

SCHEDULE 1

Regulation 3

FUNCTIONS NOT TO BE THE RESPONSIBILITY OF A COUNCIL'S EXECUTIVE

<i>Column 1</i>	<i>Column 2</i>
<i>Function</i>	<i>Provision of Act or Statutory Instruments</i>
<i>A. Functions relating to planning</i>	
1. Any local development plan function.	Part 2 of the Planning Act (Northern Ireland) 2011(1).
2. Any planning control function.	Part 3 of the Planning Act (Northern Ireland) 2011.
3. Any additional planning control function.	Part 4 of the Planning Act (Northern Ireland) 2011.
4. Any enforcement function.	Part 5 of the Planning Act (Northern Ireland) 2011.
<i>B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)</i>	
1. Power to issue licences authorising the use of land as a caravan sites ("site licences").	Section 3(3) of the Caravans Act (Northern Ireland) 1963(2).
2. Power to grant amusement permits.	Article 111 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985(3).
3. Power to register societies for societies' lotteries purposes.	Article 136 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.
4. Power to grant pleasure permits.	Article 157 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.
5. Power to license places of entertainment.	Article 3 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985(4).
6. Power to license sex establishments.	Article 4 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985.
7. Power to register premises for acupuncture, tattooing, ear-piercing and electrolysis.	Part V of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985.
8. The power to license street trading	The Street Trading Act (Northern Ireland) 2001(5).
9. Duty to keep list of persons entitled to sell non-medicinal poisons.	Article 7 of the Poisons (Northern Ireland) 1976(6).

(1) 2011 c. 25 (N.I.)

(2) 1963 c. 17 (N.I.)

(3) S.I. 1985/1204 (N.I. 11)

(4) S.I. 1985/1208 (N.I. 15)

(5) 2001 c. 8 (N.I.)

(6) S.I. 1976/1213 (N.I. 23)

Status: This is the original version (as it was originally made).

<i>Column 1</i>	<i>Column 2</i>
<i>Function</i>	<i>Provision of Act or Statutory Instruments</i>
10. Power to license knackers' yards.	Section 2 of the Public Health (Ireland) Act 1898(7).
11. Power to approve premises for the solemnisation of marriages.	Article 18(2) of the Marriage (Northern Ireland) Order 2003(8).
<i>C. Functions relating to health and safety at work</i>	
1. Functions under any of the "relevant statutory provisions" within the meaning of the Health and Safety at Work (Northern Ireland) Order 1978 to the extent that those functions are discharged otherwise than in the council's capacity as an employer.	Part II of the Health and Safety at Work (Northern Ireland) Order 1978(9).
<i>D. Functions relating to elections.</i>	
1. Duty to declare vacancy in office in certain cases.	Section 10 of the Local Government Act (Northern Ireland) 1972(10).
2. Duty to give public notice of a casual vacancy	Section 10 of the Local Government Act (Northern Ireland) 1972.
<i>E. Functions relating to Policing and Community Safety Partnerships</i>	
1. Duty to establish a Policing and Community Safety Partnership (PCSP) for the district.	Section 20(1) of the Justice Act (Northern Ireland) 2011(11).
2. Duty to establish a District Policing and Community Safety Partnership (DPCSP) for each police district.	Section 20(2) of the Justice Act (Northern Ireland) 2011.
3. Duty to appoint political members of a PCSP or DPCSP.	Section 20(3) of, and paragraph 3(1) of Schedule 1 to, the Justice Act (Northern Ireland) 2011 for PCSPs; and section 20(4) of, and paragraph 3(1) of Schedule 2 to, the Justice Act (Northern Ireland) 2011 for DPCSPs.
4. Duty to nominate persons willing to be candidates for appointment as independent members of a PCSP.	Section 20(3) of, and paragraph 5(1) of Schedule 1 to, the Justice Act (Northern Ireland) 2011.
5. Power to remove a person from office as a political or independent member of a PCSP or DPCSP.	Section 20(3) of, and paragraph 8(1) of Schedule 1 to, the Justice Act (Northern Ireland) 2011 for PCSPs and section 20(4) of, and paragraph 8(1) of Schedule 2 to, the Justice Act (Northern Ireland) 2011 for DPCSPs.
6. Duty to appoint a chair from among the political members.	Section 20(3) of, and paragraph 10(1) of Schedule 1 to, the Justice Act (Northern Ireland)

(7) 1898 c. 52

(8) S.I. 2003/413 (N.I. 3)

(9) S.I. 1978/1039 (N.I. 9)

(10) 1972 c. 9 (N.I.)

(11) 2011 c. 24 (N.I.)

<i>Column 1</i>	<i>Column 2</i>
<i>Function</i>	<i>Provision of Act or Statutory Instruments</i>
<i>F. Functions relating to name and status of areas and individuals</i>	
1. Functions in relation to the designation of aldermen and the conferment of the freedom of the borough in accordance with the charter granted to the borough.	Section 2 of the Local Government Act (Northern Ireland) 1972.
2. Power to petition for a charter to confer borough status.	Section 2 of the Local Government Act (Northern Ireland) 1972.
3. Power to change the name of a district.	Section 51 of the Local Government Act (Northern Ireland) 1972.
<i>G. Miscellaneous functions</i>	
1. Power to make bye-laws.	Any provision of any enactment (including a local Act), whenever passed.
2. Duty to approve council's statement of accounts.	Regulation 5(1) of the Local Government (Accounts and Audit) Regulations (Northern Ireland) 2006(12).
3. Duty to make standing orders for the purposes of sections 37 and 41 of the Local Government Act (Northern Ireland) 2014(13).	Sections 37 and 41 of the Local Government Act (Northern Ireland) 2014.
4. Power to appoint staff.	Section 41 of the Local Government Act (Northern Ireland) 1972.
5. Duty to make standing orders as to contracts.	Section 99 of the Local Government Act (Northern Ireland) 1972.

SCHEDULE 2

Regulation 4

FUNCTIONS WHICH MAY BE THE RESPONSIBILITY OF A COUNCIL'S EXECUTIVE

1. The determination of an appeal against any decision made by or on behalf of the council.
2. The discharge of any function relating to the control of pollution or the management of air quality.
3. The service of an abatement notice in respect of a statutory nuisance.
4. The inspection of the council's area to detect any statutory nuisance.
5. The investigation of any complaint as to the existence of a statutory nuisance.
6. The obtaining of information under section 133 of the Planning Act (Northern Ireland) 2011 (power to require information about activities on land) as to interests in land.

(12) S.R. 2006 No. 89

(13) 2014 c. 8 N.I.

Status: This is the original version (as it was originally made).

7. The appointment of any individual—
- (a) to any office other than an office in which he is employed by the council;
 - (b) to any body other than—
 - (i) the council;
 - (ii) a joint committee of two or more councils; or
 - (c) to any committee or sub-committee of such a body,
- and the revocation of any such appointment.

SCHEDULE 3

Regulation 5

FUNCTIONS NOT TO BE THE SOLE RESPONSIBILITY OF A COUNCIL'S EXECUTIVE

<i>Column 1</i>	<i>Column 2</i>
<i>Plans and strategies</i>	<i>Reference</i>
Performance Improvement Plan	Section 92(2) and (4) of the Local Government Act (Northern Ireland) 2014 (14) .
Community Plan	Section 68 of the Local Government Act (Northern Ireland) 2014.

SCHEDULE 4

Regulation 6

CIRCUMSTANCES IN WHICH FUNCTIONS ARE NOT TO BE THE RESPONSIBILITY OF A COUNCIL'S EXECUTIVE

<i>Column 1</i>	<i>Column 2</i>
<i>Function</i>	<i>Circumstances</i>
1. The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy of a description referred to in regulation 4(1)(b) or Schedule 3.	The council determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.
2. The determination of any matter in the discharge of a function which—	The individual or body by whom, by virtue of any of section 24 of the Local Government Act (Northern Ireland) 2014 (15) (allocation and discharge of functions) or provision made under section 26 of that Act (joint exercise of functions), the determination is to be made—
(a) is the responsibility of the executive; and	(a) is minded to determine the matter contrary to or not wholly in accordance with—
(b) is concerned with the council's budget, or their borrowing or capital expenditure.	(i) the council's budget; or
	(ii) the plan or strategy for the time being approved or adopted by

(14) 2014 c. 8 (N.I.)

(15) 2014 c. 8 (N.I.)

<i>Column 1</i>	<i>Column 2</i>
<i>Function</i>	<i>Circumstances</i>
	the council in relation to their borrowing or capital expenditure; and
	(b) is not authorised by the council's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.
3. The determination of any matter in the discharge of a function— (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 council.	The individual or body by whom, by virtue of any of section 24 of the Local Government Act (Northern Ireland) 2014 or provision made under section 26 of that Act, that 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 council.