

# DARTFORD BOROUGH COUNCIL

## ANNUAL MEETING

Appendix C(i)

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

#### THE CABINET

<b>Chairman:</b>	<b>Councillor J A Kite</b>
<b>Vice-Chairman:</b>	<b>Councillor A R Martin</b>
<b>Senior Cabinet Member (with portfolio):</b>	<b>Councillors Mrs A D Allen, P F Coleman, B E Read and Mrs P A Thurlow</b>

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 Council then either agrees the draft policy or budget or may amend the draft policy or budget in those respects in which the Council is unhappy.
- (3) The Cabinet shall be responsible for any consultation required or necessary with the Quality Services Committee and the Scrutiny Committee, local partners and other stakeholders in developing the budget and formulating policy.

#### **TERMS OF REFERENCE: DELEGATED FUNCTIONS:**

##### **1. The Executive Functions**

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 (refer to para. 14 of these Terms of Reference).

##### **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;

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- (4) Lead on Best Value and Comprehensive Performance Assessment;
- (5) 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;
- (6) 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 Quality Services Committee and the Scrutiny Committee.

#### (3) In-Year Amendments

The Council 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 Quality Services 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 Quality Services Committee as and when necessary.
- (7) To receive recommendations from the Quality Services Committee on policy reviews.
- (8) To make changes where appropriate to the recommendation(s) from the Quality Services Committee and the Scrutiny Committee.

#### (9) The Development Plan

Responsible for formulating the Development Plan in accordance with the Town & Country Planning (Local Development) (England) Regulations 2004 and effecting the necessary consultations

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(including consultations on successive drafts of the Development Plan while policy is being formulated) with the Development Control Board, the Quality Services Committee, and other stakeholders as appropriate.

**NB:** The approval of draft Development Plan proposals (Development Plan Documents) for public consultation from the Submission stage onwards is a decision of the Council and not the Cabinet.

(10) Subject to the process of policy formulation recommend to the Council for approval/adoption;

**(a) Statutory Plans and Strategies**

- Annual Performance Plan
- Children and Young People's Plan
- Community Safety Strategy
- Crime and Disorder Reduction Strategy
- Development Plan\*
- Sustainable Community Strategy (for Promoting or Improving Economic, Social and Environmental Well-being)
- Young Justice Plan

*\*functions relating to local development documents which are not development plan documents, are the responsibility of Cabinet*

**(b) Non-Statutory Plans and Strategies and Policies**

- Asset Management Plan
- Comprehensive Equality Policy
- Corporate Plan
- Housing Investment Programme
- Housing Strategy
- Housing Business Plan
- Sustainable Home Energy Strategy/Action Plan

**(c)** 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

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arrangements has delegated to the Cabinet the authority to make in-year amendments to the plan, strategy or arrangement in question.

- (11) Responsible for all the steps leading up to the adoption by the Council of plans and strategies.
- (12) Responsible for the preparation of documents or the formulation of arrangements related to the;
  - Annual Performance Plan;
  - Community Safety Strategy;
  - Sustainable Community Strategy (for Promoting or Improving Economic, Social and Environmental Well-being);
  - Plans and alterations, which together comprise the Development Plan.
- (13) To approve other plans, strategies and policies which are not required by law to be approved/adopted by the Council.

#### 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 Council 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 Quality Services Committee.

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

Receive recommendations from the Quality Services Committee and the Scrutiny Committee 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. [The Cabinet and the Council will wish to note any such findings in the

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context of the Council's broad policy framework and ensure that recommendations are fully taken on board].

### 7. Residual Planning Functions

- (a) To recommend to the Council 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

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.

### 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 place staff at the disposal of other local authorities, (example to facilitate the exercise of joint arrangements) but only in relation to the discharge of Cabinet functions.

### 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.

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### 12. Local Acts

Responsible for any function under a local Act other than the functions specified to be the responsibility of the Council and/or as delegated by the Council 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 Council unless it is an urgent departure decision taken in accordance with Standing Order 55(4).

### 14. The Cabinet's Functions

Exercise and undertake (or as the Cabinet may determine), the functions of the Council which;

- (1) are not specifically reserved to the Council by regulations or otherwise specified as being functions which the Council must determine;
- (2) the Council has discretion on (i.e. may exercise the function(s) itself or delegate it), but chooses not to carry out the function(s);
- (3) are not delegated by the Council to another Committee, Board, Panel or Officer pursuant to section 101 of the Local Government Act 1972;
- (4) are not listed in these Terms of Reference as being matters on which the Cabinet makes recommendations to the Council;
- (5) are not exercised in a way, which breaches or has the effect of breaching plans, strategies and policies approved by the Council.

### 15. 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

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outside the Council in connection with the discharge of any Cabinet function and subject to the Council's Comprehensive Equality Policy.

### 16. 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.

### 17. Monitoring Officer and Chief Finance Officer Reports

(a) Without prejudice to the role and responsibilities of the 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 Council (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.

### 18. 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.