
STATUTORY INSTRUMENTS

2007 No. 397 (W.43)

LOCAL GOVERNMENT, WALES

**The Local Authorities (Alternative
Arrangements) (Wales) Regulations 2007**

Made - - - - 14 February 2007

Coming into force - - 16 February 2007

The National Assembly for Wales makes the following Regulations in exercise of the powers given to it by sections 31(1) and 32(1) of the Local Government Act 2000⁽¹⁾:

Title, commencement and application

1.—(1) The title of these Regulations is the Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 and they come into force on 16 February 2007.

(2) These Regulations apply to Wales.

Interpretation

2. In these Regulations —

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

“the 2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000;

“alternative arrangements” (“*trefniadau amgen*”) means arrangements by a local authority with respect to discharge of their functions which are arrangements in accordance with regulation 3;

“area committee” (“*pwyllgor ardal*”) means a committee or sub-committee of a local authority established under regulation 5(2)(b);

“audit committee” (“*pwyllgor archwilio*”) means a committee of a local authority established under regulation 5(2)(c);

“Board” (“*Bwrdd*”) means the committee of a local authority established under regulation 4;

“enactment” (“*deddfiad*”) includes an enactment contained in a local Act or comprised in subordinate legislation;

“executive” (“*gweithrediaeth*”) is to be construed in accordance with section 11 of the 2000 Act;

(1) 2000 c. 22.

(2) 1972 c. 70.

“licensing committee” (“*pwyllogor trwyddedu*”) means the committee established under section 6 of the Licensing Act 2003;

“local authority” (“*awdurdod lleol*”) means (save where the context otherwise requires) a county council or a county borough council which is operating alternative arrangements;

“planning committee” (“*pwyllogor cynllunio*”) means a committee of the authority with delegated power to exercise some or all of those functions in Schedule 1 which is known as the Planning Committee or by such other title as the standing orders of the local authority may provide;

“political group” (“*grŵp gwleidyddol*”) means a political group in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990(3);

“principal scrutiny committee” (“*prif bwyllgor craffu*”) means a committee or sub-committee of the authority established under regulation 5(1)(a);

“relevant body” (“*corff perthnasol*”) for the purposes of regulation 16, means a local authority or a Board;

“scrutiny committee” (“*pwyllogor craffu*”) means a committee or sub-committee of the authority established under regulation 5(1)(b).

Local authorities which may operate alternative arrangements

3.—(1) All local authorities may operate alternative arrangements.

(2) Alternative arrangements are arrangements made in accordance with these Regulations and the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001(4).

(3) Arrangements in accordance with paragraph (2) are specified as alternative arrangements for the purposes of Part II of the 2000 Act.

(4) To the extent that any provision of these Regulations is inconsistent with any provision of the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001, the provision in those latter Regulations will prevail.

Establishment of a Board

4.—(1) A local authority operating alternative arrangements must establish a Board.

(2) The Board must not include the chairperson or deputy chairperson of the local authority or the chairperson of any other committee or sub-committee of the authority.

(3) A local authority operating alternative arrangements must delegate its functions to a Board subject to the limitations in regulations 10 to 13.

(4) Nothing in these Regulations prevents a local authority from exercising those functions delegated to a Board in accordance with paragraph (3).

(5) Subject to any arrangements made under regulation 16 the Board may arrange for the discharge of any of its functions —

(i) by a member of the Board;

(ii) by a sub-committee of the Board;

(iii) by an officer of the authority.

(3) S.I. 1990/1553.

(4) S.I. 2001/3711 (W.307) amended at regulation 2 by the Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005 (S.I. 2001/2913 (W 210)), regulation 10.

Establishment of Other committees

5.—(1) A local authority operating alternative arrangements must establish in accordance with regulation 6 —

- (a) a principal scrutiny committee; and
- (b) such additional scrutiny committees (being not less than three nor more than eight in number) for which the standing orders of the local authority may provide.

(2) A local authority operating alternative arrangements may establish —

- (a) a planning committee;
- (b) area committees for which the standing orders of the local authority may provide;
- (c) an audit committee;
- (d) an employment appeals committee;
- (e) a maximum of four other committees, for which the standing orders of the local authority may provide, which only exercise functions which are not, in accordance with these Regulations or any other enactment, the responsibility of the Board of a local authority provided that any decision to establish such a committee is notified to the National Assembly for Wales within seven days of the decision.

(3) The committees mentioned in paragraphs (1) and (2) are in addition to any committees which the authority is required by any enactment to establish.

Principal Scrutiny Committees and Scrutiny Committees

6.—(1) A principal scrutiny committee or a scrutiny committee, or any sub-committee of such a committee:

- (a) must not include any members of the Board; and
- (b) must have a chairperson who is a member of the authority.

(2) A principal scrutiny committee must not have a chairperson who is a member of the same political group as the chairperson of the Board (except where there is only one political group).

(3) Subject to paragraph (4) a local authority must ensure that its principal scrutiny committee and scrutiny committees have power between them to —

- (a) review or scrutinise decisions made, or other action taken, in connection with the discharge of any function of the authority;
- (b) make reports or recommendations to the authority in connection with the discharge of any function of the authority;
- (c) make reports or recommendations to the authority (or any committee or sub-committee of the local authority or a joint committee on which the local authority is represented) on matters which affect the authority's area or the inhabitants of that area;
- (d) in the case of a decision which has been made but not implemented, recommend that the decision be reconsidered by the committee, sub-committee or person who made it or arrange for its function under sub-paragraph (a) to be exercised by the authority.

(4) Subject to paragraph (5) a principal scrutiny committee and a scrutiny committee may not discharge any function other than in accordance with these Regulations.

(5) If, or to the extent that, a local authority's function of conducting best value reviews under section 5 of the Local Government Act 1999⁽⁵⁾ is not the responsibility of the Board of the authority,

(5) 1999 c. 27.

the authority may arrange for the principal scrutiny committee or any scrutiny committee to conduct such a review.

(6) A principal scrutiny committee and a scrutiny committee may —

- (a) appoint one or more sub-committees; and
- (b) arrange for the discharge of any of its functions by any such sub-committee.

(7) A sub-committee of a principal scrutiny committee or a scrutiny committee may not discharge any functions other than those conferred on it under paragraph (6).

(8) Alternative arrangements by a local authority must include provision which enables —

- (a) any member of a principal scrutiny committee or scrutiny committee to ensure that any matter which is relevant to the functions of the committee is included in the agenda for, and is discussed at, a meeting of the committee;
- (b) any member of a sub-committee of such a committee to ensure that any matter which is relevant to the functions of the sub-committee is included in the agenda for, and is discussed at, a meeting of the sub-committee; and
- (c) a principal scrutiny committee or scrutiny committee to refer any matter in connection with a decision or a proposed decision of the Board to the local authority provided that the decision or proposed decision relates to the functions of that committee.

(9) A principal scrutiny committee and a scrutiny committee, or any sub-committee of such a committee, may include persons who are not members of the authority, but any such persons are not entitled to vote at any meeting of such a committee or sub-committee on any question which falls to be decided at that meeting.

(10) A principal scrutiny committee and a scrutiny committee, or a sub-committee of such a committee —

- (a) may require members of the Board and officers of the authority, to attend before it to answer questions, and
- (b) may invite other persons to attend meetings of the committee or sub-committee.

(11) Any member of the Board or officer of the authority who is authorised to attend to answer questions in accordance with paragraph (10) is under a duty to do so but any such member or officer is not obliged to answer any question which that person would be entitled to refuse to answer in or for the purposes of proceedings in a court in Wales or England.

Audit Committee

7.—(1) To the extent that a local authority's powers in respect of its audit functions under any enactment may be delegated to a committee or sub-committee, a local authority may delegate to an audit committee.

(2) An audit committee established under regulation 5(2)(c):

- (a) must not include any members of the Board; and
- (b) must not have a chairperson who is a member of the same political group as the Chairperson of the Board (except where there is only one political group);
- (c) may appoint one or more sub-committees; and
- (d) may arrange for the discharge of any of its functions by any such sub-committee.

(3) A sub-committee of an audit committee may not discharge any functions other than those conferred on it under paragraph (2).

(4) An audit committee or any sub-committee of such a committee, may include persons who are not members of the authority, but any such persons are not entitled to vote at any meeting of such a

committee or sub-committee on any question which falls to be decided at that meeting and are not entitled to be the chairperson of such a committee or sub-committee.

Area Committees

8.—(1) An area committee or sub-committee is a committee or sub-committee which satisfies the following conditions:

- (a) the committee or sub-committee is established to discharge in respect of part of the area of the authority such functions (other than functions described in regulation 6(3)) as the local authority may determine;
- (b) the members of the committee or sub-committee who are members of the authority are elected for electoral divisions or wards which fall wholly or partly within that part; and
- (c) in the case of a committee only, the population of that part, as estimated by the authority, is not less than fifteen percent of the total population of the area of the authority as so estimated.

(2) Where a local authority establishes area committees—

- (a) there must be at least three such committees and they must cover the whole of the local authority's area; and
- (b) each member of the local authority is entitled to be a member of one area committee.

(3) A relevant body may arrange for the discharge of any functions which are the responsibility of the Board of the local authority by an area committee of that authority.

(4) Where by virtue of this regulation any functions may be discharged by an area committee, then, unless the relevant body directs otherwise, the area committee may arrange for the discharge of any of those functions by a sub-committee of that committee or by an officer of the authority.

(5) Where by virtue of paragraph (4) any functions may be discharged by a sub-committee of an area committee, then, unless the area committee or the relevant body directs otherwise, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.

(6) Any arrangements made under this regulation by a relevant body for the discharge of any functions by an area committee are not to prevent the relevant body from exercising those functions.

(7) As soon as reasonably practicable after making arrangements under this regulation the Board must secure that copies of a document setting out the provisions of the arrangements are available at the authority's principal office for inspection by members of the public at all reasonable hours.

(8) The Board must, in preparing the document referred to in paragraph (7) above, have regard to any guidance issued by the National Assembly for Wales under section 38 of the 2000 Act.

Requirements for committees and sub-committees

9.—(1) Every committee of a local authority established under these Regulations and every sub-committee of such a committee is to be treated as a committee or sub-committee of a principal council for the purposes of Part VA of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees).

(2) Every committee of a local authority established under these Regulations (except an area committee) and every sub-committee of such a committee is to be treated as a body to which section 15 of the Local Government and Housing Act 1989(6) (duty to allocate seats to political groups) applies.

(3) Subject to any enactment, every committee of a local authority (other than the Board) and every sub-committee of such a committee (other than a sub-committee of the Board) —

(6) 1989 c. 42. Section 18 is amended by section 99(3) to (9) of the Local Government Act 2000.

- (a) must include among its membership a majority of members of the authority who are not Board members; and
 - (b) must have a chairperson who is a member of the authority but who is not a Board member.
- (4) A committee or sub-committee of a local authority established under these Regulations, except an area committee, or a sub-committee of such a committee, must comprise a maximum of ten members or twenty per cent of the authority's members (calculated by rounding up the number of members to the nearest whole number when in calculating the percentage the number of members is not a whole number) whichever is the greater number.
- (5) A local authority operating alternative arrangements must allocate the chairpersonships of committees established under these Regulations so as to secure, as far as practicable, that the balance of the political groups in the local authority is reflected by those chairpersonships.
- (6) A planning committee, licensing committee or area committee or a sub-committee of such a committee with responsibility for any of the functions listed in Part A of Schedule 1 (functions relating to town and country planning and development control) must have a minimum of eight members.
- (7) Subsections (2) and (5) of section 102 of the 1972 Act are to apply to a committee established under these Regulations or a sub-committee of such a committee, as they apply to a committee appointed under that section.

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

10.—(1) The functions specified in column (1) of Schedule 1 to these Regulations by reference to the enactments specified in relation to those functions in column (2) of that Schedule are not to be the responsibility of a Board of an authority.

- (2) The functions of —
 - (a) imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted —
 - (i) in the exercise of a function specified in column (1) of Schedule 1; or
 - (ii) otherwise than by the Board of the authority, in the exercise of any function under a local Act; or
 - (b) determining any other terms to which any such approval, consent, licence, permission or registration is subject,
- are not to be the responsibility of the Board 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 in the exercise of a function specified in column (1) of Schedule 1,
 - (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 the Board of the authority,
- is not to be the responsibility of the Board of the authority.

- (4) The function of —
 - (a) amending, modifying or varying any such approval, consent, licence, permission or registration granted or any condition, limitation, restriction or term as mentioned in paragraph (2) to which it is subject; or
 - (b) revoking any such approval, consent, licence, permission or registration,

is not to be the responsibility of the Board of the authority.

(5) 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 the Board of the authority.

(6) The functions of determining —

(a) the amount of any allowance payable under —

(i) subsection (5) of section 22 of the 1972 Act (chairman's expenses);

(ii) subsection (4) of section 24 of that Act (vice-chairman's expenses);

(iii) subsection (4) of section 173 (financial loss allowance) of that Act(7);

(iv) section 175 of that Act (allowances for attending conferences and meetings);

(b) the rates at which payments are to be made under section 174 of that Act (travelling and subsistence allowances);

(c) the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989 or regulations made under section 100 of the 2000 Act, or the rates 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 the Board of the authority; and

(e) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge;

are not to be the responsibility of the Board of the authority.

(7) Section 101 of the 1972 Act (arrangements for discharge of functions by local authorities) does not apply with respect to the discharge of any function mentioned in paragraph (5) or (6)(a) to (c).

(8) Subject to regulation 16, the function of making arrangements for the discharge of functions by a committee or officer under section 101(5) of the 1972 Act is not to be the responsibility of the Board of the authority.

(9) The function of making appointments under section 102 (appointment of committees) of the 1972 Act is not to be the responsibility of the Board of the authority.

(10) Unless otherwise provided by 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 the Board of the authority.

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

11. The functions specified in Schedule 2, may, but need not be, the responsibility of the Board of the authority.

Functions which are not to be the sole responsibility of an authority's Board

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

(a) formulating or preparing a plan, scheme or strategy of a description specified in column (1) of Schedule 3 to these Regulations;

(7) 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).

- (b) formulating a plan, scheme or strategy for the control of the authority's borrowing or capital expenditure; or
- (c) formulating or preparing any other plan, scheme or strategy whose adoption or approval is, by virtue of regulation 13(1), a matter for determination by the authority;

the actions designated by paragraph (3) ("the designated actions") are not the responsibility of the Board of the authority.

(2) Subject as provided in paragraph (1) the functions mentioned in that paragraph are the responsibility of the Board.

(3) The designated actions are —

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

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

- (a) is the responsibility of the Board of the authority to the extent that the making of the amendment, modification, variation or revocation —
 - (i) is required for giving effect to requirements of the National Assembly for Wales or a Minister of the Crown in relation to a plan, scheme or strategy submitted for approval or to any part so submitted; or
 - (ii) is authorised by a determination made by the authority when making the arrangements or approving or adopting the plan, scheme or strategy, as the case may be; but
- (b) is not the responsibility of the Board to any other extent.

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

- (a) under subsection (5) of section 135 of the Leasehold Reform, Housing and Urban Development Act 1993 (programmes for disposals)⁽⁸⁾; or
- (b) 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) of the Housing Act 1985⁽⁹⁾,

is the responsibility of the Board 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 as is referred to in paragraph (5), to the extent mentioned in paragraph (6), is not the responsibility of the Board of the authority.

(8) Section 101 of the 1972 Act does 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 the Board of the authority;

⁽⁸⁾ 1993 c. 28, to which there are amendments not relevant to these Regulations.

⁽⁹⁾ 1985 c. 68. 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.

- (b) of the functions specified in paragraphs (4) and (5) to the extent that they are not the responsibility of the Board of the authority.
- (9) In connection with the discharge of the function of—
 - (a) subject to the provisions in respect of calculation of council tax base in paragraph 22 of Schedule 2, making a calculation in accordance with any of sections 32 to 37, 43 to 51, 52I, 52J, 52T and 52U of the Local Government Finance Act 1992⁽¹⁰⁾, whether originally or by way of substitute; or
 - (b) issuing a precept under Chapter IV of Part 1 of that Act,the actions designated by paragraph (11) (“the designated actions”) are the responsibility of the Board of the authority.
- (10) Subject as provided in paragraph (9), the function mentioned in that paragraph is not the responsibility of the Board.
- (11) The designated actions 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;
 - (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.

Discharge of specified functions by authorities

13.—(1) Subject to paragraph (2), a function of any of the descriptions specified in column (1) of Schedule 4 (which, but for this paragraph, might be the responsibility of the Board of the authority), is not the responsibility of the Board in the circumstances specified in column (2) in relation to that function.

(2) Paragraph (1) does 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 chairperson of a relevant scrutiny committee or, if there is no such person or the chairperson of every relevant scrutiny committee is unable or unwilling to act, from the chairperson of the authority or, in that person’s absence, from the vice-chairperson, a statement in writing that the determination needs to be made as a matter of urgency.

(3) In paragraph (2) “relevant scrutiny committee” means a scrutiny committee of the authority whose terms of reference include the power to review or scrutinise decisions or other action 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) must, 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.

⁽¹⁰⁾ 1992 c. 14; sections 52I, 52J, 52T and 52U were inserted by the Local Government Act 1999 (c. 27) Schedule 1, paragraph 1.

(5) Section 101 of the 1972 Act does 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 the Board of the authority.

Directions by the Board to planning and licensing committees

14. The Board may direct that any decision to be made by a planning committee, a licensing committee or area committee in respect of a function of any of the descriptions specified in column (1) of part A of Schedule 1 (functions relating to town and country planning and development control) is determined by the local authority.

Discharge of functions by another local authority

15.—(1) A Board may make arrangements for a function which is its responsibility to be discharged either by another local authority or by that other authority's Board or executive.

(2) A local authority may arrange for a function which is not the responsibility of the Board to be discharged by another local authority or that other authority's Board or executive.

(3) Any arrangements made under this regulation are not to prevent the body that made the arrangements from exercising the functions to which they relate.

(4) Where arrangements are made under paragraph (1) or (2) above, 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.

(5) Where by virtue of paragraph (4) 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.

(6) Where by virtue of paragraph (4) or (5) 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 functions

16.—(1) A relevant body may make arrangements under section 101(5) of the 1972 Act in accordance with this regulation.

(2) The arrangements must be made —

- (a) where the functions to which the arrangements relate are the responsibility of the Board or executive of the other local authority concerned, with the relevant body which has power to make such arrangements on behalf of that authority;
- (b) in any other case, with the other local authority.

(3) If the arrangements provide for the discharge of functions by a joint committee, appointments of the persons who are to represent each local authority on that committee must be made, and the number of such persons to be appointed must be determined, by the relevant body by which 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 the relevant body in relation to the local authority whose functions are the subject of the arrangements directs otherwise, arrange for the discharge of any of its functions by a sub-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 the relevant body in relation to the local authority whose functions are the subject of the arrangements directs otherwise, arrange for the discharge of any of its functions by such an officer.

(5) Any arrangements made in accordance with this regulation by a relevant body for the discharge of any functions by a joint committee are not to prevent that body from exercising those functions.

(6) Where arrangements made on behalf of a local authority in accordance with this regulation by a relevant body provide for the appointment to a joint committee of persons who are not members of the Board of that authority, the relevant body must, as soon as reasonably practicable after making the arrangements, secure that copies of a document setting out the provisions of the arrangements are available at the authority's principal office for inspection by members of the public at all reasonable hours.

(7) A relevant body preparing the document referred to in paragraph (6) above must have regard to any guidance issued by the National Assembly for Wales under section 38 of the 2000 Act.

(8) Part VA of the 1972 Act (access to meetings and documents of certain authorities, committees and sub-committees) applies to a joint committee established in accordance with this regulation.

Members of joint committees

17.—(1) Subject to paragraph (2) below, every person appointed to a joint committee in accordance with regulation 16 above by a relevant body must be a member of the local authority, and the political balance requirements do not apply to the appointment of such members.

(2) 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 Board of that authority; and
- (c) the population of that part, as estimated by the authority, does not exceed fifteen percent of the total population of the area 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 are not to apply to the appointment of those members.

Revocation

18. The following are revoked—

- (a) the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001 (**11**)
- (b) the Local Authorities (Alternative Arrangements) (Amendment) (Wales) Regulations 2002(**12**);
- (c) the Local Authorities (Alternative Arrangements) (Amendment) (Wales) Regulations 2003(**13**); and
- (d) the Local Authorities (Alternative Arrangements) (Amendment) (Wales) Regulations 2004(**14**).

(11) S.I. 2001/2284 (W.173).

(12) S.I 2002/810 (W.90).

(13) S.I 2003 / 155 (W.25).

(14) S.I. 2004/3092 (W.266).

Status: *This is the original version (as it was originally made). Wales
Statutory Instruments are not carried in their revised form on this site.*

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(15).

14 February 2007

D. Elis-Thomas
The Presiding Officer of the National Assembly

SCHEDULE 1

Regulation 3

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

(1) Function	(2) Provision of Act or Statutory Instrument
A. Functions relating to town and country planning and development control	
1. Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c. 8).
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990(16).
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990(17).
5. 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 there under.
6. Power to determine applications 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) (18)
7. 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, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).

(16) Section 73A was inserted by the Planning and Compensation Act 1991 (c. 34), Schedule 7, paragraph 8.

(17) Section 70A was inserted by the Planning and Compensation Act 1991, section 17.

(18) Section 316 was substituted by section 20 of the Planning and Compensation Act 1991. Relevant amending instruments are S.I. 1992 / 1982 and 1998 / 2800.

(1) Function	(2) Provision of Act or Statutory Instrument
8. Power to enter into planning obligation, regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990. (19)
9. 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. (20) .
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. 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. (21) .
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990. (22) .
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
14. 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. (23) .
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990. (24) .
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990. (25) .
17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10).
18. Duty to determine conditions to which old mining	Paragraph 2(6)(a) of Schedule 2 to the Planning

(19) Section 106 was substituted by section 12(1) of the Planning and Compensation Act 1991.

(20) Sections 191 and 192 were substituted by section 10 of the Planning and Compensation Act 1991.

(21) S.I. 1992/666, to which there are amendments not relevant to these Regulations.

(22) Section 196A was inserted by section 11 of the Planning and Compensation Act 1991. For the circumstances in which the right may be exercised, see sections 196A to 196C of the Town and Country Planning Act 1990.

(23) Sections 171C and 187A were inserted by sections 1 and 2 of the Planning and Compensation Act 1991. Subsections (1) to (5A) of section 183 were substituted by section 9 of the Planning and Compensation Act 1991.

(24) Section 172 was substituted by section 5 of the Planning and Compensation Act 1991.

(25) Section 187B was inserted by section 3 of the Planning and Compensation Act 1991.

(1) Function	(2) Provision of Act or Statutory Instrument
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.	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.
19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
20. 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).
21. 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)).
22. Duties relating to applications for listed building consent and conservation area consent.	Section 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraph 127 of the Welsh Office circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas.
23. 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.
24. Power to issue a listed building enforcement notice.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
25. 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.
26. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and

(26) See also the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519), to which there are amendments not relevant to these Regulations.

(1) Function	(2) Provision of Act or Statutory Instrument
	Conservation Areas) Act 1990(27).
27. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
28. Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.
29. Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990.
30. Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c. 33).
31. Duties in relation to purchase notices.	Sections 137-144 of the Town and Country Planning Act 1990.
32. Powers related to blight notices.	Sections 149-171 of the Town and Country Planning Act 1990.
<p>B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)</p>	
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 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the

(27) Section 44A was inserted by the Planning and Compensation Act 1991 (c. 34), section 25, Schedule 3, paragraph 7.

(1) Function	(2) Provision of Act or Statutory Instrument
	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.
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 pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2)(28).
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963(29).
8. Power to license inter-track betting schemes.	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963(30).
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c. 65)(31).

- (28) Schedule 2 to the Betting, Gaming and Lotteries Act 1963 was repealed by section 356(3)(f) and (4) of and Schedule 17 to the Gambling Act 2005. Section 358(1) of the 2005 Act provides for that repeal to be brought into force on a date to be appointed. The repeal has not been brought into force.
- (29) Schedule 3 to the Betting, Gaming and Lotteries 1963 was repealed by section 356(3)(f) and (4) of and Schedule 17 to the Gambling Act 2005. For transitional provisions in relation to a track betting licence which is due to expire in the period beginning on 1 September 2006 and ending on 30 August 2007 see S.I. 2006/1758, article 2. Section 358(1) of the 2005 Act provides for that repeal to be brought into force on a date to be appointed. The repeal has not been brought into force.
- (30) Schedule 5ZA was inserted by S.I. 1995/3231, article 5(6). Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963 was repealed by section 356(3)(f) and Schedule 17 to the Gambling Act 2005. The repeal is to be brought into force on a date to be appointed under section 358(1) of the 2005 Act. The repeal has not been brought into force.
- (31) Schedule 9 to the Gaming Act 1968 was repealed by section 356(g) and (4) of and Schedule 17 to the Gambling Act 2005. For transitional provisions in relation to the renewal or grant of permits see S.I. 2006/1758, articles 5 and 6. Section 358(1) of the 2005 Act provides for the repeal to be brought into force on a date to be appointed. The repeal has not been brought into force.

(1) Function	(2) Provision of Act or Statutory Instrument
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32)(32).
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976(33).
12. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c. 12)
13. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
14. Power to license performances of hypnotism.	The Hypnotism Act 1952 (c. 46).
15. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
16. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53)(34).
17. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
18. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c. 66)(35).
19. 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 (c. 32); sections 2 to 16 of the Game Licences Act 1860 (c. 90), section 4 of the

(32) Schedule 1 to the Lotteries and Amusements Act 1976 was repealed by section 356(3)(i) and (4) of and Schedule 17 of the Gambling Act 2005. The repeal of Schedule 1 is to be brought into force on a date to be appointed under section 358(1) of the 2005 Act. The repeal has not been brought into force.

(33) Repealed by the Gambling Act 2005, section 356(3)(i),(4), schedule 17, for transitional provisions in relation to any permit under section 16 which is due to expire in the period beginning on 1st September 2006 and ending on 30 August 2007 *see* S.I. 2006 / 1758, article 7. The repeal of schedule 3 is to be brought into force on a date to be appointed under section 358(1) of the 2005 Act. The repeal has not been brought into force.

(34) 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).

(35) Section 5 was amended by the Local Government, Planning and Land Act 1980, Schedule 6, paragraph 13(1). *See* S.I. 1973 / 1851S.1 1977 / 2128

(1) Function	(2) Provision of Act or Statutory Instrument
	Customs and Inland Revenue Act 1883 (c. 10), section 27 of the Local Government Act 1894 (c. 73), and section 213 of the Local Government Act 1972 (c. 70).
20. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).
21. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c. 69).
22. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52)(36).
23. 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).
24. Duty to promote fire Safety	Section 6 of the Fire and Rescue Services Act 2004 (c. 21)
25. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).
26. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c. 35)(37); section 1 of the Animal Boarding Establishments Act 1963 (c. 43)(38); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70)(39); section 1 of the Breeding of Dogs Act 1973 (c. 60)(40), and sections 1 and

(36) 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.

(37) Amended by the Local Government Act 1974, Schedule 6, paragraph 17 and by the Protection of Animals (Amendment) Act 1988 (c. 29), section 3(2) and (3) and the Schedule.

(38) 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) of the Schedule.

(39) 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.

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

(1) Function	(2) Provision of Act or Statutory Instrument
	8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
27. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38)(41).
28. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37)
29. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).
30. Power to enforce regulations in relation to animal by-products	Regulation 49 of the Animal By-products (Wales) Regulations 2006 (S.I 1292 (W.127))
31. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c. 12), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37).
32. Power to approve premises for the solemnisation of marriages and the registration of civil partnerships.	Section 46A of the Marriage Act 1949 (c. 76), section 6A of the Civil Partnership Act 2004 (c. 33) and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S. I. 2005/3168)(42) .
33. 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	

(41) 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.

(42) Section 46A was inserted by section 1 of the Marriage Act 1994 (c. 34).

(1) Function	(2) Provision of Act or Statutory Instrument
(c. 8 & 9 Vict. c. 118).	
34. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471)(43).
35. Power to issue a permit to conduct charitable collections.	Section 68 of the Charities Act 1992.
36. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).
37. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c. 22).
38. Duty to register the movement of pigs.	Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (S.I. 2004/996 (W.104)).
39. Power to enforce regulations in relation to the movement of pigs.	Regulation 27(1) of the Pigs (Records, identification and Movement (Wales) Order 2004/996 (W.104).
40. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).
41. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35).
42. Duty to enforce and execute Regulations (EC) No. 852/2004 and 853/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006(44).
43. Functions in respect of establishing a Licensing Committee.	Section 6 of the Licensing Act 2003 (c. 17).

(43) Amended by section 22 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).

(44) S.I. 2006 / 31 (W.5) as amended by the Food (Hygiene) (Wales) (Amendment) Regulations 2006 (S.I. 2006 / 1534 (W.151)).

(1) Function	(2) Provision of Act or Statutory Instrument
C. Functions relating to health and safety at work	
<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).</p>
D. Functions relating to elections	
<p>1. Duty to appoint an electoral registration officer.</p>	<p>Section 8(2A) of the Representation of the People Act 1983 (c. 2).</p>
<p>2. Power to assign officers in relation to requisitions of the registration officer.</p>	<p>Section 52(4) of the Representation of the People Act 1983(45).</p>
<p>3. Power to dissolve community councils.</p>	<p>Section 28 of the Local Government Act 1972.</p>
<p>4. Power to make orders for grouping communities.</p>	<p>Section 29 of the Local Government Act 1972.</p>
<p>5. Power to make orders for dissolving groups and separating community councils from groups.</p>	<p>Section 29A of the Local Government Act 1972.</p>
<p>6. Duty to appoint returning officer for local government elections.</p>	<p>Section 35 of the Representation of the People Act 1983.</p>
<p>7. Duty to provide assistance at European Parliamentary elections.</p>	<p>Section 6(7) and (8) of the European Parliamentary Elections Act 2002.</p>
<p>8. Duty to divide constituency into polling districts.</p>	<p>Section 18 of the Representation of the People Act 1983.</p>

(45) Subsection (4) of section 52 was substituted by the Representation of the People Act [1985 \(c. 50\)](#).

(1) Function	(2) Provision of Act or Statutory Instrument
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 community councils.	Section 91 of the Local Government Act 1972.
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections Parishes and Communities) Rules 1986 (S.I. 1986/2215).
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. Miscellaneous electoral functions under Part II, S.I. 2003/284 .	The National Assembly for Wales (Representation of the People) Order 2003, S.I. (2003/284) (46) .
E. Functions relating to name and status of areas and individuals	

(46) S.I. 2003/284 revoked the National Assembly for Wales (Representation of the People) Order 1999 (S.I. 1999/450 and the National Assembly for Wales (Representation of the People) (Amendment) Order 2002 (S.I. 2002/ 834). S.I. 2003/284 reproduces 1999/450 as amended by S.I. 2002/834 making additional provisions.

(1) Function	(2) Provision of Act or Statutory Instrument
1. Power to change the name of a county, or county borough.	Section 74 of the Local Government Act 1972.
2. Power to change the name of a community.	Section 76 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 county borough status.	Section 245A of the Local Government Act 1972.
F. Power to make, amend, revoke or re-enact byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 300)(47).
G. Power to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972.
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 (c. 11)(48).
2. Functions relating to pensions, allowances and gratuities.	Regulations under section 18 (3A) of the Local Government and Housing Act 1989 (c. 42).
3. Functions under existing pension schemes as respects persons employed by the 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	
1. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit (Wales) Regulations 2005 (49).

(47) 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 1 of Schedule 2 to, the Interpretation Act 1978.

(48) 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).

(49) S.I 2005/368 (W.34).

(1) Function	(2) Provision of Act or Statutory Instrument
2. Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c. 38).
3. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999 (S.I. 1999/1892).
4. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
5. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972
6. Appointment and dismissal of staff.	Section 112 of the Local Government Act 1972 and sections 7 and 8 of the Local Government and Housing Act 1989.
7. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
8. Power to consider reports from the Public Services Ombudsman for Wales.	Section 19 of the Public Services Ombudsman (Wales) Act 2005 (c. 10).
9. 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).
10. Powers in respect of registration of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001 (c. 3).
11. Power to appoint officers for particular purposes (appointment of “proper officers”).	Section 270(3) of the Local Government Act 1972 (c. 42).
12. Duty to designate an 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).

*Status: This is the original version (as it was originally made). Wales
Statutory Instruments are not carried in their revised form on this site.*

(1) Function	(2) Provision of Act or Statutory Instrument
13. Duty to designate an officer as the monitoring officer and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
14. Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003 (c. 22).
15. Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003.
16. Duty to make arrangements for proper administration of financial affairs	Section 151 of the Local Government Act 1972 (c. 11).

SCHEDULE 2

Regulation 11

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

1. Any function under a local Act other than a function specified or referred to in Schedule 1.
2. The determination of an appeal against any decision made by or on behalf of the authority.
3. Functions in relation to the revision of decisions made in connection with claims for housing benefit or council tax benefit and for appeals against such decisions under section 68 of and Schedule 7 to the Child Support, Pensions and Social Security Act 2000⁽⁵⁰⁾.
4. The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under section 52 of the Education Act 2002.
5. The making of arrangements pursuant to section 94(1), (1A) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).
6. The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (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. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999⁽⁵¹⁾.
10. Any function relating to contaminated land⁽⁵²⁾.

⁽⁵⁰⁾ 2000 c. 19.

⁽⁵¹⁾ 1999 c. 27.

⁽⁵²⁾ Part IIA of the Environmental Protection Act 1990 (c. 43) and subordinate legislation under that part.

11. The discharge of any function relating to the control of pollution or the management of air quality⁽⁵³⁾.

12. The service of an abatement notice in respect of a statutory nuisance⁽⁵⁴⁾.

13. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area⁽⁵⁵⁾.

14. The inspection of the authority's area to detect any statutory nuisance⁽⁵⁶⁾.

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

16. The obtaining of information under section 330 of the Town and Country Planning Act 1990⁽⁵⁷⁾ 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⁽⁵⁸⁾.

18. The making of agreements for the execution of highways works⁽⁵⁹⁾.

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. Power to make payments or provide other benefits in cases of maladministration etc.⁽⁶⁰⁾.

21. The discharge of any function by an authority acting as a harbour authority.

22. Functions in respect of the calculation of council tax base in accordance with any of the following—

(a) the determination of an item for T in section 33(1) and 44(1) of the Local Government Finance Act 1992;

(b) the determination of an amount for item TP in sections 34(3), 45(3) 48(3) and 48(4) of the Local Government Finance Act 1992;

(c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.

23. Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6.

24. Functions in respect of gambling in accordance with any of the following—

(a) prescribing of fees in accordance with section 212 of the Gambling Act 2005;

(b) making an order disapplying section 279 or section 282(1) of the Gambling Act 2005 in accordance with section 284 of the Gambling Act 2005;

⁽⁵³⁾ See the Pollution Prevention and Control Act 1999 (c. 24), Part IV of the Environment Act 1995 (c. 25), Part I of the Environmental Act 1990 (c. 43) and the Clean Air Act 1993 (c. 11).

⁽⁵⁴⁾ Section 8 of the Noise and Statutory Nuisance Act 1993 (c. 40).

⁽⁵⁵⁾ Section 80(1) of the Environmental Protection Act 1990.

⁽⁵⁶⁾ Section 79 of the Environmental Protection Act 1990.

⁽⁵⁷⁾ 1990 c. 8.

⁽⁵⁸⁾ 1976 c. 57.

⁽⁵⁹⁾ Section 278 of the Highways Act 1980 (c. 66), substituted by the New Roads and Street Works Act 1991 (c. 22), section 23.

⁽⁶⁰⁾ Section 92 of the Local Government Act 2000

- (c) authorised persons in accordance with section 304 of the Gambling Act 2005;
- (d) prosecutions by a licensing authority in accordance with section 346 of the Gambling Act 2005.

SCHEDULE 3

Regulation 12(1)

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

(1) Plans, schemes and strategies	(2) Reference
Single Education Plan	The Single Education Plan (Wales) Regulations 2006 (S.I 2006 / 877 (W.82)) .
Best Value Performance Plan	Section 6(1) of the Local Government Act 1999 (c. 27) .
Community Strategy	Section 4 of the Local Government Act 2000 (c. 22) .
Crime and Disorder Reduction Strategy	Sections 5 and 6 of the Crime and Disorder Act 1998 (c. 37) .
Health and Well Being Strategy	Section 24 of the National Health Service Reform and Health Care Professions Act 2002 (c. 17) .
Local Transport Plan	Section 108 of the Transport Act 2000 (c. 38) .
Plans and alterations which together comprise the Development Plan	Section 10A of the Town and Country Planning Act 1990 (c. 8) .
Welsh Language Scheme	Section 5 of the Welsh Language Act 1993 (c. 38) .
Youth Justice Plan	Section 40 of the Crime and Disorder Act 1998 (c. 37) .
Powers to approve a Young Peoples Partnership Strategic Plan and a Children and Young Peoples Framework Partnership	Section 123, 124 and 125 of the Learning and Skills Act 2000 (c. 21) .
Housing Strategy	Section 87 of the Local Government Act 2003 (c. 26) .

SCHEDULE 4

Regulation 13

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

(1) Function	(2) Circumstances
<p>1. The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy for the control of the authority's borrowing or capital expenditure or referred to in Schedule 3.</p>	<p>The authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.</p>
<p>2. The determination of any matter in the discharge of a function which —</p> <p>(a) is the responsibility of the executive; and</p> <p>(b) is concerned with the authority's budget, or their borrowing or capital expenditure.</p>	<p>The individual or body by whom, by virtue of 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 —</p> <p>(a) is minded to determine the matter contrary to, or not wholly in accordance with —</p> <p>(i) the authority's budget; or</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</p> <p>(b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.</p>
<p>3. The determination of any matter in the discharge of a function —</p> <p>(a) which is the responsibility of the executive; and</p> <p>(b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority.</p>	<p>The individual or body by whom, by virtue of 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>

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part II of the Local Government Act 2000 (“the 2000 Act”) provides for the National Assembly for Wales to specify which local authorities may operate “alternative arrangements” (i.e. arrangements for the discharge of the authority’s functions which do not involve the creation and operation of an executive of the authority) (section 31(1)(b)) and what form those arrangements should take (section 32(1)).

These Regulations permit all county councils and county borough councils in Wales to operate alternative arrangements provided that those arrangements are in the form required by these Regulations.

These Regulations specify functions that are not to be the responsibility of a Board or are to be the responsibility of a Board only to a limited extent or only in specified circumstances. These Regulations revoke the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001, the Local Authorities (Alternative Arrangements) (Amendment) (Wales) Regulations 2002, the Local Authorities (Alternative Arrangements) (Amendment) (Wales) Regulations 2003 and the Local Authorities (Alternative Arrangements) (Amendment) (Wales) Regulations 2004 (“the 2001, 2002, 2003 and 2004 Regulations”), consolidate the provisions of those regulations and make further provision.

Regulations 4 and 5 specify the committees which must be established when an authority operates alternative arrangements. They are a Board, a principal scrutiny committee and such other scrutiny committees as the council may decide (subject to a minimum of three and a maximum of eight in addition to the principal scrutiny committee). Authorities have a discretion whether to establish planning, licensing, area and audit committees.

Regulations 10, 11, 12 and 13, by reference to the Schedules to the Regulations, set out the limitations on what functions may be exercised by a Board of a local authority. Schedule 1 lists those functions which must not be exercised by the Board and Schedule 2 lists those functions which may be the responsibility of an authority’s Board, if the authority so decides. Regulation 12, by reference to Schedule 3, sets out what actions may not be the sole responsibility of an authority’s Board. By regulation 13 those functions listed in Schedule 4, which but for regulation 13 would be the responsibility of a Board, are not to be the Board’s responsibility in the circumstances set out in column (2) of that Schedule.

Regulation 18 revokes the 2001, 2002, 2003 and 2004 Regulations.

A regulatory appraisal has been carried out in connection with these Regulations and is available from the Local Government Policy Division, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ (telephone 02920825111).