

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

4-1616.6

<i>(1)</i> <i>Function</i>	<i>(2)</i> <i>Provision of Act or Statutory Instrument</i>
A. Functions relating to town and country planning and development control	
1. [...]	[...]
2. [...]	[...]
3. [...]	[...]
4. [...]	[...]
5. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990.
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.	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 (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.
10. Power to determine application for planning permission 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.
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.
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.]
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.

SI 2000/2853 LOCAL AUTHS (FUNCTIONS & RESPONSIBILITIES) (ENGLAND)

<i>(1)</i>	<i>(2)</i>
<i>Function</i>	<i>Provision of Act or Statutory Instrument</i>
21. Power to determine applications for hazardous substances consent, and related powers.	Section 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10).
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, 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 application 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].
25. Power to determine applications for conservation area consent.	Section 16(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990], as applied by section 74(3) of that Act.
26. Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the [Planning (Listed Buildings and Conservation Areas) Act 1990] and regulations 3 to 6 and 13 of the [the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990/1519) and paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01].
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].
28. Power to issue enforcement notice in relation to demolition of [listed] building in conservation area.	Section 38 of [the Planning (Listed Buildings and Conservation Areas) Act 1990].
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].
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].
31. Power to execute urgent works.	Section 54 of [the Planning (Listed Buildings and Conservation Areas) Act 1990].
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.
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
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.

PART 4C—STATUTORY INSTRUMENTS 1992 ON

<i>(1)</i> <i>Function</i>	<i>(2)</i> <i>Provision of Act or Statutory Instrument</i>
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 pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 ¹ . [as saved for certain purposes by article 3(3)(c) of the Gambling Act Order.]
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 ² . [as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order.]
8. Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 ³ [as saved for certain purposes by article 3(3)(e) of the Gambling Act Order.]
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 ⁴ [as saved for certain purposes by article 4(2)(1) and (m) of the Gambling Act Order.]
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 ⁵ [as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order.]
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976 ⁶ [as saved for certain purposes by the article 5(2)(d) and (5) of the Gambling Act Order.]
12. Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985.
13. Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 ⁷ .
14. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933, section 52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982.
[14A. Functions relating to licensing.	Sections 5 to 8 of the Licensing Act 2003.]
[14AA. Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the [[2005 Act]].
14AB. Functions relating to exchange of information.	Section 30 of the 2005 Act.
14AC. Functions relating to occasional use notices.	Section 39 of the 2005 Act.]
[14B. Power to resolve not to issue a casino premises licence.	Section 166 of the 2005 Act.]

¹ To which there are amendments not relevant to these Regulations.

² To which there are amendments not relevant to these Regulations.

³ Schedules 5ZA was inserted by SI 1995/3231, art.5(6).

⁴ To which there are amendments not relevant to these Regulations.

⁵ To which there are amendments not relevant to these Regulations.

⁶ To which there are amendments not relevant to these Regulations.

⁷ Amended by the Local Government Act 1972, s.204(6) and the Local Government, Planning and Land Act 1980, s.1(6), Sch.6 para.11 and Sch.34, Pt VI.

SI 2000/2853 LOCAL AUTHS (FUNCTIONS & RESPONSIBILITIES) (ENGLAND)

(1) <i>Function</i>	(2) <i>Provision of Act or Statutory Instrument</i>
[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.
[14CA Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises.]	[Section 284 of the 2005 Act].
14D. Power to institute criminal proceedings [...]	Section 346 of the 2005 Act.
14E. Power to exchange information.	Section 350 of the 2005 Act.
14F. Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI 2007/479).]
[14G Functions relating to the registration and regulation of small society lotteries.]	[Part 5 of Schedule 11 to the 2005 Act]
15. Power to license 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.
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 ¹ .
19. Power to register door staff.	Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 and Part V of the London Local Authorities Act 1995.
20. Power to license 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 ² , Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.
22. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 ³ .
23. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.
24. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.
25. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964.

¹ Amended by the Local Government Act 1974, Sch.6, para.1, s.18 of the Local Government (Miscellaneous Provisions) Act 1976 and s.186 of the Local Government, Planning and Land Act 1980. S.94(8) was substituted by the Deregulation (Public Health Acts Amendment Act) Order 1997 (SI 1997/1187).

² Amended by the Local Government Act 1972, s.204(9) and the London Local Authorities Act 1990, s.20.

³ Section 5 was amended by the Local Government, Planning and Land Act 1980, Sch.6, para.13(1).

<i>(1)</i> <i>Function</i>	<i>(2)</i> <i>Provision of Act or Statutory Instrument</i>
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 ¹ .
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.
28. Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971.
29. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 ² ; section 1 of the Animal Boarding Establishments Act 1963 ³ ; the Riding Establishments Acts 1964 and 1970 ⁴ ; section 1 of the Breeding of Dogs Act 1973 ⁵ , and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
31. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 ⁶ .
32. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 ⁷ .
33. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.
34. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. <i>See also</i> the Animal By-Products Order 1999 (S.I. 1999/646).
35. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963.
36. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510) ⁸
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 or	
(b) an order under section 147 of the Inclosure Act 1845.	

¹ Amended by the Fire Safety and Safety of Places of Sport Act 1987. *See*, in particular, Part II of, and Schedule 2 to, that Act.

² Amended by the Local Government Act 1974, section 42 and Schedule 8.

³ Amended by the Local Government Act 1974, Schedule 6, paragraph 17 and by the Protection of Animals (Amendment) Act 1988, section 3(2) and (3) and the Schedule.

⁴ Amended by the Local Government Act 1974, section 35(1) and (2) and Schedule 6, paragraph 18 and by the Protection of Animals (Amendment) Act 1988, section 3(2) and (3) and the Schedule.

⁵ Section 1 was amended by the Local Government, Planning and Land Act 1980, section 1(6), Schedule 6, Schedule 34, paragraph 15 and by the Protection of Animals (Amendment) Act 1988, section 3(2) and (3) and the Schedule.

⁶ Amended by the Local Government Act 1974 sections 35(1) and (2) and 42, Schedule 6, paragraph 2(1) and Schedule 8.

⁷ 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.

⁸ Section 46A was inserted by section 1 of the Marriage Act 1994.

SI 2000/2853 LOCAL AUTHS (FUNCTIONS & RESPONSIBILITIES) (ENGLAND)

<i>(1)</i> <i>Function</i>	<i>(2)</i> <i>Provision of Act or Statutory Instrument</i>
38. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471) ¹
39. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939 ²
40. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.
41. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991.
42. Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957.
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 highway, and related powers.	Sections 115E, 115F and 115K of the Highways Act 1980.]
47. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.
[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.]
48. Power to license planting, retention and maintenance of trees etc. in part of highway.	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 ³ .
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.

¹ Amended by S.I. 1968/658.

² 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.

³ Amended by section 22 of the Local Government (Miscellaneous Provisions) Act 1982.

(1)	(2)
Function	Provision of Act or Statutory Instrument
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082) ¹
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) ² .
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 both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763) ³ .
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.
[69. Power to issue near beer licence.	Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c.x.) and, to the extent that it does not have effect by virtue of regulation 2(3), section(3), section 25 of that Act.
70. Power to register premises or stalls for the sale of goods by way of competitive bidding.	Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii).]
71. Power to register motor salvage operators.	Part I of the Vehicles (Crime) Act 2001 (c.3).
[72. Functions relating to the registration of common land and town or village greens.	Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008 (SI 2008/1961).]
C. Functions relating to health and safety at work	

¹ Amended by regulation 2 of the Meat Products (Hygiene) (Amendment) Regulations 1999 (S.I. 1999/683).

² Amended by S.I. 1996/1699.

³ Schedule 1A was inserted by S.I. 2000/930.

(1)	(2)
Function	Provision of Act or Statutory Instrument
Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974 ¹
D. Functions relating to elections	
1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 ² .
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
3. Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.
4. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
7. Duty to provide assistance at European Parliamentary elections.	[Section 6(7) and (8) of the European Parliamentary Elections Act 2002]
8. Duty to divide constituency into polling districts.	[Sections 18A and 18E of, and Schedule A1 to, the Representation of the People Act 1983.
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.
16. [...]	[...]
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.

¹ 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, Schedule 15, paragraph 5.

² Subsection (4) of section 52 was substituted by the Representation of the People Act 1985, Schedule 4.

³ [Section 14A of the Local Government Act 1992 was inserted by section 55 of the Local Government and Public Involvement in Health Act 2007].

<i>(1)</i> <i>Function</i>	<i>(2)</i> <i>Provision of Act or Statutory Instrument</i>
[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.]
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.
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.
[EA. Functions relating to changing governance arrangements	
[...]	
[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 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.]

⁴ [Sections 33A, 33B, 33F, 44A, 44B and 44C of the Local Government and Public Involvement in Health Act 2000 were inserted by sections 64 and 67 of the Local Government and Public Involvement in Health Act 2007].

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

¹ 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.

² As to section 7 *see also* section 99 of the Local Government Act 2000. Section 12 of the Superannuation Act 1972 is amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990.

PART 4C—STATUTORY INSTRUMENTS 1992 ON

<i>(1)</i> <i>Function</i>	<i>(2)</i> <i>Provision of Act or Statutory Instrument</i>
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 or bridleway.	Section 135 of the Highways Act 1980.
20. Power temporarily to divert footpath or bridleway.	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.
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.
24. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981.
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.
27. Duty to reclassify roads used as public paths.	Section 54 of the Wildlife and Countryside Act 1981.
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.
30. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981.
[30A. Power to authorise stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990.]
31. Power to authorise stopping-up or diversion of footpath or bridleway.	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.
34. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.
<i>Part II: other miscellaneous functions</i>	
35. Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966.

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(1)	(2)
Function	Provision of Act or Statutory Instrument
36. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.
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.
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.
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.
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 person nominated by monitoring officer.	Section 82A(4) of the Local Government Act 2000.]
[44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.]
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 No. 590).
46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997 No. 1160).
47. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999 No. 1892).
[47A. Powers relating to complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003.]
48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.]
[[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.]]
[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.]
[51. Power to apply for an enforcement order against unlawful works on common land.	Section 41 of the Commons Act 2006.
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.
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.]

AMENDMENTS

Paragraph B, items 69, 70 were added and para.I was substituted by the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001 (SI 2001/2212). Para.I, item 49 was substituted by the Local Authorities (Alcohol Consumption in Designated Public Places) Regs 2007 (SI 2007/806), reg.10.

Paragraph A was substituted by the Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2004 (SI 2004/2211), reg.2.

Paragraph B items 14A, 46A, 47A and para.I items 30A, 44A, 44B were inserted by the Local Authorities (Functions and Responsibilities) (Amendment No.3) (England) Regulations 2004 (SI 2004/2748), reg.2.

Paragraph H2 was substituted by the Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004 (SI 2004/3168), art.53.

Para.I item 47A was inserted by the Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2005 (SI 2005/714), reg.2.

Paragraph A item 18A was inserted and items 1 to 4 omitted by the Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005 (SI 2005/929), reg.2.

Paragraph B item 14B was inserted and the heading to para.F substituted by the Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006 (SI 2006/886), reg.2.

Paragraph B items 14C to 14F were inserted by SI 2007/1284.

Paragraph B items 6–11 and 14E were amended by, and items 14AA to 14AC and 14G inserted by SI 2007/1950.

Paragraph A items 24 to 31, para.B items 14AA and 14D and para.D items 7 and 8 were amended, para.D item 16 was omitted and para.FA was inserted by SI 2007/2593.

The words in square brackets in para.D item 17, and paras EA and EB were added by the Local Authorities (Functions and Responsibilities)(England) (Amendment) Regulations 2008 (SI 2008/516).

Paragraph I item 50 was inserted by SI 2008/1430, reg.25.

Paragraph B item 72 and para.I items 51 to 53 were inserted and para.EA was omitted by SI 2008/2787.

Regulation 3(1)

SCHEDULE 2

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

4-1616.7

1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.
2. The determination of an appeal against any decision made by or on behalf of the authority.
3. The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998¹.
4. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools.
5. The making of arrangements pursuant to sections 94(1), (1A) and (4) of the 1998 Act (admission appeals).
6. The making of arrangements pursuant to section 95(2) of the 1998 Act (children to whom section 87 applies: appeals by governing bodies).]
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.
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.
9. [...]
10. Any function relating to contaminated land².

¹ S.34(4) replaces s.63(3) of the Social Security Administration Act 1992. The Council Tax Benefit Regulations 1992 (SI 1992/1814) and the Housing Benefit (General) Regulations 1987 (SI 1987/1971), to which there are amendments not relevant to these Regulations, continue to have effect, by virtue of s.17(2)(b) of the Interpretation Act 1978 (c.30), notwithstanding the repeal of s.63(3) of the Social Security Administration Act 1992.

² Pt IIA of the Environmental Protection Act 1990 and subordinate legislation under that Part.

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11. The discharge of any function relating to the control of pollution or the management of air quality¹.
12. The service of an abatement notice in respect of a statutory nuisance².
13. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area³.
14. The inspection of the authority's area to detect any statutory nuisance⁴.
15. The investigation of any complaint as to the existence of a statutory nuisance⁵.
16. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.
17. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
18. The making of agreements for the execution of highways works⁶.
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
20. The making of agreements with other local authorities for the placing of staff at the disposal of those authorities.
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.)
- [22. Functions under sections 106, 110, 111 and 113 of the 2007 Act relating to local area agreements.]

AMENDMENTS

Paras 20, 21 were added by the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001 (SI 2001/2212).

Paras 4 to 6 were substituted by the Local Authorities (Functions and Responsibilities) (Amendment No.3) (England) Regulations 2004 (SI 2004/2748) reg.2.

Para.9 was omitted and para.22 was inserted by The Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008 (SI 2008/516).

Regulation 4(1)

SCHEDULE 3

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

4-1616.8

(1)	(2)
<i>Plans and strategies</i>	<i>Reference</i>
Annual Library Plan	Section 1(2) of the Public Libraries and Museums Act 1964.
Best Value Performance Plan	Section 6(1) of the Local Government Act 1999 ⁷ .
[Children and Young People's Plan.	Children and Young People's Plan (England) Regulations 2005.]
[...]	[...]
[...]	[...]

¹ See the Pollution Prevention and Control Act 1999, Pt 4 of the Environment Act 1995, Pt 1 of the Environmental Protection Act 1990 and the Clean Air Act 1993.

² S.80(1) of the Environmental Protection Act 1990.

³ S.8 of the Noise and Statutory Nuisance Act 1993.

⁴ S.79 of the Environmental Protection Act 1990.

⁵ S.79 of the Environmental Protection Act 1990.

⁶ S.278 of the Highways Act 1980, substituted by the New Roads and Street Works Act 1991, s.23.

⁷ 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.

Crime and Disorder Reduction Strategy	Sections 5 and 6 of the Crime and Disorder Act 1998.
[Development plan documents	Section 15 of the 2004 Act.]
[Licensing Authority Policy Statement.	Section 349 of the 2005 Act.]
[...]	[...]
[...]	[...]
[Local Transport Plan Plans and alterations which together comprise the Development Plan	Section 108(3) of the Transport Act 2000.] (a) for Greater London and the metropolitan counties, section 27 of the Town and Country Planning Act 1990 ¹ ; (b) for districts outside Greater London and the metropolitan counties, section 54 of that Act.
[Sustainable Community Strategy	Section 4 of the 2000 Act.]
Youth Justice Plan	Section 40 of the Crime and Disorder Act 1998.

AMENDMENTS

The entry relating to "Local Transport Plan" was added by the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001 (SI 2001/2212), Schedule.

The entry relating to "Development plan documents" was inserted by the Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2005 (SI 2005/929) reg.2.

The entries relating to "Children and Young People's Plan" and "Licensing Authority Policy Statement" were substituted and those relating to "Community Care Plan" and "Education Development Plan" were omitted by the Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006 (SI 2006/886) reg.2.

The entries relating to a Local Area Agreement and Sustainable Community Strategy were added by SI 2007/516 reg 6(2) and that relating to a Local Area Agreement was omitted by SI 2008/744 reg.2.

Regulation 5(1)

SCHEDULE 4

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

4-1616.9

(1) <i>Function</i>	(2) <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

¹ Relevant amendments are made by the Planning and Compensation Act 1991, Schedule 4, paragraph 29.

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(1) <i>Function</i>	(2) <i>Circumstances</i>
<p>3. The determination of any matter in the discharge of a function—</p>	<p>(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.</p> <p>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.</p>
<p>(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.</p>	