

Appendix 1 to Part 3 of the Constitution

2000 No. 2853

LOCAL GOVERNMENT, ENGLAND

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

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<i>Made</i>	<i>19th October 2000</i>
<i>Laid before Parliament</i>	<i>26th October 2000</i>
<i>Coming into force</i>	<i>16th November 2000</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred on him by sections 13 and 105 of the Local Government Act 2000 hereby makes the following Regulations:

Extent

Preamble: England

1. Citation, commencement, application and interpretation

- (1) These Regulations may be cited as the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and shall come into force on 16th November 2000.
- (2) These Regulations apply in relation to local authorities in England.

(Green)

Part 3.66

(October 2018)

(3) In these Regulations:

(Green)

Part 3.66

(October 2018)

“the 1972 Act” means the Local Government Act 1972;
“the 1998 Act” means the School Standards and Framework Act 1998 [;...]²¹
[“the 2000 Act” means the Local Government Act 2000;]³
[“the 2004 Act” means the Planning and Compulsory Purchase Act 2004 [;]⁴¹
[“the 2005 Act” means the Gambling Act 2005 (c.19) [;...]⁶]⁵⁴
[“the Gambling Act Order” means the Gambling Act 2005 (Commencement No.6 and Transitional Provisions) Order 2006 (S.I. 2006/3272)⁷; [...]⁸]⁶
[“the 2006 Act” means the Health Act 2006 [;and]⁹]⁵
[“the 2007 Act” means the Local Government and Public Involvement in Health Act 2007.]⁹

Notes

- 1 Definition inserted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(2) (April 22, 2005)
- 2 Word revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment) (No.2) Regulations 2007/1557 reg.2(2)(a) (July 1, 2007)
- 3 Definition inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.3(1)(a) (March 31, 2008)
- 4 Definition added by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 reg.2(2) (April 21, 2006)
- 5 Definition inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) (No.2) Regulations 2007/1557 reg.2(2)(b) (July 1, 2007)
- 6 Definition inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(2) (September 1, 2007)
- 7 S.I. 2006/3272, to which there are amendments not relevant to these Regulations.
- 8 Word revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.3(1)(b) (March 31, 2008)
- 9 Definition inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.3(1)(c) (March 31, 2008)

Commencement

reg. 1(1)-(3) definition of "the 1998 Act": November 16, 2000

Extent

reg. 1(1)-(3) definition of "the 2007 Act": England

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

(1) The functions of a local authority specified in column (1) of Schedule 1 to these Regulations by reference to the enactments, directions and circulars specified in relation to those functions in column (2) are not to be the responsibility of an executive of the authority.

(2) The functions of:

(Green)

Part 3.67

(October 2018)

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

(Green)

Part 3.67

(October 2018)

- (i) in the exercise of a function specified in column (1) 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, consent, licence, permission or registration is 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, consent, licence, permission or registration granted as mentioned in paragraph (2)(a);
 - (b) any failure to comply with a condition, limitation or term to which any such approval, 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, 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, consent, licence, permission or registration as is mentioned in paragraph (2), or any condition, limitation or term to which it is subject; or
 - (b) revoking any such approval, 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 by regulations under section 18 (schemes for basic, attendance and special responsibility allowances for local authority members) of the Local Government and Housing Act 1989¹, or of amending, revoking or replacing any such scheme, is not to be the responsibility of an executive of an authority.

(6) The function of determining:

- (a) the amount of any allowance payable under
 - (i) subsection (5) of section 3 (chairman's expenses) of [, or paragraph 2(4) (chairman and mayor) of Schedule 2 to,]² the 1972 Act;
 - (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,]³ that Act;
 - (iii) subsection (4) of section 173 (financial loss allowance) of that Act⁴;
 - (iv) section 175 (allowances for attending conferences and meetings) of that Act;
 - (b) the rates at which payments are to be made under section 174 (travelling and subsistence allowances) of that Act;
 - (c) the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989, or the rate at which payments by way of any such allowance are to be made;
 - (d) whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of an executive of the authority; and
 - (e) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge,
- Is not to be the responsibility of an executive of the authority.

[(6A) The function of making a request under section 14A(1) (requests for single-member electoral areas) of the Local Government Act 1992⁶ for single-member electoral areas is not to be the responsibility of an executive of the authority.

(6B) The function of passing a resolution to change a scheme for elections under section 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.

(6C)-(6D) [...]⁷

(6E) 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 authority's executive.

(6F) The duty to make a change in governance arrangements under paragraph 3 or 8 of Schedule 4 to the 2007 Act is not to be the responsibility of an authority's executive.⁵

[(7) Section 101 (arrangements for discharge of functions by local authorities) of the 1972 Act shall not apply with respect to the discharge of any function mentioned in paragraph (5), (6)(a) to (c) or (6A), (6B), (6E) or (6F).]⁸

(8) Subject to any provision of regulations under section 20 (joint exercise of functions) of the Local Government Act 2000, 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,

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

(9) 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 Society⁹ are not to be the responsibility of an executive of that Council.

(10) 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 Council¹⁰ are not to be the responsibility of an executive of the District Council.

(11) Unless otherwise provided by any other provision of these Regulations, a function of a local authority which, by virtue of any enactment passed or made before the making of these Regulations, may be discharged only by an authority, is not to be the responsibility of an executive of the authority.

(12) In paragraphs (1) and (11), "enactment" includes an enactment contained in a local Act or comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).

Notes

- 1 Section 18 is amended by section 99(3) to (9) of the Local Government Act 2000.
- 2 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.4(a)(i) (March 31, 2008)
- 3 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.4(a)(ii) (March 31, 2008)
- 4 Section 173(4) was amended by the Local Government and Housing Act 1989 (c.42), Schedule 11, paragraph 26. A relevant saving was made by article 3(2) of the Local Government and Housing Act 1989 (Commencement No. 11 and Savings) Order 1991 (S.I. 1991/344).
- 5 Added by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.4(b) (March 31, 2008)
- 6 1992 c.19. Section 14A of the Local Government Act 1992 was inserted by section 55 of the Local Government and Public Involvement in Health Act 2007.
- 7 Revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.3(a) (November 28, 2008)
- 8 Substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.3(b) (November 28, 2008)
- 9 The agreement is referred to in regulation 5(2)(e)(ii) of the Local Government (Committees and Political Groups) Regulations 1990 (S.I. 1990/1553).
- 10 The agreement is referred to in regulation 5(2)(e)(iii) of the Local Government (Committees and Political Groups) Regulations 1990.

Commencement

reg. 2(1)-(12): November 16, 2000

Extent

reg. 2(1)-(12): England

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

- (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 Museum¹ may be (but need not be) the responsibility of an executive of the Council.
- (3) Where the functions mentioned in paragraph (2) are the responsibility of the Council's executive, the Hastings and Saint Leonards Museum Association may appoint persons who are for the time being members of the Association to attend any meeting of an overview and scrutiny committee of that Council, or of a sub-committee or any such committee ("the relevant committee or sub-committee") at which the management of the Museum is the subject of consideration; and the persons so appointed shall, subject to paragraph (4), be entitled to speak and vote at the meeting on

(Green)

Part 3.70

(October 2018)

any question relating to the management of the Museum which falls to be decided at that meeting.

(4) The number of persons appointed as mentioned in paragraph (3) shall as nearly as may be, bear to the number for the time being of members of the relevant committee or sub-committee, the same proportion as 2 bears to 5, but the number of persons representing the Association at any such meeting as is referred to in that paragraph as are entitled to vote shall not exceed the number of members of the relevant committee or sub-committee present at that meeting.

Notes

¹ See also regulation 5(2)(e)(i) of the Local Government (Committees and Political Groups) Regulation 1990 (S.I. 1990/1553).

Commencement

reg. 3(1)-(4): November 16, 2000

Extent

reg. 3(1)-(4): England

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

(1) In connection with the discharge of the function:

(a) of formulating or preparing a plan or strategy of a description specified in column (1) 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]¹

(c) of formulating or preparing any other plan or strategy whose adoption or approval is, by virtue of regulation 5(1), a matter for determination by the authority,

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

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

(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;

[(bb) 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,³]²

(c) the approval, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his 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;[...]⁴

(Green)

Part 3.71

(October 2018)

[(ca) the approval, for the purpose of its submission to the Secretary of State for independent examination under section 20 (independent examination) of the 2004 Act, of a development plan document; and]⁴

(d) the adoption (with or without modification) of the plan or strategy.

(4) The function of amending, modifying [, revising]⁵ , [varying, withdrawing or revoking]⁶ any plan or strategy of a description referred to in paragraph (1), (whether approved or adopted before or after coming into force of these Regulations)

(a) shall be the responsibility of an executive of the authority to the extent that the making of the amendment, modification [, revision]⁷ [variation, withdrawal or revocation]⁸

(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 his approval, or to any part so submitted; [...]⁹

[(ia) is recommended by the person carrying out, under section 20 of the 2004 Act, an independent examination of a development plan document; or]⁹

(ii) is authorised by a determination made by the authority when approving or adopting the plan or strategy, as the case may be; and

(b) shall not be the responsibility of such an executive to any other extent.

[(4A) 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 4(C) (“the paragraph (4C) actions”) shall not be the responsibility of an executive of the authority.

(4B) Except to the extent of the paragraph (4C) actions, any such function as is mentioned in paragraph (4A) shall be the responsibility of such an executive.

(4C) 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 to 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 any area or in respect of any matter.

] ¹⁰

(5) Except to the extent mentioned in paragraph (6), the function of making an application:

(a) under subsection (5) of section 135 (programme for disposals) of the Leasehold Reform, Housing and Urban Development Act 1993¹¹ . [for the inclusion of a disposal in a disposals programme]¹² or

(b) [for consent to that disposal]¹³ under section 32 (power to dispose of land held for the purposes of Part II) or section 43 (consent required for certain disposals not within section 32)

(Green)

Part 3.72

(October 2018)

of the Housing Act 1985¹⁴,
shall be the responsibility of an executive of the authority.

(6) The extent mentioned in this paragraph is the authorisation of the making of the application.

(7) The function of making such an application is referred to in paragraph (5), to the extent mentioned in paragraph (6), shall not be the responsibility of an executive of the authority.

(8) Section 101 of the 1972 Act shall not apply with respect to the discharge:

(a) of a function specified in paragraph (1) to the extent that, by virtue of that paragraph, it is not the responsibility of an executive of the authority;

[(b) of the functions specified in paragraphs (4), (4A) and (5) to the extent that they are not the responsibility of an executive of the authority.]¹⁵

(9) In connection with the discharge of a function of:

(a) making a calculation in accordance with any of sections 32 to 37, 43 to 49, 52I, 52J, 52T and 52U of the Local Government Finance Act 1992¹⁶, whether originally or by way of substitute; or

(b) issuing a precept under Chapter IV of Part I of that Act,

the actions designated by paragraph (11) (“the paragraph (11) actions”) shall be the responsibility of an executive of the authority.

(10) Except to the extent of the paragraph 11 actions, any such function as is mentioned in paragraph (9) shall not be the responsibility of such an executive.

(11) 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;

(c) the submission for the authority’s consideration of revised estimates and amounts.

[(12) The function, pursuant to an order under section 70 (functions of local authorities) of the Deregulation and Contracting Out Act 1994, of authorising a person to exercise a function to which that section applies (“section 70 function”):

(a) shall be the responsibility of an executive of the authority to the extent that the section 70 function is the responsibility of that executive; and

(b) shall not be the responsibility of such an executive to any other extent.

(13) The function of revoking such an authorisation as is referred to in paragraph (12):

- (a) shall be the responsibility of an executive of the authority to the extent that the section 70 function is the responsibility of the executive; and
- (b) shall not be the responsibility of such an executive to any other extent¹⁸;

]¹⁷

Notes

- 1** Substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.6(1) (March 31, 2008)
- 2** Inserted subject to the operation of arrangements specified in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 reg.2(a)(i) (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)
- 3** S.I. 1999/3280.
- 4** Added by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(3)(a) (April 22, 2005)
- 5** Word inserted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(3)(b)(i) (April 22, 2005)
- 6** Words substituted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(3)(b)(ii) (April 22, 2005)
- 7** Word inserted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(3)(b)(iii)(aa) (April 22, 2005)
- 8** Words substituted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(3)(b)(iii)(bb) (April 22, 2005)
- 9** Added by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(3)(b)(iii)(cc) (April 22, 2005)
- 10** Added by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(3)(c) (April 22, 2005)
- 11** To which there are amendments not relevant to these Regulations.
- 12** Words inserted subject to the operation of arrangements as specified in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 reg.2(a)(ii) (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)
- 13** Words inserted subject to the operation of arrangements as specified in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 reg.2(a)(iii) (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)
- 14** Relevant amendments, in subsection (3) of section 32 and subsection (1)(a) of section 43, were made by paragraph 3(a), (d) and (e) of the Schedule to S.I. 1997/74.
- 15** Substituted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(3)(d) (April 22, 2005)
- 16** Sections 52I, 52J, 52T and 52U were inserted by the Local Government Act 1999 (c. 27)Schedule 1, paragraph 1.
- 17** Inserted subject to the operation of arrangements as specific in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 reg.2(a)(iv) (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)

(Green)

Part 3.74

(October 2018)

18 1994 c. 40. See also article 21 of the Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001 (S.I. 2001/2211).

Commencement

reg. 4(1)-(11)(c): November 16, 2000

Extent

reg. 4(1)-(13)(b): England

5. Discharge of executive functions by authorities

(1) Subject to paragraph (2), a function of any of the descriptions specified in column (1) of Schedule 4 to these Regulations (which, but for this paragraph, might be the responsibility of an executive of the authority), shall not be the responsibility of such an executive in the circumstances specified in column (2) in relation to that function.

(2) Paragraph (1) shall not apply in relation to the discharge of a function of the description specified in paragraph 3 of column (1) 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 relevant overview and scrutiny committee is unable to act, from the chairman of the authority or, in his absence, from the vice-chairman, 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 or scrutinise decisions or other actions taken in the discharge of the function to which the determination relates.

(4) The individual or body by whom a determination is made pursuant to paragraph (2) 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 emergency or other circumstances in which it was made; and

(c) the reasons for the determination.

(5) Section 101 of the 1972 Act shall not apply with respect to the discharge of a function referred to in paragraph (1) which, by virtue of that paragraph, is not the responsibility of an executive of the authority.

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Part 3.75

(October 2018)

Commencement

reg. 5(1)-(5): November 16, 2000

Extent

reg. 5(1)-(5): England

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Hilary Armstrong

Minister of State,

Department of the Environment, Transport and the Regions

19th October 2000

SCHEDULE 1

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

Regulation 2(1)

(1) Function	(2) Provision of Act or Statutory Instrument
A. Functions relating to town and country planning and development control	
[[...] ²
5. Power to determine application for planning permission [or permission in principle] ³ .	[Sections 59A(1)(b), 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8)] ⁴ .
6. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
7. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
8. Power to decline to determine application for planning permission [or permission in principle] ⁵ .	Section 70A of the Town and Country Planning Act 1990.
9. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning Act (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.
10. Power to determine application for planning permission [or permission in principle] ⁵ made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).
11. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
12. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
13. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.

(Green)

Part 3.77

(October 2018)

(1) Function	(2) Provision of Act or Statutory Instrument
14. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
15. 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) Regulations 1992 (S.I. 1992/666).
16. Power to authorise entry onto land	Section 196A of the Town and Country Planning Act 1990.
17. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
18. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
[18A. Power to issue a temporary stop notice.	[Section 171E of the Town and Country Planning Act 1990 ⁸ .] ⁷] ⁶
19. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
20. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
21. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
22. 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.
23. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
24. Power to determine applications for listed building consent, and related powers.	[Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)] ⁹ .
[...]	...] ¹⁰

(1) Function	(2) Provision of Act or Statutory Instrument
26. Duties relating to applications for listed building consent [...] ¹¹	[Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)] ⁹ and [regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519)] ¹² and [paragraphs 8, 15 and 26 of Development of the Environment, Transport and the Regions Circular 01/01] ¹³
27. Power to serve a building preservation notice, and related powers.	[Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)] ⁹ .
28. Power to issue enforcement notice in relation to demolition of [listed] ¹⁴ building in conservation area.	[Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)] ⁹ .
29. Powers to acquire a listed building in need of repair and to serve a repairs notice.	[Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)] ⁹ .
30. Power to apply for an injunction in relation to a listed building.	[Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)] ⁹ .
[30A. Power to authorise stopping up or diversion of highway.	[Section 247 of the Town and Country Planning Act 1990 (c.8).] ¹⁶ ¹⁵
31. Power to execute urgent works.	[Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)] ⁹ .] ¹
[32. Duty to enter land in Part 2 of the brownfield land register.	Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.] ¹⁷
B. Licensing and registration functions (in so far as 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 and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. C.89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vic. C.55), and 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); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.

(1) Function	(2) Provision of Act or Statutory Instrument
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to register pools promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2) ¹⁸ [as saved for certain purposes by article 3(3)(c) of the Gambling Act Order] ¹⁹ .
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 ¹⁸ [as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order] ²⁰ .
8. Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 ²¹ [as saved for certain purposes by article 3(3)(e) of the Gambling Act Order.] ²²
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c.65) ¹⁸ [as saved for certain purposes by article 4(2)(l) and (m) of the Gambling Act Order] ²³ .
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32) ¹⁸ [as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order] ²⁴
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976 ¹⁸ [as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order] ²⁵ .
12. Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c.13).
13. Power to issue theatre licences.	Section 12 to 14 of the Theatres Act 1968 (c.54) ²⁶ .
14. Power to issue entertainment 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).
[[14A Any function of a licensing authority] ²⁸	[[Licensing Act 2003 (c.17) and any regulations or orders made under that Act] ³⁰ .] ²⁹] ²⁷
[14AZA Powers and functions relating to late night levy requirements.	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (c.13) and any regulations made under that Chapter.] ³¹

(1) Function	(2) Provision of Act or Statutory Instrument
[14AA Duty to comply with requirement to provide information to Gambling Commission.	[Section 29 of the [2005 Act] ³⁴ .] ³³ ³²
[14AB Functions relating to the exchange of information.	[Section 30 of the 2005 Act.] ³⁶ ³⁵
[14AC Functions relating to occasional use notices.	[Section 39 of the 2005 Act.] ³⁸ ³⁷
[14B Power to resolve not to issue a casino premises licence	Section 166 of the 2005 Act.] ³⁹
[14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	[Section 304 of the 2005 Act.] ⁴¹ ⁴⁰
[14CA Power to make order disapplying section section 279 or 282(1) of the 2005 Act in relation to specified premises.	[Section 284 of the 2005 Act.] ⁴³ ⁴²
[14D Power to institute criminal proceedings [...] ⁴⁵	[Section 346 of the 2005 Act.] ⁴⁶ ⁴⁴
[14E Power to exchange information	[Section 350 of the 2005 Act.] ⁴⁸ ⁴⁷
[14F Functions relating to the determination of fees for premises licences.	[The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479).] ⁵⁰ ⁴⁹
[...]	...
...	...
...	...
...	...
...	...] ⁵¹
[14G Functions relating to the registration and regulation of small society lotteries.	[Part 5 of Schedule 11 to the 2005 Act.] ⁵³ ⁵²
15. Power to licence sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
16. Power to license performances of hypnotism.	The Hypnotism Act 1952 (c.46)

(1) Function	(2) Provision of Act or Statutory Instrument
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
18. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c.53). ⁵⁴ .
19. Power to register door staff.	Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c.33) and Part V of the London Local Authorities Act 1995 (c.x).
20. Power to licence market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c.vii) and section 6 of the London Local Authorities Act 1994 (c.xii).
21. Power to license night cafes and take-away food shops.	Section 2 of the Late Night Refreshment Houses Act 1969 (c.53) ⁵⁵ , Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.
[...]	...] ⁵⁶
23. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17 and 18 and 21 to 23 of the Game Act 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).
24. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c.16).
25. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c.69).
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c.52) ⁵⁷ .
27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).
28. Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971 (c.40).

(1) Function	(2) Provision of Act or Statutory Instrument
29. Power to license premises for the breeding of dogs.	[Regulation 4 of those Regulations] ⁵⁸ .
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	
31. Power to register animal trainers and exhibitors.	
32. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c.37) ⁶⁰
33. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c.38).
34. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).
35. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c.37).
36. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c.76) and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510) ⁶¹
37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to-	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).
(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c.67) or	
(b) an order under section 147 of the Inclosure Act 1845 (c.8 & 9 Vict. C. 118).	
38. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471) ⁶²
39. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c.31) and section 3 of the House to House Collections Act 1939 (c.44) ⁶³
40. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40).

(1) Function	(2) Provision of Act or Statutory Instrument
41. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c.22).
42. Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957 (c.16).
43. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).
44. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
45. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
46. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).
[46A Power to grant permission for provision , etc of services, amenities, recreation and refreshment facilities on highways, and related powers.	[Sections 115E, 115F and 115K of the Highways Act 1980.] ^{65]} ⁶⁴
47. Power to permit deposit of builder's skips on highway.	Section 139 of the Highways Act 1980 (c.66).
[47A Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.	[Section 115G of the Highways Act 1980 ^{67]} ^{66]} ⁶⁴
48. Power to license planting, retention and maintenance of trees etc. in part of highways.	Section 142 of the Highways Act 1980.
49. Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.
50. Power to license works in relation to buildings etc. which obstruct the highway.	Section 169 of the Highways Act 1980.
51. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.
52. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.
53. Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980.
54. Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980. ⁶⁸

(1) Function	(2) Provision of Act or Statutory Instrument
55. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35).
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082) ⁶⁹
58. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086) ⁷⁰
60. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763) ⁷¹
62. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
63. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
64. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
65. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
66. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
67. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
68. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.

(Green)

Part 3.85

(October 2018)

(1) Function	(2) Provision of Act or Statutory Instrument
<p>[69. Power to issue near beer licence.</p> <p>70. Power to register premises or stalls for the sale of goods by way of competitive bidding.</p> <p>[71. Power to register motor salvage operators.</p> <p>[72. Functions relating to the registration of common land and town or village greens.</p>	<p>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.</p> <p>Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii).⁷²</p> <p>Part I of the Vehicles (Crime) Act 2001 (c.3).⁷³</p> <p>Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)⁷⁵.⁷⁴</p>
<p>C. Functions relating to health and safety at work</p> <p>Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.</p>	<p>Part I of the Health and Safety at Work etc. act 1974 (c.37)⁷⁶</p>
<p>D. Functions relating to elections</p> <p>1. Duty to appoint an electoral registration officer.</p> <p>2. Power to assign officers in relation to requisitions of the registration officer.</p> <p>3. Functions in relation to parishes and parish councils.</p> <p>4. Power to dissolve small parish councils.</p> <p>5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.</p> <p>6. Duty to appoint returning officer for local government elections.</p> <p>7. Duty to provide assistance at European Parliamentary elections.</p>	<p>Section 8(2) of the Representation of the People Act 1983 (c.2).⁷⁷</p> <p>Section 52(4) of the Representation of the People Act 1983.</p> <p>Part II of the Local Government and Rating Act 1997 (c.29) and subordinate legislation under that Part.</p> <p>Section 10 of the Local Government Act 1972.</p> <p>Section 11 of the Local Government Act 1972.</p> <p>Section 35 of the Representation of the People Act 1983.</p> <p>[Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c.24)]⁷⁸</p>

(1) Function	(2) Provision of Act or Statutory Instrument
8. Duty to divide constituency into polling districts.	[sections 18A to 18E of, and Schedule A1 to, the Representation of the People Act 1983] ⁷⁹ .
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.
[...]	...] ⁸⁰
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c.2).
[18. Duty to consult on change of scheme for elections.	Sections 33(2), 38(2) and 40(2) of the 2007 Act.
19. Duties relating to publicity.	Sections 35, 41 and 52 of the 2007 Act.
20. Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the 2007 Act.
21. Power to alter years of ordinary elections of parish councillors.	Section 53 of the 2007 Act.
22. Functions relating to change of name of electoral area.	Section 59 of the 2007 Act.] ⁸¹
E. 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 Local Government Act 1972.
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972.

(1) Function	(2) Provision of Act or Statutory Instrument
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
4. Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.
[[...	...
...	...
...	...
...	...
...	...
...	...
...	...
...	...] ⁸³
...	
EB. 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, 83 to 85 of the 2007 Act.
3. Functions relating to terms of reference of review.	Sections 81(4) to (6).
4. Power to undertake a community governance review.	Section 82 of the 2007 Act.
5. Functions relating to making of recommendations.	Sections 87 to 92 of the 2007 Act.
6. Duties when undertaking review.	Sections 93 to 95 of the 2007 Act.
7. Duty to publicise outcome of review.	Section 96 of the 2007 Act.
8. Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the 2007 Act.
9. Power to make agreements about incidental matters.	Section 99 of the 2007 Act.] ⁸²

(1) Function	(2) Provision of Act or Statutory Instrument
<p>[F. Power to make, amend, revoke, re-enact or enforce byelaws.]⁸⁴</p> <p>[FA. Functions relating to smoke-free premises, etc</p> <p>1. Duty to enforce Chapter 1 and regulations made under it.</p> <p>2. Power to authorise officers.</p> <p>3. Functions relating to fixed penalty notices.</p> <p>4. Power to transfer enforcement functions to another enforcement authority.</p> <p>G. Power to promote or oppose local or personal Bills.</p> <p>H. Functions relating to pensions etc.</p> <p>1. Functions relating to local government pensions, etc.</p> <p>[2. Functions under the Fire-fighter’s Pension Scheme 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]⁸⁸</p> <p>[I. Miscellaneous functions</p> <p>Part I: <i>functions relating to public rights of way</i></p> <p>1. Power to create footpath [, bridleway or restricted byway]⁹¹ by agreement.</p> <p>2. Power to create footpaths [, bridleways and restricted byways]⁹¹.</p> <p>3. Duty to keep register of information with respect to maps, statements and declarations.</p>	<p>Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c.30)⁸⁵.</p> <p>Section 10(3) of the 2006 Act.</p> <p>Section 10(5) of, and paragraph 1 of Schedule 2 to, the 2006 Act.</p> <p>Paragraphs 13, 15 and 16 of Schedule 1 to the 2006 Act.</p> <p>Smoke-free (Vehicles Operators and Penalty Notices) Regulations 2007 (S.I. 2006/760).</p> <p>Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368.)⁸⁶</p> <p>Section 239 of the Local Government Act 1972.</p> <p>Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c.11)⁸⁷.</p> <p>[Sections 34 and 36 of the Fire and Rescue Services Act 2004 (c.21)]⁸⁹</p> <p>Section 25 of the Highways Act 1980 (c.60).</p> <p>Section 26 of the Highways Act 1980.</p> <p>Section 31A of the Highways Act 1980.</p>

(1) Function	(2) Provision of Act or Statutory Instrument
4. Power to stop up footpaths [, bridleways and restricted byways] ⁹¹	Section 118 of the Highways Act 1980
5. Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.
7. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.
8. Power to divert footpaths [, bridleways and restricted byways] ⁹¹	Section 119 of the Highways Act 1980.
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.
10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.
11. Power to make a special diversion order.	Section 119B of the Highways Act 1980.
12. Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.
13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980.
15. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.
16. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.
18. Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.
19. Power to authorise temporary disturbance of surface of footpath [, bridleway or restricted byway] ⁹¹ .	Section 135 of the Highways Act 1980.
20. Power temporarily to divert footpath [, bridleway or restricted byway] ⁹¹ .	Section 135A of the Highways Act 1980.
21. Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980.

(1) Function	(2) Provision of Act or Statutory Instrument
22. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.
23. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981 (c.67).
24. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c.69).
25. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.
[...]	...] ⁹¹
28. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.
29. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984 (c.38).
30. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981 (c.68).
31. Power to authorise stopping-up or diversion of footpath [, bridleway or restricted byway] ⁹¹ .	Section 257 of the Town and Country Planning Act 1990.
32. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
33. Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000 (c.37).
34. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.
Part II: <i>other miscellaneous functions</i>	
35. Functions relating to sea fisheries	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c.38).
36. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972 (c.70).
37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972.

(1) Function	(2) Provision of Act or Statutory Instrument
38. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
39. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.
40. Power to appoint officers for particular purposes (appointment of “proper officers”).	Section 270(3) of the Local Government Act 1972.
41. Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981 (c.69).
42. Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c.30).
43. 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).
44. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
[44A. Duty to provide staff, etc to persons nominated by monitoring officer.	[Sections 82A(4) and (5) of the Local Government Act 2000 ⁹⁴] ⁹³ .
44B. Powers relating to overview and scrutiny committee’s (voting rights of co-opted members)	[paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.] ⁹⁵ ⁹²
45. Duty to approve authority’s statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 1996 (S.I. 1996/590).
46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
47. Powers relating to the preservation of trees.	Section 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892)
[47A. Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.] ⁹⁶
48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.] ⁹⁰
[49. 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 (c.16.) ⁹⁷
[50. 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).] ⁹⁸
[51. Power to apply for an enforcement order against unlawful works on common land.	[Section 41 of the Commons Act 2006.] ¹⁰⁰ ⁹⁹

(1) Function	(2) Provision of Act or Statutory Instrument
[52. 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.] ¹⁰² ¹⁰¹
[53. 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.] ¹⁰⁴ ¹⁰³

Notes

- ¹ Substituted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2004/2211 Sch.1 para.1 (September 28, 2004)
- ² Items revoked by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(4)(a) (April 22, 2005)
- ³ Words inserted by Town and Country Planning (Permission in Principle) (Amendment) Order 2017/1309 Sch.2 para.5(2)(a)(i) (June 1, 2018)
- ⁴ Word inserted by Town and Country Planning (Permission in Principle) (Amendment) Order 2017/1309 Sch.2 para.5(2)(a)(ii) (June 1, 2018)
- ⁵ Words inserted by Town and Country Planning (Permission in Principle) (Amendment) Order 2017/1309 Sch.2 para.5(2)(b) (June 1, 2018)
- ⁶ Words inserted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(4)(b) (April 22, 2005)
- ⁷ Possible drafting error, words are purportedly inserted in item 18 but are more appropriate in item 18A and therefore the amendment is applied to item 18A by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(4)(c) (April 22, 2005)
- ⁸ 1990 c.8. Section 171E was inserted by section 52 of the Planning and Compulsory Purchase Act 2004.
- ⁹ Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(2)(d) (October 2, 2007)
- ¹⁰ Item revoked by Enterprise and Regulatory Reform Act 2013 (Abolition of Conservation Area Consent) (Consequential and Saving Provisions) (England) Order 2013/2146 Sch.1 para.6(a) (October 1, 2013: revocation has effect subject to savings specified in SI 2013/2146 art.4 and SI 2013/148 art.5(4))
- ¹¹ Words revoked by Enterprise and Regulatory Reform Act 2013 (Abolition of Conservation Area Consent) (Consequential and Saving Provisions) (England) Order 2013/2146 Sch.1 para.6(b) (October 1, 2013: revocation has effect subject to savings specified in SI 2013/2146 art.4 and SI 2013/148 art.5(4))
- ¹² Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(2)(b)(i) (October 2, 2007)
- ¹³ Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4)

Regulations 2007/2593 reg.2(2)(b)(ii) (October 2, 2007)

- 14 Word substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(2)(c) (October 2, 2007)
- 15 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.2(1)(a) (November 23, 2004)
- 16 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.2(1)(b) (November 23, 2004)
- 17 Entry inserted by Town and Country Planning (Brownfield Land Register) Regulations 2017/403 reg.19(2) (April 16, 2017)
- 18 To which there are amendments not relevant to these Regulations.
- 19 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(a) (September 1, 2007)
- 20 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(b) (September 1, 2007)
- 21 Schedules 5ZA was inserted by S.I. 1995/3231, article 5(6).
- 22 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(c) (September 1, 2007)
- 23 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(d) (September 1, 2007)
- 24 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(e) (September 1, 2007)
- 25 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(f) (September 1, 2007)
- 26 Amended by the Local Government Act 1972 , section 204(6) and the Local Government, Planning and Land Act 1980, section 1(6), Schedule 6 paragraph 11 and Schedule 34, Pt VI.
- 27 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.1(1)(a) (November 23, 2004)
- 28 Item substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2013/2190 reg.3(a) (October 1, 2013)
- 29 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.1(1)(b) (November 23, 2004)
- 30 Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2013/2190 reg.3(b) (October 1, 2013)
- 31 Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2013/2190 reg.3(c) (October 1, 2013)
- 32 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(g) (September 1, 2007)
- 33 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(h) (September 1, 2007)
- 34 Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(3)(a) (October 2, 2007)

(Green)

Part 3.94

(October 2018)

- 35 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(i) (September 1, 2007)
- 36 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(j) (September 1, 2007)
- 37 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(k) (September 1, 2007)
- 38 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(l) (September 1, 2007)
- 39 Entry inserted by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 Sch.1(1) para.1 (April 21, 2006)
- 40 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 reg.2(2)(a) (May 21, 2007)
- 41 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 reg.2(2)(b) (May 21, 2007)
- 42 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(m) (August 1, 2007)
- 43 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(n) (August 1, 2007)
- 44 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 reg.2(2)(c) (May 21, 2007)
- 45 Possible drafting error, entry 14D not 14E contains words revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(o) (September 1, 2007)
- 46 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 reg.2(2)(d) (May 21, 2007)
- 47 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 reg.2(2)(e) (May 21, 2007)
- 48 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 reg.2(2)(f) (May 21, 2007)
- 49 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 reg.2(2)(g) (May 21, 2007)
- 50 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 reg.2(2)(h) (May 21, 2007)
- 51 Item revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(3)(c) (October 2, 2007)
- 52 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(p) (September 1, 2007)
- 53 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(q) (September 1, 2007)
- 54 Amended by the Local Government Act 1974 (c.7), Schedule 6, paragraph 1, section 18 of the Local Government (Miscellaneous Provisions) Act 1976 (c.57) and section 186 of the Local Government, Planning and Land Act 1980 (c.65). Section 94(8) was substituted by the Deregulation (Public Health Acts Amendment Act) Order 1997 (S.I. 1997/1187).

(Green)

Part 3.95

(October 2018)

- 55 Amended by the Local Government Act 1972, section 204(9) and the London Local Authorities Act 1990 (c. vii), section 20.
- 56 Entry revoked by Deregulation Act 2015 (Poisons and Explosives Precursors) (Consequential Amendments, Revocations and Transitional Provisions) Order 2015/968 Sch.1 para.4 (May 26, 2015)
- 57 Amended by the Fire Safety and Safety of Places of Sport Act 1987 (c.27). See, in particular, Part II of, and Schedule 2 to, that Act.
- 58 Entry substituted by Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018/486 Sch.9 para.12 (October 1, 2018)
- 60 Amended by the Local Government, Planning and Land Act 1980, Schedule 6, paragraph 6, and by section 3 of the Protection of Animals (Amendment) Act 1988.
- 61 Section 46A was inserted by section 1 of the Marriage Act 1994 (c.34).
- 62 Amended by S.I. 1968/658.
- 63 The 1939 Act was amended by the Local Government Act 1972, Schedule 29 paragraph 23. The 1916 Act and the 1939 Act are repealed (prospectively) by the Charities Act 1992 (c.41).
- 64 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.1(2)(a) (November 23, 2004)
- 65 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.1(2)(b)(i) (November 23, 2004)
- 66 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.1(2)(b)(ii) (November 23, 2004)
- 67 Sections 115E, 115F, 115G and 115K were inserted into the Highways Act 1980 (c. 66) by the Local Government (Miscellaneous Provisions) Act 1982 (c. 30), section 20, Schedule 5, Part I, paragraph 1.
- 68 Amended by section 22 of the Local Government (Miscellaneous Provisions) Act 1982 (c.30).
- 69 Amended by regulation 2 of the Meat Products (Hygiene) (Amendment) Regulations 1999 (S.I. 1999/683).
- 70 Amended by S.I. 1996/1699.
- 71 Schedule 1A was inserted by S.I. 2000/930.
- 72 Entries inserted subject to the operation of arrangements as specified in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 Sch.1(I) para.1 (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)
- 73 Entry added by Motor Salvage Operators Regulations 2002/1916 reg.6 (October 21, 2002)
- 74 Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.4 (November 28, 2008)
- 75 As to the commencement of Part 1 of the Commons Act 2006 see in relation to England generally, the Commons Act 2006 (Commencement No. 3, Transitional Provisions and Savings) (England) Order 2007 (S.I. 2007/2584), and in relation to the pilot areas, the Commons Act 2006 (Commencement No. 4 and Savings) (England) Order 2008 (S.I. 2008/1960).
- 76 For the definition of “the relevant statutory provisions” see section 53(1) of the Health and Safety at Work etc. Act 1974. See also the definitions of “the existing statutory provisions” and “health and safety regulations” in section 53(1) and, as to “health and safety regulations”, section 15(1) of that Act which was substituted by the Employment Protection Act 1975 (c.71), Schedule 15, paragraph 5.
- 77 Subsection (4) of section 52 was substituted by the Representation of the People Act 1985 (c.50),

Schedule 4.

- 78 Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(4)(a) (October 2, 2007)
- 79 Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(4)(b) (October 2, 2007)
- 80 Item revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(4)(c) (October 2, 2007)
- 81 Entries inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.5(a) (March 31, 2008)
- 82 Entries inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.5(b) (March 31, 2008)
- 83 Entry revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.5 (November 28, 2008)
- 84 Words substituted by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 Sch.1(1) para.2 (April 21, 2006)
- 85 Section 14 of the Interpretation Act 1978 is applied to byelaws made under section 235 of the Local Government Act 1972 by section 22(1) of, and paragraph 3 of Part I of Schedule 2 to, the Interpretation Act 1978.
- 86 Item inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(5) (October 2, 2007)
- 87 As to section 7 see also section 99 of the Local Government Act 2000 (c.22). Section 12 of the Superannuation Act 1972 is amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c.7).
- 88 Words substituted by Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004/3168 art.53(a) (December 30, 2004)
- 89 Words substituted by Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004/3168 art.53(b) (December 30, 2004)
- 90 Substituted subject to the operation of arrangements as specified in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 Sch.1(I) para.2 (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)
- 91 Words substituted by Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177 Sch.1(II) para.1 (July 2, 2006 in relation to England; July 11, 2006 otherwise)
- 92 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.2(2)(a) (November 23, 2004)
- 93 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.2(2)(b)(i) (November 23, 2004)
- 94 Sections 82A(4) and (5) of the Local Government Act 2000 (c. 22) were inserted by section 113 of the Local Government Act 2003 (c. 26).
- 95 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.2(2)(b)(ii) (November 23, 2004)
- 96 Entry inserted by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2005/714 reg.2(2) (June 1, 2005)
- 97 Entry substituted by Local Authorities (Alcohol Consumption in Designated Public Places) Regulations

(Green)

Part 3.97

(October 2018)

2007/806 reg.10(2)(b) (April 6, 2007)

98 Entry inserted by Local Authorities (Alcohol Disorder Zones) Regulations 2008/1430 Pt 6 reg.25 (June 5, 2008)

99 Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.6(a) (November 28, 2008)

100 Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.6(b) (November 28, 2008)

101 Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.6(c) (November 28, 2008)

102 Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.6(d) (November 28, 2008)

103 Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.6(e) (November 28, 2008)

104 Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.6(f) (November 28, 2008)

Commencement

Sch. 1 para. 1: November 16, 2000

Extent

Sch. 1 para. 1: England

(Green)

Part 3.98

(October 2018)

SCHEDULE 2

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

Regulation 3(1)

1.

Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.

Commencement

Sch. 2 para. 1: November 16, 2000

Extent

Sch. 2 para. 1: England

2.

The determination of an appeal against any decision made by or on behalf of the authority.

Commencement

Sch. 2 para. 2: November 16, 2000

Extent

Sch. 2 para. 2: England

3.

The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998¹.

Notes

¹ Section 34(4) replaces section 63(3) of the Social Security Administration Act 1992. The Council Tax

(Green)

Part 3.99

(October 2018)

Benefit Regulations 1992 (S.I. 1992/1814) and the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), to which there are amendments not relevant to these Regulations, continue to have effect, by virtue of section 17(2)(b) of the Interpretation Act 1978 (c.30), notwithstanding the repeal of section 63(3) of the Social Security Administration Act 1992.

Commencement

Sch. 2 para. 3: November 16, 2000

Extent

Sch. 2 para. 3: England

[4.

The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools².

]¹

Notes

- ¹ Substituted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(2) para.1 (November 23, 2004)
- ² See, in particular, section 52 of the Education Act 2002 (c. 32) and the subordinate legislation made under that section which replace section 67 of, and Schedule 18 to, the School Standards and Framework Act 1998 (c. 31) which have been repealed.

Commencement

Sch. 2 para. 4: November 16, 2000

Extent

Sch. 2 para. 4: England

[5.

The making of arrangements pursuant to sections 94(1), (1A) and (4) of the 1998 Act (admissions appeals)².

]¹

Notes

- ¹ Substituted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(2) para.1 (November 23, 2004)
- ² Section 94(1A) of the School Standards and Framework Act 1998 (“the SSFA 1998”) was inserted by the Education Act 2002. See also subordinate legislation made under section 94(5) of the SSFA 1998, as substituted by the Education Act 2002, which replaces Schedule 24 to the SSFA 1998.

Commencement

Sch. 2 para. 5: November 16, 2000

(Green)

Part 3.100

(October 2018)

Extent

Sch. 2 para. 5: England

(Green)

Part 3.100

(October 2018)

[6.

The making of arrangements pursuant to section 95(2) of the 1998 Act (children to whom section 87 applies; appeals by governing bodies)².

] ¹

Notes

- 1** Substituted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(2) para.1 (November 23, 2004)
- 2** Section 94(1A) of the School Standards and Framework Act 1998 (“the SSFA 1998”) was inserted by the Education Act 2002. See also subordinate legislation made under section 94(5) of the SSFA 1998, as substituted by the Education Act 2002, which replaces Schedule 24 to the SSFA 1998.

Commencement

Sch. 2 para. 5: November 16, 2000

Extent

Sch. 2 para. 5: England

7.

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.

Commencement

Sch. 2 para. 7: November 16, 2000

Extent

Sch. 2 para. 7: England

8.

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.

Commencement

Sch. 2 para. 8: November 16, 2000

Extent

(Green)

Part 3.101

(October 2018)

9. [...]¹

Notes

- ¹ Revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.7(a) (April 1, 2008)
-

10.

Any function relating to contaminated land¹.

Notes

- ¹ Part IIA of the Environmental Protection Act 1990 (c.43) and subordinate legislation under that Part.

Commencement

Sch. 2 para. 10: November 16, 2000

Extent

Sch. 2 para. 10: England

11.

The discharge of any function relating to the control of pollution or the management of air quality¹.

Notes

- ¹ See the Pollution Prevention and Control Act 1999 (c.24), Part IV of the Environment Act 1995 (c.25), Part I of the Environmental Protection Act 1990 (c.43) and the Clean Air Act 1993 (c.11).

Commencement

Sch. 2 para. 11: November 16, 2000

Extent

Sch. 2 para. 11: England

12.

The service of an abatement notice in respect of a statutory nuisance¹

Notes

(Green)

Part 3.102

(October 2018)

¹ Section 80(1) of the Environmental Protection Act 1990.

(Green)

Part 3.102

(October 2018)

Commencement

Sch. 2 para. 12: November 16, 2000

Extent

Sch. 2 para. 12: England

13.

The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area¹.

Notes

¹ Section 8 of the Noise and Statutory Nuisance Act 1993 (c.40).

Commencement

Sch. 2 para. 13: November 16, 2000

Extent

Sch. 2 para. 13: England

14.

The inspection of the authority's area to detect any statutory nuisance¹.

Notes

¹ Section 79 of the Environmental Protection Act 1990.

Commencement

Sch. 2 para. 14: November 16, 2000

Extent

Sch. 2 para. 14: England

15.

The investigation of any complaint as to the existence of a statutory nuisance¹.

Notes

¹ Section 79 of the Environmental Protection Act 1990.

Commencement

Sch. 2 para. 15: November 16, 2000

Extent

(Green)

Part 3.103

(October 2018)

16.

The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.

Commencement

Sch. 2 para. 16: November 16, 2000

Extent

Sch. 2 para. 16: England

17.

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

Commencement

Sch. 2 para. 17: November 16, 2000

Extent

Sch. 2 para. 17: England

18.

The making of agreements for the execution of highways works¹.

Notes

¹ Section 278 of the Highways Act 1980 (c.66), substituted by the New Roads and Street Works Act 1991 (c.22), section 23.

Commencement

Sch. 2 para. 18: November 16, 2000

Extent

Sch. 2 para. 18: England

19.

The appointment of any individual

- (a) to any office other than an office in which he 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

Commencement

Sch. 2 para. 19(a)-(c): November 16, 2000

Extent

Sch. 2 para. 19(a)-(c): England

[20.

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

]¹

Notes

¹ Inserted subject to the operation of arrangements as specific in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 Sch.1(II) para.1 (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)

Extent

Sch. 2 para. 20: England

[21.

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

]¹

Notes

¹ Inserted subject to the operation of arrangements as specific in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 Sch.1(II) para.1 (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)

Extent

Sch. 2 para. 21: England

[22.

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

]¹

Notes

¹ Added by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations

(Green)

Part 3.105

(October 2018)

2008/516 reg.7(b) (March 31, 2008)

Extent

Sch. 2 para. 22: England

(Green)

Part 3.105

(October 2018)

SCHEDULE 3

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

Regulation 4(1)

(1) <i>Plans and strategies</i>	(2) <i>Reference</i>
Annual Library Plan	Section 1(2) of the Public Libraries and Museums Act 1964 (c.75)
Best Value Performance Plan	Section 6(1) of the Local Government Act 1999 (c.27) ¹
[Children and Young People's Plan] ²	[Children and Young People's Plan (England) Regulations 2005.] ³
[...]	...] ⁴
[...]	...] ⁵
Crime and Disorder Reduction Strategy	Sections 5 and 6 of the Crime and Disorder Act 1998 (c.37).
[Development plan documents] ⁷	[Section 15 of the 2004 Act.] ⁸ ⁶
[Licensing Authority Policy Statement] ⁹	[section 349 of the 2005 Act.] ¹⁰
[...]	...] ¹¹
[...]	...] ¹²
[Local Transport Plan	Section 108(3) of the Transport Act 2000 (c.38).] ¹³
Plans and alterations which together comprise the Development Plan	(a) for Greater London and the metropolitan counties, section 27 of the Town and Country Planning Act 1990 (c.8) ¹⁴ (b) for districts outside Greater London and the metropolitan counties, section 54 of that Act.
[Sustainable Community Strategy	[Section 4 of the 2000 Act.] ¹⁶ ¹⁵
Youth Justice Plan	Section 40 of the Crime and Disorder Act 1998 (c.37)

(Green)

Part 3.106

(October 2018)

Notes

- ¹ See the Local Government (Best Value) Performance Plans and Reviews Order 1999 (S.I. 1999/3251). Relevant guidance issued under section 6(4) of the Local Government Act 1999 may be found in Department of the Environment, Transport and the Regions Circular 10/99.
- ² Words substituted by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 Sch.1(2) para.3(a) (April 21, 2006)
- ³ Words substituted by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 Sch.1(2) para.3(b) (April 21, 2006)
- ⁴ Words revoked by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 Sch.1(2) para.3(d) (April 21, 2006)
- ⁵ Entry revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.6(2)(b) (March 31, 2008)
- ⁶ Words inserted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(5)(a) (April 22, 2005)
- ⁷ Functions relating to local development documents which are not development plan documents are the responsibility of the executive of an authority.
- ⁸ Words inserted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(5)(b) (April 22, 2005)
- ⁹ Words substituted by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 Sch.1(2) para.3(e) (April 21, 2006)
- ¹⁰ Possible drafting error - words are purportedly substituted in the entry for "Community Care Plan", but that entry has been repealed and the substitution is instead made in the new entry for "Licensing Authority Policy Statement" by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 Sch.1(2) para.3(f) (April 21, 2006)
- ¹¹ Words revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 2) Regulations 2008/744 reg.2(2)(b) (April 1, 2008)
- ¹² Possible drafting error - words in column 2 of the revoked entry for "Education Development Plan" are revoked, and not the words in column 2 of the entry for "Licensing Authority Policy Statement" which are purportedly revoked by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 Sch.1(2) para.3(h) (April 21, 2006)
- ¹³ Inserted subject to the operation of arrangements as specific in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 Sch.1(III) para.1 (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)
- ¹⁴ Relevant amendments are made by the Planning and Compensation Act 1991 (c.34), Schedule 4, paragraph 29.
- ¹⁵ Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.6(2)(e) (March 31, 2008)
- ¹⁶ Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.6(2)(f) (March 31, 2008)

Commencement

Sch. 3 para. 1: November 16, 2000

Extent

Sch. 3 para. 1: England

(Green)

Part 3.107

(October 2018)

SCHEDULE 4

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

Regulation 5(1)

(1)	(2)
<i>Function</i>	<i>Circumstances</i>
1. The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy of a description referred to in regulation 4(1)(b) or Schedule 3.	The authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.
2. The determination of any matter in the discharge of a function which:	The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made
(a) is the responsibility of the executive; and	(a) is minded to determine the matter contrary to, or not wholly in accordance with:
(b) is concerned with the authority's budget, or their borrowing or capital expenditure.	(i) the authority's budget; or
	(ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and
	(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.
3. The determination of any matter in the discharge of a function:	The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the authority.
(a) which is the responsibility of the executive; and	
(b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority.	

Commencement

Sch. 4 para. 1: November 16, 2000

Extent

Sch. 4 para. 1: England

(Green)

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part II of the Local Government Act 2000 provides for the discharge of a local authority's functions by an executive of the authority (which must take one of the forms specified in section 11(2) to (5) of the Act), unless those functions are specified as functions that are not to be the responsibility of the authority's executive.

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.

Regulation 2(1) of these Regulations provides that the functions listed in Schedule 1 ("Schedule 1 functions") are not to be the responsibility of an authority's executive.

Regulation 2(2) provides that the function of imposing conditions, limitations, restrictions or other terms on any approval, consent, licence, permission or registration granted in the exercise of Schedule 1 functions, or functions under a local Act (unless in that case the approval, consent, licence, permission or registration was granted by an authority's executive), is not to be the responsibility of an authority's executive

Regulation 2(3) provides that the function of determining whether, and in what manner, to enforce contraventions of approvals, consents, licences, permissions or registrations granted in the exercise of Schedule 1 functions, or functions under a local Act (unless in that case the approval, consent, licence, permission or registration was granted by an authority's executive), is not to be the responsibility of an authority's executive. It also provides that the function of determining whether, and in what manner, to enforce other contraventions, in relation to matters for which an approval, consent, licence, permission or registration should have been sought, is not to be the responsibility of an authority's executive where the approval, consent, licence, permission or registration could have been granted in the exercise of Schedule 1 functions.

Regulation 2(4) provides that the function of amending, modifying, varying or revoking any approval, consent, licence, permission or registration to which regulation 2(2) applies is not to be the responsibility of an authority's executive.

Regulation 2(5) provides that the function of making any scheme authorised or required by regulations under section 18 of the Local Government and Housing Act 1989 (schemes for basic, attendance and special responsibility allowances for local authority members) or of amending, revoking or replacing any such scheme, is not to be the responsibility of an authority's executive.

Regulation 2(6) provides that the functions of determining the amount of various allowances payable to members of local authorities under the Local Government Act 1972 ("the 1972 Act"), the rates at which certain payments under that Act by way of allowances are to be made, the amounts payable under schemes under section 18 of the Local Government and Housing Act 1989 and the rates of payments under such schemes, are not to be the responsibility of an authority's executive. It also provides that the function of determining whether a charge should be made for any approval,

consent, licence, permit or registration granted or issued in the exercise of Schedule 1 functions, and the amount of any such charge, are not to be the responsibility of an authority's executive.

The effect of regulation 2(7) is to prevent an authority from arranging for the discharge of the functions specified in regulation 2(5) or (6)(a) to (c) by a committee, sub-committee or officer. (Other functions referred to in regulation 2 which are not the responsibility of an authority's executive may be discharged by a committee, sub-committee or officer of the authority under arrangements under section 101 of the 1972 Act.)

Regulation 2(8) provides, within one exception, that the making of arrangements for the discharge of functions under section 101(5) of the 1972 Act and the appointment of committees under section 102 of the 1972 Act is not to be the responsibility of an authority's executive. The exception relates to provision made in regulations under section 20 of the Local Government Act 2000, which may allow the executive of an authority to make appointments under section 102 of the 1972 Act.

Regulation 2(9) and (10) makes special provision in relation to York City Council's functions relating to the management of the Yorkshire Museum and Gardens and to South Lakeland District Council's functions relating to the management of land at Lake Windermere. None of the functions referred to in those paragraphs is to be the responsibility of the relevant Council's executive.

Regulation 2(11) and (12) precludes an authority's executive from discharging functions which, in accordance with any public or local Act, or any subordinate legislation, must be discharged by the authority themselves, unless the discharge of the function by the executive is authorised by any other provision of these Regulations.

Regulation 3(1) provides that the functions mentioned in Schedule 2 may be (but need not be) the responsibility of an authority's executive.

Regulation 3(2) provides that Hastings Borough Council's functions relating to the management of the Hastings and Saint Leonard's Museum may be (but need not be) the responsibility of an authority's executive, and paragraphs (3) and (4) of that regulation make consequential and supplementary provision where those functions are the responsibility of the Council's executive.

Paragraphs (1) to (3) of regulation 4 allocate responsibility for various aspects of functions relating to the formulation and preparation of plans and strategies of the descriptions specified in Schedule 3 between an authority and their executive. They also apply to other plans and strategies whose adoption or approval is a matter for determination by the authority themselves in accordance with regulation 5(1). Paragraph (4) of regulation (4) allocates responsibility for the amendment, modification, variation or revocation of the plans and strategies specified in Schedule 3. Paragraphs (5) to (7) of regulation 4 make similar provision in relation to functions concerned with the disposal of an authority's housing land.

Where an aspect of a function referred to in paragraph (1), (4) or (5) of regulation 4 is not to be the responsibility of an authority's executive, paragraph (8) of that regulation has the effect that the authority may not arrange for it to be discharged by any of their committees, sub-committees or officers.

Paragraphs (9) to (11) of regulation 4 allocate responsibility for various aspects of functions relating to council tax, precepts and other calculations under the Local Government Finance Act 1992. To the extent that the function relates to the preparation and revision of estimates and other amounts for consideration by an authority it is to be the responsibility of an authority's executive. Other

aspects of the function, such as the setting of an amount of council tax for a financial year, are to be the responsibility of the authority.

Regulation 5(1) 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 such an executive. The circumstances are listed in column (2) of Schedule 4, and the functions to which they relate are listed in column (1). An exception is provided in regulation 5(2) for certain determinations that need to be made as a matter of urgency. In those cases, the determination can be made by the authority's executive only with the prior written agreement of a chairman of a relevant overview and scrutiny committee (defined in regulation 5(3)) or, in specific circumstances, of the chairman or vice-chairman of the authority. Regulation 5(4) requires the individual or body by whom the determination is made to submit a report to the authority of the action taken.

The effect of regulation 5(5) is to prevent an authority from arranging for the discharge by a committee, sub-committee or officer of functions which, in accordance with regulation 5(1), are the responsibility of the authority.

Modifications

Provision	Modification	Notes	Further Information
reg. 2(1)	Local Government (Structural and Boundary Changes) (Staffing) Regulations 2008/1419, reg. 4(4)		
reg. 2(6E)	Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008/2113, Sch. 1 para. 1(c)		Pt 2 reg. 6
Sch. 1 para. 1	Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008/2113, Sch. 1 para. 1(d)		Pt 2 reg. 6
	Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008/2113, Sch. 1 para. 1(e)		Pt 2 reg. 6
Sch. 2 para. 22	Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008/2113, Sch. 1 para. 1(f)		Pt 2 reg. 6