

Schedule 2 – Responsibility for Council Functions

Function	Provision of Act or Statutory Instrument
A. Functions relating to town and country planning and development management	
1. Powers and duties relating to local development documents which are development plan documents.	Sections 20 to 23 and 25, 26 and 28 of the Planning and Compulsory Purchase Act 2004. <i>Removed by the Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929</i>
2. Power to agree to establish a joint committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority.	Section 29 of the Planning and Compulsory Purchase Act 2004 <i>Removed by the Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929</i>
3. Power to agree to confer additional functions on a joint committee.	Section 30 of the Planning and Compulsory Purchase Act 2004 <i>Removed by the Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929.</i>
4. Power to request the dissolution of a joint committee.	Section 31 of the Planning and Compulsory Purchase Act 2004 <i>Removed by the Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929</i>
5. Power to determine application for planning permission or permission in principle.	Sections 59A(1)(b), 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990
6. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990
7. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990
8. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990

Function	Provision of Act or Statutory Instrument
<p>9. Duties relating to the making of determinations of planning applications.</p>	<p>Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made thereunder.</p>
<p>10. Power to determine application for planning permission (or permission in principle) made by a local authority, alone or jointly with another person.</p>	<p>Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492)</p>
<p>11. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</p>	<p>Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418)</p>
<p>12. Power to enter into agreement regulating development or use of land.</p>	<p>Section 106 of the Town and Country Planning Act 1990</p>
<p>13. Power to issue a certificate of existing or proposed lawful use or development.</p>	<p>Sections 191(4) and 192(2) of the Town and Country Planning Act 1990</p>
<p>14. Power to serve a completion notice.</p>	<p>Section 94(2) of the Town and Country Planning Act 1990</p>
<p>15. Power to grant consent for the display of advertisements.</p>	<p>Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (SI 1992/666)</p>
<p>16. Power to authorise entry onto land.</p>	<p>Section 196A of the Town and Country Planning Act 1990</p>
<p>17. Power to require discontinuance of a use of land.</p>	<p>Section 102 of the Town and Country Planning Act 1990</p>
<p>18. Power to serve a planning contravention notice, breach of condition notice or stop notice including a temporary stop notice.</p>	<p>Sections 171C, 171E, 187A and 183(1) of the Town and Country Planning Act 1990</p>
<p>18A. Power to issue a temporary stop notice.</p>	<p>Section 171E of the Town and Country Planning Act 1990</p>

Function	Provision of Act or Statutory Instrument
19. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990
20. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990
21. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
22. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act
23. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990
24. Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
25. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by section 74(3) of that Act <i>Removed by Enterprise and Regulatory Reform Act 2013 (Abolition of Conservation Area Consent) (Consequential and Saving Provision) (England) Order 2013/2146</i>
26. Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of the Department of the Environment Circular 01/01
27. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990

Function	Provision of Act or Statutory Instrument
28. Power to issue enforcement notice in relation to demolition of listed building in conservation area.	Sections 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
29. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservative Areas) Act 1990
30. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990
30A. Power to authorise stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990
31. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)	
1. Power to issue licences authorising the use of land as a caravan site (“site licences”).	Section 3(3) of the Caravan Sites and Control of Development Act 1960.
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (as saved for certain purposes by Article3(3)(c) of the Gambling Act Order)
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 (as saved for certain purposes by article 3(3)(d) and (4)of the Gambling Act

Function	Provision of Act or Statutory Instrument
8. Power to license inter-track betting schemes.	Order) Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963.(as saved for certain purposes by article 3(3)(e) of the Gambling Act Order)
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968. (as saved for certain purposes by article 4(2)(1) and (m) of the Gambling Act Order
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976.(as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order)
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976 (as saved for certain purposes by article 5(2)(d) and (5)of the Gambling Act Order)
12. Power to issue cinema and cinema club licences (this provision will cease to have effect from 24 th November 2005 by virtue of the Licensing Act 2003).	Section 1 of the Cinema Act 1985. (this provision ceased to have effect from 24 th November 2005 by virtue of the Licensing Act 2003).
13. Power to issue theatre licences (this provision will cease to have effect from 24 th November 2005 by virtue of the Licensing Act 2003).	Sections 12 to 14 of the Theatres Act 1968. (this provision ceased to have effect from 24 th November 2005 by virtue of the Licensing Act 2003).
14. Power to issue entertainments licences (this provision will cease to have effect from 24 th November 2005 by virtue of the Licensing Act 2003).	Section 12 of the Children and Young Persons Act 1933, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (this provision will cease to have effect from 24 th November 2005 by virtue of the Licensing Act 2003).
14A .Any function of a licensing authority	Licensing Act 2003 and any regulations or orders made under that Act

Function	Provision of Act or Statutory Instrument
14AA. Duty to comply with requirement to provide information to Gambling Commission	Section 29 of the 2005 Act
14AB Functions relating to exchange of information.	Section 30 of the 2005 Act
14AC Functions relating to occasional use notices	Section 39 of the 2005 Act.]
14B Power to resolve not to issue a casino premises licence.	Section 166 of the 2005 Act.
14C Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the 2005 Act.
14CA. Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises	Section 284 of the 2005 Act
14D Power to institute criminal proceedings for offences under section 342 of the 2005 Act.	Section 346 of the 2005 Act.
14E Power to exchange information.	Section 350 of the 2005 Act.
14F Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479).
14G Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 to the 2005 Act.
15. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
16. Power to license performances of hypnotism.	The Hypnotism Act 1952.
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
18. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.
19. Power to register door staff	The Local Government (Miscellaneous Provisions) Act 1982 <i>This power ceases to exist.</i>

Function	Provision of Act or Statutory Instrument
20. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982. Part III of the London Local Authorities Act 1990 and section 6 of the London Local Authorities Act 1994
21. Power to license night cafes and take-away food shops (this provision will cease to have effect from 24 th November 2005 by virtue of the Licensing Act 2003).	Section 2 of the Late Night Refreshment Houses Act 1969 (this provision will cease to have effect from 24 th November 2005 by virtue of the Licensing Act 2003).
22. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972. <i>This power ceases to exist.</i>
23. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.
24. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.
25. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964.
27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987.
28. Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971.
29. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973, and

Function	Provision of Act or Statutory Instrument
	sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
31. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.
32. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.
33. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.
34. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).
35. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963.
37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or (b) an order under section 147 of the Inclosure Act 1845	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).
38. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).
39. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.
40. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.

Function	Provision of Act or Statutory Instrument
41. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991.
42. Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957.
43. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).
44. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
45. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
46. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).
46A Power to grant permission for provision, etc. of services, amenities, recreation and refreshment facilities on highway, and related services.	Sections 115E, 115F and 115K of the Highways Act 1980
47. Power to permit deposit of builder’s skip on highway.	Section 139 of the Highways Act 1980.
47A Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980
48. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.
49. Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.
50. Power to license works in relation to buildings etc. which obstruct the highway.	Section 169 of the Highways Act 1980.

Function	Provision of Act or Statutory Instrument
51. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.
52. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.
53. Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980.
54. Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980.
55. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922.
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082).
58. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).
60. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763).
62. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
63. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

Function	Provision of Act or Statutory Instrument
64. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
65. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
66. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
67. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
72. Functions relating to the registration of common land and town or village greens.	Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)
C. Functions relating to health and safety at work	
Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974.
D. Functions relating to elections	
1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983.
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
3. Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 and

Function	Provision of Act or Statutory Instrument
	subordinate legislation under that Part.
4. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
7. Duty to provide assistance at European Parliamentary elections.	Section 6/(7) and (8) of the European Parliamentary Elections Act 2002
8. Duty to divide constituency into polling districts.	Sections 18A to 18E of, and Schedule A1 to, the Representation of the People Act 1983.
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	<i>Removed by the Local Authorities (Functions and Responsibilities) (England) (Amendment no. 4) Regulations 2007 No.2593</i>

Function	Provision of Act or Statutory Instrument
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000.
18. Duty to consult on change of scheme for elections.	Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act)
19. Duties relating to publicity.	Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007.
20. Duties to give notice to Electoral Commission.	Section 36 and 42 of the Local Government and Public Involvement in Health Act 2007.
21. Power to alter years of ordinary elections of Parish Councillors.	Section 53 of the Local Government and Public Involvement in Health Act 2007.
22. Functions relating to change of name of electoral area.	Section 59 of the Local Government and Public Involvement in Health Act 2007.
E. Functions relating to name and status of areas and individuals	
1. Power to change the name of the county or district.	Section 74 of the Local Government Act 1972.
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972.
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
4. Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.

Function	Provision of Act or Statutory Instrument
EB. Functions relating to community governance	
1. Duties relating to community governance reviews.	Section 79 of the 2007 Act.
2. Functions relating to community governance petitions.	Sections 80, 83 to 85 of the 2007 Act
3. Functions relating to terms of reference of review.	Sections 81(4) to (6)
4. Power to undertake a community governance review.	Section 82 of the 2007 Act
5. Functions relating to making of recommendations.	Sections 87 to 92 of the 2007 Act
6. Duties when undertaking review.	Section 93 to 95 of the 2007 Act
7. Duty to publicise outcome of review	Section 96 of the 2007 Act
8. Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the 2007 Act
9. Power to make agreements about incidental matters.	Section 99 of the 2007 Act
F. Power to make, amend, revoke or re-enact byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978.
FA. Functions relating to smoke-free premises, etc	
1. Duty to enforce Chapter 1 and regulations made under it.	Section 10(3) of the Health Act 2006 (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. 266/760)
4. Power to transfer enforcement functions to another enforcement	Smoke-free (Premises and Enforcement) Regulations 2006 (S.I.

Function	Provision of Act or Statutory Instrument
authority	2006/3368)
G. Power to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972.
H. Functions relating to pensions etc.	
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972.
2. Functions under the 's Fire-fighters' Pension Scheme relating to pensions, etc. as respects persons employed by fire and rescue authorities pursuant to section 1 of Fire and Rescue Services Act 2004	Sections 34 and 36 of the Fire and Rescue Services Act 2004
I. Miscellaneous functions	
Part I: functions relating to public rights of way	
1. Power to create footpath or bridleway by agreement.	Section 25 of the Highways Act 1980.
2. Power to create footpaths and bridleways.	Section 26 of the Highways Act 1980.
3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.
4. Power to stop up footpaths and bridleways.	Section 118 of the Highways Act 1980.
5. Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.

Function	Provision of Act or Statutory Instrument
7. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.
8. Power to divert footpaths and bridleways.	Section 119 of the Highways Act 1980.
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.
10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.
11. Power to make a special diversion order.	Section 119B of the Highways Act 1980.
12. Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.
13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980.
15. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.
16. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.
18. Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.
19. Power to authorise temporary disturbance of surface of footpath or bridleway.	Section 135 of the Highways Act 1980.
20. Power temporarily to divert footpath or bridleway.	Section 135A of the Highways Act 1980.
21. Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980.

Function	Provision of Act or Statutory Instrument
22. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.
23. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981 (c. 67).
24. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981.
25. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.
27. Duty to reclassify roads used as public paths.	Section 54 of the Wildlife and Countryside Act 1981.
28. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.
29. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984.
30. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981 (c. 68).
31. Power to authorise stopping-up or diversion of footpath or bridleway.	Section 257 of the Town and Country Planning Act 1990.
32. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
33. Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000.
34. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.

Function	Provision of Act or Statutory Instrument
Part II: other miscellaneous functions	
35. Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966.
36. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.
37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972.
38. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
39. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.
40. Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972.
41. Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981.
42. Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982.
43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989.
44. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
44A Duty to provide staff, etc. to person nominated by monitoring officer.	Sections 82A(4) and (5) of the Local Government Act 2000
44B Powers relating to overview and scrutiny committees (voting rights of co-opted members)	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000

Function	Provision of Act or Statutory Instrument
45. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 1996 (S.I. 1996/590).
46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
47. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892).
47A Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003
48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.
49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption	Section 13 (2) of the Criminal Justice and Police Act 2001
50. Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006
51. Power to apply for an enforcement order against unlawful works on common land.	Section 41 of the Commons Act 2006
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006
53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2)(b) of the Commons Act 2006

Function	Provision of Act or Statutory Instrument
J. Ancillary functions	
<p>1. (a) Imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted:</p> <p style="padding-left: 40px;">(i) in the exercise of a function specified above in column (1) of this Schedule; or</p> <p style="padding-left: 40px;">(ii) otherwise than by the Executive in the exercise of any function under a local Act; and</p> <p>(b) Determining any other terms to which any such approval, consent, licence, permission or registration is subject.</p>	<p>The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Regulation 2.</p>
<p>2. Determining whether, and in what manner, to enforce:</p> <p>(a) any failure to comply with an approval, consent, licence, permission or registration granted as mentioned in paragraph 1(a) immediately above;</p> <p>(b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject; or</p> <p>(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 the Executive</p>	<p>The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Regulation 2</p>
<p>3. (a) Amending, modifying or varying any such approval, consent, licence, permission or registration as is mentioned in paragraph 1(a) above, or any condition, limitation or term to which it is subject; or</p>	<p>The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Regulation 2</p>

Function	Provision of Act or Statutory Instrument
<p>(b) Revoking any such approval, consent, licence, permission or registration.</p>	
<p>K. Other functions</p>	
<p>1. 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, or of amending, revoking or replacing any such scheme</p> <p>Note: The Council’s functions mentioned in this paragraph may not be delegated.</p>	<p>The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Regulation 2</p>
<p>2. Subject to any provision of regulations under section 9EB (joint exercise of functions) of the Local Government Act 2000, the function of:</p> <p>(a) making arrangements for the discharge of functions by a committee or officer under section 101(5) of the Local Government Act 1972; and</p> <p>(b) making appointments under section 102 (appointment of committees) of that Act.</p>	<p>The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Regulation 2</p>
<p>3. Any function of a local authority which, by virtue of any enactment (including an enactment contained in a local Act or comprised in subordinate legislation) passed or made before 19 October 2000, may be discharged only by an authority (unless otherwise provided by The Local Authorities (Functions and Responsibilities) (England) Regulations 2000)</p>	<p>The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Regulation 2</p>

Function	Provision of Act or Statutory Instrument
<p>4. (1) In connection with the discharge of the function:</p> <p>(a) of formulating or preparing a plan or strategy of a description specified in column (1) of Schedule 3 below;</p> <p>(b) of formulating a plan or strategy for the control of the authority's borrowing or capital expenditure or for determining the authority's minimum revenue provision; or</p> <p>(c) of formulating or preparing any other plan or strategy whose adoption or approval the Council has determined is to be a matter for the Council</p> <p>the following actions</p> <p>(i) the giving of instructions requiring the Executive to reconsider any draft plan or strategy submitted by the Executive for the authority's consideration;</p> <p>(ii) the amendment of any draft plan or strategy submitted by the Executive for the authority's consideration;</p> <p>(iii) the approval, for the purposes of public consultation in accordance with regulation 10 or 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999, of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan</p> <p>(iv) the approval, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her approval, of any plan or strategy (whether or not in the form of a draft) of which any part is required to be so</p>	<p>The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Regulation 4</p>

Function	Provision of Act or Statutory Instrument
<p>submitted; and</p> <ul style="list-style-type: none"> (v) the adoption (with or without modification) of the plan or strategy. <p>(2) The function of amending, modifying, revising, varying, withdrawing or revoking any plan or strategy of a description referred to in paragraph (1) above, save to the extent that the making of the amendment, modification, revision, variation, withdrawal or revocation is:</p> <ul style="list-style-type: none"> (i) required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for his/her approval, or to any part so submitted; or (ii) authorised by a determination made by the authority when approving or adopting the plan or strategy, as the case may be; or (iii) recommend by the person carrying out, under Section 20 of the Planning and Compulsory Purchase Act 2004, an independent examination of a development plan document. <p>Where (i) to (iii) apply then the amendment, modification, revision, variation, withdrawal or revocation is the responsibility of the Executive.</p> <p>Note: The Council functions specified in this paragraph cannot be delegated</p>	

Function	Provision of Act or Statutory Instrument
<p>5. (1) In connection with the discharge of the function of:</p> <ul style="list-style-type: none"> (a) making a calculation in accordance with any of sections 32 to 37, 43 to 49, 52I, 52J, 52T and 52U of the Local Government Finance Act 1992, whether originally or by way of substitute; or (b) issuing a precept under Chapter IV of Part I of that Act, all functions except the following: <ul style="list-style-type: none"> (A) the preparation, for submission to the authority for their consideration, of: <ul style="list-style-type: none"> (i) estimates of the amounts to be aggregated in making the calculation or of other amounts to be used for the purposes of the calculation and estimates of the calculation; or (ii) the amounts required to be stated in the precept (B) the reconsideration of those estimates and amounts in accordance with the authority's requirements; (C) the submission for the authority's consideration of revised estimates and amounts. 	<p>The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Regulation 4</p>
<p>6. Any other function not listed above which has been (or in future becomes) a Council side function by virtue of any Act of Parliament or subordinate legislation, shall be deemed to be a Council function.</p>	