

**DARTFORD BOROUGH COUNCIL
ANNUAL MEETING
24 MAY 2023**

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

GENERAL ASSEMBLY OF THE COUNCIL (GAC or COUNCIL)

TERMS OF REFERENCE:

1. In accordance with the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 - Schedule 1 (as amended)¹ to exercise the following functions unless delegated to a Committee, Board or Panel or Officer under the Scheme of Delegations to Officers:

(1)	(2)
<i>Function</i>	<i>Provision of Act or Statutory Instrument</i>
A. Functions relating to health and safety at work	
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 authority’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.

¹ As at 28 March 2023

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 to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	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 2007 Act.
18. Duties relating to publicity.	Sections 35, 41 and 52 of the 2007 Act.
19. Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the 2007 Act.
20. Power to alter years of ordinary elections of parish councillors.	Section 53 of the 2007 Act.

21. Functions relating to change of name of electoral area.	Section 59 of the 2007 Act.
C. Functions relating to name and status of areas and individuals	
1. Power to change the name of the 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 2007 Act.
2. Functions relating to community governance petitions.	Sections 80, 83 to 85 of the 2007 Act.
3. Functions relating to terms of reference of review.	Sections 81(4) to (6).
4. Power to undertake a community governance review.	Section 82 of the 2007 Act.
5. Functions relating to making of recommendations.	Sections 87 to 92 of the 2007 Act.
6. Duties when undertaking review.	Section 93 to 95 of the 2007 Act.
7. Duty to publicise outcome of review.	Section 96 of the 2007 Act.
8. Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the 2007 Act.
9. Power to make agreements about incidental matters.	Section 99 of the 2007 Act.
E. Power to make, amend, revoke, re-enact or enforce byelaws.	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978.
F. Power to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972.

G. Functions relating to pensions etc.	
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972.
H. Policy Framework - Statutory Plans <i>The Cabinet may formulate the following plans, strategies etc. for approval by the GAC</i>	See Article 4.01 of the Constitution
I. Miscellaneous functions	
Part I: functions relating to public rights of way etc.	
1. Power to create footpath, bridleway or restricted byway by agreement.	Section 25 of the Highways Act 1980.
3. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981.
4. Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.	Section 257 of the Town and Country Planning Act 1990.
5. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
Part II: 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. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.
3. Power to appoint officers for particular purposes (appointment of “proper officers”).	Section 270(3) of the Local Government Act 1972.
4. 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.
5. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
6. Duty to provide staff, etc. to person nominated by monitoring officer.	Sections 82A(4) and (5) of the Local Government Act 2000.
Part III: Procedural/Regulatory	
1. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12

	to, the Local Government Act 1972.
2. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
3. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 2015.
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 make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001.
Part IV: Other	
1. 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 by Cabinet	
2. To deal with all other matters which, by law, must be reserved to the GAC	
3. To respond to discussion/consultation papers in accordance with the Consultation/Discussion Papers Protocol	