

## APPENDIX B

### LOCALISM ACT 2011 – NEW LOCAL AUTHORITY DUTIES

Power / obligation	Act section <sup>1</sup>	Body to which power is assigned in text of Act <sup>2</sup>	LDC body
Proposal to Secretary of State for transfer of public function	Part 1 ch. 4 s. 18	'Permitted authority'	Cabinet
Changing governance model; requiring referendum to change governance model	Schedule 2, chapter 4 (referendums: s. 9M)	'Resolution of the local authority'	Full Council
Proposing prescribed governance arrangements to Secretary of State	Schedule 2, s. 9BA (5)	'Local authority'	Council - Full Council would have to pass resolution to <i>adopt</i> prescribed arrangements, but unclear what body <i>recommends</i> to SoS
Making of scrutiny arrangements, etc. <sup>3</sup>	Schedule 2, chapter 3	'Local authority'	Full Council: "agreeing and/or amending the terms of reference for committees and deciding on their composition")
Adoption & revision of code of conduct	Part 1 ch. 7 s. 27	'Relevant authority'	Full Council with advice from Audit and Standards Committee (note s. 28 (13) - cannot be delegated)
Appointment of independent persons	Part 1 ch. 7 s. 28	'Relevant authority'	Full Council, delegated to Corporate Head – Legal and Democratic Services by full Council at July 2012 Council

<sup>1</sup> References to schedule sections are to the section being inserted by the schedule into the legislation it is modifying.

<sup>2</sup> Unless otherwise noted, '[x] authority' is defined in the Act's text as including district councils.

<sup>3</sup> Note schedule 2 section 9D - Secretary of State may specify by regulations that any function of a local authority is, may be, or is not the responsibility of the executive.

			meeting.
Deciding arrangements for investigating allegation of breach, & action on breach, of code	Part 1 ch. 7 s. 28 (7, 11)	'Relevant authority'	Monitoring Officer to decide whether to investigate (but with ability to consult with Independent Person and/or refer to Audit and Standards Committee where appropriate. Audit and Standards Committee to decide if a breach has occurred and to decide on sanction (Constitution: "applying sanctions, where appropriate")
Establishing, maintaining & publishing register of interests	Part 1 ch. 7 s. 29	'Monitoring officer of a relevant authority'	Monitoring officer
Determining what is to be included on register of interests	Part 1 ch. 7 s. 29 (2)	'Relevant authority'	Full Council with advice from Audit and Standards Committee & MO (Constitution: "A personal interest is defined in accordance with the Members Code of Conduct.")
Grant of dispensation for relief of interest restrictions	Part 1 ch. 7 s. 33	'Relevant authority'	Delegated to Monitoring Officer but with ability for MO to refer to Audit and Standards Committee where appropriate
Preparation, approval & amendment of pay policy statement	Part 1 ch. 8	'Resolution of the authority'	Full Council, with preparation & recommendation delegated to officer responsible for Human Resources
Duty to determine whether council tax increase is excessive & to hold confirmatory referendum if so - including determining the date	Schedule 5	'Billing authority'	Full Council: - Calculations delegated to Director of Finance - Referendum date delegated to Returning Officer

of the referendum (if held alone <sup>4</sup> )			
Community right to challenge: determining expressions of interest	Part 5 ch. 2	'Relevant authority'	Cabinet
Assets of community value: maintaining list and determining nominations	Part 5 ch. 3	'Local authority'	Cabinet, delegated to Corporate Head – Property, Regeneration and Enterprise
Power to request inspector recommend amendments to Local Development Framework	Part 6 ch. 1 s. 112	'Local planning authority'	Cabinet & Council, delegated to Director of Planning and Environmental Services
Preparation, consultation on, & adoption of housing allocation scheme	Part 7 ch. 1 s. 147	'Local housing authority'	Full Council, with preparation & consultation delegated to Corporate Head - Housing
Preparation, consultation on, & adoption of tenancy strategy	Part 7 ch. 2	'Local housing authority'	Full Council, with preparation & consultation delegated to Corporate Head – Housing
Designation of neighbourhood areas (on request of parish council, or neighbourhood forum in unparished area)	Schedule 9 s. 61G	'Local planning authority'	Cabinet
Designation of neighbourhood areas as business areas (if considered appropriate)	Schedule 9 s. 61H	'Local planning authority'	Cabinet
Designation of neighbourhood fora to exercise neighbourhood planning powers in unparished neighbourhood areas	Schedule 9 s. 61F	'Local planning authority'	Cabinet
Making of arrangements for referenda on neighbourhood	Schedule 10 s. 14	'Relevant council'	Delegated to Returning Officer

<sup>4</sup> i.e. if only one precepting authority's increase is excessive; if multiple, must be held on first Thursday in May or as specified by Secretary of State (sched. 5, s. 52ZN)

planning proposals			
Making of neighbourhood development orders after successful confirmatory referendum	Schedule 9 s. 61E	'Local planning authority'	Cabinet
Adoption of neighbourhood plans after successful confirmatory referendum	Schedule 9 s. 38A	'Local planning authority'	Cabinet
Making of arrangements for independent examination of neighbourhood development orders / plans, including appointment of independent examiner (on agreement of parish/forum)	Schedule 10 s. 7	'Local planning authority'	Cabinet, with arrangements delegated to Director of Planning and Environmental Services

#### Notes

Some repeals of existing powers / obligations:

- [Duty to promote democracy](#) (Local Democracy, Economic Development and Construction Act, 2009, part 1 ch. 1) is repealed.
- [Petition requirements](#) (ibid., part 1 ch. 2) are repealed (but LDC are maintaining them voluntarily).