

SCHEDULE 1

Regulation 3

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

| (1) Function | (2) Provision of Act or Statutory Instrument |
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| 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(1). |
| 4. Power to decline to determine application for planning permission. | Section 70A of the Town and Country Planning Act 1990(2). |
| 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 Country Planning Act 1990 and the Town Country Planning General Regulations 1992 (S.I. 1992/1492) (3) |
| 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). |
| 8. Power to enter into planning obligation, regulating development or use of land. | Section 106 of the Town and Country Planning Act 1990.(4) |
| 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(5). |
| 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(6). |

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

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

(3) 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.

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

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

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

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| (1) Function | (2) Provision of Act or Statutory Instrument |
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| 12. Power to authorise entry onto land. | Section 196A of the Town and Country Planning Act 1990(7). |
| 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(8). |
| 15. Power to issue an enforcement notice. | Section 172 of the Town and Country Planning Act 1990(9). |
| 16. Power to apply for an injunction restraining a breach of planning control. | Section 187B of the Town and Country Planning Act 1990(10). |
| 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 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. |
| 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(11). |
| 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. |

- (7) 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.
- (8) 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.
- (9) Section 172 was substituted by section 5 of the Planning and Compensation Act 1991.
- (10) Section 187B was inserted by section 3 of the Planning and Compensation Act 1991.
- (11) 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 |
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| 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 Conservation Areas) Act 1990(12). |
| 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. |
| B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) | |
| 1. Power to issue licences authorising the use of land as a caravan site (“site licences”). | Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62). |
| 2. Power to license the use of moveable dwellings and camping sites. | Section 269(1) of the Public Health Act 1936 (c. 49). |
| 3. Power to license hackney carriages and private hire vehicles. | (a) (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 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. |

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

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| (1) Function | (2) Provision of Act or Statutory Instrument |
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| 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)(13). |
| 7. Power to grant track betting licences. | Schedule 3 to the Betting, Gaming and Lotteries Act 1963(14). |
| 8. Power to license inter-track betting schemes. | Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963(15). |
| 9. Power to grant permits in respect of premises with amusement machines. | Schedule 9 to the Gaming Act 1968 (c. 65)(16). |
| 10. Power to register societies wishing to promote lotteries. | Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32)(17). |
| 11. Power to grant permits in respect of premises where amusements with prizes are provided. | Schedule 3 to the Lotteries and Amusements Act 1976(18). |
| 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. |

- (13) 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.
- (14) 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.
- (15) 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.
- (16) 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.
- (17) 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.
- (18) 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.

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| (1) Function | (2) Provision of Act or Statutory Instrument |
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| 16. Power to license pleasure boats and pleasure vessels. | Section 94 of the Public Health Acts Amendment Act 1907 (c. 53)(19). |
| 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)(20). |
| 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 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)(21). |
| 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)(22); section 1 of the Animal Boarding Establishments Act 1963 (c. 43)(23); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70)(24); section 1 of |

(19) 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).

(20) 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

(21) 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.

(22) 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.

(23) 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.

(24) 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.

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| (1) Function | (2) Provision of Act or Statutory Instrument |
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| | the Breeding of Dogs Act 1973 (c. 60)(25), and sections 1 and 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)(26). |
| 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)(27) . |
| 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 (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)(28). |
| 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). |

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

(26) 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.

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

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

| (1) Function | (2) Provision of Act or Statutory Instrument |
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| 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(29). |
| 43. Functions in respect of establishing a Licensing Committee. | Section 6 of the Licensing Act 2003 (c. 17). |
| C. Functions relating to health and safety at work | |
| Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, 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 (c. 37). |
| D. Functions relating to elections | |
| 1. Duty to appoint an electoral registration officer. | Section 8(2A) of the Representation of the People Act 1983 (c. 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(30). |
| 3. Power to dissolve community councils. | Section 28 of the Local Government Act 1972. |
| 4. Power to make orders for grouping communities. | Section 29 of the Local Government Act 1972. |
| 5. Power to make orders for dissolving groups and separating community councils from groups. | Section 29A of the Local Government Act 1972. |

(29) S.I 2006 / 31 (W.5) as amended by the [Food \(Hygiene\) \(Wales\) \(Amendment\) Regulations 2006 \(S.I 2006 / 1534 \(W.151\)\)](#).

(30) Subsection (4) of section 52 was substituted by the Representation of the People Act 1985 (c. 50).

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| (1) Function | (2) Provision of Act or Statutory Instrument |
|--|---|
| 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. | Section 18 of 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 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)(31). |
| E. Functions relating to name and status of areas and individuals | |
| 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. |

(31) 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 |
|---|---|
| 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)(32). |
| 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)(33). |
| 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 (34). |
| 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. |

(32) 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.

(33) 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).

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

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| (1) Function | (2) Provision of Act or Statutory Instrument |
|--|---|
| 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). |
| 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(35).
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).

(35) 2000 c. 19.

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(36).

10. Any function relating to contaminated land(37).

11. The discharge of any function relating to the control of pollution or the management of air quality(38).

12. The service of an abatement notice in respect of a statutory nuisance(39).

13. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area(40).

14. The inspection of the authority's area to detect any statutory nuisance(41).

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(42) 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(43).

18. The making of agreements for the execution of highways works(44).

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.(45).

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;

(36) 1999 c. 27.

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

(38) 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).

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

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

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

(42) 1990 c. 8.

(43) 1976 c. 57.

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

(45) Section 92 of the Local Government Act 2000

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

- (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;
 - (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> <ul style="list-style-type: none"> (a) is the responsibility of the executive; and (b) is concerned with the authority's budget, or their borrowing or capital expenditure. | <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> <ul style="list-style-type: none"> (a) is minded to determine the matter contrary to, or not wholly in accordance with — <ul style="list-style-type: none"> (i) the authority's budget; or (ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and (b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms. |
| <p>3. The determination of any matter in the discharge of a function —</p> <ul style="list-style-type: none"> (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>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> |