

2007 No. 2593

LOCAL GOVERNMENT, ENGLAND

**The Local Authorities (Functions and Responsibilities)
(England) (Amendment No. 4) Regulations 2007**

<i>Made</i> - - - -	<i>5th September 2007</i>
<i>Laid before Parliament</i>	<i>11th September 2007</i>
<i>Coming into force</i> - -	<i>2nd October 2007</i>

The Secretary of State, in exercise of the powers conferred by sections 13 and 105 of the Local Government Act 2000(a) makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007, and shall come into force on 2nd October 2007.

(2) These Regulations apply in relation to local authorities in England.

Amendment

2.—(1) The Local Authorities (Functions and Responsibilities) (England) Regulations 2000(b) are amended as follows.

(2) In paragraph A (functions relating to town and country planning and development control) of Schedule 1 (functions not to be the responsibility of the authority's executive)—

- (a) in the entry in column (2) relating to item 24, omit “27(2)”(c);
- (b) in the entry in column (2) relating to item 26—
 - (i) for “the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990” substitute “the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519)”;
 - (ii) for “paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97” substitute “paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01”;
- (c) in the entry in column (1) relating to item 28, for “unlisted” substitute “listed”; and

(a) 2000 c. 22. For the application of sections 13 and 105 of the Local Government Act 2000 to Wales, see section 106 of that Act.
(b) S.I. 2000/2853, to which relevant amendments have been made by S.I. 2004/2211, S.I. 2005/929, S.I. 2007/1284, 2007/1557 and S.I. 2007/1950. There are other amendments not relevant to these Regulations.
(c) Section 27(2) was repealed by sections 31(3), (8) and 84(6) of, and Part 2 of Schedule 19 to, the Planning and Compensation Act 1991 (c.34).

- (d) in the entries in column (2) relating to items 24 to 31, for the “Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9)”, substitute “the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)”.

(3) In paragraph B (licensing and registration functions) of Schedule 1 (functions not to be the responsibility of an authority’s executive)—

- (a) in the entry in column (2) relating to item 14AA, for “Gambling Act Order” substitute “2005 Act”;
- (b) in the entry in column (1) relating to item 14D, omit—
“for offences under section 342 of the 2005 Act.”;
- (c) after item 14F, omit—

“FA. Functions relating to smoke-free free premises, etc

(1) Function	(2) Function
1. Power to enforce offences relating to the display of no-smoking signs.	Section 6(5) of the 2006 Act.
2. Power to enforce offences relating to smoking in smoke-free places.	Section 7(4) of the 2006 Act.
3. Power to enforce offence of failing to prevent smoking in smoke-free places.	Section 8(4) of the 2006 Act.
4. Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368).”.

(4) In paragraph D (functions relating to elections)—

- (a) in the entry in column (2) relating to item 7, for “Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978 (c.10)”(a), substitute “Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c.24).”;
- (b) in the entry in column (2), relating to item 8, for “Section 18” substitute “sections 18A to 18E of, and Schedule A1 to,”(b); and
- (c) omit item 16(c).

(a) The European Parliamentary Elections Act 1978 (c.10) was repealed by section 16 of, and Schedule 4 to, the European Parliamentary Elections Act 2002 (c.24). The relevant paragraphs of Schedule 1 to the 1978 Act are re-enacted by section 6(7) and (8) of the 2002 Act.

(b) Section 18A to 18E of the Representation of the People Act 1983 (c.2) were substituted for section 18 of that Act by sections 16(1) and 74(2) of, and Schedule 2 to, the Electoral Administration Act 2006 (c.22).

(c) The Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) was revoked by S.I. 2006/3304 and the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215) was revoked by S.I. 2006/3305).

(5) After paragraph F (power to make, amend, revoke, re-enact or enforce byelaws) insert—

“FA. Functions relating to smoke-free premises, etc

(1) Function	(2) Provision of Act or Statutory Instrument
1. Duty to enforce Chapter 1 and regulations made under it.	Section 10(3) of the 2006 Act.
2. Power to authorise officers.	Section 10(5) of, and paragraph 1 of Schedule 2 to, the 2006 Act.
3. Functions relating to fixed penalty notices.	Paragraphs 13, 15 and 16 of Schedule 1 to the 2006 Act. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (S.I. 2006/760).
4. Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368).”

Revocation

3. Regulation 2(2)(o) of S.I. 2007/1950 is revoked.

Signed by authority of the Secretary of State for Communities and Local Government

5th September 2007

Iain Wright
Parliamentary Under Secretary of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (“the 2000 Regulations”). They apply in relation to local authorities in England.

Part 2 of the Local Government Act 2000 provides for the discharge of a local authority’s functions by an executive of the authority, unless those functions are specified as functions that are not to be the responsibility of the authority’s executive.

Regulation 2 of the 2000 Regulations provides that the functions of a local authority specified in column (1) of Schedule 1 to those Regulations are not to be the responsibility of an executive of the authority.

Paragraph A of Schedule 1 to the 2000 Regulations states incorrectly the titles of the enactments that relate to the functions specified in items 24 to 31 which are concerned with listed buildings and conservation areas. Regulation 2(2) of these Regulations substitutes the correct titles and also updates the reference to the Circular referred to in item 26. Other corrections are made in relation to items 24 and 28.

Regulations 2(3)(a) to (c) and 3 correct some drafting errors contained in S.I. 2007/1950. The errors relate to items 14AA and 14D of paragraph B in respect of functions under the Gambling Act 2005 about the exchange of information and prosecution of offences respectively.

Paragraph D of Schedule 1 to the 2000 Regulations specifies functions relating to elections. The enactments referred to in items 7 and 8 (relating to providing assistance at European Parliamentary elections and dividing constituencies into polling districts) have largely been re-enacted. Regulation 2(4) therefore substitutes references to the current legislation. Item 16 which relates to the determination of fees for the copying of election documents, is omitted because the function is no longer exercisable by local authorities.

Regulation 2(5) inserts in the same Schedule paragraph FA (functions relating to smoke-free premises, etc) which specifies functions under the Health Act 2006 relating to smoke-free premises, etc. As a consequence, item FA of paragraph B of that Schedule is omitted by regulation 2(3)(c).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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