

**DARTFORD BOROUGH COUNCIL
ANNUAL MEETING
11 May 2016**

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 | Section 6(7) and (8) of the |

| | | |
|-----|--|--|
| | Parliamentary elections | 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 Council's response to any consultations or proposals by the Electoral Commission and the Independent Government Boundary Commission for England | Section 13 Local Government Act 1992 |
| | 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 | Section 79 of the Local |

| | | |
|------------|--|---|
| | reviews | 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 2 Local Government and Public Involvement in Health Act 2007 |
| 11. | Power to make agreements about incidental matters e.g. transfer or retention of any | Section 99 of the Local Government and Public |

| | | |
|------------|---|---|
| | property, rights and liabilities | 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. | 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 | Section 166 of the |

| | | |
|-----|--|--|
| | licence | 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 Act 2001 |
| 17. | 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) | Statement of licensing policy | Section 5 of the Licensing Act 2003 |
| (b) | Licensing authority policy statement | Section 349 of the Gambling Act 2005 |
| (c) | Approval of Local Plan documents, from the publication stage onwards | Town and Country Planning Act, 1990 (as amended) & Town and Country Planning (Local Planning) (England) Regulations 2012 |

| | | |
|------------|---|--|
| (d) | Approval to designate an organisation or body as a Neighbourhood Forum in relation to a Neighbourhood Area | Section 61F(5) of the Town and Country Planning Act 1990 (as amended) |
| (e) | Approval to designate an area within the local planning authority as a Neighbourhood Area | Section 61G(4) of the Town and Country Planning Act 1990 (as amended) |
| (f) | Decision to make or refuse to make a Neighbourhood Development Plan | Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) |
| 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) | 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. | To appoint staff, and to determine the terms | Section 112 of the Local |

| | | |
|----|--|---|
| | and conditions on which they hold office (including procedures for their dismissal) | Government Act 1972 |
| 2. | 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 |
| 6. | To deal with standards/ethical governance matters | Part III Chapters I & II 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 deal with all other matters which, by law, must be reserved to the GAC | |
| | | |