

**DARTFORD BOROUGH COUNCIL
ANNUAL MEETING
11 May 2022**

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

CABINET

Chairman: Councillor J A Kite MBE
Vice-Chairman: Councillor C J Shippam
Cabinet Member: Councillors, S H Brown, A R Lloyd, D J Mote,
Mrs P A Thurlow and R J Wells

CABINET

TERMS OF REFERENCE:

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

- (1)** The Cabinet proposes the budget (including the allocations to different services and projects, proposed taxation levels and contingency funds) or proposes plans/strategies/arrangements (the policy framework) to the Council for adoption (with or without modifications/amendments);
- (2)** The GAC then either agrees the draft policy or overall budget envelope or may amend the draft policy or overall budget and tax levels in those respects in which the GAC is unhappy overall.
- (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;
- (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 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 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 Plan and Planning Policy

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

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

(9) Subject to the process of policy formulation, recommend to the GAC for approval/adoption, statutory and other plans (refer to the GAC Terms of Reference).

(10) Expand the Council's policy framework by deciding that other plans and strategies (statutory and non-statutory) and policies be adopted by the GAC.

NB: If the Cabinet is minded to determine a matter not in accordance with the policies adopted by the Council (a departure decision) that decision MUST be taken by the Council unless it is an urgent departure decision taken in accordance with Standing Order 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.

(11) Responsible for all the steps leading up to the adoption by the GAC, of plans and strategies.

(12) 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 overall budget framework 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.

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

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

- (f) To adopt, revise and revoke Local Development Orders under Section 61A of the Town and Country Planning Act 1990 (as amended) and to oversee all procedural steps including local consultation.
- (g) To oversee all procedural steps relating to the preparation of Neighbourhood Development Orders and Community Right to Build Orders (Part 6, the Neighbourhood Planning (General) Regulations 2012).
- (h) To make decisions about a proposed Neighbourhood Development Order or Community Right to Build Order following receipt of the examiner's report, including making or refusing to make an Order (Schedules 4B and 4C of the Town and Country Planning Act 1990 (as amended)).

(i) Community Infrastructure Levy (CIL)

To:

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

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

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

10. Exercise of Joint Arrangements

- (a) To make agreements with other local authorities for the placing of staff at the disposal of those other local authorities, (example to facilitate the exercise of joint arrangements) but only in relation to the discharge of Cabinet functions.
- (b) To appoint an individual (and revoke the appointment) to:
 - (i) any office other than an office in which he/she is employed by the Council;
 - (ii) any body 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. Localism Act 2011

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

13. 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.

14. 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, reserves and provisions.

NB: If the Cabinet is minded to determine a matter not in accordance with the resources available and any parameters detailed in Standing Orders and/or Financial Regulations, that decision MUST be taken by the GAC unless it is an urgent departure decision taken in accordance with Standing Order 55(4).

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

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 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.

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.

19. Risk Management Framework

To approve the Risk Management Framework.