
STATUTORY INSTRUMENTS

2000 No. 2853

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

Functions not to be the responsibility of an authority's executive

2.—(1) The functions of a local authority specified in column (1) of Schedule 1 to these Regulations by reference to the enactments, directions and circulars specified in relation to those functions in column (2) are not to be the responsibility of an executive of the 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 an executive of the authority, in the exercise of any function under a local Act; 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 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 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 authority,

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

(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 authority.

(5) The function of making any scheme authorised or required by regulations under section 18 (schemes for basic, attendance and special responsibility allowances for local authority members) of the Local Government and Housing Act 1989⁽¹⁾, or of amending, revoking or replacing any such scheme, is not to be the responsibility of an executive of the authority.

(6) The function of determining—

(1) 1989 c. 42. Section 18 is amended by section 99(3) to (9) of the Local Government Act 2000.

- (a) the amount of any allowance payable under—
 - (i) subsection (5) of section 3 (chairman’s expenses) of [F¹, or paragraph 2(4) (chairman and mayor) of Schedule 2 to,] the 1972 Act;
 - (ii) subsection (4) of section 5 (vice-chairman’s expenses) of [F², or paragraph 5(4) (power of mayor of London borough to appoint deputy) of Schedule 2 to,] that Act;
 - (iii) subsection (4) of section 173 (financial loss allowance) of that Act(2);
 - (iv) section 175 (allowances for attending conferences and meetings) of that Act;
- (b) the rates at which payments are to be made under section 174 (travelling and subsistence allowances) of that Act;
- (c) the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989, 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 authority; 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 authority.

[F³(6A) The function of making a request under section 14A(1) (requests for single-member electoral areas) of the Local Government Act 1992 for single-member electoral areas is not to be the responsibility of an executive of the authority.

(6B) The function of passing a resolution to change a scheme for elections under section 32(1), 37(1) or 39(1) (resolutions for schemes for elections) of the 2007 Act is not to be the responsibility of an executive of the authority.

F⁴(6C)

F⁴(6D)

(6E) The function of making an order giving effect to recommendations made in a community governance review under section 86 (reorganisation of community governance) of the 2007 Act is not to be the responsibility of an authority’s executive.

(6F) The duty to make a change in governance arrangements under paragraph 3 or 8 of Schedule 4 to the 2007 Act is not to be the responsibility of an authority’s executive.]

[F⁵(7) Section 101 (arrangements for discharge of functions by local authorities) of the 1972 Act shall not apply with respect to the discharge of any function mentioned in paragraph (5), (6)(a) to (c) or (6A), (6B), (6E) or (6F).]

(8) Subject to any provision of regulations under section 20 (joint exercise of functions) of the Local Government Act 2000, the function of—

- (a) making arrangements for the discharge of functions by a committee or officer under section 101(5) of the 1972 Act; and
- (b) making appointments under section 102 (appointment of committees) of the 1972 Act,

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

(2) 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).

(9) The functions of York City Council in relation to the management of the Yorkshire Museum and Gardens pursuant to an agreement dated 30th December 1960 between that Council and the Yorkshire Philosophical Society(3) are not to be the responsibility of an executive of that Council.

(10) The functions of South Lakeland District Council in relation to the management of land at Lake Windermere pursuant to an agreement dated 1st April 1975 between that Council, Windermere Parish Council and Lakes Parish Council(4) are not to be the responsibility of an executive of the District Council.

(11) Unless otherwise provided by any other provision of 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 an executive of the authority.

(12) In paragraphs (1) and (11), “enactment” includes an enactment contained in a local Act or comprised in subordinate legislation (within the meaning of the Interpretation Act 1978(5)).

Textual Amendments

- F1** Words in [reg. 2\(6\)\(a\)\(i\)](#) inserted (31.3.2008) by [The Local Authorities \(Functions and Responsibilities\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/516\)](#), regs. 1(1)(a), **4(a)(i)**
- F2** Words in [reg. 2\(6\)\(a\)\(ii\)](#) inserted (31.3.2008) by [The Local Authorities \(Functions and Responsibilities\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/516\)](#), regs. 1(1)(a), **4(a)(ii)**
- F3** [Reg. 2\(6A\)-\(6F\)](#) inserted (31.3.2008) by [The Local Authorities \(Functions and Responsibilities\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/516\)](#), regs. 1(1)(a), **4(b)**
- F4** [Reg. 2\(6C\)\(6D\)](#) omitted (28.11.2008) by virtue of [The Local Authorities \(Functions and Responsibilities\) \(England\) \(Amendment No. 3\) Regulations 2008 \(S.I. 2008/2787\)](#), regs. 1(1), **3(a)**
- F5** [Reg. 2\(7\)](#) substituted (28.11.2008) by [The Local Authorities \(Functions and Responsibilities\) \(England\) \(Amendment No. 3\) Regulations 2008 \(S.I. 2008/2787\)](#), regs. 1(1), **3(b)**

Modifications etc. (not altering text)

- C1** [Reg. 2\(1\)](#) modified (28.6.2008) by [The Local Government \(Structural and Boundary Changes\) \(Staffing\) Regulations 2008 \(S.I. 2008/1419\)](#), regs. 1, **4(4)**
- C2** [Reg. 2\(1\)](#) modified (26.11.2018) by [The Local Government \(Boundary Changes\) Regulations 2018 \(S.I. 2018/1128\)](#), regs. 1(1), **11(3)(4)** (with [reg. 1\(2\)\(3\)](#))

Commencement Information

- I1** [Reg. 2](#) in force at 16.11.2000, see [reg. 1\(1\)](#)

(3) The agreement is referred to in regulation 5(2)(e)(ii) of the Local Government (Committees and Political Groups) Regulations 1990 (S.I. 1990/1553).

(4) The agreement is referred to in regulation 5(2)(e)(iii) of the Local Government (Committees and Political Groups) Regulations 1990.

(5) 1978 c. 30.

Changes to legislation:

There are currently no known outstanding effects for the The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Section 2.