
STATUTORY INSTRUMENTS

2000 No. 2851

LOCAL GOVERNMENT, ENGLAND

The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000

<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 upon him by sections 18, 19, 20 and 105 of the Local Government Act 2000⁽¹⁾ hereby makes the following Regulations—

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and shall come into force on 16th November 2000.

(2) These Regulations apply to local authorities in England only.

Interpretation

2. In these Regulations—

“the 1972 Act” means the Local Government Act 1972⁽²⁾; and

“the 2000 Act” means the Local Government Act 2000.

Persons with power to make arrangements: mayor and cabinet executives

3. In the case of a local authority which has a mayor and cabinet executive, the following persons have power to make arrangements under regulations 6 and 7 and to make arrangements under section 101(5) of the 1972 Act (arrangements for discharge of functions by local authorities) in accordance with regulation 11—

(a) the elected mayor as respects any functions which are the responsibility of the executive;

(b) unless the elected mayor otherwise directs,—

(i) the executive of the local authority;

(1) 2000 c. 22. For the application of sections 18, 19, 20 and 105 to Wales, see section 106 of the Local Government Act 2000.
(2) 1972 c. 70.

- (ii) a member of the executive other than the elected mayor; or
 - (iii) a committee of the executive,
- as respects any functions which, by virtue of section 14 of the 2000 Act (discharge of functions: mayor and cabinet executive), may be discharged by the executive, that member or, as the case may be, that committee.

Persons with power to make arrangements: leader and cabinet executives

4.—(1) In the case of a local authority which has a leader and cabinet executive, the following persons have power to make arrangements under regulations 6 and 7 and to make arrangements under section 101(5) of the 1972 Act (arrangements for discharge of functions by local authorities) in accordance with regulation 11—

- (a) the executive, a member of the executive, or a committee of the executive as respects any functions which are allocated by executive arrangements to the executive, that member or, as the case may be, that committee;
- (b) subject to paragraph (2) below, the executive, a member of the executive or a committee of the executive as respects any functions which the executive leader has arranged to be discharged by the executive, that member or, as the case may be, that committee by virtue of section 15(4)(b) of the 2000 Act (discharge of functions: leader and cabinet executive);
- (c) subject to paragraph (2) below, a committee of the executive, as respects any functions which the executive has arranged to be discharged by that committee by virtue of section 15(5)(a) of the 2000 Act;
- (d) the executive leader as respects any functions which are the responsibility of the executive to the extent that they are not allocated by provision made in executive arrangements.

(2) Section 15(8) of the 2000 Act (directions by executive leader who makes or has made arrangements under section 15(4)(b)(i), (ii) or (iii) of that Act) applies to paragraph (1)(b) and (c) above as it applies to section 15(5), (6) and (7) of that Act.

Persons with power to make arrangements: mayor and council manager executives

5.—(1) In the case of a local authority which has a mayor and council manager executive, the council manager has power to make arrangements under regulations 6 and 7 and to make arrangements under section 101(5) of the 1972 Act (arrangements for discharge of functions by local authorities) in accordance with regulation 11.

(2) In deciding whether to make arrangements under regulation 6 or 7, or under section 101(5) of the 1972 Act in accordance with regulation 11, the council manager shall have regard to any advice given by the elected mayor.

Discharge of an executive's functions by area committee

6.—(1) A person with power to make arrangements under this regulation, in relation to a local authority, may arrange for the discharge of any functions which are the responsibility of the executive of that authority by an area committee of that authority.

(2) Where by virtue of this regulation arrangements are made for an area committee to discharge any functions, the arrangements may include provision with respect to the allocation of any of those functions to an officer of the authority.

(3) Any arrangements made under this regulation by a person specified in regulation 3, 4 or 5 above for the discharge of any functions by an area committee shall not prevent that person from exercising those functions.

Discharge of an executive's functions by another local authority or another executive

7.—(1) Subject to paragraph (3) below, a person with power to make arrangements under this regulation, in relation to a local authority, may make the arrangements specified in paragraph (2) below.

(2) The arrangements referred to in paragraph (1) above are arrangements for a function which is the responsibility of the executive of the local authority to be discharged by—

- (a) another local authority (within the meaning of section 101 of the 1972 Act); or
- (b) an executive of another local authority (within the meaning of Part II of the 2000 Act).

(3) If the function which is the responsibility of the executive of the local authority—

- (a) is also a function which is, or which becomes, the responsibility of an executive of the other local authority; or
- (b) is not, or ceases to be, a function of the other local authority and that other authority is operating, or begins to operate, executive arrangements,

the arrangements referred to in paragraph (1) above shall not or, as the case may be, shall no longer provide for the other local authority to discharge that function but may provide for the executive of the other local authority to discharge it.

(4) Any arrangements made under this regulation—

- (a) shall not prevent the person who made the arrangements from exercising the functions to which they relate; and
- (b) shall be made with the other local authority concerned.

Discharge of a local authority's functions by the executive of another local authority

8.—(1) A local authority (within the meaning of section 101 of the 1972 Act) may make arrangements for the discharge of any of its functions, which are not the responsibility of an executive of that authority, by the executive of another local authority (within the meaning of Part II of the 2000 Act) in accordance with this regulation.

(2) Arrangements may only be made for the executive of the other local authority to discharge any function referred to in paragraph (1) above if the function is also a function of that other local authority and is the responsibility of the executive of that authority.

(3) Any arrangements made under this regulation—

- (a) shall not prevent the authority which made the arrangements from exercising the functions to which they relate; and
- (b) shall be made with the other local authority concerned.

Responsibility for functions delegated to the executive of another local authority

9. Where, by virtue of regulation 7 or 8 above, arrangements are in force for the discharge of any functions of a local authority, or for the discharge of any functions which are the responsibility of the executive of that authority, by the executive of another local authority those functions shall be treated, for the purposes of sections 14 to 16 of the 2000 Act (discharge of functions), as functions which are the responsibility of the executive of that other local authority.

Further delegation of discharge of functions delegated to another local authority

10.—(1) Where, by virtue of regulation 7 above, arrangements are in force for the discharge of any functions which are the responsibility of the executive of a local authority by another local

authority, then, subject to the terms of the arrangements, that other authority may arrange for the discharge of any of those functions by a committee, sub-committee or officer of theirs.

(2) Where by virtue of paragraph (1) above any functions may be discharged by a committee of a local authority, then, unless that authority otherwise directs, the committee may arrange for the discharge of any of those functions by a sub-committee or an officer of the authority.

(3) Where by virtue of paragraph (1) or (2) above any functions may be discharged by a sub-committee of a local authority, then, unless that authority or, as the case may be, that committee otherwise directs, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.

Joint exercise of an executive's functions

11.—(1) Arrangements made under section 101(5) of the 1972 Act (arrangements for discharge of functions by local authorities), in relation to functions which are the responsibility of an executive of a local authority (within the meaning of Part II of the 2000 Act), by a person on whom the power to do so is conferred by regulation 3, 4 or 5 above, in relation to that authority, shall be made in accordance with this regulation.

(2) Any arrangements made in relation to a function shall be made—

- (a) if the function is a function which is also the responsibility of the executive of the other local authority concerned (within the meaning of Part II of the 2000 Act), with the person who, by virtue of regulation 3, 4 or 5 above, has power to make such arrangements in relation to that other authority;
- (b) in any other case, with the other local authority (within the meaning of section 101 of the 1972 Act).

(3) If the arrangements provide for the discharge of functions by a joint committee—

- (a) appointment of the joint committee shall be made, under section 102(1) of the 1972 Act; and
- (b) the number of members to be appointed, their term of office, and the area (if restricted) within which the committee is to exercise its authority shall be fixed, under section 102(2) of the 1972 Act,

in relation to any authority to which regulation 11(2)(b) applies, by that authority, and, in relation to any other authority concerned, by the persons by whom the arrangements are made on behalf of that authority.

(4) A joint committee appointed in accordance with this regulation may, subject to the terms of the arrangements and unless a relevant person, if any, directs otherwise, arrange for the discharge of any of its functions by a sub-committee of the joint committee or an officer of one of the authorities concerned, and any such sub-committee may, subject to the terms of the arrangements and unless the joint committee or a relevant person, if any, directs otherwise, arrange for the discharge of any of its functions by such an officer.

(5) In paragraph (4) above, “a relevant person” means, in relation to any local authority whose functions are the subject of the arrangements—

- (a) where the local authority has a mayor and cabinet executive, the elected mayor;
- (b) where the local authority has a mayor and council manager executive, the council manager;
- (c) where the local authority has a leader and cabinet executive and the power to make the arrangements arises by virtue of—
 - (i) sub-paragraph (b) or (d) of regulation 4(1) above; or
 - (ii) sub-paragraph (c) of regulation 4(1) above and, before the executive arranged for the functions referred to in that sub-paragraph to be discharged by the committee of

the executive, the executive leader arranged for those functions to be discharged by the executive by virtue of section 15(4)(b)(i) of the 2000 Act,
the executive leader.

(6) Any arrangements made under this regulation shall not prevent the person who made the arrangements from exercising the functions to which they relate.

Members of joint committees

12.—(1) Subject to paragraphs (2) to (4) below, every person appointed to a joint committee in accordance with regulation 11 above by an executive, a member of an executive or a committee of an executive shall be a member of that executive, and the political balance requirements shall not apply to the appointment of such members.

(2) Where the executive concerned is a mayor and council manager executive, if the council manager is not a member of the joint committee, one other officer of the local authority may be a member of that committee.

(3) Where—

- (a) the joint committee has functions in respect of part only of the area of one of the local authorities concerned;
- (b) those functions are the responsibility of the executive of that authority; and
- (c) either—

- (i) the area of that part does not exceed two-fifths of the total area of the authority; or
 - (ii) the population of that part, as estimated by the authority, does not exceed two-fifths of the total population of the authority as so estimated,

the representatives of that authority on the joint committee may include any members of that authority who have been elected for electoral divisions or wards which are wholly or partly within that part of the authority's area, and the political balance requirements shall not apply to the appointment of those members.

(4) Where the joint committee is established under arrangements made between a county council and a single district council for the discharge of functions which are the responsibility of the executive of the county council, the representatives of the county council on the joint committee may include any members of the county council who have been elected for electoral divisions which are wholly or partly within the area of the district council, and the political balance requirements shall not apply to the appointment of those members.

(5) Where the joint committee has functions in respect of part of the area of one of the local authorities concerned and the representatives of that authority on that committee are appointed, in accordance with regulation 11, by the authority itself, the political balance requirements shall not apply to the appointment of those representatives and those representatives shall be members of that local authority who have been elected for electoral divisions or wards which are wholly or partly within that part of the authority's area.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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

19th October 2000

Hilary Armstrong
Minister of State,
Department of the Environment, Transport and
the Regions

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part II of the Local Government Act 2000 enables a local authority to make arrangements for the creation and operation of an executive which is responsible for certain functions of the local authority. The executive must take one of the forms specified in or under section 11 of that Act.

These Regulations enable arrangements to be made for the discharge of functions, which are the responsibility of a local authority executive, by an area committee (**regulation 6**), another local authority or an executive of another local authority (**regulation 7**). **Regulations 3, 4 and 5** set out who may make such arrangements in relation to mayor and cabinet executives, leader and cabinet executives and mayor and council manager executives, respectively.

These Regulations also enable a local authority to make arrangements for the discharge of its functions, which are not the responsibility of an executive of that authority, by the executive of another local authority. The local authority can only do this if the function is also a function of the other local authority which is the responsibility of the other authority's executive (**regulation 8**).

Where the arrangements made under regulation 7 or 8 are for the discharge of functions by the executive of another local authority, those functions are treated as the responsibility of that executive for the purposes of sections 14 to 16 of the Local Government Act 2000 (discharge of functions) (**regulation 9**).

Where the arrangements made under regulation 7 are for the discharge of functions by another local authority, **regulation 10** makes provision for the discharge of those functions by a committee, sub-committee or officer of the other authority.

Regulation 11 makes provision in connection with the discharge of functions jointly by two or more authorities, or by a joint committee, under section 101(5) of the Local Government Act 1972 where any of those functions are the responsibility of an executive of a local authority. **Regulations 3, 4 and 5** also apply to who may make the arrangements, in relation to the executive concerned, in accordance with regulation 11.

Regulation 12 makes provision in respect of membership of joint committees.

These Regulations apply to local authorities in England only.