

Public Document Pack

Mid Devon District Council

Scrutiny Committee

Friday, 27 February 2015 at 2.00 pm
Town Hall, Tiverton

Next ordinary meeting
Monday, 16 March 2015 at 2.15 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr Mrs J Roach
Cllr E J Berry
Cllr Mrs J Rendle
Cllr T W Snow
Cllr Mrs M E Turner
Cllr N A Way
Cllr A V G Griffiths
Cllr Mrs S Griggs
Cllr T G Hughes
Cllr M R Lee

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute Members (if any).

- 2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.

- 3 **MEMBER FORUM**
An opportunity for non-Cabinet Members to raise issues.

- 4 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 10*)
To approve as a correct record the Minutes of the last meeting of this Committee (attached).

The Committee is reminded that only those members of the Committee present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.

5 **CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements that the Chairman of Scrutiny Committee may wish to make.

6 **CLINICAL COMMISSIONING GROUP**

The Committee will receive a presentation from Mr John Finn, Managing Director of the Eastern Locality, Northern, Eastern and Western Devon Clinical Commissioning Group. Mr Finn will update the Committee on recent issues to do with the CCG, joint working to avoid bed blocking and Maternity Services.

7 **THE COMMITTEE TO RESPOND TO THE DCLG CONSULTATION IN RELATION TO 'PROPOSED LOCAL AUTHORITIES(FUNCTIONS AND RESPONSIBILITIES) (ENGLAND) REGULATIONS 2015'** (*Pages 11 - 58*)

The Chairman has requested that the Committee discuss the DCLG proposals for Local Authorities (Functions and Responsibilities) (England) Regulations 2015, which are attached to this agenda.

8 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Members are asked to note that the following items are already identified in the work programme for the next meeting:

Tiverton Pannier Market
High Street Innovation Awards
Performance and Risk
Cabinet Member for Finance

Note: - this item is limited to 10 minutes. There should be no discussion on items raised.

Kevin Finan
Chief Executive
Thursday, 19 February 2015

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any

additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the Council Chamber on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Julia Stuckey on:

Tel: 01884 234209

Fax:

E-Mail: jstuckey@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

This page is intentionally left blank

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 16 February 2015 at 2.15 pm

Present

Councillors

Mrs J Roach (Chairman)
E J Berry, A V G Griffiths, Mrs S Griggs,
T G Hughes, M R Lee, Mrs J Rendle,
T W Snow, Mrs M E Turner and N A Way

Also Present

Councillors

C J Eginton, R M Deed, N V Davey, Mrs L J Holloway,
D F Pugsley and R L Stanley

Also Present

Officers:

Kevin Finan (Chief Executive), Liz Reeves (Head of Customer Services), Jill May (Head of HR and Development), Philip Langdon (Solicitor) and Julia Stuckey (Member Services Officer)

128 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

129 **PUBLIC QUESTION TIME**

There were no questions from members of the public present.

130 **MINUTES OF THE PREVIOUS MEETING**

The Chairman requested that the word 'refused' be removed from the first sentence of Minute 118 and be replaced with 'took advice'.

The Chairman requested that the sentence introducing Geraldine Daly to the Committee under Minute 119 be moved to Minute 120, with the added wording 'and could not answer questions'.

The Chairman requested that the wording 'in relation to thresholds and the cost of prosecution' be added to the final sentence of minute 125.

The amendments above were moved by the Chairman and **AGREED** by the Committee. The minutes were then **AGREED** as a true record of the previous meeting.

131 DECISIONS OF THE CABINET (00:16:28)

The Chairman explained that a recommendation made by this Committee at its meeting of 19 January 2015 had been discussed at the Cabinet meeting held on 5 February 2015 and had been rejected.

The Leader of the Council was invited to explain the reasons for the rejection. He reminded the Committee that the recommendation being discussed was that the Chairman of the Scrutiny Committee be consulted, along with the Leader, when the Chief Executive uses reserves to make payments for redundancies. He stated that this should not be confused with the decision regarding redundancies.

The Leader explained that the decision of the Cabinet had been unanimous. They had agreed that it would be very difficult for the Chairman of the Scrutiny Committee to be involved in making a decision that may later be scrutinised by the Committee. He added that the Monitoring Officer had provided her view, which was that the decision made by the Cabinet was in accordance with article 12.02 in the Constitution and that she had advised the Chairman that she did not believe there were grounds for calling-in this decision.

Discussion took place regarding:

- Whether the Chairman could be 'judge and jury' and whether it would be appropriate for the Chairman to be involved in the decision and the scrutiny;
- The original recommendation and whether it was what the Committee had actually intended;
- The wish of the Chairman to have legal representation at Committee meetings in order to make sure that the recommendations put forward were appropriate;
- The lack of clarity in the Constitution and the ongoing work of the Constitution Working Group.

The Solicitor, deputising for the Monitoring Officer, confirmed that he considered the statement prepared by the Monitoring Office to have been correct and re-iterated that Call-in should only be used in 'exceptional circumstances'.

As the person calling in the item the Chairman made a statement. She explained that she felt that the Committee were correct when they said that the recommendation did not reflect what they had intended. She said that this was a problem that the Committee had, when decisions were made and resolutions put forward and there was no legal advice available. She informed the Committee that she had asked for a legal representative to be at the table at all meetings. She stated that if there had been a Solicitor at the last meeting the Committee could have been informed that the recommendation was one that could not be upheld.

The Chairman confirmed that should a situation arise whereby she had been part of a decision making progress she would leave the room and let the Vice Chair lead on the matter. The Chair suggested that she sit down with the Monitoring Officer to discuss the decision making process.

It was agreed to leave the matter.

132 **MEMBER FORUM**

No issues were raised.

133 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

134 **CALL IN PROCEDURE (00:50:27)**

At the request of the Chairman the Committee had before it information from the Head of Communities and Governance and Monitoring Officer outlining the process for Call-in. The Chairman explained that she had requested the information as she wanted to ensure that the Committee were all clear on the process.

Discussion regarding this matter had already taken place at Minute 131.

Note: - Information previously circulated and attached to minutes.

135 **CABINET MEMBER FOR HOUSING (00:53:27)**

The Committee had before it and **NOTED** a report * from the Cabinet Member for Housing.

He highlighted areas of the report, including performance. The Committee worked through the report and discussion took place regarding:

- Garages - the Cabinet Member asked that Members let the Housing Service know if they were aware of areas within their Wards where parking was taking place on old garage plots without a fee being paid;
- Rent arrears - the Committee were informed that rent arrears were the lowest that they had ever been for this time of year;
- Call outs for repairs had reduced since stock had been improved and more proactive maintenance;
- Affordable Homes had fallen below target but was expected to reach 80 for the current year;
- The budget for St Andrew Street had been revised;
- Investigations were being made into the potential use of communal heat pumps;
- Decent Homes Standard – the Cabinet Member explained that this target would be met on 31/3/15 but would be lost on 1/4/15 when the standards changed;
- The use of B & B accommodation had been reduced by the introduction of DARS which was a scheme that lent money for deposits.

The Committee recorded their congratulations to the Housing Service for their efficiency in the collection of rents.

The Cabinet Member explained the importance of Eviction Panels and stressed to the Committee that Ward Members were invited to attend these panels but to date few had. Members explained that the invitation to attend Eviction Panels was often

given with very little notice and this made it difficult for them to attend. The Cabinet Member would report this back to Officers.

The Committee thanked the Cabinet Member for Housing for his report and commended the Housing Service on the improvements that had been made.

Note: - Report previously circulated and attached to minutes.

136 **COMMUNICATION WORKING GROUP UPDATE (01:20:00)**

The Committee had before it and **NOTED** a report * from the Communications Working Group which had originally been put before the Committee in January 2014.

The Committee worked through the recommendations that had been made to establish progress:

- The dates of neighbourhood walks had been published in advance and had been checked against Council meetings to ensure that there were no clashes;
- Training was available to any Member that asked for it regarding the use of Outlook;
- The Chief Executive explained that receiving a response to an email to an Officer within 5 days was an aspiration but could not be guaranteed due to Officer work load. He informed the Committee that they should report specific incidents to him if they had a continued problem;
- The 'Doodle' system was in place but it was important that Members responded to it;
- Management Team would endeavour to keep Members updated with regard to the management structure and guidance with regard to who had moved where within the building would be sent out once everything had settled;
- The Chief Executive now held two annual Q & A sessions with Members and had agreed to meet Groups on further occasions if required;
- The Chief Executive and the Leader had met with the editor of the Gazette. The Chief Executive considered that the Council had a good relationship with the local paper;
- Further resource had been put into Social Media

It was **AGREED** that the report of the Communications Working Group be reviewed in six months' time.

Note:- Report previously circulated and attached to minutes.

137 **PROCEEDINGS AGAINST COUNCILLOR WILSON - RESPONSE TO QUESTIONS RAISED BY COUNCILLOR PUGSLEY (01:42:53)**

The Committee had before it a report * by the Chief Executive detailing proceedings that had been taken against Councillor K D Wilson and a response to questions raised by Councillor D F Pugsley at the last meeting of the Committee.

Councillor Pugsley explained to the Committee that judges made decisions on whether or not to pay expenses for cases and at which level the expenses would be set. In the case against Councillor Wilson the expenses had totalled £13k but only £240 had been awarded for costs. Councillor Pugsley suggested that the Council

should look at alternatives to prosecution, in the same way that the HMRC had. He suggested that sending a letter as a final warning could have the same effect as a conditional discharge.

Discussion took place regarding:

- The Council could not issue warnings in the same way that the Police did but could send warning letters
- The need to 'move on';
- Legislation for fraud which had to be followed;
- Torbay Councils Fraud Policy which laid down thresholds and allowed for warnings to be issued;
- The need to be seen to be prosecuting benefit fraud.

It was **RESOLVED** to:

1. Note the answers to questions raised at the earlier meeting;
2. Note and endorse the current Anti-Fraud and Corruption Policy; Housing and Council Tax Benefit Fraud Policy; and Fraud Policy & Procedure Manual;
3. Support the promotion of propriety in public office;
4. Review the Fraud Investigation Policy used by Torbay Council.

Proposed by Cllr N A Way and seconded by Councillor T W Snow)

Note: - Report previously circulated and attached to minutes.

138 **COUNCILLOR D F PUGSLEY HAD REQUESTED THAT THE COMMITTEE DISCUSS THE FOLLOWING: (02:04:55)**

"Progress report on the steps taken to ensure that the Council actually has a powerful and effective system for holding decision-makers to public account (Minute 98)."

Councillor Pugsley asked what progress had been made since he last asked this question?

The Chairman informed the Committee that she had asked for further resource in order for the Scrutiny Committee to become more effective.

Discussion took place regarding:

- The need for a full time Officer to prepare and carry out research on behalf of the Committee;
- The Constitution Working Group had looked at Scrutiny;
- Whether or not there was a need for further scrutiny;
- The possibility that Members 'shadow' Cabinet Members in order to see what they do;

It was **RECOMMENDED** to the Cabinet:

That in the new Council, Members be offered the opportunity to shadow Cabinet Members.

Proposed by Councillor N A Way and seconded by Councillor T W Snow.

139 UPDATES AND ITEMS TO NOTE REGARDING OUTSTANDING ITEMS (02:24:00)

The updates were **NOTED**.

140 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

The next meeting of the Scrutiny Committee would be held on Friday 27th February 2015 at 2.00pm in the Council Chamber.

This would be a Special Meeting at which the Committee would receive a presentation from Mr John Finn, Managing Director of the Eastern Locality, Northern, Eastern and Western Devon Clinical Commissioning Group.

The Committee would also discuss DCLG proposals for Local Authorities (Functions and Responsibilities) (England) Regulations 2015

Items for the following meeting on 16th March 2015 to include:

High Street Innovation Awards

(The meeting ended at 4.45 pm)

CHAIRMAN



Department for
Communities and
Local Government

Draft Local Authorities (Functions and Responsibilities) (England) Regulations 2015

Draft regulations and explanatory note of proposed changes



© Crown copyright, 2015

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on our website at www.gov.uk/dclg

If you have any enquiries regarding this document/publication, complete the form at <http://forms.communities.gov.uk/> or write to us at:

Department for Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/CommunitiesUK>

January 2015

ISBN: 978-1-4098-4467-9

Contents

Introduction	Page 4
The Regulations	Page 4
Principal Amendments and Updates	Page 5
<ul style="list-style-type: none">• Budgeting• Strategic plans• Disposal of land and buildings• Licensing of scrap metal dealers• Health and Wellbeing Boards• Neighbourhood Planning• Establishment of combined authorities and economic prosperity boards• Authorising the contracting out of a function under Section 70 of the Deregulation and Contracting Out Act 1994• Sustainable Drainage System Approving bodies	
Detailed Changes to Regulations	Page 7
<ul style="list-style-type: none">• Functions not to be the responsibility of an authority's executive• Functions which may be the responsibility of an authority's executive• Functions which are not to be solely the responsibility of an authority's executive• Revocations	
Detailed Changes to Schedules	Page 10
<ul style="list-style-type: none">• Schedule 1• Schedule 2• Schedule 3• Schedule 4• Table of changes to Schedule 1	
The Draft Local Authorities (Functions and Responsibilities) (England) Regulations 2015	Page 22

Introduction

1. The Department is undertaking a technical consultation on the draft Local Authorities (Functions and Responsibilities) (England) Regulations 2015 (“the draft Regulations”) reproduced at the end of this note.
2. The draft Regulations consolidate the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and 15 subsequent amending Regulations. They also take account of current circumstances and policies, delete references to legislative provisions that have been revoked or are otherwise no longer required, reference new legislation as appropriate, and give effect to current Government policies.
3. This note is a guide to the main changes that have been made to assist those considering and commenting on the draft Regulations. Paragraphs 7 to 19 summarises the principal legislative and policy changes. The rest of the note picks up the main changes in each part of the draft Regulations.

The Regulations

4. Part 1A of the Local Government Act 2000 (“the 2000 Act”) provides that where authorities operate executive arrangements (Leader and Cabinet or Mayor and Cabinet), all functions are to be exercised by the executive unless otherwise specified either in that Act, any enactment passed after it, or specified in regulations made under section 9D of that Act.
5. The Regulations will be made in exercise of powers conferred by sections 9D, 9DA and 105 of the 2000 Act¹. They specify functions that are not to be the responsibility of an authority's executive, or are to be the responsibility of such an executive only to a limited extent or only in specified circumstances.
6. In broad terms, local authority's full council is responsible for setting the budget and policy framework. Functions such as licensing and planning development control are also generally the responsibility of the council or its committees or sub-committees rather than the executive, although there are exceptions to this.

¹ The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 made under section 13 and 105 of the Local Government Act 2000 before the Localism Act 2011 inserted the new Part 1A, remain in force until revoked pursuant to the Interpretation Act 1978.

Principal Amendments and Updates

Budgeting – Schedule 4

7. The draft Regulations clarify the current legal position on “in year” decisions that may impact on an authority’s agreed budget. They provide that once the overall budget envelope has been agreed at the beginning of the year by the full council, subsequent decisions of the executive that may impact on that budget need only be brought back to the full council:
 - If the decision is likely to cause the authority’s overall budget envelope to be exceeded, or
 - If it is contrary to the authority’s borrowing or capital expenditure plans; and,
 - If it is not authorised by the authority’s executive arrangements, financial regulations, standing orders or other rules or procedures.
8. In the Regulations, the budget is defined by reference to the calculations required under the Local Government Finance Act 1992 and the budgeting process defined by the Local Authorities (Standing Orders) (England) Regulations 2001 as amended² which provide for the preparation by the executive and approval by the council of those calculations.

Strategic plans – Schedule 4

9. The draft Regulations provide for a revised process for handling decisions impacting on strategic and other plans in authorities operating Mayor and Cabinet governance arrangements.
10. A directly elected mayor may, within 6 months of being appointed, publish a plan or strategy (the mayor’s plan) to be approved and adopted by the executive. With certain exceptions, the mayor/executive may subsequently make a determination of any matter in the discharge of a function - make decisions - consistent with the mayor’s plan without reference to the full council, even where the decision is contrary to other strategic plans which the council may have approved. The exceptions are specific statutory and other plans defined in draft Regulation 4 (1)(a) or 4(1)(b) - plans or strategies specified in the first column of Schedule 3, or plans for the control of the authority’s borrowing, investments or capital expenditure, or for determining the authority’s minimum revenue provision.
11. Any proposed decision that is neither in accordance with a plan or strategy adopted by the authority nor in accordance with the mayor’s plan, must be referred to the council in the usual way.

² The Local authorities (Standing Orders) (England) (Amendment) Regulations 2014

Disposal of land and buildings – Schedule 4

12. The draft Regulations provide that any decision to dispose of an asset or to grant a long lease in respect of that asset should not be a function of the executive where the value of that asset exceeds a defined sum. Subject to views, the draft sets the threshold at £500,000.

Licensing of scrap metal dealers – Schedule 2, paragraph 23

13. The Scrap Metal Dealers Act 1964 has been repealed by the Scrap Metal Dealers Act 2013.
14. The draft Regulations provide that any function under the Scrap Metal Dealers Act 2013 will be a function which may be, but need not be, the responsibility of an authority's executive.

Health and Wellbeing Boards - Schedule 2, paragraph 22

15. The draft Regulations provide that the arrangements under section 196(2) of the Health and Social Care Act 2012 to enable the Health and Wellbeing Boards to exercise any other functions of their authorities may be made either by the authority or the executive, the policy intention being that both functions of the authority and executive functions may be delegated to a Health and Wellbeing Board.

Neighbourhood Planning – Schedule 2, paragraphs 19 to 21

16. The draft Regulations provide that functions relating to charges for meeting costs relating to Neighbourhood planning, and other functions relating to neighbourhood development plans or orders may be functions either of the executive or of the council and its committees and sub-committees.

Establishment of combined authorities and economic prosperity boards – Regulation 4, paragraphs 10 and 11

17. The draft Regulations clarify and provide for the preparation of schemes for the establishment of combined authorities or economic prosperity boards to be the responsibility of the executive, but for the publication of such schemes and consent for inclusion of local government areas in such scheme areas to be a function of the full council. This reflects both the practicalities of local authorities creating combined authorities and economic prosperity boards, and the quasi constitutional nature of decisions to enter into such collaborative arrangements.

Authorising the contracting out of a function under Section 70 of the Deregulation and Contracting Out Act 1994 – Regulation 4 paragraph 17 to 21

18. The draft Regulations provide for the preparation and implementation of any such proposals or the preparation and implementation of any revocation to be a function of the executive but the authorisation in each case to be a function of the full council.

Sustainable Drainage System Approving bodies – Schedule 1 part A(30)

19. The draft Regulations provide that the functions of authorities as approval bodies for Sustainable Drainage Schemes under Schedule 3 to the Flood and Water Management Act 2010 should not be exercised by the executive.

Detailed Changes to Regulations

A. Functions not to be the responsibility of an authority's executive

20. **Regulation 2, paragraphs 2, 3, 4 and 6** - include functions relating to 'certificates' (imposing conditions limitations or other restrictions determining any other terms, determining whether and in what manner to enforce, failure to comply, contravention, amendment or revocation, whether a charge should be made and the amount of the charge) as functions that are not to be the function of an executive of the authority.
21. **Regulation 2, paragraph 6** - previous references regarding the function of making schemes for members allowances, conferences and meetings, and in particular the amount of any allowance payable for financial loss, attending conferences and meetings and travel and subsistence made under sections 173,174 and 175 of the Local Government Act 1972 are deleted following the disapplication of those sections in England by the Local Authorities (Members Allowances) (England) Regulations 2003.
22. **Regulation 2, paragraph 7** - updates the reference to legislation regarding the function of making a request for single member electoral areas to section 57 of the Local Democracy, Economic Development and Construction Act 2009 as amended by the Localism Act 2011.
23. **Regulation 2, paragraph 11** – updated reference to section 9EB of the Local Government Act 2000.
24. **Regulation 2, paragraph 14** - updated reference to include the date on which the Functions and Responsibilities Regulations were first made (19 October 2000). Under this paragraph, any function of a local authority which, by virtue of any legislation passed before that date may be discharged only by an authority, is not to be the responsibility of an executive unless it is covered by another provision in these Regulations.

25. The previous provision relating to making changes in governance arrangements under paragraphs 3 or 8 of Schedule 4 of the Local Government and Public Involvement in Health Act is deleted as these provisions have been superseded. Section 9KC in Part 1A of the Local Government Act 2000 requires a resolution of the local authority to make a change in the governance arrangements now provided for by that Act as amended by the localism Act 2011. Section 9R (7) of the Local Government Act 2000 provides that all functions conferred on a local authority by virtue of Part 1A are not to be the responsibility of an executive of the authority under executive arrangements.

B. Functions which may be the responsibility of an authority's executive

26. **Regulation 3**, previously made provisions for Hastings and Saint Leonards Museum Association to appoint people who are members of the association to attend meetings of an overview and scrutiny committee or sub committee at which the management of the museum was being discussed, that they would be entitled to speak to and vote on questions relating to the management of the museum, and made provision for the numbers of people who could be so appointed. This has been removed in the draft as we believe this is more appropriately dealt with in the individual executive arrangements.

C. Functions which are not to be solely the responsibility of an authority's executive

27. **Regulation 4, paragraph 3** - The previous 'paragraph 3' actions (actions in connection with formulating or preparing plans and strategies which are not to be the responsibility of an executive) included the following provisions which have been deleted:

- the approval for the purposes of public consultation in accordance with regulation 10 or 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999 of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan; and,
- the approval, for the purpose of submission to the Secretary of State for independent examination under section 20 of the 2004 Act, of a development plan document.

28. **Regulation 4, paragraph 8** – previous reference to making an application under subsection (5) of section 135 (programmes for disposals) of the Leasehold Reform, Housing and Urban Development Act 1993 for the inclusion of a disposal in a disposals programme is deleted.

29. **Regulation 4, paragraphs 10 and 11** – provide that preparing schemes for the establishment of a combined authority under section 109 of the Local Democracy, Economic Development and Construction Act 2009 or for establishing an economic prosperity board under section 98 of the same Act are to be the responsibility of the executive, whilst publishing the

schemes or consenting to the inclusion of a local government area in either of the schemes is **not** to be a responsibility of the executive.

30. **Regulation 4, paragraph 12 (a)** – revises the references to legislation defining the council tax requirement calculation under the Local Government Finance Act 1992 as amended by the Localism Act 2011.
31. **Regulation 4, paragraph 15** – provides that preparing a draft council tax reduction scheme under section 13(A)(2) shall be a function of the executive, but the function of making or revising such a scheme shall **not** be a function of the executive.
32. **Regulation 4, paragraph 18 to 21** – revised to clarify the drafting of the provisions relating to the preparation of proposals to authorise contracting out functions under s70 of the Deregulation and Contracting Out Act 1994.
33. **Regulation 4, paragraph 22** – extends the current provision relating to the dis-application of section 101 of the Local Government Act 1972 to all the functions within regulation 4 to the extent that these are not executive functions, but with the exception of paragraph 3(c) provisions.

D. Revocations

34. The Local Authorities (Functions and Responsibilities)(England) Regulations 2000 and all subsequent amending regulations. Also revoked are:
 - regulation 6 in the Motor Salvage Operators Regulations 2002;
 - regulation 53 in the Fire and Rescue Services Act 2004 (Consequential Amendment) (England) Order 2004;
 - entries relating to the Local Authorities Functions and Responsibilities Regulations 2000 in Part 2 of the Schedule to the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006;
 - regulation 10 in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.
35. In addition, references to the Local Authorities Functions and Responsibilities Regulations 2000 are updated to these 2015 Regulations in:
 - The Local Authorities (Standing Orders) Regulations 2001;
 - The Local Government (Structural and Boundary Changes)(Staffing) Regulations 2008;
 - The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008;
 - The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008;
 - The Local Government (Structural Changes) (Transitional Arrangements) (No2) Regulations 2008; and,

- The Local Government (Structural Changes) (Finance) Regulations 2008.

Detailed Changes to Schedules

Schedule 1: Functions not to be the responsibility of an authority's executive

36. Schedule 1 has been amended to remove references to legislation which has been revoked or repealed, amend references to legislation that has been amended or updated, and provide for certain new functions that are not to be the responsibility of an authority's executive. These changes are set out in the table at the end of this note.

Schedule 2: Functions which may be (but need not be) the responsibility of an authority's executive

37. Schedule 2 has been amended as below.

- 19 - new reference to any function relating to charges for meeting costs relating to neighbourhood planning under regulations made under sections 117 to 119 of the Localism Act 2011.
- 20 - new reference to any function relating to neighbourhood development orders under sections 61E to 61Q of, and Schedules 4B and 4C to, the Town and Country Planning Act 1990 Act or regulations made under any of those provisions.
- 21 - new reference to any function relating to neighbourhood development plans under sections 61F, 61I, 61M, 61N, 61O and 61P of, and Schedule 4B to, the Town and Country Planning Act 1990 Act as applied by section 38A(3) of the 2004 Act, and sections 38A to 38C of the 2004 Act or regulations made under any of those provisions.
- 22 - new reference to the function of arranging under section 196(2) of the Health and Social Care Act 2012 for a Health and Wellbeing Board established under section 194 of that Act to exercise any functions that are exercisable by the authority.
- 23 - new reference to any function under the Scrap Metal Dealer's Act 2013.
- 24 – new reference to the function under section 1 of the Localism Act 2011 (general power of competence)
- Previous references deleted include:
 - the appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998
 - the making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.
 - the making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2

(police authorities established under section 3) to the Police Act 1996.

Schedule 3: plans and strategies specified for the purposes of regulation 4

38. References to the Best Value Performance Plan and the Children and Young Peoples Plan have been removed. The legislative references to the plans and alterations which together comprise the Development Plan have been updated to refer to Part 2 of, and Schedule 8 to, the Planning and Compulsory Purchase Act 2004.

Schedule 4: circumstances in which certain functions are not to be the responsibility of an authority's executive.

39. Changes have been made as set out in paragraphs 7 to 12 above to:
- clarify the current position regarding the consideration of an authority's budget and the circumstances under which decisions relating to the budget in year must be referred back to the authority, and define the budget for this purpose ;
 - introduce, for mayoral authorities, the concept of a 'mayor's plan' setting out the policies he or she would wish to implement during their electoral term of office (enabling the mayor to reflect in the management of the council the mandate upon which they had been elected), and how in year decisions against an authority's strategic and other plans, including the interface with the 'Mayor's Plan' are to be managed; and,
 - clarify decision making relating to the disposal of assets.

Table of Changes to Schedule 1:

Function	Legislation	Change
A – Functions relating to town and country planning and development control		Updated heading
A4. Power to decline to determine application for planning permission	Section 70A, 70B and 70C of the Town and Country Planning Act 1990	Updated references to 70B and 70C of the Town and Country Planning Act 1990
A5. Duties relating to determinations of planning applications	Sections 69 and 92 of the 1990 Act and the Town and Country Planning (Development Management Procedure) (England) Order 2010 (S.I. 2010/2184) and directions made under those sections or that Order	New reference to Town and Country Planning (Development Management procedure) (England) Order 2010 (S.I. 2010/2184
A6. Power to revoke or modify planning permission	Section 97(1) of the Town and Country Planning Act 1990	New provision
A8. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418)	Simplified previous reference to separate parts of Schedule 2
A12. Power to grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I. 2007/783)	Updated reference to the Town and Country Planning (Control of Advertisements) Regulations – from the Town and Country Planning (Control of Advertisements) (England) Regulations 1992
A16. Power to issue a temporary stop notice or an enforcement notice	Sections 171E and 172 of the Town and Country Planning Act 1990	Brings together two separate entries in previous Regulations
A17. Power to apply for a planning enforcement order	Section 171BA of the Town and Country Planning Act 1990	New provision
A26. Power to issue a listed building enforcement notice	Section 38 of the Listed Buildings etc. Act	Revised description of power
A30 Functions as approving body for a drainage system	Schedule 3 to the Flood and Water Management Act 2010	New provision
Power to authorise stopping up or diversion of highway		Moved to I 22

Function	Legislation	Change
B - Licensing and registration functions (not covered by any other paragraph of this Schedule)		Updated heading
B3. Power to license hackney carriages	Section 37 of the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), section 15 of the Transport Act 1985 (c. 67), and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57)	Updated reference to Section 37 of the Town Police Clauses Act 1847, and separated out reference to licensing private hire vehicles
B4. Power to license private hire vehicles	Sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	See above
B5. Power to license drivers of hackney carriages	Section 47 of the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875, section 15 of the Transport Act 1985, and sections 53, 57, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	Updated legislative references and separated out reference to licensing drivers of private hire vehicles
B6. Power to license drivers of private hire vehicles	Sections 51, 53, 54, 57, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	See above
B7. Power to license operators of private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	Removes reference to licensing operators of hackney carriages
B25. Power to license sex establishments	Section 2 of, and Schedule 3 to, the Local Government (Miscellaneous	Amends previous reference to sex shops and sex cinemas

Function	Legislation	Change
	Provisions) Act 1982 (c. 30)	
B32 Power to register and licence premises for the purposes of a food business	Section 19 of the Food Safety Act 1990 (c. 16), and regulations made under that section	Amends previous reference to power to register and licence premises for the preparation of food.
B33. Powers to issue, amend, or replace safety certificates for sports grounds	Sections 3 and 4 of the Safety of Sports Grounds Act 1975 (c. 52)	Amends previous reference to power to issue, amend, or replace safety certificates (whether general or special) for sports grounds. Also updates legislative reference
B34 Power to issue, cancel, amend or replace safety certificates for stands at sports grounds	Section 26 of the Fire Safety and Safety of Places of Sport Act 1987	Amends previous reference to regulated stands at sports grounds and revised reference to Section 26 of the Fire Safety and Safety of Places of Sport Act 1987
B35. Power to license establishments for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 (c. 60)	Removes legislative reference to section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (which amended the Breeding of Dogs Act 1973).
B36. 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 (c. 35), section 1 of the Animal Boarding Establishments Act 1963 (c. 43), the Riding Establishments Acts 1964 (c. 70) and the Riding Establishments Act 1970 (c. 32), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11)	Removes legislative reference to section 1 of the Breeding of Dogs Act 1973
B41. Power to approve premises for the solemnisation of marriages and the formation of civil partnerships	Section 46A of the Marriage Act 1949 (c. 76) and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S.I. 2005/3168)	Updated to include reference to formation of civil partnerships
B42. Power to amend the register of common land or town and village greens, except where the power is exercisable	Section 13 of the Commons Registration Act 1965 (c.64)	Revised description of power

Function	Legislation	Change
solely for the purpose of giving effect to— (a) deregistration of land, or an exchange of lands, by virtue of any instrument made under or pursuant to an enactment noting or amending an entry in the register made pursuant to Part 4 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).		
B43. Power to amend the register of common land or town and village greens, or to register or deregister common land or town or village greens, except where the power is exercisable solely for the purpose of amending or noting an entry in the register made in accordance with Part 5 of the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)	Part 1 of the Commons Act 2006 (c. 26)	Revised description of power
B60 – Power to register and where necessary, approve feed businesses	The Feed (Hygiene and Enforcement) (England) Regulations 2005 (S.I. 2005/3280)	Added to Schedule
B61 – Power to approve premises for production of meat products, minced meat or meat preparations	The Food Hygiene (England) Regulations 2013 (S.I. 2013/2996)	Brings together two previous entries and updates the legislative reference
B62 – Powers to approve dairy establishments and egg product establishments	The Food Hygiene (England) Regulations 2013	Brings together two previous entries and updates the legislative reference
B63 – Powers to approve fish products premises, factory vessels and fishery product establishments, fishing vessels on board which shrimps or molluscs are cooked, and fish and shellfish dispatch or purification centres, and to register auction and wholesale markets	The Food Hygiene (England) Regulations 2013	Brings together four previous entries and updates the legislative reference
B64. Power to register food	The Food Hygiene	Brings together two previous

Function	Legislation	Change
business premises and duty to keep register of such premises	(England) Regulations 2013	entries and updates the legislative reference
Power to issue cinema and cinema club licences	Section 1 of the Cinema Act 1985 (c13)	Removed Schedule 6 para 95 of the Licensing Act 2003- The Cinemas Act 1985 ceases to have effect in England and Wales.
Power to issue theatre licences	Sections 12 to 14 of the Theatres Act 1968 (c.54)	Removed Repealed in England and Wales by Licensing Act 2003 c. 17 Sch.6 para.44(b)
Power to issue entertainments licences	Section 12 of the Children and Young Persons Act 1933 (c. 12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c. 33), section 79 of the Licensing Act 1964 (c. 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c. 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30)	Removed All powers repealed except Section 12 of the Children and Young Persons Act 1933 - any ongoing requirement?
Power to license night cafes and take-away food shops	Section 2 of the Late Night Refreshment Houses Act 1969 (c. 53), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994	Removed Section 2 of the 1969 Act was repealed by Schedule 7 paragraph 1 of the Licensing Act 2003. Part 2 of the 1990 Act repealed by Schedule 7 of the Licensing Act 2003.
Power to license dealers in game and the killing and	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act	Removed These legislative references

Function	Legislation	Change
selling of game	1831 (c. 32); sections 2 to 16 of the Game Licensing Act 1860 (c. 90), section 4 of the Customs and Inland Revenue Act 1883 (c. 10), sections 12(3) and 27 of the Local Government Act 1874 (c. 73), and section 213 of the Local Government Act 1972 (c. 70)	repealed by Regulatory Reform (Game) Order 2007/2007
Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c. 69)	Legislative provisions repealed by Scrap Metal Dealers Act 2013. Any function under the 2013 Act now a Schedule 2 function.
Power to register motor salvage operators	Part I of the Vehicles (Crime) Act 2001 (c.3).	Legislative provisions repealed by Scrap Metal Dealers Act 2013. Any function under the 2013 Act now a Schedule 2 function
Power to issue fire certificates	Section 5 of the Fire Precautions Act 1971 (c.40).	Removed Repealed by Regulatory Reform (Fire Safety) Order 2005/1541 Sch.4 para.1
Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. <i>See also</i> the Animal By-Products Order 1999 (S.I. 1999/646).	Removed Repealed by Animal By-Products Regulations 2005/2347 Pt 8 reg.54(1)(a) (September 28, 2005)
Power to license agencies for the supply of nurses	Section 2 of the Nurses Agencies Act 1957 (c. 16).	Removed Repealed by Care Standards Act 2000 c. 14 Sch.6 para.1
Power to issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11)	Removed Revoked by Pigs (Records, Identification and Movement) (Interim Measures) (England) (No. 2) Order 2002/2154 Pt IV art.14(2) (September 6, 2002: repeal has effect on September 6, 2002, restored upon the repeal of SI 2002/2154 on October 31, 2003 and subsequently repealed by SI 2003/2632 on

Function	Legislation	Change
		October 31, 2003)
Power to license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995	Removed Legislation revoked as above.
Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995	Removed Legislation revoked as above
Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871)	Removed Revoked by Cattle Identification Regulations 2007/529 Pt 4 reg.17(b) (April 6, 2007)
Power to sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35).	Removed Repealed by Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations 2013/448
Power to issue near beer licence	Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c.x.) and, to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act	Removed
Power to License scrap yards	Section 1 of the Scrap Metal Dealers Act 1964 (c.69)	Replaced with reference in Schedule 2 (Functions which may be (but need not be) the responsibility of an authority's executive) with reference to any function under the Scrap Metal Dealers Act 2013
E - Functions relating to elections		
E15 Power to submit proposals to the Secretary of State for an order making provision for a pilot scheme for local election	Section 10 of the Representation of the People Act 2000 (c. 2)	Redraft/simplification of description.
E21 Powers and functions relating to parishes and parish councils	Part 4 of the Local Government Act 2007 Act	Update's previous reference to functions in relation to parishes and parish councils and legislative reference.
F - Functions relating to name		

Function	Legislation	Change
and status of areas and individuals		
F3. Power to confer title of honorary alderman or alderwoman or to admit to be an honorary freeman or freewoman	Section 249 of the Local Government Act 1972 Act	Amended description of power to include alderwomen and freewomen
G - Functions relating to community governance		
G10. Duty to have regard to Secretary of State's guidance on undertaking community governance reviews	Section 100(4) of the Local Government and Public Involvement in Health Act 2007	Inserting additional function to have regard to guidance
H - Functions relating to pensions etc		
H2. Functions under the Firefighters' Pension Scheme, the New Firefighters' Pension Scheme (England), and the Firefighters' Compensation Scheme (England) 2006, relating to pensions etc. as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004	Orders made under sections 34 or 36 of the Fire and Rescue Services Act 2004 (c. 21) or under section 26(1) to (5) of the Fire Services Act 1947 and section 12 of the Superannuation Act 1972, as applied by section 163 of that Act	Updated to include New Firefighters' Pension Scheme and Firefighters' Compensation Scheme
I - Functions relating to highways and, public rights of way and access to the countryside		New heading (previously part of Miscellaneous functions).
I1. Power to enter into agreement to create footpath, bridleway or restricted byway	Section 25 of the Highways Act 1980	Amended previous description – power to create footpath, bridleway or restricted byway by agreement.
I2. Power to make a public path creation order	Section 26 of the Highways Act 1980	Amended previous description – 'power to create footpath, bridleway or restricted byway
I3. Power to make a public path extinguishment order	Section 118 of the Highways Act 1980	Amended previous description – power to stop up footpath, bridleway or restricted byway.
I6. Power to make a public path diversion order	Section 119 of the Highways Act 1980	Amended previous description – power to divert footpath, bridleway or restricted byway
I16. Power to make an order to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981 (c. 67)	Amended previous description – power to extinguish certain public rights of way
I20. Power to make an order to designate footpath as cycle	Section 3 of the Cycle Tracks Act 1984 (c. 38)	Amended previous description – power to designate footpath

Function	Legislation	Change
track		as cycle track
I22. Power to make an order to authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act 1990	Amended previous description – power to authorise stopping up or diversion of highway
I23. Power to make an order to authorise stopping up or diversion of footpath, bridleway or restricted highway	Section 257 of the Town and Country Planning Act 1990	Amended previous description – power to authorise stopping up or diversion of footpath, bridleway or restricted highway.
I24. Power to make an order to extinguish public right of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990	Amended previous description – power to extinguish public right of way over land held for planning purposes
Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980	Removed
Power to determine application for a public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980	Removed – not in force
Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the 1980 Act	Section 121 B of the Highways Act 1980	Removed – not in force
Power to decline to determine certain applications	Section 121C of the Highways Act 1980	Removed – not in force
Power temporarily to divert footpath, bridleway or restricted byway	Section 135A of the Highways Act 1980	Removed – not in force
Functions relating to the making good of damage and the removal of obstructions	Section 135B of the Highways Act 1980	Removed – not in force
Duty to keep register of prescribed information with respect to applications under section 53(5)	Section 53B of the Wildlife and Countryside Act 1981	Removed
J - Other miscellaneous functions		New heading
J10. Powers relating to overview and scrutiny committees (voting rights of co-opted members)	Paragraphs 11 and 13 of Schedule A1 to the Local Government Act 2000 Act	Updates legislative reference replacing previous reference to Schedule 1 of the 2000 Act
J11. 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)	Regulation 8 of the Accounts and Audit (England) Regulations 2011 (S.I. 2011/817)	Updates legislative reference replacing previous reference to the Accounts and Audit Regulations 2003

Function	Legislation	Change
J16 Powers relating to the preservation of trees	Sections 197 to 214D of the 1990 Act and regulations made under Chapter 8 of that Act	Updates legislative reference replacing reference to the Trees Regulations 1999 with Regulations made under Chapter 8 of the Town and Country Planning Act 1990
J22. Power to enter into agreements with respect to means of coastal access works	Paragraph 2 of Schedule 20 to the Marine and Coastal Access Act 2009 (c. 23)	New provision
J23. Power to provide coastal access works in absence of agreement	Paragraph 3 of Schedule 20 to the Marine and Coastal Access Act 2009 (c. 23)	New provision
J24. Power to authorise person to enter land	Paragraph 9(2) of Schedule 20 to the Marine and Coastal Access Act 2009 (c. 23)	New provision
Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).	Removed Repealed by Licensing Act 2003 c. 17 Sch.7 para.1
Power to make or revoke an order designating a locality as an alcohol disorder zone	Section 16 of the Violent crime Reduction Act 2006 (c.38)	Removed Repealed by the Police Reform and Social Responsibility Act 2011

2015 No. ****

LOCAL GOVERNMENT, ENGLAND

**The Local Authorities (Functions and Responsibilities)
(England) Regulations 2015**

Made - - - - - ***
Laid before Parliament ***
Coming into force - - - ***

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 9D, 9DA and 105 of the Local Government Act 2000(a), makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Authorities (Functions and Responsibilities) (England) Regulations 2015 and come into force on *** 2015.

(2) In these Regulations—

- “the 1972 Act” means the Local Government Act 1972(b);
- “the 1980 Act” means the Highways Act 1980(c);
- “the 1983 Act” means the Representation of the People Act 1983(d);
- “the 1990 Act” means the Town and Country Planning Act 1990(e);
- “the Listed Buildings etc. Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990(f);
- “the 1998 Act” means the School Standards and Framework Act 1998(g);
- “the 2000 Act” means the Local Government Act 2000;
- “the 2004 Act” means the Planning and Compulsory Purchase Act 2004(h);
- “the 2005 Act” means the Gambling Act 2005(i);
- “the 2006 Act” means the Health Act 2006(j);
- “the 2007 Act” means the Local Government and Public Involvement in Health Act 2007(a);

(a) 2000 c. 22. Sections 9D and 9DA were inserted into the Local Government Act 2000 by section 21 of, and Schedule 2 to, the Localism Act 2011 (c.20). Section 105 was amended by section 100(3) of, and Schedule 3 to, the Local Government Act 2003 (c.26), and by section 191(5) of the 2007 Act and paragraph 70 of Schedule 3 to the Localism Act 2011.

(b) 1972 c. 70.
(c) 1980 c. 66.
(d) 1983 c. 2.
(e) 1990 c. 8.
(f) 1990 c. 9.
(g) 1998 c. 31.
(h) 2004 c. 5.
(i) 2005 c. 19.
(j) 2006 c. 28.

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009**(b)**; and

“the Gambling Act Order” means the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006**(c)**.

(3) Any reference in these Regulations to the executive of an authority is a reference to the executive of a local authority under executive arrangements.

Functions not to be the responsibility of an authority’s executive

2.—(1) The functions specified in the first column of Schedule 1 to these Regulations and conferred by the enactments, directions and circulars specified in relation to those functions in the second column of that Schedule are not to be the responsibility of an executive of the authority.

(2) The functions of—

(a) imposing any condition, limitation or other restriction on an approval, certificate, consent, licence, permission or registration granted—

(i) in the exercise of a function specified in the first column of Schedule 1; or

(ii) otherwise than by an executive of the authority, in the exercise of any function under a local Act;

and

(b) determining any other terms to which any such approval, certificate, consent, licence, permission or registration may be subject,

are not to be the responsibility of an executive of the authority.

(3) The function of determining whether, and in what manner, to enforce—

(a) any failure to comply with an approval, certificate, consent, licence, permission or registration granted as mentioned in paragraph (2)(a);

(b) any failure to comply with a condition, limitation, restriction or other term to which any such approval, certificate, consent, licence, permission or registration is subject; or

(c) any other contravention in relation to a matter with regard to which the function of determining an application for approval, certificate, consent, licence, permission or registration would not be the responsibility of an executive of the authority,

is not to be the responsibility of an executive of the authority.

(4) The function of—

(a) amending, modifying, or varying any such approval, certificate, consent, licence, permission or registration or any condition, limitation, restriction or other term to which it is subject; or

(b) revoking any such approval, certificate, consent, licence, permission or registration,

is not to be the responsibility of an executive of the authority.

(5) The function of making any scheme authorised or required under section 18 (schemes for basic, attendance and special responsibility allowances for local authority members) of the Local Government and Housing Act 1989**(d)**, or of amending, revoking or replacing any such scheme, is not to be the responsibility of an executive of the authority.

(6) The function of determining—

(a) the amount of any allowance payable under—

(a) 2007 c. 28.

(b) 2009 c. 20.

(c) S.I. 2006/3272.

(d) 1989 c. 42. Section 18 was amended by section 43 of, and Schedule 4 to, the Police and Magistrates’ Courts Act 1994 (c. 29); section 582(1) of, and Schedule 37 to, the Education Act 1996 (c. 56); and sections 99 and 108 of the Local Government Act 2000 (c. 22).

- (i) subsection (5) of section 3 (chairman's expenses) of, or paragraph 2(4) (chairman and mayor) of Schedule 2 to, the 1972 Act(a);
- (ii) subsection (4) of section 5 (vice-chairman's expenses) of, or paragraph 5(4) (power of mayor of London borough to appoint deputy) of Schedule 2 to, that Act(b);
- (b) the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989, or the rates at which payments by way of any such allowance are to be made;
- (c) whether a charge should be made for any approval, certificate, consent, licence, permit or registration granted as mentioned in paragraph (2)(a); and
- (d) where a charge is made for any such approval, certificate, consent, licence, permit or registration, the amount of the charge,

is not to be the responsibility of an executive of the authority.

(7) The function of making a request to the Local Government Boundary Commission for England under section 57 (requests for single-member electoral areas) of the 2009 Act(c) is not to be the responsibility of an executive of the authority.

(8) The function of passing a resolution to change a scheme for elections under sections 32(1), 37(1) or 39(1) (resolutions for schemes for elections) of the 2007 Act is not to be the responsibility of an executive of the authority.

(9) The function of making an order giving effect to recommendations made in a community governance review under section 86 (reorganisation of community governance) of the 2007 Act is not to be the responsibility of an executive of the authority.

(10) Section 101 (arrangements for discharge of functions by local authorities) of the 1972 Act (d) shall not apply with respect to the discharge of any function mentioned in paragraphs (5), (6)(a) to (c) or (7) to (9) of this regulation.

(11) Subject to any provision of regulations under section 9EB (joint exercise of functions) of the 2000 Act(e), the function of—

- (a) making arrangements for the discharge of functions by a committee or officer under section 101(5) of the 1972 Act; and
- (b) making appointments under section 102 (appointment of committees) of the 1972 Act(f),

is not to be the responsibility of an executive of the authority.

(a) Section 3 was amended by section 46 of, and Schedule 3 to, the Local Government Act 2000 (c.22) , and by sections 74 and 241 of, and Schedules 3 and 18 to, the Local Government and Public Involvement in Health Act 2007 (c. 28).

(b) Section 5 was amended by section 46 of, and Schedule 3 to, the Local Government Act 2000 (c. 22).

(c) 2009 c.20. Section 57 was amended by section 24(7) of the Localism Act 2011 (c. 20).

(d) Section 101 was amended by section 30 of, and Schedule 10 to, the Health and Social Services and Social Security Adjudications Act 1983 (c.41); sections 84 and 102 of, and Schedules 14 and 17 to, the Local Government Act 1985 (c.51); the Statute Law (Repeals) Act 1986 (c.12); section 237 of, and Schedule 13 to, the Education Reform Act 1988 (c.40); sections 45(5) and 194 of, and Schedule 12 to, the Local Government and Housing Act 1989 (c. 42); section 307 of, and Schedules 19 and 21 to, the Education Act 1993 (c.35); section 93 of, and Schedule 9 to, the Police and Magistrates' Courts Act 1994 (c.29); section 66(5) of, and Schedule 15 to, the Local Government (Wales) Act 1994 (c.19); section 120 of, and Schedule 24 to, the Environment Act 1995 (c.25); section 332(1) of the Greater London Authority Act 1999 (c.29); section 198 of, and Schedule 6 to, the Licensing Act 2003 (c.17); section 64 of, and Schedule 5 to, the Children Act 2004 (c.31); section 209 of, and Schedules 6 and 13 to the 2007 Act (c.28); section 224 of the Planning Act 2008 (c.29); section 119 of, and Schedule 6 to, the Local Democracy, Economic Development and Construction Act 2009 (c. 20); section 321 of, and Schedule 22 to, the Marine and Coastal Access Act 2009 (c.23); section 99 of, and Schedule 16 to, the Police Reform and Social Responsibility Act 2011 (c.13); section 22 of, and Schedule 3 to, the Localism Act 2011 (c.20); (in relation to England) S.I. 2001/1517; and S.I. 2009/1375.

(e) Section 9EB was inserted into the Local Government Act 2000 (c. 22) by section 21 of, and Schedule 2 to, the Localism Act 2011 (c.20). As to regulations under section 20, see S.I. 2000/2851 [revoked by Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012/1019]; S.I. 2001/3961 [revoked by Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012/1019]; S.I. 2002/802; and S.I. 2003/147.

(f) Section 102 was amended by section 29 of, and Schedule 9 to, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41); section 108(5) of, and Schedule 13 to, the Children Act 1989 (c. 41), sections 13(8) and 194 of, and Schedules 11 and 12 to, the Local Government and Housing Act 1989 (c. 42); section 22 of and schedule 3 to the Localism Act 2011 and (in England) S.I. 2001/1517.

(12) The functions of York City Council in relation to the management of the Yorkshire Museum and Gardens pursuant to an agreement dated 30th December 1960 between that Council and the Yorkshire Philosophical Society are not to be the responsibility of an executive of the authority.

(13) The functions of South Lakeland District Council in relation to the management of land at Lake Windermere pursuant to an agreement dated 1st April 1975 between that Council, Windermere Parish Council and Lakes Parish Council are not to be the responsibility of an executive of the authority.

(14) Unless otherwise provided by another provision of these Regulations, any function of a local authority which, by virtue of any enactment^(a) passed or made before 19th October 2000, may be discharged only by an authority, is not to be the responsibility of an executive of the authority.

Functions which may be the responsibility of an authority's executive

3.—(1) The functions specified in Schedule 2 to these Regulations may be (but need not be) the responsibility of an executive of the authority.

(2) The functions of Hastings Borough Council in relation to the management of the Hastings and Saint Leonards Museum may be (but need not be) the responsibility of an executive of the authority.

Functions which are not to be solely the responsibility of an authority's executive

4.—(1) In connection with the discharge of a function—

- (a) of formulating or preparing a plan or strategy of a description specified in the first column of Schedule 3 to these Regulations;
- (b) of formulating a plan or strategy for the control of the authority's borrowing, investments or capital expenditure, or for determining the authority's minimum revenue provision; or
- (c) of formulating or preparing any other plan or strategy whose adoption or approval is a matter for determination by the authority by virtue of regulation 5(1),

the actions designated by paragraph (3) ("the paragraph (3) actions") are not to be the responsibility of an executive of the authority.

(2) Except to the extent of the paragraph (3) actions, any function mentioned in paragraph (1) is to be the responsibility of an executive of the authority.

(3) The actions designated by this paragraph are—

- (a) the giving of instructions requiring the executive to reconsider any draft plan or strategy submitted by the executive for the authority's consideration;
- (b) the amendment of any draft plan or strategy submitted by the executive for the authority's consideration;
- (c) the approval, for the purpose of submission to the Secretary of State or any Minister of the Crown for approval, of any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; and
- (d) the adoption (with or without modification) of the plan or strategy.

(4) The function of amending, modifying, revising, varying, withdrawing or revoking any plan or strategy of a description specified in paragraph (1) (whether approved or adopted before or after the coming into force of these Regulations)—

- (a) is to be the responsibility of an executive of the authority to the extent that the making of the amendment, modification, revision, variation, withdrawal or revocation—

(a) See section 9R of the Local Government Act 2000 for meaning of "enactment".

- (i) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for approval, or to any part so submitted;
 - (ii) is recommended by the person carrying out an independent examination of a development plan document under section 20 of the 2004 Act; or
 - (iii) is authorised by a determination made by the authority when approving or adopting the plan or strategy; and
- (b) is not to be the responsibility of such an executive to any other extent.

(5) In connection with the discharge of functions under any of sections 28 to 31 (joint local development documents and joint committees) of the 2004 Act, the actions designated by paragraph (7) (“the paragraph (7) actions”) is not to be the responsibility of an executive of the authority.

(6) Except to the extent of the paragraph (7) actions, any function mentioned in paragraph (5) is to be the responsibility of an executive of the authority.

(7) The actions designated by this paragraph are—

- (a) the making of an agreement to prepare one or more joint development plan documents;
- (b) the making of an agreement to establish a joint committee to be, for the purposes of Part 2 (local development) of the 2004 Act, the local planning authority;
- (c) where the authority is a constituent authority of a joint committee, the making of an agreement that the joint committee is to be, for the purposes of Part 2 of the 2004 Act, the local planning authority for any area or matter which is not the subject of an order under section 29 of the 2004 Act, or an earlier agreement under section 30 of the 2004 Act; and
- (d) the making of a request to the Secretary of State for the revocation of an order constituting a joint committee as the local planning authority for an area or in respect of any matter.

(8) Subject to paragraph (9), the function of making an application for consent to a disposal, under section 32 (power to dispose of land held for purposes of Part 2) or section 43 (consent for certain disposals not within section 32) of the Housing Act 1985(a), is to be the responsibility of an executive of the authority.

(9) The authorisation of making such an application as is mentioned in paragraph (8) is not to be the responsibility of an executive of the authority.

(10) The function of—

- (a) preparing a scheme for the establishment of a combined authority for an area under section 109 of the 2009 Act is to be the responsibility of an executive of the authority; and
- (b) publishing such a scheme or consenting to the inclusion of a local government area in a combined authority scheme area under section 109(4)(b) of the 2009 Act is not to be the responsibility of an executive of the authority.

(11) The function of—

- (a) preparing a scheme for the establishment of an economic prosperity board for an area under section 98 of the 2009 Act is to be the responsibility of an executive of the authority; and
- (b) publishing such a scheme or consenting to the inclusion of a local government area in an economic prosperity board scheme area under section 98(4)(b) of the 2009 Act is not to be the responsibility of an executive of the authority.

(a) 1985 c. 68. Section 32 was amended by section 227 of, and Schedule 19 to, the Housing Act 1996 (c.52). Section 43 was amended by sections 132 and 140 of, and Schedule 17 to, the Housing Act 1988 (c.50); section 194 of, and Schedule 12 to, the Local Government and Housing Act 1989 (c. 42); section 227 of, and Schedule 19 to, the Housing Act 1996; section 78 of, and Schedule 10 to, the Environment Act 1995 (c. 25); section 311 of, and Schedule 14 to, the Housing and Regeneration Act 2008 (c. 17); and S.I. 1997/74 and 2010/844.

(12) In connection with the discharge of the function of—

- (a) making a calculation in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992(a); or
- (b) issuing a precept under Chapter 4 of Part 1 of that Act,

the actions designated by paragraph (14) (“the paragraph (14) actions”) are to be the responsibility of an executive of the authority.

(13) Except to the extent of the paragraph (14) actions, any function mentioned in paragraph (12) is not to be the responsibility of an executive of the authority.

(14) The actions designated by this paragraph are—

- (a) the preparation, for submission to the authority for their consideration, of—
 - (i) estimates of the amounts to be aggregated in making the calculation or of other amounts to be used for the purposes of the calculation and estimates of the calculation; or
 - (ii) the amounts required to be stated in the precept;
- (b) the reconsideration of those estimates and amounts in accordance with the authority’s requirements; and
- (c) the submission for the authority’s consideration of revised estimates and amounts.

(15) In connection with the function of making or revising a council tax reduction scheme under section 13A(2)(b) of the Local Government Finance Act 1992, the action of preparing a draft scheme is to be the function of an executive of the authority, and except to that extent, the function of making or revising a council tax reduction scheme is not to be the responsibility of an executive of the authority.

(16) In connection with the function, pursuant to an order under section 70 (functions of local authorities) of the Deregulation and Contracting Out Act 1994(c) (“a section 70 order”) of authorising a person to exercise a function to which that section applies, the actions designated by paragraph (18) are to be the responsibility of an executive of the authority.

(17) Except to the extent of the paragraph (18) actions, the function referred to in paragraph (16) is not to be the responsibility of an executive of the authority.

(18) The actions designated by this paragraph are—

- (a) preparatory action connected with the formulation of proposals for the authorisation of a person pursuant to a section 70 order, for consideration by the authority; and
- (b) any action which is connected with the implementation of a decision by the authority to authorise a person pursuant to a section 70 order.

(19) In connection with the function of revoking such an authorisation as is mentioned in paragraph (16), the actions designated by paragraph (21) are to be the responsibility of an executive of the authority.

(a) 1992 c. 14. Sections 31A and 31B were inserted by section 74 of the Localism Act 2011 (c. 20). Section 34 was amended by, and section 36A was inserted by, section 79 of, and Schedule 7 to, that Act. Section 35 was amended by section 79 of, and Schedule 7 to, the Localism Act 2011 (c. 20); sections 78 and 120 of, and Schedules 10 and 24 to, the Environment Act 1995 (c. 25). Sections 42A and 42B were inserted by section 75 of the Localism Act 2011 (c. 20). Section 45 was amended by section 15 of the Local Government Finance Act 2012 (c. 17). Sections 45 and 46 were amended by section 79 of, and Schedule 7 to, that Act. Section 46 was amended by section 93 of, and Schedule 9 to, the Police and Magistrates’ Courts Act 1994 (c. 29); sections 91 and 423 of, and Schedule 34 to, the Greater London Authority Act 1999 (c. 29); and S.I. 1996/3071. Section 47 was amended by section 92 of, and section 48 was amended by section 93 of, the Greater London Authority Act 1999. Section 47 and section 48 were amended by section 79 of, and Schedule 7 to, the Localism Act 2011. Section 49 was amended by section 94 of the Greater London Authority Act 1999 and section 79 of, and Schedule 7 to, the Localism Act 2011. Section 52ZF and section 52ZJ were inserted by section 72 of, and Schedule 5 to, the Localism Act 2011, and were amended by section 3 of the Local Government Finance Act 2012 (c. 17) and S.I. 2013/733.

(b) 1992 c. 14. Section 13A was substituted by section 10 of the Local Government Finance Act 2012 (c. 17).

(c) 1994 c. 40. Section 70 was amended by sections 40 and 423 of, and Schedule 34 to, the Greater London Authority Act 1999 (c. 29); section 239 of the Local Government and Public Involvement in Health Act 2007 (c. 28); and (in England) S.I. 2001/2237. It was amended by section 30 of, and Schedule 6 to, the Public Bodies Act 2011 (c. 24).

(20) Except to the extent of the paragraph (21) actions, the function referred to in paragraph (19) is not to be the responsibility of an executive of the authority.

(21) The actions designated by this paragraph are—

- (a) preparatory action connected with the formulation of proposals to revoke such an authorisation, for consideration by the authority; and
- (b) any action which is connected with the implementation of a decision by the authority to revoke such an authorisation.

(22) With the exception of the paragraph (3) action designated by paragraph (3)(c), to which section 101(5) shall apply, section 101 of the 1972 Act shall not apply with respect to the discharge of any function specified in this regulation to the extent that the function in question is not the responsibility of an executive of the authority.

Discharge of executive functions by authorities

5.—(1) Subject to paragraph (2), an action of a description specified in the first column of Schedule 4 to these Regulations (which, but for this paragraph, would be the responsibility of an executive of the authority) is not to be the responsibility of the executive in the circumstances specified in the second column of Schedule 4 in relation to the action in question.

(2) Paragraph (1) shall not apply in relation to the discharge of a function of the description specified as item 3 in the first column of Schedule 4 where—

- (a) the circumstances which render necessary the making of the determination may reasonably be regarded as urgent; and
- (b) the individual or body by whom the determination is to be made has obtained from the chairman of a relevant overview and scrutiny committee (or, if there is no such person or if the chairman of every such committee is unable to act, from the chairman of the authority or, in his absence, from the vice-chairman of the authority) a statement in writing that the determination needs to be made as a matter of urgency.

(3) In paragraph (2), “relevant overview and scrutiny committee” means an overview and scrutiny committee of the authority concerned whose terms of reference include the power to review and scrutinise decisions or other actions taken in the discharge of the function to which the determination relates.

(4) Where paragraph (2) applies, the individual or body by whom a determination is made shall, as soon as reasonably practicable after the making of the determination, submit to the authority a report which shall include particulars of—

- (a) the determination;
- (b) the circumstances in which it was made; and
- (c) the reasons for the determination.

(5) Section 101 of the 1972 Act shall not apply in relation to the discharge of a function referred to in the first column of Schedule 4 to the extent that, by virtue of paragraph (1) of this regulation, that function is not the responsibility of an executive of the authority.

Revocations and consequential amendments

6.—(1) The following instruments are revoked in full—

- (a) the Local Authorities (Functions and Responsibilities) (England) Regulations 2000(a);
- (b) the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001(b);

(a) S.I. 2000/2853.

(b) S.I. 2001/2212.

- (c) the Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2004**(a)**;
 - (d) the Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2004**(b)**;
 - (e) the Local Authorities (Functions and Responsibilities) (Amendment) (No. 3) (England) Regulations 2004**(c)**;
 - (f) the Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2005**(d)**;
 - (g) the Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005**(e)**;
 - (h) the Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006**(f)**;
 - (i) the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007**(g)**;
 - (j) the Local Authorities (Functions and Responsibilities) (England) (Amendment) (No. 2) Regulations 2007**(h)**;
 - (k) the Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007**(i)**;
 - (l) the Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007**(j)**;
 - (m) the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008**(k)**;
 - (n) the Local Authorities (Functions and Responsibilities) (England) (Amendment No. 2) Regulations 2008**(l)**;
 - (o) the Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008**(m)**; and
 - (p) the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2013**(n)**
- (2) In each of the following instruments, the provision specified is revoked—
- (a) in the Motor Salvage Operators Regulations 2002**(o)**, regulation 6;
 - (b) in the Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004**(p)**, regulation 53;
 - (c) in Part 2 of the Schedule to the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006**(q)**, the entry in each column at the end and relating to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000; and

-
- (a) S.I. 2004/1158.
 - (b) S.I. 2004/2211.
 - (c) S.I. 2004/2748.
 - (d) S.I. 2005/714.
 - (e) S.I. 2005/929.
 - (f) S.I. 2006/886.
 - (g) S.I. 2007/1284.
 - (h) S.I. 2007/1557.
 - (i) S.I. 2007/1950.
 - (j) S.I. 2007/2593.
 - (k) S.I. 2008/516.
 - (l) S.I. 2008/744.
 - (m) S.I. 2008/2787.
 - (n) S.I. 2013/2190.
 - (o) S.I. 2002/1916.
 - (p) S.I. 2004/3168.
 - (q) S.I. 2006/1177.

(d) in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007(a), regulation 10.

(3) In the Local Authorities (Standing Orders) (England) Regulations 2001(b), in paragraphs (a) and (c) of the definition of “plan or strategy” in regulation 2 for the words “the Local Authorities (Functions and Responsibilities) (England) Regulations 2000”, substitute “the Local Authorities (Functions and Responsibilities) (England) Regulations 2015(c)”.

(4) In the Local Government (Structural and Boundary Changes) (Staffing) Regulations 2008(d), for paragraph (4) of regulation 4 (heads of paid service and other chief officers), substitute—

“(4) In relation to chief officers, regulation 2(1) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2015(e) shall have effect in relation to a preparing council, a shadow council or a single tier council, as if items 3 (appointment of staff), 5 (arrangements for administration of financial affairs etc.), 7 (designation of head of paid service) and 8 (designation of monitoring officer) in paragraph J (other miscellaneous functions) of Schedule 1 to those Regulations were omitted.”.

(5) The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008(f) are amended as follows—

- (a) in regulation 2 (interpretation), for the definition of “the 2000 Regulations” substitute—
““the 2015 Regulations” means the Local Authorities (Functions and Responsibilities) (England) Regulations 2015(g);”;
- (b) in regulation 6, and in the headings to that regulation and to the Schedule, for “the 2000 Regulations” substitute “the 2015 Regulations”;
- (c) in the Schedule—
 - (i) for “regulation 2(6E)” substitute “regulation 2(9)”;
 - (ii) for “items 3, 4 and 5 of paragraph D” substitute “items 3 and 4 of paragraph E”;
 - (iii) for “EB” substitute “G”; and
 - (iv) for “item 22” substitute “item 18”.

(6) The Local Government (Structural Changes) (Transitional Arrangements) (No. 2) Regulations 2008(h) are amended as follows—

- (a) in regulation 2 (interpretation), for the definition of “the 2000 Regulations” substitute—
““the 2015 Regulations” means the Local Authorities (Functions and Responsibilities) (England) Regulations 2015(i);”;
- (b) in regulation 15 (interpretation of Part 5), in the definitions of “licensing function” and “planning function” for “the 2000 Regulations” substitute “the 2015 Regulations”.

(7) In regulation 4(3) of, and paragraph 1(2) of Schedule 1 to, the Local Government (Structural Changes)(Finance) Regulations 2008(j), for the words “the Local Authorities (Functions and Responsibilities) (England) Regulations 2000”, substitute “the Local Authorities (Functions and Responsibilities) (England) Regulations 2015(k)”.

Signed by authority of the Secretary of State for Communities and Local Government

-
- (a) S.I. 2007/806.
 - (b) S.I. 2001/3384.
 - (c) S.I. 2015/XXXX.
 - (d) S.I. 2008/1419.
 - (e) S.I. 2015/XXXX.
 - (f) S.I. 2008/2113.
 - (g) S.I. 2015/XXXX.
 - (h) S.I. 2008/2867.
 - (i) S.I. 2015/XXXX.
 - (j) S.I. 2008/3022.
 - (k) S.I. 2015/XXXX.

Date

Name
Parliamentary Under Secretary of State
Department for Communities and Local Government

SCHEDULE 1

Regulation 2(1)

FUNCTIONS NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE

<i>Function</i>	<i>Provision of Act or statutory instrument by which function conferred</i>
-----------------	---

A

Functions relating to town and country planning and development control

1. Power to determine application for planning permission	Sections 70(1)(a), (b) and 72 of the 1990 Act
2. Power to determine application to develop land without compliance with conditions previously attached	Section 73 of the 1990 Act(a)
3. Power to grant planning permission for development already carried out	Section 73A of the 1990 Act(b)
4. Power to decline to determine application for planning permission	Section 70A, 70B and 70C of the 1990 Act(c)
5. Duties relating to determinations of planning applications	Sections 69 and 92 of the 1990 Act of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (S.I. 2010/2184) and directions made under those sections or that Order(d)
6. Power to revoke or modify planning permission	Section 97(1) of the 1990 Act
7. Power to determine application for planning permission made by a local authority, alone or jointly with another person	Section 316 of the 1990 Act(e) and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)(f)
8. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418)(g)
9. Power to enter into agreement regulating	Section 106 of the 1990 Act(h)

(a) Section 73 was amended by sections 42(2), 51(3) and 120 of, and Schedule 9 to, the Planning and Compulsory Purchase Act 2004 (c. 5).

(b) Section 73A was inserted by section 32 of, and Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).

(c) Section 70A was inserted by section 17 of the Planning and Compensation Act 1991 (c. 34); Sections 70A was amended by section 43(1) of the Planning and Compulsory Purchase Act 2004 (c. 5), and by section 187 of, and Schedule 7 to, the Planning Act 2008 (c. 29). Section 70C was inserted by section 123 of the Localism Act 2011 (c. 20).

(d) The Order was amended by S.I. 2011/1824, 2012/636, 2012/2274, 2013/235, 2013/2879, 2012/3109, 2013/1238, 2013/2136, 2013/2932 [2013/3194 - repeal has effect on December 17, 2020], 2014/469 and 2014/1532.

(e) Section 316 was substituted by section 20 of the Planning and Compensation Act 1991 (c. 34).

(f) The Regulations were amended by S.I. 1992/1982, 1996/525, 1996/1243, 1997/3006, 1998/2800, S.I. 1999/1892 and 2011/1589.

(g) Schedule 2 to the Order was amended by S.I.1996/528, 1997/366, 2001/4050, 2001/1149, 2001/2718, 2003/2155, 2004/945, 2005/85, 2005/2935, 2006/221, 2006/1282, 2007/406, 2008/675, 2008/2362, 2010/654, 2010/2134, 2011/2056, 2011/2085, 2012/748 and 2012/2257, 2013/1101, 2013/1868, 2013/2147, 2013/2435, 2014/469, 2014/564 and by section 76 of the Utilities Act 2000 (c. 27).

(h) Section 106 was amended by section 12 of the Planning and Compensation Act 1991 (c. 34) section 33 of the Greater London Authority Act 2007 (c.24), section 174 of the Planning Act 2008 (c. 29) and by section 7 of, and Schedule 2 to the

development or use of land	
10. Power to issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the 1990 Act(a)
11. Power to serve a completion notice	Section 94(2) of the 1990 Act
12. Power to grant consent for the display of advertisements	Section 220 of the 1990 Act and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I. 2007/783)(b)
13. Power to authorise entry onto land	Section 196A of the 1990 Act(c)
14. Power to require the discontinuance of a use of land	Section 102 of the 1990 Act(d)
15. Power to serve a planning contravention notice, stop notice or breach of condition notice	Sections 171C, 183(1) and 187A of the 1990 Act respectively(e)
16. Power to issue a temporary stop notice or an enforcement notice	Sections 171E and 172 of the 1990 Act(f)
17. Power to apply for a planning enforcement order	Section 171BA of the 1990 Act(g)
18. Power to apply for an injunction restraining a breach of planning control	Section 187B of the 1990 Act(h)
19. Power to determine applications for hazardous substances consent, and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10)
20. 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 (c. 34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25), and paragraph 6(5) of Schedule 14 to that Act
21. Power to require proper maintenance of land	Section 215(1) of the 1990 Act
22. Power to determine application for listed building consent, and related powers	Sections 16(1), (2), 17 and 33(1) of the Listed Buildings etc. Act
24. Duties relating to applications for listed building consent	Sections 13(1) and 14(1), (4) of the Listed Buildings etc. Act, and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservations Areas) Regulations 1990 (S.I. 1990/1519)(i) and paragraphs 8, 15 and 26 of the Department of the Environment, Transport and the Regions Circular 01/01.
25. Power to serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Listed Buildings etc. Act

Growth and Infrastructure Act 2013 c. 27 and was repealed (prospectively) by sections 118 and 120 of, and Schedules 6 and 9 to, the Planning and Compulsory Purchase Act 2004 (c. 5).

- (a) Sections 191 and 192 were substituted by section 10 of the Planning and Compensation Act 1991 (c. 34). Section 191 was amended by section 124 of the Localism Act 2011 (c. 20).
- (b) Section 220 was amended by section 84 of, and Schedule 19 to, the Planning and Compensation Act 1991 c. 34.
- (c) Section 196A was inserted by section 11 of the Planning and Compensation Act 1991 (c. 34). For the circumstances in which the right may be exercised, *see* sections 196A to 196C of the Town and Country Planning Act 1990 (c. 8).
- (d) To which there are amendments not relevant to these Regulations.
- (e) Section 171C and 187A were inserted by sections 1 and 2 of the Planning and Compensation Act 1991 (c. 34). Subsections (1) to (5A) of section 183 were substituted by section 9 of that Act. Section 187A was amended by section 126 of the Localism Act 2011 (c. 20).
- (f) Section 171E was inserted by section 52 of the Planning and Compulsory Purchase Act 2004 (c. 5). Section 172 was substituted by section 5 of the Planning and Compensation Act 1991 (c. 34).
- (g) Section 171BA was inserted by section 124 of the Localism Act 2011 (c. 20).
- (h) Section 187B was inserted by section 3 of the Planning and Compensation Act 1991 (c. 34).
- (i) The Regulations were amended by S.I. 2003/2048, 2004/2210, 2006/1063, 2006/1282, 2006/1283, 2008/551, 2009/2262, 2010/568 2010/2185, 2012/2275, 2013/1239 and 2013/2146.

26. Power to issue a listed building enforcement notice	Section 38 of the Listed Buildings etc. Act (a)
27. Powers to acquire a listed building in need of repair and to serve a repairs notice	Sections 47 and 48 of the Listed Buildings etc. Act (b)
28. Power to apply for an injunction in relation to a listed building	Section 44A of the Listed Buildings etc. Act(c)
29. Power to execute urgent works	Section 54 of the Listed Buildings etc. Act
30. Functions as approving body for a drainage system	Schedule 3 to the Flood and Water Management Act 2010(d)

B

Licensing and registration functions (not covered by any other paragraph of this Schedule)

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 (c. 62)
2. Power to license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936 (c. 49)
3. Power to license hackney carriages	Section 37 of the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), section 15 of the Transport Act 1985 (c. 67), and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57)
4. Power to license private hire vehicles	Sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976(e)
5. Power to license drivers of hackney carriages	Section 47 of the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875, section 15 of the Transport Act 1985, and sections 53, 57, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976(f)
6. Power to license drivers of private hire vehicles	Sections 51, 53, 54, 57, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976(g)
7. Power to license operators of private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
8. Power to register pool promoters	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2)(h), as saved for certain purposes by article 3(3)(c) of the Gambling Act Order
9. Power to grant track betting licences	Schedule 3 to the Betting, Gaming and Lotteries

-
- (a) Section 38 was amended by section s 25 and 84 of and Schedules 3 and 19 to the Planning and Compensation Act 1991(c. 34).
- (b) There are amendments to section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) which are not relevant to these Regulations.
- (c) Section 44A was inserted by Schedule 3 to the Planning and Compensation Act 1991 (c. 34).
- (d) 2010 c. 29.
- (e) Section 48 was amended by section 4 of and Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c.54).
- (f) Section 61 was amended by section 52 of the Road Safety Act 2006 (c. 49).
- (g) Sections 51 and 59 were amended by section 134 of, and Schedule 9 to, the Police Act 1997 (c. 50), and by S.I. 1996/1974. Section 59 was amended by S.I. 1998/354.
- (h) There are amendments to the Betting, Gaming and Lotteries Act 1963 (c. 2) which are not relevant to these Regulations.

	Act 1963, as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order
10. Power to license inter-track betting schemes	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963, as saved for certain purposes by article 3(3)(e) of the Gambling Act Order
11. Power to grant permits in respect of premises with amusement machines	Schedule 9 to the Gaming Act 1968 (c. 65), as saved for certain purposes by article 4(2)(l) and (m) of the Gambling Act Order
12. Power to register societies wishing to promote lotteries	Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32), as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order
13. Power to grant permits in respect of premises where amusements with prizes are provided	Schedule 3 to the Lotteries and Amusements Act 1976, as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order
14. Any function of a licensing authority	Licensing Act 2003 (c. 17)(a) and any regulations of orders made under that Act
15. Duty to comply with requirement to provide information to the Gambling Commission	Section 29 of the 2005 Act
16. Functions relating to exchange of information	Section 30 of the 2005 Act
17. Functions relating to occasional use notices	Section 39 of the 2005 Act
18. Power to resolve not to issue a casino premises licence	Section 166 of the 2005 Act
19. Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises	Section 284 of the 2005 Act
20. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the 2005 Act
21. Power to institute criminal proceedings	Section 346 of the 2005 Act
22. Power to exchange information	Section 350 of the 2005 Act
23. Functions relating to the registration and regulation of small society lotteries	Part 5 of Schedule 11 to the 2005 Act
24. Functions relating to the determination of fees for premises licences	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479)
25. Power to license sex establishments	Section 2 of, and Schedule 3(b) to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30)
26. Power to license performances of hypnotism	The Hypnotism Act 1952 (c. 46)
27. Power to license premises for acupuncture, tattooing, ear piercing, and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982(c)
28. Power to license pleasure boats and	Section 94 of the Public Health Acts

(a) Amendments were made by Part 1 of the Violent Crime Reduction Act 2006 (c. 38), sections 32 and 112 of and Schedule 4 to the Policing and Crime Act 2009 (c. 26), section 55 of and Schedule 5 to the Health and Social Care Act 2012 (c. 7) Part 2 of the Police Reform and Social Responsibility Act 2011 (c. 13), section 1 of the Live Music Act 2012 (c. 2) and S.I. 2009/1724, 2009/1772, 2009/2999, 2010/813.

(b) Amendments to Schedule 3 were made by section 27 of the Policing and Crime Act 2009 and by S.I. 2009/2999.

(c) Section 15 was amended by section 120 of the Local Government Act 2003 (c. 26).

pleasure vessels	Amendment Act 1907 (c. 53)
29. Power to register door staff	Private Security Industry Act 2001 (c. 12)
30. Power to license market and street trading	Part 3 of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part 3 of the London Local Authorities Act 1990 (c. vii) (a) and section 6 of the London Local Authorities Act 1994 (c. xii)
31. Duty to keep list of persons entitled to sell non-medicinal poisons	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c. 66) (b)
32. Power to register and license premises for the purposes of a food business	Section 19 of the Food Safety Act 1990 (c. 16) (c) , and regulations made under that section
33. Powers to issue, amend, or replace safety certificates for sports grounds	Sections 3 and 4 of the Safety of Sports Grounds Act 1975 (c. 52) (d)
34. Power to issue, cancel, amend or replace safety certificates for stands at sports grounds	Section 26 of the Fire Safety and Safety of Places of Sport Act 1987 (c. 27)
35. Power to license establishments for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 (c. 60) (e)
36. 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 (c. 35) (f) , section 1 of the Animal Boarding Establishments Act 1963 (c. 43) (g) , the Riding Establishments Acts 1964 (c. 70) (h) and the Riding Establishments Act 1970 (c. 32), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11)
37. Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925 (c.38) (i)
38. Power to license zoos	Section 1 of the Zoo Licensing Act 1981 (c. 37) (j)
39. Power to license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38)
40. Power to license the employment of children	Part 2 of the Children and Young Persons Act 1933 (c. 12), byelaws made under that Part (k) , and Part 2 of the Children and Young Persons Act 1963 (c. 37)

-
- (a) Part 3 of the London Local Authorities Act 1990 (c. vii) was amended by section 49 of and Schedule 3 to the London Local Authorities Act 2007 (c. ii) and Part 4 of the London Local Authorities Act 2012 (c. ii).
- (b) Section 11 was amended by section 56 of, and Schedule 12 to, the Medical Act 1983 (c. 54); section 54 of, and Schedule 5 to, the Dentists Act 1984 (c. 24); and S.I. 2006/2407, 2007/3101 and 2010/231.
- (c) Section 19 was amended by section 40 of, and Schedule 5 to, the Food Standards Act 1999 (c. 28).
- (d) Amended by section 16 of and Schedule 8 to the Local Government Act 1985, sections 19, 23, 24 and 25 of and Schedule 2 to the Fire Safety and Places of Sport Act 1987 (c. 27); section 53(1) of, and Schedule 1 to, the Fire and Rescue Services Act 2004 (c. 21); and S.I. 2005/1541. See also article 25 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541).
- (e) Section 1 was amended, in relation to England, by section 3 of, and the Schedule to, the Protection of Animals (Amendment) Act 1988 (c. 29); and sections 1, 2, 3, and 10 of and Schedule 1 to the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11).
- (f) Section 1 was amended by section 35 of, and Schedule 6 to, the Local Government Act 1974 (c. 7), and S.I. 2005/1541.
- (g) Section 1 was amended by sections 35 and 42 of, and Schedules 6 and 8 to, the Local Government Act 1974 (c. 7); section 3 of, and the Schedule to, the Protection of Animals (Amendment) Act 1988 (c. 29); section 64 of, and Schedule 3 to, the Animal Welfare Act 2006 (c. 45); and S.I. 2006/3407.
- (h) Amended by sections 1-3 and 5 of the Riding Establishments Act 1970 (c. 32) section 35 of, and Schedule 6 to, the Local Government Act 1974 (c. 7); section 3 of, and the Schedule to, the Protection of Animals (Amendment) Act 1988 (c. 29); section 64 of, and Schedule 3 to, the Animal Welfare Act 2006 (c. 45); and S.I. 2006/3407.
- (i) Amended by section 35 of, and Schedule 6 to, the Local Government Act 1974 (c. 7).
- (j) Amended, in relation to England, by S.I. 2002/3080.
- (k) Powers to make byelaws are conferred by section 18(2), which was amended by section 1 of the Children Act 1972 (c.44), S.I. 1998/276 and S.I. 2000/1333; and by section 20(2), which was amended by section 10 of and Schedule 3 to, the Employment Act 1989 (c. 38), and S.I. 2000/1333.

41. Power to approve premises for the solemnisation of marriages and the formation of civil partnerships	Section 46A of the Marriage Act 1949 (c. 76) (a) and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S.I. 2005/3168)
42. Power to amend the register of common land or town and village greens(b), except where the power is exercisable solely for the purpose of giving effect to—	Section 13 of the Commons Registration Act 1965 (c. 64)(d)
<ul style="list-style-type: none"> (a) deregistration of land, or an exchange of lands, by virtue of any instrument made under or pursuant to an enactment (b) noting or amending an entry in the register made pursuant to Part 4 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471)(c). 	
43. Power to amend the register of common land or town and village greens, or to register or deregister common land or town or village greens, except where the power is exercisable solely for the purpose of amending or noting an entry in the register made in accordance with Part 5 of the Commons Registration (England) Regulations 2008 (S.I. 2008/1961) (e)	Part 1 of the Commons Act 2006 (c. 26) (f)
44. Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c. 26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)
45. Power to register premises or stalls for the sale of goods by way of competitive bidding	Section 28 of the Greater London Council (General Powers) Act 1984 (c. xxvii)
46. Power to grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40)(g)
47. Power to license persons to collect for charitable and other causes	Section 5 of the Police, Factories &c. (Miscellaneous Provisions) Act 1916 (c. 31), and section 2 of the House to House Collections Act 1939 (c. 44)(h)
48. Power to grant a street works licence	Section 50 of the New Roads and Street Works Act 1991 (c. 22)(i)
49. Power to grant permission for provision etc. of services, amenities, recreation and	Sections 115E, 115F, and 115K of the 1980 Act(j)

-
- (a) Section 46A was inserted by section 1 of the Marriage Act 1994 (c. 34), and amended by S.I. 2008/678.
 - (b) The power to amend or note the registers for the purposes specified in this entry are set out in section 3(1) and 13 of the Commons Registration Act 1965 (c. 64), and have been repealed in relation to the commons registration authorities specified in the Schedule to the Commons Act 2006 (Commencement No. 4 and Savings) (England) Order 2008 (S.I. 2008/1960, C. 94). Section 13(a) and (b) has been elsewhere repealed with savings for the purposes specified in subparagraph (a) of this entry and for other purposes, by virtue of the Commons Act 2006 (Commencement No. 1, Transitional Provisions and Savings) (England) Order 2006 (S.I. 2006/2504, C. 84), articles 2(h)(i) and 3(3), and the Commons Act 2006 (Commencement No. 2, Transitional Provisions and Savings) (England) Order 2007 (S.I. 2007/456, C.17), articles 3(e)(i) and 4(3).
 - (c) Part 4 was amended by S.I. 2010/2357.
 - (d) Section 13 was amended by section 16(2) of, and Part 1 of Schedule 2 to, the Law of Property Act 1969 (c.59).
 - (e) Amended by S.I. 2009/2018.
 - (f) Part 1 was amended by sections 14, 15, 16 and 17 of the Growth and Infrastructure Act 2013 c. 27.
 - (g) Schedule 2 was amended by section 137 of the Serious Organised Crime and Police Act 2005 (c. 15).
 - (h) The first of these provisions was prospectively amended, and the second prospectively repealed, by Part 3 of the Charities Act 2006 (c. 50).
 - (i) Section 50 was amended by section 124 of the Local Transport Act 2008 (c. 26).
 - (j) Part VIIA of the 1980 Act (ss. 115A-115K) was inserted by section 20 of, and Schedule 5 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).

refreshment facilities on highway, and related powers	
50. Duty to publish notice in respect of proposal to grant permission under section 115E of the 1980 Act	Section 115G of the 1980 Act
51. Power to permit deposit of builder's skip on highway	Section 139 of the 1980 Act(a)
52. Power to license planting, retention, and maintenance of trees etc. in part of highway	Section 142 of the 1980 Act(b)
53. Power to authorise erection of stiles on footpaths or bridleways	Section 147 of the 1980 Act(c)
54. Power to license works in relation to buildings etc. which obstruct the highway	Section 169 of the 1980 Act(d)
55. Power to consent to temporary deposits or excavations in streets	Section 171 of the 1980 Act
56. Power to dispense with obligation to erect hoarding or fence	Section 172 of the 1980 Act(e)
57. Power to restrict the placing of rails, beams etc. over highways	Section 178 of the 1980 Act(f)
58. Power to consent to construction of cellars etc. under streets	Section 179 of the 1980 Act(g)
59. Power to consent to the making of openings into cellars etc. under streets	Section 180 of the 1980 Act(h)
60. Power to register and where necessary, approve feed businesses	The Feed (Hygiene and Enforcement) (England) Regulations 2005(i) (S.I. 2005/3280)
61. Power to approve premises for production of meat products, minced meat or meat preparations	The Food Hygiene (England) Regulations 2013 (S.I. 2013/2996)(j)
62. Powers to approve dairy establishments and egg product establishments	The Food Hygiene (England) Regulations 2013
63. Powers to approve fish products premises, factory vessels and fishery product establishments, fishing vessels on board which shrimps or molluscs are cooked, and fish and shellfish dispatch or purification centres, and to register auction and wholesale markets	The Food Hygiene (England) Regulations 2013
64. Power to register food business premises and duty to keep register of such premises	The Food Hygiene (England) Regulations 2013
65. Powers and functions relating to late night	Chapter 2 of Part 2 of the Police Reform and

-
- (a) Section 139 was amended by sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48), section 168 of, and Schedule 8 to, the New Roads and Street Works Act 1991 (c. 22), and section 70 of the Traffic Management Act 2004 (c. 18).
- (b) Section 182 was amended by section 109 of, and Schedule 4 to, the Telecommunications Act 1984 (c. 12), section 90 of, and Schedule 27 to, the Water Act 1989 (c.15), and section 406 of, and Schedule 17 to, the Communications Act 2003 (c. 21).
- (c) Section 147 was amended by section 69 of the Countryside and Rights of Way Act 2000 (c. 37).
- (d) Section 169 was amended by section 109 of, and Schedules 4 and 7 to, the Telecommunications Act 1984 (c. 12); sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48); section 168 of, and Schedule 8 to, the New Roads and Street Works Act 1991; section 406 of, and Schedule 17 to, the Communications Act 2003 (c. 21); and S.I. 2003/1615.
- (e) Section 172 was amended by section 8 of, and Schedule 4 to, the Local Government Act 1985 (c. 51), and by sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48).
- (f) Section 178 was amended by sections 37 and 46 of the Criminal Justice Act 1982 (c. 48), by section 109 of, and Schedule 4 to, the Telecommunications Act 1984 (c. 12) and by S.I. 2001/4050 and 2001/1149.
- (g) Section 179 was amended by section 22 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30), sections 37 and 46 of the Criminal Justice Act 1982 (c. 48) and by section 168 of and Schedule 8 to the New Roads and Street Works Act 1991 (c. 22).
- (h) Section 180 was amended by sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48).
- (i) Amended by S.I. 2006/3120, S.I. 2009/3255, S.I. 2010/2280, S.I. 2010/2503 and 2013/3133.
- (j) The Regulations designate local authorities as the appropriate authorities to carry out the directly applicable obligations on authorities of Member States imposed by EC Regulations 852/2004 and 853/2004.

levy requirements

Social Responsibility Act 2011 (c. 13) and any regulations made under that Chapter

C

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 etc.) of the Health and Safety at Work etc. Act 1974 (c. 37)

Part 1 of the Health and Safety at Work etc. Act 1974(a)

D

Functions relating to smoke-free premises, etc.

1. Duty to enforce Chapter 1 and regulations made under it

Section 10(3) of the 2006 Act

2. Power to authorise officers

Section 10(5) of, and paragraph 1 of Schedule 2 to, the 2006 Act

3. Functions relating to fixed penalty notices

Schedule 1 to the 2006 Act, and the Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (S.I. 2007/760)

4. Power to transfer enforcement functions to another enforcement authority

The Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368)

E

Functions relating to elections

1. Duty to appoint an electoral registration officer

Section 8(2) of the 1983 Act(b)

2. Power to assign officers in relation to requisitions of the registration officer

Section 52(4) of the 1983 Act(c)

3. Power to dissolve small parish councils

Section 10 of the 1972 Act

4. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups

Section 11 of the 1972 Act(d)

5. Duty to appoint returning officer for local government elections

Section 35 of the 1983 Act

6. Duty to provide assistance at European Parliamentary elections

Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c. 24) (e)

7. Duty to divide constituency into polling districts

Sections 18A, 18B, 18C, 18D and 18E of, and Schedule A1 to, the 1983 Act(f)

8. Power to divide electoral divisions into polling districts at local government elections

Section 31 of the 1983 Act(g)

9. Powers in respect of holding of elections

Section 39(4) of the 1983 Act

10. Power to pay expenses properly incurred by electoral registration officers

Section 54 of the 1983 Act(h)

11. Power to fill vacancies in the event of

Section 21 of the Representation of the People

(a) Part 1 was amended by section 36 of, and Schedule 3 to, the Consumer Protection Act 1987 (c. 43), section 50 of, and Schedule 4 to, the Commissioners for Revenue and Customs Act 2005 (c. 11), and S.I. 2008/960.

(b) Section 8(2) was amended by section 11 of the Parliamentary Voting System and Constituencies Act 2011 (c. 1).

(c) Section 52(4) was substituted by section 24 of, and Schedule 4 to, the Representation of the People Act 1985 (c. 50), and further amended in respects not relevant to these Regulations.

(d) Section 11 was amended by section 33 of and Schedule 3 to the Local Government and Rating Act 1997 (c. 29) and section 101 of, and Schedule 5 to, the Local Government and Public Involvement in Health Act 2007 (c. 28).

(e) Section 6(7) was amended by section 20 of the European Parliament (Representation) Act 2003 (c. 7).

(f) Sections 18A to 18E were substituted by sections 16 and 74 of, and Schedule 2 to, the Electoral Administration Act 2006 (c. 22). Section 18C was amended by section 17 of the Electoral Registration and Administration Act 2013 (c. 6).

(g) Section 31 was amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51), and section 74 of, and Schedule 1 to, the Electoral Administration Act 2006 (c. 22).

(h) Section 54 was amended by section 13 of, and Schedule 4 to, the Electoral Registration and Administration Act 2013 (c. 6)

insufficient nominations	Act 1985 (c. 50)
12. Duty to declare vacancy in office in certain cases	Section 86 of the 1972 Act(a)
13. Duty to give public notice of a casual vacancy	Section 87 of the 1972 Act
14. Power to make temporary appointments to parish councils	Section 91 of the 1972 Act
15. Power to submit proposals to the Secretary of State for an order making provision for a pilot scheme for local election	Section 10 of the Representation of the People Act 2000 (c. 2)(b)
16. Duty to consult on change of scheme for elections	Sections 33(2), 38(2) and 40(2) of the 2007 Act
17. Duties relating to publicity	Sections 35, 41 and 52 of the 2007 Act
18. Duties relating to notice to the Electoral Commission	Sections 36 and 42 of the 2007 Act
19. Power to alter years of ordinary elections of parish councillors	Section 53 of the 2007 Act
20. Functions relating to change of name of electoral area	Section 59 of the 2007 Act
21. Powers and functions relating to parishes and parish councils	Part 4 of the 2007 Act

F

Functions relating to name and status of areas and individuals

1. Power to change the name of a county, district or London Borough	Section 74 of the 1972 Act
2. Power to change the name of a parish	Section 75 of the 1972 Act
3. Power to confer title of honorary alderman or alderwoman or to admit to be an honorary freeman or freewoman	Section 249 of the 1972 Act(c)
4. Power to petition for a charter to confer borough status	Section 245 of the 1972 Act(d)

G

Functions relating to community governance

1. Duties relating to community governance reviews	Section 79 of the 2007 Act
2. Functions relating to community governance petitions	Sections 80 and 83 to 85 of the 2007 Act
3. Functions relating to terms of reference of a review	Section 81(4) to (6) of the 2007 Act
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(e)
6. Duties when undertaking a review	Sections 93 to 95 of the 2007 Act

-
- (a) Sections 86 and 87 were amended by section 54 of, and Schedule 3 to, the Audit Commission Act 1998 (c.18), and section 107 of, and Schedule 5 to, the Local Government Act 2000 (c. 22); and 86 further amended by section 209 of, and Schedule 13 to, the Local Government and Public Involvement in Health Act 2007 (c. 28).
- (b) Section 10 was amended by section 158 of, and Schedule 21 to, the Political Parties, Elections and Referendums Act 2000 (c. 41).
- (c) Section 249 was amended by section 74 of, and Schedule 3 to, the Local Government and Public Involvement in Health Act 2007 (c. 28) and by section 29 of the Local Democracy, Economic Development and Construction Act 2009 (c. 20).
- (d) Section 245 was amended by section 46 of, and Schedule 3 to, the Local Government Act 2000 (c. 22), and by section 101 of, and Schedule 5 to, the Local Government and Public Involvement in Health Act 2007 (c. 28).
- (e) Sections 92, 96 and 98 were amended by section 67 of, and Schedule 4 to, the Local Democracy, Economic Development and Construction Act 2009 (c. 20).

- | | |
|--|--------------------------------|
| 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 |
| 10. Duty to have regard to Secretary of State's guidance on undertaking community governance reviews | Section 100(4) of the 2007 Act |

H

Functions relating to pensions etc.

- | | |
|---|--|
| 1. Functions relating to local government pensions, etc. | Regulations under sections 7, 12, or 24 of the Superannuation Act 1972 (c. 11) or under section 1 of the Public Service Pensions Act 2013 (c. 25) (a) |
| 2. Functions under the Firefighters' Pension Scheme, the New Firefighters' Pension Scheme (England), and the Firefighters' Compensation Scheme (England) 2006 (S.I.) as amended by the Firefighters' Compensation Scheme (England) (Amendment) Order 2014 (S.I. 2014/447), relating to pensions etc. as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004 | Orders made under sections 34 or 36 of the Fire and Rescue Services Act 2004 (c. 21) (b) or under section 26(1) to (5) of the Fire Services Act 1947(c) and section 12 of the Superannuation Act 1972, as applied by section 163(d) of that Act. |

I

Functions relating to highways, public rights of way and access to the countryside

- | | |
|--|---------------------------------|
| 1. Power to enter into agreement to create footpath, bridleway or restricted byway | Section 25 of the 1980 Act(e) |
| 2. Power to make a public path creation order | Section 26 of the 1980 Act |
| 3. Power to make a public path extinguishment order | Section 118 of the 1980 Act(f) |
| 4. Power to make a rail crossing extinguishment order | Section 118A of the 1980 Act(g) |
| 5. Power to make a special extinguishment order | Section 118B of the 1980 Act(h) |

-
- (a) Sections 7 and 24 were amended by section 27 of, and Schedule 8 to, the Public Service Pensions Act 2013 (c. 25).
- (b) Section 34 was amended by section 27 of, and Schedule 8 to, the Public Service Pensions Act 2013 (c. 25).
- (c) 1947 c. 41, repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c. 21). Subsections (1) to (5) of section 26 continue to have effect, in relation to England and Scotland, for the purposes of the scheme established under that section as the Firemen's Pension Scheme and set out in the Firemen's Pension Scheme Order 1992 (S.I. 1992/129), by article 3 of S.I. 2004/2306. The name of the scheme was changed to the Firefighters' Pension Scheme, by article 4(1) of S.I. 2004/2306. Section 26 of the 1947 Act was amended by section 1 of the Fire Services Act 1951 (c. 27), section 42 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65), section 33 of, and Schedule 3 to, the Theft Act 1968 (c. 60), sections 16 and 29 of, and Schedule 8 to, the Superannuation Act 1972 (c. 11), section 100 of, and Schedule 27 to, the Social Security Act 1973 (c. 38), section 1 of, and Schedule 1 to, the Social Security (Consequential Provisions) Act 1975 (c. 18), section 32 of the Magistrates' Courts Act 1980 (c. 43), section 1 of the Police and Firemen's Pensions Act 1997 (c. 52), and Schedule 25 to the Civil Partnership Act 2004 (c. 33), and article 2 of the Social Security (Modification of Fire Services Act 1947) Order 1976 (S.I. 1976/551).
- (d) 1972 c. 11; section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7).
- (e) Sections 25 and 26 were amended by S.I. 2006/1177. Section 25 was amended by section 64 of the Wildlife and Countryside Act 1981 (c. 69).
- (f) Section 118 was amended by section 47 of, and Schedule 2 to, the Transport and Works Act 1992 (c. 42), section 120 of, and Schedule 24 to, the Environment Act 1995 (c. 25) and section 57 of, and Schedule 6 to, the Countryside and Rights of Way Act 2000 (c. 37).
- (g) Sections 118A and 119A were inserted by section 47 of, and Schedule 2 to, the Transport and Works Act 1992 (c. 42) and amended by S.I. 2006/1177.
- (h) Section 118B was inserted by section 57 of, and Schedule 8 to, the Countryside and Rights of Way Act 2000 (c. 37).

6. Power to make a public path diversion order	Section 119 of the 1980 Act(a)
7. Power to make a rail crossing diversion order	Section 119A of the 1980 Act
8. Power to make a special diversion order	Section 119B of the 1980 Act(b)
9. Power to require applicant for order to enter into an agreement	Section 119C(3) of the 1980 Act
10. Power to make an SSSI diversion order	Section 119D of the 1980 Act
11. Duty to assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the 1980 Act
12. Duty to serve notice of proposed action in relation to obstruction	Section 130A of the 1980 Act(c)
13. Power to apply for variation of order under section 130B of the 1980 Act	Section 130B(7) of the 1980 Act
14. Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway	Section 135 of the 1980 Act(d)
15. Powers relating to the removal of things so deposited on highways as to be a nuisance	Section 149 of the 1980 Act
16. Power to make an order to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981 (c. 67)(e)
17. Duty to keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981 (c. 69)(f)
18. Power to include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981(g)
19. Power to prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
20. Power to make an order to designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984 (c. 38)
21. Power to extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1985 (c. 68)(h)
22. Power to make an order to authorise stopping up or diversion of highway	Section 247 of the 1990 Act(i)
23. Power to make an order to authorise stopping up or diversion of footpath, bridleway or restricted highway	Section 257 of the 1990 Act(j)
24. Power to make an order to extinguish public right of way over land held for planning purposes	Section 258 of the 1990 Act
25. Power to enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000(a) (c. 37)

-
- (a) Section 119 was amended by section 63 of, and Schedule 16 to, the Wildlife and Countryside Act 1981 (c. 69), section 57 of, and Schedule 6 to, the Countryside and Rights of Way Act 2000 (c. 37), and S.I. 2006/1177.
- (b) Sections 119B, 119C and 119D were inserted by section 57 of, and Schedule 6 to, the Countryside and Rights of Way Act 2000 (c. 37).
- (c) Sections 130A and 130B were inserted by section 63 of the Countryside and Rights of Way Act 2000 (c. 37).
- (d) Section 135 was substituted by section 1 of the Rights of Way Act 1990 (c. 24) and amended by S.I. 2006/1177.
- (e) To which there are amendments not relevant to these Regulations.
- (f) Section 53 was amended by section 51 of, and Schedule 5 to, the Countryside and Rights of Way Act 2000 (c. 37), section 70 of the Natural Environment and Rural Communities Act 2006 (c. 16), and by S.I. 2006/1177.
- (g) Sections 53A, 53B and 57A were inserted by section 51 of, and Schedule 5 to, the Countryside and Rights of Way Act 2000 (c. 37).
- (h) Section 294 was amended by section 165 of, and Schedule 9 to, the Local Government and Housing Act 1989 (c. 42).
- (i) Section 247 was amended by section 270 of, and Schedule 22 to, the Greater London Authority Act 1999 (c. 29). The amendments established that outside Greater London, this function is to be discharged by the Secretary of State. Otherwise it may only be performed by a London borough council.
- (j) Section 257 was amended by section 12 of the Growth and Infrastructure Act 2013 (c. 27) and by S.I. 2006/1177 and S.I. 2006/1281.

26. Power to provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000
J	
Other miscellaneous functions	
1. Power to promote or oppose local or personal Bills	Section 239 of the 1972 Act (b)
2. Power to make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to, the 1972 Act
3. 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 1972 Act (c)
4. Power to make standing orders as to contracts	Section 135 of the 1972 Act
5. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the 1972 Act
6. Power to appoint officers for particular purposes (appointment of “proper officers”)	Section 270(3) of the 1972 Act
7. 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 (c. 42)
8. Duty to designate officer as monitoring officer and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989 (d)
9. Duty to provide staff, etc. to person nominated by monitoring officer	Section 82A(4) and (5) of the 2000 Act (e)
10. Powers relating to overview and scrutiny committees (voting rights of co-opted members)	Paragraphs 11 and 13 of Schedule A1 to the 2000 Act (f)
11. 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)	Regulation 8 of the Accounts and Audit (England) Regulations 2011 (S.I. 2011/817)
12. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the 2000 Act
13. 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 (g) (c. 16)
14. Powers relating to complaints about high hedges	Part 8 of the Anti-social Behaviour Act 2003 (c. 38)
15. Powers relating to the protection of important hedgerows	The Hedgerows Regulations 1997 (S.I. 1997/1160)
16. Powers relating to the preservation of trees	Sections 197 to 214D of the 1990 Act and regulations made under Chapter 8 of that Act (a)

-
- (a) The function conferred on an access authority in relation to means of access to access land under sections 35 and 37 of the Countryside and Rights of Way Act 2000 (c. 37) is also exercisable in relation to the coastal margin established under Part 9 of the Marine and Coastal Access Act 2009 (c. 23), by virtue of paragraph 1 of Schedule 20 to that Act.
- (b) Section 239 was amended by section 84 of, and Schedule 14 to, the Local Government Act 1985 (c. 51), by section 237 of, and Schedule 13 to, the Education Reform Act 1988 (c. 40), by section 209 of, and Schedule 13 to, the Local Government and Public Involvement in Health Act 2007 (c. 28) and by section 119 of, and Schedule 6 to, the Local Democracy, Economic Development and Construction Act 2009 (c. 20).
- (c) Section 112 was amended by sections 53 and 54 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c. 21) and by section 41 of the Localism Act 2011 (c. 20).
- (d) Section 5(1) was amended by section 107 of, and Schedule 5 to, the Local Government Act 2000 (c. 22).
- (e) Section 82A was inserted by section 113 of the Local Government Act 2003 (c. 26).
- (f) Schedule A1 was inserted by section 21 of, and Schedule 2 to, the Localism Act 2011 (c. 20).
- (g) Section 13(2) was amended by section 198 of, and Schedule 6 to, the Licensing Act 2003 (c. 17).

17. Power to make limestone pavement order	Section 34(2) of the Wildlife and Countryside Act 1981 (b)
18. Functions relating to sea fisheries	Part 6 of the Marine and Coastal Access Act 2009 (c. 23)
19. Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006 (c. 26) (c)
20. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Section 45(2)(a) of the Commons Act 2006 (c. 26)
21. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2)(b) of the Commons Act 2006 (c. 26)
22. Power to enter into agreements with respect to means of coastal access works	Paragraph 2 of Schedule 20 to the Marine and Coastal Access Act 2009 (c. 23)
23. Power to provide coastal access works in absence of agreement	Paragraph 3 of Schedule 20 to the Marine and Coastal Access Act 2009 (c. 23)
24. Power to authorise person to enter land	Paragraph 9(2) of Schedule 20 to the Marine and Coastal Access Act 2009 (c. 23)

SCHEDULE 2

Regulation 3(1)

FUNCTIONS WHICH MAY BE (BUT NEED NOT BE) THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE

1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.
2. The determination of an appeal against any decision made by or on behalf of the authority.
3. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools**(d)**.
4. The making of arrangements pursuant to section 94(1), (1A) and (4) of the 1998 Act (admissions appeals)**(e)**.
5. The making of arrangements pursuant to section 95(2) of the 1998 Act (children to whom section 87 applies: appeals by governing bodies)**(f)**.
6. Any function relating to contaminated land**(g)**.
7. Any function relating to the control of pollution or the management of air quality.
8. The service of an abatement notice in respect of a statutory nuisance**(a)**.

-
- (a)** Chapter 8 of the 1990 Act was amended by section 192 of the Planning Act 2008 (c. 29). Transitional provision is made in relation to existing tree preservation orders by section 193 of the latter Act. Section 197 was amended by section 121 of, and Schedule 12 to, the Localism Act 2011 (c. 20), and section 210 was amended by section 126 of the latter Act. Sections 214A to 214D were inserted by section 23 of the Planning and Compulsory Purchase Act 2004 (c. 5).
- (b)** c. 69. The definition of "relevant authority" was substituted by section 7 of, and Schedule 3 to, the Local Government Act 1985 (c. 51), and amended by section 105 of, and Schedule 12 to, the Natural Environment and Rural Communities Act 2006 (c. 16).
- (c)** Section 41 was amended by section 17 of, and Schedule 9 to, Crime and Courts Act 2013 (c. 22).
- (d)** For the meaning of "maintained schools", see section 39 of the Education Act 2002 (c.32).
- (e)** Section 94 was amended by section 51 of, and Schedule 4 to, the Education Act 2002 (c. 32), by sections 43 and 51 of the Education and Inspections Act 2006 (c. 40), by sections 152 and 169 of and Schedule 1 to the Education and Skills Act 2008 (c. 25) and by S.I. 2010/1158.
- (f)** Section 95(2) was amended by S.I. 2010/1158.
- (g)** For the meaning of "contaminated land", see section 78A(2) of the Environmental Protection Act 1990 (c. 43). Section 78A was inserted by section 57 of the Environment Act 1995 (c. 25) and subsection (2) was amended by section 86 of the Water Act 2003 (c. 37).

9. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the authority's area.

10. The inspection of the authority's area to detect any statutory nuisance.

11. The investigation of any complaint as to the existence of a statutory nuisance.

12. The obtaining of information under section 330 of the 1990 Act as to interests in land.

13. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976**(b)**.

14. The making of agreements for the execution of highway works under section 278 of the Highways Act 1980**(c)**.

15. The appointment of any individual—

(a) to any office other than an office in which that person is employed by the authority;

(b) to any body other than—

(i) the authority;

(ii) a joint committee of two or more authorities; or

(c) to any committee or sub-committee of such a body,

and the revocation of any such appointment.

16. The making of agreements with other authorities for the placing of staff at the disposal of those authorities.

17. Any function of an authority in their capacity as a harbour authority (to the extent that the function does not fall within paragraph 1 of this Schedule).

18. Functions under sections 106, 110, 111 and 113 of the 2007 Act relating to local area agreements.

19. Any function relating to charges for meeting costs relating to neighbourhood planning under regulations made under sections 117 to 119 of the Localism Act 2011**(d)**.

20. Any function relating to neighbourhood development orders under sections 61E to 61Q of, and Schedules 4B and 4C to, the 1990 Act**(e)** or regulations made under any of those provisions.

21. Any function relating to neighbourhood development plans under sections 61F, 61I, 61M, 61N, 61O and 61P of, and Schedule 4B to, the 1990 Act as applied by section 38A(3) of the 2004 Act, and sections 38A to 38C of the 2004 Act**(f)** or regulations made under any of those provisions.

22. The function of arranging under section 196(2) of the Health and Social Care Act 2012**(g)** for a Health and Wellbeing Board established under section 194 of that Act to exercise any functions that are exercisable by the authority.

23. Any function under the Scrap Metal Dealers Act 2013**(h)**.

(a) See Part 3 of the Environmental Protection Act 1990 (c. 43) and the definition of "statutory nuisance" in section 79, which was amended by section 67 of, and Schedule 3 to, the Clean Air Act 1993 (c. 11), sections 2 and 10 of the Noise and Statutory Nuisance Act 1993 (c. 40), section 120 of, and Schedule 22 to, the Environment Act 1995 (c. 25), section 6 of, and Schedule 3 to, the Pollution Prevention and Control Act 1999 (c. 24) and sections 101, 102 and 107 of the Clean Neighbourhoods and Environment Act 2005 (c. 16).

(b) 1976 c. 57. Subsection (2) was amended by virtue of sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48).

(c) 1976 c. 57. Subsection (2) was amended by virtue of sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48).

(d) 1980 c. 66.

(e) Sections 61E to 61Q were inserted by section 116 of, and Schedules 9 to 11 to, the Localism Act 2011 (c. 20).

(f) Sections 38A to 38C were inserted by section 116 of, and Schedule 9 to, the Localism Act 2011 (c. 20).

(g) 2012 c. 7.

(h) 2013 c. 10.

24. The function under section 1 of the Localism Act 2011 (general power of competence).

SCHEDULE 3

Regulation 4(1)

PLANS AND STRATEGIES SPECIFIED FOR THE PURPOSES OF REGULATION 4

<i>Description of plan or strategy</i>	<i>Provision of Act or statutory instrument under which plan or strategy is prepared</i>
Annual library plan	Section 1(2) of the Public Libraries and Museums Act 1964 (c. 75)
Crime and disorder reduction strategy	Sections 5 and 6 of the Crime and Disorder Act 1998 (c. 37)(a)
Development plan documents	Section 15 of the 2004 Act(b)
Licensing authority policy statement	Section 349 of the 2005 Act
Local transport plan	Section 108(3) of the Transport Act 2000 (c. 38)(c)
Plans and alterations which together comprise the Development Plan	Part 2 of, and Schedule 8 to, the 2004 Act(d)
Sustainable community strategy	Section 4 of the 2000 Act(e)
Youth justice plan	Section 40 of the Crime and Disorder Act 1998(f)

SCHEDULE 4

Regulation 5(1)

CIRCUMSTANCES IN WHICH CERTAIN FUNCTIONS ARE NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE

<i>Function</i>	<i>Circumstances</i>
1. The adoption or approval of a plan or strategy (whether statutory or non-statutory) other than— (a) a plan or strategy of a description specified in regulation 4(1)(b) or Schedule 3;	The authority determine that the decision whether the plan or strategy should be adopted or approved should be taken by them.

- (a) Section 5 was amended by sections 97 and 107 of, and Schedule 8 to, the Police Reform Act 2002 (c. 30); section 53 of, and Schedule 1 to, the Fire and Rescue Service Act 2004 (c. 21); sections 21 and 22 of, and Schedule 9 to, the Police and Justice Act 2006 (c. 48); section 88 of, and Schedule 11 to, the Police Reform and Social Responsibility Act 2011 (c. 13); section 22 of, and Schedule 3 to, the Localism Act 2011 (c. 20); S.I. 2007/961, and S.I. 2008/912. Section 6 was substituted by section 22 of, and Schedule 9 to, the Police and Justice Act 2006 (c. 48) and amended by section 108 of the Policing and Crime Act 2009 (c. 26) and (prospectively) by section 88 of, and Schedule 11 to, the Police Reform and Social Responsibility Act 2011.
- (b) Section 15 was amended by section 30 of the Greater London Authority Act 2007 (c. 24), by section 180 of, and Schedule 13 to, the Planning Act 2008 (c. 29) and by section 111 of the Localism Act 2011 (c. 20).
- (c) Section 108(3) was substituted by section 9 of the Local Transport Act 2008 (c. 26).
- (d) Part 2 was amended by section 7 of the Sustainable Communities Act 2007 (c.23); section 56 of and Schedule 8 to the Housing and Regeneration Act 2008 (c.17); section 30 of the Greater London Authority Act 2007 (c. 24), sections 180 and 238 of, and Schedule 13 to, the Planning Act 2008 (c.29); sections 85 and 146 of and Schedule 5 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20); and sections 110, 111, 112, 113 and 237 of, and Schedule 25 to, the Localism Act 2011 (c. 20). Schedule 8 was amended by S.I. 2012/961.
- (e) Section 4 was amended by section 114 of the Local Government and Public Involvement in Health Act 2007 (c. 28), by section 7 of the Sustainable Communities Act 2007 (c. 23) and by section 51 of, and Schedule 2 to, the Local Government (Wales) Measure 2009 (2009 No. 2); section 24 of the Child Poverty Act 2010 (c.9).
- (f) Section 40 is disapplied in part in relation to England by S.I. 2005/157.

(b) the Mayor’s plan referred to in item 3 below.	
<p>2. The determination of any matter in the discharge of a function which—</p> <p>(a) is the responsibility of the executive; and</p> <p>(b) is concerned with the authority’s budget, or their borrowing or capital expenditure.</p>	<p>The individual or body by whom, by virtue of section 9E of the 2000 Act(a) or of provision made under section 9EB of that Act, the determination is to be made—</p> <p>(a) is minded to determine the matter in a way that is likely to—</p> <p>(i) cause the authority’s budget to be exceeded, or</p> <p>(ii) be contrary to the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and</p> <p>(b) is not authorised by the authority’s executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.</p>
<p>3. The determination of any matter in the discharge of a function—</p> <p>(a) which is the responsibility of the executive; and</p> <p>(b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority.</p>	<p>The individual or body by whom, by virtue of section 9E of the 2000 Act or of provision made under section 9EB of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or strategy adopted by the authority, unless all of the following circumstances apply—</p> <p>(a) the plan or strategy referred to in column one is not a plan or strategy of a description specified in regulation 4(1)(b) or Schedule 3;</p> <p>(b) the determination is to be made by the elected mayor of the authority;</p> <p>(c) that elected mayor has published a plan or strategy (“the Mayor’s plan”) setting out the policies the elected mayor wishes to implement during their electoral term;</p> <p>(d) the Mayor’s plan was published prior to the time the matter fell to be determined and within the period of six months beginning with the date on which the elected mayor took office; and</p> <p>(e) the elected mayor is minded to determine the matter in terms in accordance with the Mayor’s plan.</p>
<p>4. Any decision to dispose of an asset or to grant a [long lease] in respect of that asset</p>	<p>The value of the asset exceeds [£500,000].</p>

In this Schedule—

(a) Section 9E and 9EB were inserted by section 21 of and Schedule 2 to the Localism Act 2011 (c. 20).

“asset” means any land or buildings;

“budget” means the aggregate of the estimates and amounts or, as the case may be, revised estimates and amounts, mentioned in regulation 4(14)(a) and (c) which have been submitted to and approved by the authority, including any different estimates or amounts which the authority may have decided to use as mentioned in paragraph 12 of Schedule 2 to the Local Authorities (Standing Orders) (England) Regulations 2001(a).

DRAFT

(a) S.I. 2001/3384. Paragraph 12 of Schedule 2 was amended by S.I. 2014/165.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 1A of the Local Government Act 2000 provides that the functions of a local authority in England operating executive arrangements (in the form of an elected mayor and cabinet, or a leader and cabinet) must be discharged by the executive unless those functions are specified not to be the responsibility of the authority's executive by virtue of Regulations made under section 9D.

These Regulations specify functions that are not to be the responsibility of an authority's executive or are to be the responsibility of such an executive only to a limited extent or only in specified circumstances.

These Regulations replace the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (S.I. 2000/2853) (as amended) which, together with amending Regulations, are revoked, consolidating all amendments made by the other instruments listed in regulation 6, and updating all references, in particular in Schedule 1, to functions conferred by legislation which, since 2000, has been amended or repealed.

The Regulations also include reference to a number of new functions, for example, to neighbourhood planning functions under the Town and Country Planning Act 1990 (see Schedule 2); and to arrangements under the Health and Social Care Act 2012 for a Health and Wellbeing Board to exercise any functions that are exercisable by the authority (see Schedule 2).

The Regulations differ in some other respects from previous Functions and Responsibilities Regulations. Of particular note among the changes are the following: the publishing of a scheme to establish a combined authority or economic prosperity board and of consenting to join one is not to be the responsibility of an executive and may only be discharged by the full council (regulation 4(10) to (12)); the determination of a matter for the executive in terms contrary to a plan or strategy approved by the authority is to remain the responsibility of the executive, if the determination is to be made by an elected mayor in terms consistent with the elected mayor's own plan or strategy (Schedule 4); the disposal of certain assets (Schedule 4) and a definition is included of the authority's budget (Schedule 4).

Regulation 2 provides that the functions listed in Schedule 1 and certain other functions are not to be the responsibility of an authority's executive. The effect of regulation 2(11) is that only the full council may discharge the functions specified in regulation 2(5), (6)(a) to (c), or (7) to (10).

Regulation 3 provides that the functions mentioned in Schedule 2 and certain other functions may (but need not be) the responsibility of an authority's executive.

Regulation 4 allocates responsibility for various aspects of functions relating to the formation and preparation of plans and strategies of the descriptions specified in Schedule 3 between an authority and their executive. The effect of regulation 4(21) is that, to the extent that a function is not to be the responsibility of an authority's executive, only the full council may discharge the functions.

Regulation 5 and Schedule 4 specify the circumstances in which certain functions, that would otherwise be the responsibility of an authority's executive, are not to be the responsibility of an executive. The effect of regulation 5(5) is that, to the extent that a function is not to be the responsibility of an authority's executive, only the full council may discharge the functions referred to in the first column of Schedule 4.

No impact assessment has been prepared in relation to these Regulations as they do not have an impact on business or charities, and have no impact on the public sector beyond that of the regulations which they consolidate.