
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 44

**The Local Government (Executive Arrangements)
Regulations (Northern Ireland) 2015**

PART 2

Functions and responsibilities

Functions not to be the responsibility of a council's executive

3.—(1) The functions of a council specified in column (1) of Schedule 1 (functions not to be the responsibility of a council's executive) by reference to the enactments specified in relation to those functions in column (2) are not to be the responsibility of an executive of the council.

(2) The functions of—

- (a) imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted in the exercise of a function specified in column (1) of Schedule 1; and
- (b) determining any other terms to which any such approval, consent, licence, permission or registration is subject,

are not to be the responsibility of an executive of the council.

(3) The function of determining whether, and in what manner, to enforce—

- (a) any failure to comply with an approval, consent, licence, permission or registration granted as mentioned in paragraph (2)(a);
- (b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject; or
- (c) any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of an executive of the council,

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

(4) The function of—

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

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

(5) The function of making any scheme authorised or required by regulations under section 31 of the 2011 Act (allowances, etc. for councillors) , or of amending, revoking or replacing any such scheme, is not to be the responsibility of an executive of the council.

(6) The function of determining—

- (a) the amount of any allowance payable under section 32 of the 2011 Act (allowances for chairperson and vice-chairperson);
- (b) the rates at which payments are to be made under regulation 7 of the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012⁽¹⁾ (travelling and subsistence allowances);
- (c) the amount of any allowance payable pursuant to a scheme under section 31 of the 2011 Act (allowances, etc. for councillors), 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 an executive of the council; and
- (e) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge,

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

(7) Section 7 of the 2014 Act (arrangements for discharge of functions of councils) shall not apply with respect to the discharge of any functions mentioned in paragraphs (5) or (6)(a) to (c).

(8) Subject to any provision of regulations under section 26 of the 2014 Act (joint exercise of functions), the function of—

- (a) making arrangements for the discharge of functions by a joint committee or officer under section 9 of the 2014 Act (arrangements for discharge of functions by councils jointly); and
- (b) making appointments under section 11 of the 2014 Act (appointment of committees, etc for the purpose of discharging functions),

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

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

(1) S.R. 2012 No. 85