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WELSH STATUTORY INSTRUMENTS

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**2007 No. 399**

**The Local Authorities (Executive Arrangements)  
(Functions and Responsibilities) (Wales) Regulations 2007**

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

**3.—**(1) The functions specified in column (1) of Schedule 1 to these Regulations by reference to the enactments specified in relation to those functions in column (2) of that schedule are not to be the responsibility of an executive of an 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; or
- (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 in the exercise of a function specified in column (1) of Schedule 1,
- (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 the executive of the authority.

(4) The function of —

- (a) amending, modifying or varying any such approval, consent, licence, permission or registration granted or any condition, limitation, restriction or term as mentioned in paragraph (2) 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 of the Local Government and Housing Act 1989 (schemes for basic, attendance and special responsibility allowances for local authority members), or of amending, revoking or replacing any such scheme, is not to be the responsibility of an executive of the authority.

(6) The functions of determining —

- (a) the amount of any allowance payable under —
  - (i) subsection (5) of section 22 of the 1972 Act (chairman's expenses);

- (ii) subsection (4) of section 24 of that Act (vice-chairman's expenses);
- (iii) subsection (4) of section 173 (financial loss allowance) of that Act<sup>(1)</sup>;
- (iv) section 175 of that Act (allowances for attending conferences and meetings);
- (b) the rates at which payments are to be made under section 174 of that Act (travelling and subsistence allowances);
- (c) the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989 or regulations made under section 100 of the 2000 Act, 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;

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

(7) Section 101 of the 1972 Act (arrangements for discharge of functions by local authorities) does not apply with respect to the discharge of any function mentioned in paragraph (5) or (6)(a) to (c).

(8) Subject to any provision of regulations under section 20 (joint exercise of functions) of the 2000 Act the function of making arrangements for the discharge of functions by a committee or officer under section 101(5) of the 1972 Act is not to be the responsibility of an executive of the authority.

(9) The function of making appointments under section 102 (appointment of committees) of the 1972 Act is not to be the responsibility of an executive of the authority.

(10) Unless otherwise provided by 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.

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#### **Commencement Information**

**II** Reg. 3 in force at 16.2.2007, see [reg. 1\(1\)](#)

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(1) 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).

**Changes to legislation:**

There are currently no known outstanding effects for the The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007, Section 3.