
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.

Regulation 2(6) of the 2000 Regulations (functions not to be the responsibility of an authority’s executive) provides that the function of determining allowances payable to local authority members and charges for any approval, consent, licence, permit or registration is not to be the responsibility of an executive of an authority. Regulation 4 of these Regulations amends regulation 2(6) of the 2000 Regulations so that it also applies to allowances payable to the chairman or mayor and vice-chairman or deputy mayor of a London borough council. It inserts new paragraphs (6A) to (6F) into regulation 2 which provide that an executive of the authority is not to be responsible for the functions of—

- making a request for single-member electoral areas under section 14A(1) of the Local Government Act 1992;
- resolving to change a scheme for elections under Part 2 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”);
- deciding whether to make proposals for a change in governance arrangements or complying with a duty to make a change in governance arrangements, approving the proposals, deciding whether the change should be subject to approval in a referendum and passing a resolution to make the change under Part 2 of the Local Government Act 2000;
- including provision in executive arrangements for the executive leader to be removed by resolution and passing a resolution for the removal of the executive leader; and
- making a reorganisation order implementing recommendations of a community governance review, under section 86 of the 2007 Act.

It also amends regulation 2 so that section 101 (arrangements for the discharge of functions by local authorities) of the Local Government Act 1972 is disappplied in relation to the functions which are the subject of the amendments listed above.

Schedule 1 to the 2000 Regulations lists functions which are not to be the responsibility of an authority’s executive. Regulation 5 of these Regulations amends Schedule 1 by inserting into paragraph D new items which are concerned with the functions under Part 2 of the 2007 Act of changing schemes for elections, altering years of ordinary elections of parish councillors and changing the name of an electoral area. It also inserts new paragraphs EA and EB into Schedule 1 which are concerned with functions relating to changing governance arrangements under Part 2 of the 2000 Act and community governance under Part 4 of the 2007 Act.

Regulation 4(1)(b) of the 2000 Regulations (functions not to be the sole responsibility of an authority’s executive) provides that, in connection with the discharge of the function of formulating a plan or strategy for the control of a local authority’s borrowing, investments or capital expenditure, the actions designated by paragraph (3) (“the designated actions”), including the giving of instructions requiring the executive to reconsider any draft plan or strategy submitted by the executive for the authority’s consideration, shall not be the responsibility of an executive of the authority. Regulation 6(1) of these Regulations substitutes a new regulation 4(1)(b) in the 2000 Regulations so that the actions designated by paragraph (3) apply not only in relation to the discharge of the function of formulating a plan or strategy for the control of the matters mentioned above but also for the determination of an authority’s minimum revenue provision.

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

Schedule 2 to the 2000 Regulations lists functions which may be (but need not be) the responsibility of an authority's executive. Regulation 7(a) of these Regulations removes the reference in Schedule 2 to the function of conducting best value reviews under section 5 of the Local Government Act 1999 which has been repealed. Regulation 7(b) inserts into Schedule 2 a reference to functions relating to local area agreements under Chapter 1 of Part 5 of the 2007 Act.

Schedule 3 to the 2000 Regulations sets out functions which are not to be the sole responsibility of an authority's executive. Regulation 6(2) of these Regulations amends Schedule 3 by inserting a reference to a local area agreement and replacing the reference to a "community strategy" which has been renamed as a "sustainable community strategy".

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