.

B. REFERRED FUNCTION:

To recommend accordingly to the Council on the appointment of Statutory Officers and Officers reporting to the Council.

DARTFORD BOROUGH COUNCIL

ANNUAL MEETING

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

**DISCRETIONARY HOUSING PAYMENTS PANEL
[REPORTING TO CABINET]**

Chairman:	Councillor
Vice-Chairman:	Councillor
Membership:	Councillors

**TERMS OF REFERENCE:
DELEGATED FUNCTION:**

To conduct reviews of decisions into the making, cancellation or recovery of Discretionary Housing Payments in accordance with the Child Support, Pensions and Social Security Act 2000 and the Discretionary Financial Assistance Regulations 2001.

DARTFORD BOROUGH COUNCIL

ANNUAL MEETING

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

REMUNERATION AND PERFORMANCE MANAGEMENT PANEL
[Reporting lines are as detailed in these Terms of Reference]

Chairman: Councillor
Vice-Chairman: Councillor
Membership: Councillors

**TERMS OF REFERENCE:
DELEGATED FUNCTIONS:**

1. Without prejudice to the roles and responsibilities of the Cabinet, Policy Overview Committee, the Scrutiny Committee and the Management/Employee Appraisal Process, to undertake an annual Performance Management Review of the progress and performance (including achievement) of the Managing Director, Directors and the organisation of the Council against Corporate Targets with a view to improving organisational effectiveness and the accomplishment of the Council's mission and goals and to recommend accordingly to the Cabinet any changes to Corporate Targets resulting from Performance Management Review.
2. To consider and recommend to the General Assembly of the Council pay and terms and conditions of employment of the Managing Director, Directors and Officers reporting to the Council.
3. To consider and recommend to the General Assembly of the Council on matters related to the early retirement terms and/or redundancy terms of the Managing Director, Directors and Officers reporting to the Council.
4. To act as the 'Disciplinary Panel' in accordance with Standing Order 63 'Disciplinary Action in Respect of Officers Reporting to the Council (Managing Director, Directors, the Head of Finance and Resources, Head of Legal Services and the Head of Housing Services) and to recommend accordingly to the General Assembly of the Council.

NB: Officers reporting to the Council in the context of this Term of Reference will exclude Directors who are Statutory Officers. The disciplining of Statutory Officers must comply with the rules detailed in Standing Order 62.

DARTFORD BOROUGH COUNCIL

ANNUAL MEETING ADVISORY PANEL OF THE COUNCIL

INDEPENDENT REMUNERATION PANEL [REPORTING TO COUNCIL]

Chairman:

Membership:

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 (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, particularly but not exclusively, other authorities in the Thames Gateway.
 - (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 provide informal advice on expenses, gratuities and allowances not referred to in these Terms of Reference.
- 4. To deal with other issues which may from time to time fall within the remit of the Panel through legislation.

ANNUAL MEETING

STANDING COMMITTEES, BOARDS AND PANELS OF THE COUNCIL

ELECTORAL PROVISIONS SUB-COMMITTEE [REPORTING TO COUNCIL]

Chairman:	To be appointed
Vice-Chairman:	To be appointed
Membership:	To be appointed

TERMS OF REFERENCE:

A. DELEGATED FUNCTIONS:

1. To publish notice of the holding of a review 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 Borough of Dartford.
3. To seek representations from such persons as the Sub committee thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability.
4. To receive representations from electors in the constituency situated in whole or in part in the authority's area.
5. To respond to consultation/discussion papers related to matters connected/associated with electoral arrangement functions in accordance with the Consultation/Discussion Papers Protocol.
6. To agree the process for consultation on change of scheme for elections.
7. To prepare and agree on submission proposals for pilot schemes for local elections.
8. To deal with the procedural aspects of community governance reviews.

B. REFERRED FUNCTION:

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

DARTFORD BOROUGH COUNCIL

ANNUAL MEETING

NON-STATUTORY FORUM*

JOINT TRANSPORTATION BOARD

[Reporting lines are as detailed in these Terms of Reference]

**political balance rules do not apply*

Chairman:	Councillor
Vice-Chairman:	Councillor
Membership:	Councillors

**TERMS OF REFERENCE:
DELEGATED FUNCTIONS:**

1. To consider and provide advice on the following matters to the Executive and/or Cabinet as appropriate:
 - (i) capital and revenue funded works programmes;
 - (ii) traffic regulation orders;
 - (iii) street management proposals.
2. Be a forum for consultation between Kent County Council and the Borough Council on policies, plans and strategies related to highways, road traffic and public transport.
3. Review the progress and out-turn of works and business performance indicators.
4. Recommend and advise on the prioritisation of bids for future programmes of work.
5. Receive reports on highways and transportation needs within the Borough.

DARTFORD BOROUGH COUNCIL
ANNUAL MEETING
STANDING COMMITTEES, BOARDS AND PANELS
OF THE COUNCIL

DEED, TRUST AND OBLIGATIONS COMMITTEE
[REPORTING TO CABINET]

Chairman:	Councillor
Vice-Chairman:	Councillor
*Membership:	Councillors
Independent Members:	

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.

DARTFORD BOROUGH COUNCIL
ANNUAL MEETING

CABINET ADVISORY PANELS

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.