

2005 No. 929

LOCAL GOVERNMENT, ENGLAND

**The Local Authorities (Functions and Responsibilities)
(Amendment) (No. 2) (England) Regulations 2005**

<i>Made</i> - - - -	<i>24th March 2005</i>
<i>Laid before Parliament</i>	<i>1st April 2005</i>
<i>Coming into force</i> - -	<i>22nd April 2005</i>

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

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005 and shall come into force on 22nd April 2005.

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

Amendments

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

(2) In paragraph (3) of regulation 1 (interpretation), at the end, insert—

“; and

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004(c).”

(3) In regulation 4 (functions not to be the sole responsibility of an authority’s executive)—

(a) in paragraph (3), at the end of sub-paragraph (c), omit “and” and, after that sub-paragraph, insert—

“(ca) the approval, for the purpose of its submission to the Secretary of State for independent examination under section 20 (independent examination) of the 2004 Act, of a development plan document; and”;

(b) in paragraph (4)—

(i) after “amending, modifying”, insert “, revising”;

(ii) for “varying or revoking”, substitute “varying, withdrawing or revoking”; 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. 2001/2212 and 2004/2211. There are other amendments not relevant to these Regulations.

(c) 2004 c. 5.

- (iii) in sub-paragraph (a)—
 - (aa) after “amendment, modification”, insert “, revision”;
 - (bb) for “variation or revocation”, substitute “variation, withdrawal or revocation”; and
 - (cc) at the end of paragraph (i), omit “or” and, after that paragraph, insert—
 - “(ia) is recommended by the person carrying out, under section 20 of the 2004 Act, an independent examination of a development plan document; or”;
- (c) after paragraph (4), insert—
 - “(4A) In connection with the discharge of functions under any of sections 28 to 31 (joint local development documents and joint committees) of the 2004 Act, the actions designated by paragraph (4C) (“the paragraph (4C) actions”) shall not be the responsibility of an executive of the authority.
 - (4B) Except to the extent of the paragraph (4C) actions, any such function as is mentioned in paragraph (4A) shall be the responsibility of such an executive.
 - (4C) The actions designated by this paragraph are—
 - (a) the making of an agreement to prepare one or more joint development plan documents;
 - (b) the making of an agreement to establish a joint committee to be, for the purposes of Part 2 (local development) of the 2004 Act, the local planning authority;
 - (c) where the authority is a constituent authority to a joint committee, the making of an agreement that the joint committee is to be, for the purposes of Part 2 of the 2004 Act, the local planning authority for any area or matter which is not the subject of an order under section 29 of the 2004 Act or an earlier agreement under section 30 of the 2004 Act; and
 - (d) the making of a request to the Secretary of State for the revocation of an order constituting a joint committee as the local planning authority for any area or in respect of any matter.”; and
 - (d) for sub-paragraph (b) of paragraph (8), substitute—
 - “(b) of the functions specified in paragraphs (4), (4A) and (5) to the extent that they are not the responsibility of an executive of the authority.”.
- (4) In paragraph A (functions relating to town and country planning and development control) of Schedule 1 (functions not to be the responsibility of an authority’s executive)—
 - (a) omit items 1 to 4;
 - (b) in column (1), after item 18, insert—
 - “**18A.** Power to issue a temporary stop notice.”; and
 - (c) in column (2), in relation to the entry in column (1) for item 18, insert—
 - “Section 171E of the Town and Country Planning Act 1990(a).”.
- (5) In Schedule 3 (functions not to be the sole responsibility of an authority’s executive)—
 - (a) in the appropriate place in column (1), insert—
 - “Development plan documents(b)”; and
 - (b) in column (2), in relation to the entry in column (1) for development plan documents, insert—

(a) 1990 c. 8. Section 171E was inserted by section 52 of the Planning and Compulsory Purchase Act 2004.

(b) Functions relating to local development documents which are not development plan documents are the responsibility of the executive of an authority.

“Section 15 of the 2004 Act.”

Signed by authority of the First Secretary of State

24th March 2005

Nick Raynsford
Minister of State
Office of the Deputy Prime Minister

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 4 of the 2000 Regulations provides generally for functions relating to the authority’s policy or budget framework, to be the shared responsibility of the authority and an executive of the authority.

These Regulations amend the 2000 Regulations so as to specify as functions that are not to be the sole responsibility of the authority’s executive certain functions conferred on authorities under Part 2 of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) and under section 171E of the Town and Country Planning Act 1990 (“the 1990 Act”), which was inserted by the 2004 Act.

Paragraph (3) of regulation 2 of these Regulations amends regulation 4 of the 2000 Regulations so that functions relating to development plan documents and joint committees established under the 2004 Act are the shared responsibility of the authority and any executive of the authority. It also amends regulation 4 to provide that certain of these functions are, to the extent that they are not the responsibility of the executive, to be discharged by the full council.

Schedule 1 to the 2000 Regulations lists functions which are not to be the responsibility of the authority’s executive. **Paragraph (4) of regulation 2** of these Regulations makes amendments to paragraph A of Schedule 1, so that—

(1) functions relating to local development documents and joint committees established under the 2004 Act are no longer specified as functions which are not to be the responsibility of the executive; and

(2) the power to issue temporary stop notices under section 171E of the 1990 Act is specified in paragraph A and, therefore, is not to be the responsibility of the authority’s executive.

The combined effect of regulation 4 of, and Schedule 3 to, the 2000 Regulations is to identify functions relating to plans and strategies, which are not to be the sole responsibility of the authority’s executive. **Paragraph (5) of regulation 2** of these Regulations amends Schedule 3, so that functions relating to development plan documents are not to be the sole responsibility of the authority’s executive. However, functions relating to local development documents other than development plan documents are the responsibility of an authority’s executive.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities, voluntary bodies or the public sector.

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