

Review of DCLG Statutory Duties

Department	Theme	Legislation	Year	Title of duty	Statutory guidance and/or non statutory guidance for this duty?	Associated regulations (eg secondary legislation) for this duty	Function - What is it intended to achieved?	Delegated to Officer (title)	Committee/Council
Department for Communities and Local Government	Housing	Caravan Sites and Control of Development Act 1960 Section 3	1960	To consider caravan site licence applications submitted by applicants.	Model standards have been provided by Department for Communities and Local Government which Local Authorities must have regard to when determining what conditions will apply to a site licence. These are not classed as statutory guidance		Places a duty on local authorities to license all privately owned residential caravan sites(including park home sites) and holiday sites to ensure they are fit for purpose	Director of Communities and Health	Housing, Health & Community
Department for Communities and Local Government	Housing	Land Compensation Act 1973 Section 39	1973	Duty to rehouse residential occupiers displaced by a compulsory purchase order or housing order where no affordable alternative accommodation is available.	No	No	To prevent people displaced by compulsory purchase (or a housing order), who cannot obtain somewhere else to live on reasonable terms from becoming homeless.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1985 Section 8	1985	Periodically review the housing needs of its area in relation to housing conditions and the needs of the district.	No	No	Ensure local authorities understand the housing needs of their communities. Further legislation requires that when authorities carry out a review under s. 8, that they have regard to the special needs of chronically sick or disabled persons (section 3 of Chronically Sick and Disabled Person's Act 1970, as amended) and carry out reviews of accommodation needs of gypsies and travellers residing in or resorting to their district (s. 224, Housing Act 2004).	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1985 Section V	1985	Comply with the requirements of the legislation where a tenant exercises the right to buy.	Circular 07/2004 - Right to Buy: Exclusion of Elderly Persons' Housing; Right to Buy - the use of discretionary powers on repayment of discount; Guidance to local authorities, housing action trusts, urban development corporations, registered housing associations and other registered social landlords: reducing service charges to your leaseholders for maintenance, repairs and improvements; Buying back ex-council flats and houses;	The Housing (Right to Buy)(Service Charges)(England) Orders 1986 onwards; The Housing (Purchase of Equitable Interests) (England) Regulations 2009; The Housing (Service Charge Loans) (England) Regulations 1992; The Housing (Right to Buy) (Prescribed Forms) Regulations 1984 onwards; The Housing (Right to Buy) (Priority of Charges) (England) Orders 1980 onwards; The Housing (Right to Buy) (Designated Rural Areas) (England) Orders; The Housing (Right of First Refusal) (England) (Regulations) 2005; The Housing (Right to Buy) (Information to Secure Tenants) (England) Order 2005; The Residential Property Tribunal (Right to Buy Determinations) Procedure (England) Regulations 2005; Housing (Right to Buy) (Limits on Discount) Orders; The Local Housing Authorities Mandatory Reduction of Service Charges (England) Directions 1999; The Housing (Preservation of Right to Buy) Regulations 1993 onwards; The Local Authorities (Capital Finance) Regulations 1990 onwards; The Housing (Right to Buy) (Cost Floor) (England) Determinations; The Social Landlords Mandatory Reduction of Service Charges (England) Directions 1997; The Social Landlords Discretionary Reduction of Service Charges (England) Directions 1997; The Housing (Right to Buy) (Prescribed Persons) Orders 1984 onwards; The Housing (Extension of Right to Buy) Orders; The Housing (Right to Buy Delay Procedure) (Prescribed Forms) Regulations 1989; The Local Government Reorganisation (Preservation of Right to Buy) Order 1986; The Secure Tenancies (Notices) Regulations 1980; Secure Tenants (Designated Courses) Regulations 1980; Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994	To provide the terms and conditions of the statutory Right to Buy scheme	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1985 Section 12	1985	To seek consent to use housing assets for non-housing purposes	No	No	To ensure council rents are spent for the benefit of council tenants	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1985 Section 19	1985	To seek consent to cease using housing assets for housing purposes	No	No	To ensure council rents are spent for the benefit of council tenants	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1985 Section 27	1985	To seek the consent of the Secretary of State to delegate housing management functions to another organisation			To ensure that local authorities consult their tenants before delegating management functions	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1985 Sections 32 to 34	1985	To obtain consent for certain disposals of housing assets as determined by the Secretary of State	The Housing Act 1985: Schedule 3A - consultation before disposal to private sector landlord. Statutory Guidance	The General Housing Consents 2005 - Section 32 of the Housing Act 1985	To ensure that local authorities do not dispose of social housing to the detriment of its housing needs	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1985 Section 43	1985	To obtain consent for the disposal of non-housing assets occupied by secure tenants	The Housing Act 1985: Schedule 3A - consultation before disposal to private sector landlord. Statutory Guidance	The General Housing Consents 2005 - Section 32 of the Housing Act 1985	To protect the rights of tenants	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1985 Schedule 3A t	1985	To consult tenants before their homes are sold to a private landlord	The Housing Act 1985: Schedule 3A - consultation before disposal to private sector landlord. Statutory Guidance		To protect tenants' rights.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Landlord and Tenant Act 1985 Section 21	1985	Provide written summary of service charge costs to leaseholders when requested.	No	No	Ensure leaseholders have access to minimum levels of information about their service charge payments.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Landlord and Tenant Act 1985 Section 22	1985	Provide leaseholders facilities for inspecting (or copies of) supporting documentation if requested following receipt of summary.	No	No	Ensure that leaseholders have access to documentation supporting the summary if required.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Landlord and Tenant Act 1985 Section 21B	1985	Provide a summary of rights and obligations with service charge demands.	No	Yes. SI 2007/1257	Ensure leaseholders are aware of their rights and obligations when receiving demands for service charges.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Landlord and Tenant Act 1985 Schedule to	1985	Provide summary of insurance cover to leaseholders on request and then reasonable facilities for inspecting policy	No	No	Ensure leaseholders have access to minimum levels of information about the insurance they pay for as a service charge and to supporting documentation.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Landlord and Tenant Act 1985 Section 20	1985	Undertake a prescribed consultation process when entering contracts for 'major works' or 'qualifying long term agreements'.	No	Yes. SI 2003/1987	Ensure leaseholders are kept informed and have input into procurement process that will lead to them paying significant sums as service charges.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Local Government and Housing Act 1989 Section 74	1989	To keep a housing revenue account recording the income and outgoings relating to the housing stock acquired under Part 2 of the Housing Act 1985.	i) The Item 8 Credit and Item 8 Debit (General) Determination 2011-12; ii) Guidance for Valuers on Stock Valuation for Resource Accounting 2010	i) Circular 8/95 The Housing Revenue Account ii) The Housing Revenue Account (Accounting Practices) Directions 2006; ii) The Accounts and Audit (Amendment) Regulations 2004	To maintain a ringfence between the Housing Revenue Account and the general Fund and prevent tenants subsidising council tax, and Council Tax payers subsidising Local Authority housing.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Local Government and Housing Act 1989 Section 76	1989	To prevent debit balance on Housing Revenue Account.	Non-statutory guidance, The Housing Revenue Account Manual 2006-07		To stop the Housing Revenue Account running up a deficit.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Local Government and Housing Act 1989 Section 77	1989	If authority chooses to keep one, to keep Housing Repairs Account in accordance with proper practices and prevent it from running into deficit	Non-statutory guidance, The Housing Revenue Account Manual 2006-07		Record of income & expenditure on maintenance/repair of the stock.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Leasehold Reform Housing and Urban Development Act 1993 Section 11& 12	1993	Provide information about superior interests and other specified information relevant to an enfranchisement application to leaseholders when requested.			Ensure that leaseholders of flats have access to information that may be required when exercising enfranchisement rights.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Leasehold Reform Housing and Urban Development Act 1993 Section 21	1993	Provide counter notice when leaseholders apply to buy freehold (or else leaseholders acquire on their terms).	No	SI 2002/3209	Necessary part of process to enable collective rights for enfranchisement of flats to proceed.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Leasehold Reform Housing and Urban Development Act 1993 Section 45	1993	Provide counter notice when a leaseholder applies for lease extension (or else leaseholders acquire on their terms).	No	No	Necessary part of process to enable individual rights to lease extensions for flats to be exercised.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Grants, Construction and Regeneration Act 1996 Section 1	1996	To provide facilities for disabled persons in dwellings	Non statutory guidance Delivering Housing Adaptations for Disabled People: A Good Practice Guide (June 2006 edition)	Housing Renewal Grants Regulations 1996, Housing Renewal Grants (Service and Charges) Order 1996, Disabled Facilities Grant (Maximum Amounts and Additional Purposes) (England) Order 2008, Jobseekers Allowance (Work for Your Benefit Pilot Scheme) Regulations 2010	Provides that Local Authorities must give grants to disabled persons (subject to means testing and up to a prescribed maximum) to allow them to adapt their homes to meet their needs.	Director of Housing (The DFG sits with the Communities Team under Private Sector Housing)	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1996 S166	1996	Secure that advice and information is available free of charge to persons in their district about the right to make an application for an allocation of accommodation.	Allocation of Accommodation: Code of Guidance for Local Housing Authorities (2002)		Provides clarity to Local Authorities and applicants on making an application for an allocation of social housing.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1996 S167, S168	1996	Have an allocation scheme, publish a summary of it and allocate housing accommodation in accordance with the scheme.	Allocation of Accommodation: Code of Guidance for Local Housing Authorities (2002)		Provides clarity to Local Authorities and applicants on the framework for allocating social housing.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1996 Part 7,	1996	Duty to make inquiries into cases of homelessness or threatened homelessness	Statutory guidance: Homelessness Code of Guidance for Local Authorities, July 2006, Homelessness Code of Guidance for Local Authorities: Supplementary Guidance on Intentional Homelessness, August 2009, Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation	Homelessness (Priority Need for Accommodation) (England) Order 2002, SI 2002/2051.	Places a duty on housing authorities to make inquiries to establish whether any duty is owed under Part 7 - if there is reason to believe an applicant may be homeless or likely to become homeless within 28 days	Director of Housing	Housing, Health & Community

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Department for Communities and Local Government	Housing	Housing Act 1996 Part 7	1996	Co-operation in certain cases involving children	Statutory guidance: Homelessness Code of Guidance for Local Authorities, July 2006, Homelessness Code of Guidance for Local Authorities: Supplementary Guidance on Intentional Homelessness, August 2009, Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation		Places a duty on housing authorities to make arrangements to ensure that social services are aware of cases where applicants with children may be ineligible for assistance, intentionally homeless, or intentionally threatened with homelessness.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1996, Part 7	1996	Interim duty to accommodate in case of apparent need	Statutory guidance: Homelessness Code of Guidance for Local Authorities, July 2006, Homelessness Code of Guidance for Local Authorities: Supplementary Guidance on Intentional Homelessness, August 2009, Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation	Homelessness (Priority Need for Accommodation) (England) Order 2002, SI 2002/2051.	Places a duty on housing authorities to secure accommodation pending inquiries in cases where they have reason to believe the applicant may be eligible for assistance, homeless and in priority need	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1996, Part 7	1996	Duty to persons becoming homeless intentionally	Statutory guidance: Homelessness Code of Guidance for Local Authorities, July 2006, Homelessness Code of Guidance for Local Authorities: Supplementary Guidance on Intentional Homelessness, August 2009, Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation	Homelessness (Suitability of Accommodation) Order 1996, SI 1996/3204, Homelessness (Suitability of Accommodation) Order 1996, SI 2003/3326,	Places a duty on authorities to ensure provision of advice and assistance for applicants who are eligible for assistance and intentionally homeless (and, where applicant has priority need, secure accommodation for period that will provide a reasonable opportunity for applicant to secure accommodation for himself)	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1996 Part 7,	1996	Duty to persons not in priority need who are not homeless intentionally	Statutory guidance: Homelessness Code of Guidance for Local Authorities, July 2006, Homelessness Code of Guidance for Local Authorities: Supplementary Guidance on Intentional Homelessness, August 2009, Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation	Homelessness (Suitability of Accommodation) Order 1996, SI 1996/3204, Homelessness (Suitability of Accommodation) Order 1996, SI 2003/3326, Homelessness (Priority Need for Accommodation) (England) Order 2002, SI 2002/2051.	Places a duty on housing authorities to ensure provision of advice and assistance for applicants who are unintentionally homeless and not in priority need	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1996 Part 7	1996	Duty to persons with priority need who are not homeless intentionally	Statutory guidance: Homelessness Code of Guidance for Local Authorities, July 2006, Homelessness Code of Guidance for Local Authorities: Supplementary Guidance on Intentional Homelessness, August 2009, Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation	Homelessness (Suitability of Accommodation) Order 1996, SI 1996/3204, Homelessness (Suitability of Accommodation) Order 1996, SI 2003/3326, Allocation of Housing and Homelessness (Review Procedures) Regulations 1999, SI 1999/71, Homelessness (Priority Need for Accommodation) (England) Order 2002, SI 2002/2051.	Places a duty on housing authorities to secure accommodation for applicants who are eligible for assistance, unintentionally homeless and in priority need	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1996 Part 7	1996	Duties in case of threatened homelessness	Statutory guidance: Homelessness Code of Guidance for Local Authorities, July 2006, Homelessness Code of Guidance for Local Authorities: Supplementary Guidance on Intentional Homelessness, August 2009, Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation	Homelessness (Suitability of Accommodation) Order 1996, SI 1996/3204, Homelessness (Suitability of Accommodation) Order 1996, SI 2003/3326, Homelessness (Priority Need for Accommodation) (England) Order 2002, SI 2002/2051.	Places a duty on housing authorities to take reasonable steps to secure that accommodation does not cease to be available for applicants eligible for assistance, unintentionally threatened with homelessness and in priority need	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1996 Part 7	1996	Duties to applicant where case is considered for referral or referred	Statutory guidance: Homelessness Code of Guidance for Local Authorities, July 2006, Homelessness Code of Guidance for Local Authorities: Supplementary Guidance on Intentional Homelessness, August 2009, Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation		Places a duty on housing authorities to secure accommodation for an applicant pending resolution of a referral to another authority	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1996, Part 7	1996	Discharge of functions: out of area placements	Statutory guidance: Homelessness Code of Guidance for Local Authorities, July 2006, Homelessness Code of Guidance for Local Authorities: Supplementary Guidance on Intentional Homelessness, August 2009, Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation	Homelessness (Suitability of Accommodation) Order 1996, SI 1996/3204, Homelessness (Suitability of Accommodation) Order 1996, SI 2003/3326, Allocation of Housing and Homelessness (Review Procedures) Regulations 1999, SI 1999/71	Places a requirement on housing authorities to secure accommodation within their own district so far as reasonably practicable	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1996 Part 7	1996	Protection of property: supplementary provisions	Statutory guidance: Homelessness Code of Guidance for Local Authorities, July 2006, Homelessness Code of Guidance for Local Authorities: Supplementary Guidance on Intentional Homelessness, August 2009, Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation		Places a duty on housing authorities to take reasonable steps to mitigate loss or damage to applicant's property where no other suitable arrangements have been made (and duty to secure accommodation is owed)	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1996 Part 7,	1996	Co-operation between relevant housing authorities and bodies	Statutory guidance: Homelessness Code of Guidance for Local Authorities, July 2006, Homelessness Code of Guidance for Local Authorities: Supplementary Guidance on Intentional Homelessness, August 2009, Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation		Places a duty on local authorities and other relevant bodies to co-operate, on request, in providing reasonable assistance to help an authority discharge its functions under Part 7	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1996, Part 7	1996	Co-operation in certain cases involving children	Statutory guidance: Homelessness Code of Guidance for Local Authorities, July 2006, Homelessness Code of Guidance for Local Authorities: Supplementary Guidance on Intentional Homelessness, August 2009, Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation		Places a duty on housing authorities to make arrangements to ensure that social services are aware of cases where applicants with children may be ineligible for assistance, intentionally homeless, or intentionally threatened with homelessness.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 1996, Part 7,	1996	Duty of local housing authority to provide advisory services	Statutory guidance: Homelessness Code of Guidance for Local Authorities, July 2006, Homelessness Code of Guidance for Local Authorities: Supplementary Guidance on Intentional Homelessness, August 2009, Provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation		Places a duty on authorities to ensure that advice about homelessness and the prevention of homelessness is available free to everyone in their district	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Audit Commission Act 1998 Section 2	1998	To submit Housing Revenue Account to an annual audit.				Director of Resource/s151	Audit & Scrunity
Department for Communities and Local Government	Housing	Commonhold and Leasehold Reform Act 2002 Section 166	2002	Demand ground rent in a prescribed form (otherwise not due).	No	Yes. SI 2004/3096	Ensures that leaseholders are aware when ground rent is due.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Commonhold and Leasehold Reform Act 2002 Schedule 11	2002	Provide a summary of rights and obligations with administration charge demands.	No	Yes. SI 2007/1258	Ensure leaseholders are aware of their rights and obligations when receiving demands for service charges.	Director of Housing	Housing, Health & Community

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Department for Communities and Local Government	Housing	Homelessness Act 2002	2002	Duty of local housing authority to formulate a homelessness strategy	Covered by guidance issued under s182 of Housing Act 1996		Places a duty on housing authorities to publish a new homelessness strategy at least every 5 years and take it into account in discharging its functions	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Local Government Act 2003, Part 7	2003	Duty of local housing authority to formulate and publish a housing strategy [not actually commenced]	no	no	Places a duty on local authorities to set out objectives and targets and policies on how the authority intends to manage and deliver its strategic housing role	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 2004 Section 3	2004	Keep the housing conditions in their area under review with a view to identifying any action that may need to be taken under various specified pieces of legislation.	None	No	Requires the Local authority to know about the condition of all housing stock in its area	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 2004 Section 4	2004	Inspect premises in specified circumstances with a view to establishing whether there is a "hazard".	Statutory Guidance 1)Housing Health and Safety Rating System Operating Guidance; 2)HHSRS Enforcement Guidance	The Housing Health and Safety Rating System (England) Regulations 2005	Requires the Local Authority to inspect a dwelling to see if there are any hazards under the Housing Health and Safety Rating System	Director of Housing (This is enforcement likely under Director of Communities)	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 2004 Section 5	2004	Take appropriate enforcement action where a category 1 hazard exists.	Statutory Guidance 1)Housing Health and Safety Rating System Operating Guidance; 2)HHSRS Enforcement Guidance	The Housing Health and Safety Rating System (England) Regulations 2005	Places a duty on Local Authorities to take action where condition of a property can cause a risk to health of occupant	Director of Housing (This is enforcement likely under Director of Communities)	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 2004 Section 10	2004	Consult with the fire and rescue authority for the area where a fire hazard exists before taking enforcement action.	No regulations in place. There is a protocol and the Regulatory Reform (Fire Safety) Order 2005 which provide guidance.	No regulations but an agreed protocol is in place.	Local Authorities must consult with Fire and Rescue authority within a Houses in Multiple Occupation before taking enforcement action	Director of Housing (This is enforcement likely under Director of Communities)	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 2004 Sections 16 and 25	2004	Revoke improvement notice and prohibition order, as appropriate, in specified circumstances.	Statutory Guidance 1)Housing Health and Safety Rating System Operating Guidance; 2)HHSRS Enforcement Guidance	The Housing Health and Safety Rating System (England) Regulations 2005	Provides for the Local Authorities to revoke notices once action by the owner has occurred	Director of Housing (This is enforcement likely under Director of Communities)	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing Act 2004 Part 2	2004	Mandatory licensing of Houses in Multiple Occupation (HMOs)	There is no statutory guidance on Houses in Multiple Occupation licensing. Ministers are currently considering whether to publish non statutory guidance.	"The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006" (SI 371/2006), "The Management of Houses in Multiple Occupation (England) 2006" (SI372/372) and "The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006" (SI373/2006)	Places a duty on local authorities to licence all Houses in Multiple Occupations that are of three or more storeys, housing five or more persons in two or more households.	Director of Environment	Clean & Green Committee
Department for Communities and Local Government	Housing	Leasehold Reform, Housing and Urban Development Act 1993 Section 136 as amended by the Local Authorities (Capital Finance) (Consequential, Transitional and Saving Provisions) Order 2004	2004	Authorities are required to pay a levy when the capital receipt received from the sale of its stock is greater than the housing debt attributable to those dwelling houses.	Non statutory guidance: 2005 Housing Transfer Manual and 2006 Supplement to the Housing Transfer Manual	No	Provides clarity to Local Authorities on the procedure to maximise capital receipts	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing and Regeneration Act 2008 Section 114A	2008	Notify the regulator (the Tenant Services Authority) as soon as it becomes subject to compulsory registration i.e. it becomes or intends to become a provider of social housing.	None	No	Provides that the regulator to be advised of the existence of new social housing providers in the LA sector that are eligible for regulation. This is a requirement that supports cross domain (between Housing Association and Local Authority) regulation.	Director of Housing	Housing, Health & Community
Department for Communities and Local Government	Housing	Housing and Regeneration Act 2008 Section 128	2008	Send certain documents (accounts and Audit Commission reports) to the regulator.	None	No	Provides that registered social housing providers give copies of their accounts (and certain other relevant documents) to the regulator. This is a requirement that supports regulation.	Director of Resource/s151	Audit & Scrunity
Department for Communities and Local Government	Accountability	Local Government Act 1972 Section 112	1972	Appoint officers	Statutory and non-Statutory guidance: New Council Constitutions. Guidance to English Local Authorities.		Gives Local Authorities the ability to appoint the staff that it needs	head of Paid Service	Ordinary Council
Department for Communities and Local Government	Accountability	Local Government Act 1972 Section 151	1972	Designate a chief finance officer (section 151 officer) and Make arrangements for the proper administration of their financial affairs and secure that one of their officers has responsibility for the administration of those affairs	Statutory and non-Statutory guidance: New Council Constitutions. Guidance to English Local Authorities.		Local Authorities must have a Chief Finance Officer	Head of Paid Service	Ordinary Council
Department for Communities and Local Government	Accountability	Local Government Act 1972 (LGA 1972), Part VA	1972	Allow public to access certain meetings and documents.	Statutory and non-Statutory guidance: New Council Constitutions. Guidance to English Local Authorities.		Required to ensure transparency	Monitoring Officer	All meetings of Committee or Council, unless confidential
Department for Communities and Local Government	Accountability	Local Government Act 1972 Section 148	1972	Keep a fund to be known as the county fund.			Foundation of the local government finance system	Director of Resource/s151	FAIR/Full Council
Department for Communities and Local Government	Accountability	Local Government Act 1972 Section 168	1972	Make a financial return to the Secretary of State for each year ending on 31st March, or such other day as the Secretary of State may direct.			Management of financial system and macro economic management	Director of Resource/s151	Full Council
Department for Communities and Local Government	Accountability	Local Government Act 1972 Section 230	1972	Send the Secretary of State such reports and returns, and give him such information with respect to their functions, as he may require or as may be required by either House of Parliament.			Provides assurances that may be required to assure Parliament of proper management of Local Government	CEO	Full Council
Department for Communities and Local Government	Accountability	Local Government Act 1972 Section 99 and Schedule 12	1972	Comply with rules on meetings and proceedings in Schedule 12 to the LGA Local Government Act e.g. hold an annual meeting (para 1), record the names of members present at a meeting (para 40), draw up minutes of proceedings of a meeting (para 41).		The Local Authorities (Standing Order) (England) Regulations 2001 (SI 2001/3384) made under s20 Local Government and Housing Act 1989.	Core to ensuring proper democratic accountability	Monitoring Officer	Constitution - all meeting of Committee and Council
Department for Communities and Local Government	Accountability	LGA 1972 and the Parish and Community Meetings (Polls) Rules 1987 (SI 1987/1) Para 18 (5) of Schedule 12 to the	1987	Comply with parish poll rules where a poll is demanded at a parish meeting.		Parish and Community Meetings (Polls) Rules 1987 (SI 1987/1)	Core accountability mechanism for parish councils for voters in parished areas	Returning officer/CEO	Full Council
Department for Communities and Local Government	Accountability	Local Government Act 1974 (duties on the authorities listed in section 25)Part 3	1974	Take certain steps in response to reports from the Local Government Ombudsman.	No.	No.	Core accountability mechanism.	Joint Director of People & Governance - Governance	Audit & Scrunity
Department for Communities and Local Government	Accountability	Local Government Act 1986 (duty on the authorities listed in section 6)Part 2	1986	Have regard to a code of practice on publicity.	Statutory guidance - the Code of Recommended Practice on Local Authority Publicity.	No.	To comply with the code of practice on publicity	Monitoring Officer	Constitution - Full Council
Department for Communities and Local Government	Accountability	Local Government and Housing Act 1989 (duties on the authorities listed in section 21).Part 1	1989	Designate officers as head of paid service and monitoring officer	Statutory and non-Statutory guidance: New Council Constitutions. Guidance to English Local Authorities.		Leader to designate head of paid service and monitoring officer to - ensure propriety and regularity	Monitoring Officer	Constitution - Full Council
Department for Communities and Local Government	Accountability	Local Government and Housing Act 1989 (duties on the authorities listed in section 21).Part 1	1989	Adopt standing orders			Part of the propriety regime	Monitoring Officer	Full Council
Department for Communities and Local Government	Accountability	Local Government and Housing Act 1989 (duties on the authorities listed in section 21).Part 1	1989	Allocate appointments according to voting strength of political groups			Ensures representation of minority parties on committees by requiring politically mixed committees where a democratic mandate has created that environment	Monitoring Officer	Full Council
Department for Communities and Local Government	Accountability	Local Government and Housing Act 1989 (duties on the authorities listed in section 21).Part 1	1989	Adopt a scheme for payment of allowances to councillors.	Statutory and non-statutory guidance: Guidance on Consolidated Regulations for Local Authority Allowances.	The Local Authorities (Members' Allowances)(England) Regulations 2003.	Enables councillors to be paid for their work as councillors and includes the duty to have an independent panel to consider/agree allowances	Director of Resource/s151	Full Council
Department for Communities and Local Government	Accountability	Local Government Act 1999 Section 3	1999	Best value duty	Statutory Guidance: Creating Strong, Safe & Prosperous Communities - section 6	Best Value and Performance Improvement Circular (ODPM Circular 03/2003) - Annexes C & D (ie Workforce Matters & Two-tier code)	Requires authorities to secure continuous improvement in exercising functions, having regard to a combination of economy, efficiency & effectiveness.	Director of Resource/s151	FAIR
Department for Communities and Local Government	Accountability	Local Government Act 1999 Section 3A inserted by section 138 of the Local Government and Public Involvement in Health Act (LGPPIHA) 2007	2007	Involve local representatives	Statutory Guidance: Creating Strong, Safe & Prosperous Communities - section 2	N/A	The duty seeks to ensure people have greater opportunities to have their say. It encourages authorities and their partners to embed a culture of engagement and empowerment and change into their daily activities, and consider, as a matter of course, the possibilities for provision of information to, consultation with and involvement of representatives of local persons across all authority functions.	Director of Communities	Housing, Health & Community
Department for Communities and Local Government	Accountability	Local Government Act 2000 Section 21(1) and Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001 (SI 2001/2237).	2001	Appoint one or more overview and scrutiny committees	Statutory and non-Statutory guidance: New Council Constitutions. Guidance to English Local Authorities.		Creation of executive arrangements	Monitoring Officer	Full Council
Department for Communities and Local Government	Accountability	Local Government Act 2000 Section 22A	2000	Provide information to an overview and scrutiny committee of another authority.	Statutory and non-Statutory guidance: New Council Constitutions. Guidance to English Local Authorities.		Information to Overview and Scrutiny Committee in another authority if required	Monitoring Officer	Full Council
Department for Communities and Local Government	Accountability	Local Government Act 2000 Section 21B	2000	Respond to its own overview and scrutiny committee	Statutory and non-Statutory guidance: New Council Constitutions. Guidance to English Local Authorities.		A Local Authority must respond to its Overview and Scrutiny Committee - part of its executive arrangements	Monitoring Officer	Full Council

Review of DCLG Statutory Duties

Department	Theme	Legislation	Year	Title of duty	Statutory guidance and/or non statutory guidance for this duty?	Associated regulations (eg secondary legislation) for this duty	Function - What is it intended to achieved?	Delegated to Officer (title)	Committee/Council
Department for Communities and Local Government	Accountability	Local Government Act 2000 Section 4(1) and 4 (3)	2000	Prepare a Sustainable Community Strategy and associated duty to consult.	Statutory Guidance: Creating Strong, Safe & Prosperous Communities - section 3		The duty to prepare a Sustainable Community Strategy is to ensure Local Authorities set an overall strategic direction and long term vision for the economic, social and environmental well-being of a local area in a way that contributes to sustainable development in the United Kingdom. The Local Authority is required to consult and seek participation of each partner authority in preparation or modification of their Sustainable Community Strategy.	Director of Communities	Housing, Health & Community
Department for Communities and Local Government	Accountability	Local Government Act 2000 Part 3	2000	Adopt a code of conduct for members and co-opted members.	Guidance issued by Standards board for England			Monitoring Officer	Full Council
Department for Communities and Local Government	Accountability	Local Government and Public Involvement in Health Act 2007 Section 106	2007	Prepare a draft Local Area Agreement (LAA) when directed to do so by the Secretary of State .	Statutory Guidance: Creating Strong, Safe & Prosperous Communities - section 4		To ensure all top tier Local Authorities prepare a Local Area Agreement when directed to do so by the Secretary of State	Director of Communities	Housing, Health & Community
Department for Communities and Local Government	Accountability	Local Government and Public Involvement in Health Act 2007 Section 106 (2-3)	2007	Duty to consult and cooperate	Statutory Guidance: Creating Strong, Safe & Prosperous Communities - section 5		To ensure there is a joined-up, cross-sector approach to agreeing local priorities.	Director of Communities	Housing, Health & Community
Department for Communities and Local Government	Accountability	Local Government and Public Involvement in Health Act 2007 Section 108	2007	Have regard to Local Area Agreement targets	Statutory Guidance: Creating Strong, Safe & Prosperous Communities - section 6		Yes - cost, time and staffing resource burden on planning for delivery against particular targets Local Area Agreements	Director of Communities	Housing, Health & Community
Department for Communities and Local Government	Accountability	Local Government and Public Involvement in Health Act 2007 Section 113	2007	Publish information about Local Area Agreements when targets are designated by the Secretary of State	Statutory Guidance: Creating Strong, Safe & Prosperous Communities - section 4		Yes - cost, time and staffing resource burden on preparing, publishing and updating information about particular targets Local Area Agreements	Director of Communities	Housing, Health & Community
Department for Communities and Local Government	Accountability	Local Government and Public Involvement in Health Act 2007 (LGPiHA 2007).Section 83	2007	Undertake a community governance review (CGR) (where not in course of undertaking a CGR and receives a community governance petition which relates to the whole or part of the council's area).	Joint Government/Electoral Commission Statutory guidance: Guidance on Community Governance Reviews issued April 2008.		Key element of local democracy - requires district councils to act where local people want to create a parish council.	Returning Officer/CEO	Full Council
Department for Communities and Local Government	Accountability	Local Government and Public Involvement in Health Act 2007 Section 84	2007	Respond to a petition for a community governance review (where a community governance review is already being undertaken).	Joint Government/Electoral Commission Statutory guidance: Guidance on Community Governance Reviews issued April 2008.		Key element of local democracy - requires district councils to act where local people want to create a parish council.	Returning Officer/CEO	Full Council
Department for Communities and Local Government	Accountability	Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009 (SI 2009/1919)	2009	County council or executive of such a council to respond to the overview and scrutiny committee of an associated district council.				Monitoring Officer	Full Council
Department for Communities and Local Government	Accountability	Local Democracy, Economic Development and Construction Act 2009 Section 69	2009	Prepare assessments of the economic conditions of their areas (Local Economic Assessments).			Strong local economic evidence bases	Director of Place	FAIR
Department for Communities and Local Government	Accountability	Local Democracy, Economic Development and Construction Act 2009 Part 1	2009	Promote democracy (not yet commenced).				Monitoring officer/CEO	Full Council
Department for Communities and Local Government	Accountability	Local Democracy, Economic Development and Construction Act 2009 Part 1	2009	Have a petitions scheme (as from 15 June 2010).	*Listening to communities: Statutory guidance on the duty to respond to petitions* was introduced by the previous govt, but it was withdrawn in September 2010.	Secondary legislation excludes certain matters (planning and licensing) from the scheme and sets the maximum threshold that LAs may set in their schemes for the number of signatures that trigger a full council debate.	To standardise petitions procedures for local authorities	Monitoring Officer	Full Council
Department for Communities and Local Government	Executive Arrangements	Local Authorities (Standing Order)(England) Regulations 2001 (made under ss 8, 9 and 20 of the Local Government and Housing Act 1989).	1989	Make or modify standing orders so that they include the provisions set out in the Regulations – e.g. in relation to staff.			Elements of executive arrangements	Monitoring Officer	Full Council
Department for Communities and Local Government	Executive Arrangements	Local Government Act 2000 Sections 11(2) to (5)	2000	Executive of a local authority must take one of the specified forms.	Statutory and non-Statutory guidance: New Council Constitutions. Guidance to English Local Authorities.	Statutory and non-Statutory guidance: New Council Constitutions. Guidance to English Local Authorities.	Elements of executive arrangements	Monitoring Officer	Full Council
Department for Communities and Local Government	Executive Arrangements	Local Government Act 2000. Section 33E(2) Details of what the proposals must contain are listed at section 33E(3)	2000	Local authority which wants to change its governance arrangements must draw up proposals for the change.	Statutory and non-Statutory guidance: New Council Constitutions. Guidance to English Local Authorities.		Elements of executive arrangements	CEO	Full Council
Department for Communities and Local Government	Executive Arrangements	Local Government Act 2000 Section 33A	2000	Where a local authority still operates 'old' leader and cabinet executive arrangements, it must make a change in arrangements.	Statutory and non-Statutory guidance: New Council Constitutions. Guidance to English Local Authorities.		Elements of executive arrangements - this duty will end after December 2010	CEO	Full Council
Department for Communities and Local Government	Executive Arrangements		2000	Hold a referendum on its proposals before taking any steps to implement a change in governance arrangements if (a) existing proposals were subject to approval in referendum, or (b) the Local Authorities proposals under section 33E state that the change will be subject to approval in referendum	Statutory and non-Statutory guidance: New Council Constitutions. Guidance to English Local Authorities.		Elements of executive arrangements	Returning officer/CEO	Full Council
Department for Communities and Local Government	Executive Arrangements	Local Government Act 2000 Section 38	2000	Have regard to any guidance for the time being issued by the Secretary of State for the purposes of Part 2 of the Local Government Act 2000	Statutory and non-Statutory guidance: New Council Constitutions. Guidance to English Local Authorities.		Elements of executive arrangements	CEO	Full Council
Department for Communities and Local Government	Executive Arrangements	Local Government Act 2000 Section 45	2000	Abide by the result of the referendum	Statutory and non-Statutory guidance: New Council Constitutions. Guidance to English Local Authorities.	The Local Authorities (Conduct of Referendums)(England) Regulations 2007. SI 2007/2089.	Elements of executive arrangements	Returning officer/CEO	Full Council
Department for Communities and Local Government	Executive Arrangements	Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 These regulations are made under section 34 (petitions) and section 35 (directions) of the LGA 2000	2000	Certain duties on local authorities in connection with actions which may, may not or must be taken when they receive compliant petitions from local electors (or when they are directed to hold a referendum by the Secretary of State) to hold a referendum on whether the authority should operate a certain form of executive.	Statutory and non-Statutory guidance: New Council Constitutions. Guidance to English Local Authorities.	The Local Authorities (Referendums)(Petitions and Directions) Regulations 2000. SI 2000/2852	Elements of executive arrangements	CEO/Monitoring	Full Council
Department for Communities and Local Government	Executive Arrangements	Local Government Act 2000 Section 37	2000	Prepare a written constitution and keep it up to date.	Statutory and non-Statutory guidance: New Council Constitutions. Guidance to English Local Authorities.		Elements of executive arrangements	Monitoring Officer	Full Council
Department for Communities and Local Government	Functions and Responsibilities	Local Government Act 2000 (2000 Act) Part 2	2000	Local authority's functions to be discharged 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.			Elements of executive arrangements	CEO	Full Council
Department for Communities and Local Government	Functions and Responsibilities	Functions and Responsibilities Regulations 2000	2000	Functions which are not to be executive functions are set out in the Local Authorities (Functions and Responsibilities) Regulations 2000 (as heavily amended) and local authorities must exercise their functions in accordance with these Regulations.		Local Authorities (Functions and Responsibilities) Regulations 2000 (as heavily amended)	Elements of executive arrangements	CEO	Full Council
Department for Communities and Local Government	Functions and Responsibilities	Functions and Responsibilities Regulations 2000 Section 13 of the 2000 Act	2000	Where a function is a "local choice function" (i.e. it may or may not be an executive function) obligation on local authorities to make provision as to the exercise of such functions in their executive arrangements.			Elements of executive arrangements	CEO	Full Council
Department for Communities and Local Government	Local Government Finance	Local Government and Finance Act 1988 Section 41	1988	Billing authority to deposit a copy of the relevant local rating list at its principal office.	No	No	The duty ensures that the public can find out the rateable values of properties in their area.	Director of Resources/S151	FAIR/Full Council
Department for Communities and Local Government	Local Government Finance	Local Government Finance Act 1988 Section 42A	1988	Compile and maintain a rural settlement list in accordance with section 42B	Business Rates Information Letter 1/2011 (http://www.communities.gov.uk/documents/localgovernment/pdf/1839500.pdf)	The Non-Domestic Rating (Rural Settlements) (England) Order 1997 (SI 2792) as amended	The duty ensures that billing authorities are able to provide rural rate relief.	Director of Resources/S151	FAIR/Full Council
Department for Communities and Local Government	Local Government Finance	Local Government and Finance Act 1988 - Section 43 (occupied hereditaments: liability), 45 (unoccupied hereditaments: liability) and 45A Local Government and Finance Act 1988 (Unoccupied hereditaments: zero rating).	1988	Obligations relating to rate reliefs (Although there are no explicit obligations imposed on billing authorities under these sections, the combined effect of these provisions and the provisions on collection of rates (see further para 3 below) is that it is for billing authorities to determine whether a ratepayer is entitled to relief under the legislation).	*Rural Rate Relief - see 69 *Small Business Rate Relief - Business Rates Information Letters 1/2011, 11/2010, 9/2010, 6/2010, 5/2010 & 15/2009 *Empty Property Rates - Business Rates Information Letter 11/2010, 17/2009 & 16/2009 *Collection & Enforcement - Business Rates Information Letter 1/2011, 9/2010, 8/2010, 7/2010, 6/2010, 4/2010, 2/2010 & 2/2009	*The Non-Domestic Rating (Rural Settlements) (England) Order 1997 (SI 2792 as amended) *The Non-Domestic Rating (Small Business Rate Relief) (England) Order 2004 (SI 3315 as amended) *The Rating (Empty Properties) Act 2007 & The Non-Domestic Rating (Unoccupied Property) (England) Regulations 2008 (SI 386) *Non-Domestic Rating (Collection and Enforcement) (Local Lists)(England) Regulations Collection & Enforcement Regs (SI 1058 as amended)	Allows billing authorities to collect rates on empty properties and provide reliefs on those properties.	Director of Resources/S151	FAIR/Full Council
Department for Communities and Local Government	Local Government Finance	Local Government and Finance Act 1988 Act Schedule 8	1988	Billing authorities are obliged, once directed by the Secretary of State, to calculate their estimated contribution of rates to the national non-domestic rates pool; to pay their contribution into the pool during the financial year; and to make final calculations and, where necessary, final payments into the pool after the end of the financial year.	Guidance published on DCLG website - http://www.communities.gov.uk/localgovernment/localregional/localgovernmentfinance/statistics/usefulinformation/formstimate/otherforms/	*The Non-Domestic Rating (Small Business Rate Relief) (England) Order 2004 (SI 3315 as amended)	The duty ensures that Local Authorities are able to make payments to the central rates pool according to the revenues they are collecting from ratepayers and that at the end of the year to where necessary make a final payment or receive a refund if they have over/under paid the central pool.	Director of Resources/S151	FAIR/Full Council

Review of DCLG Statutory Duties

Department	Theme	Legislation	Year	Title of duty	Statutory guidance and/or non statutory guidance for this duty?	Associated regulations (eg secondary legislation) for this duty	Function - What is it intended to achieved?	Delegated to Officer (title)	Committee/Council	
Department for Communities and Local Government	Local Government Finance	Local Government and Finance Act 1988 Schedule 9	1988	Billing authorities to a) provide certain information to valuation officers and b) to give anyone requesting it access to certain information about relevant local rating list.	No	No	To provide information to the Valuation Office Agency so that a liable property for rates can be rated and correctly billed.	Director of Resources/S151	FAIR/Full Council	
Department for Communities and Local Government	Local Government Finance	Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (the 1989 Regulations) (SI 1989/1058) Regulations 4 to 8	1989	Serve a demand notice on every person liable to pay rates demanding the payment of rates and to serve reminder notices and final notices in the event that the ratepayer fails to pay one or more of the instalments once they have fallen due.	Collection & Enforcement - Business Rates Information Letter 1/2011, 9/2010, 8/2010, 7/2010, 6/2010, 4/210, 2/2010 1/2010 & 2/2009	*Non-Domestic Rating (Collection and Enforcement) (Local Lists)(England) Regulations Collection & Enforcement Regs (SI 1058 as amended)	To collect the tax from the ratepayer	Director of Resources/S151	FAIR/Full Council	
Department for Communities and Local Government	Local Government Finance	Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (the 1989 Regulations) (SI 1989/1058) Regulation 9	1989	Each financial year to make final adjustments in cases where the sums paid are either less or more than a person's liability to business rates.	No	No	To ensure ratepayers pay the right amount of rates - including refunds for overpayments.	Director of Resources/S151	FAIR/Full Council	
Department for Communities and Local Government	Local Government Finance	Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (the 1989 Regulations) (SI 1989/1058) Schedule 1B	1989	To administer the business rates deferral scheme.	Published alongside Business Rates Information Letter 11/2009 on website - http://www.communities.gov.uk/publications/localgovernment/bri112009	N/A	Allows billings authorities to administer the business rates deferral scheme.	Director of Resources/S151	FAIR/Full Council	
Department for Communities and Local Government	Local Government Finance	Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 2003 (SI 2003/2613)	2003	Rates bills are issued by billing authorities, who must include the matters specified in Part 1 of Schedule 2 in the bills (regulation 3).	No	No	To provide information on how the rates bill is calculated and applicable relief's available to the ratepayer	Director of Resources/S151	FAIR/Full Council	
Department for Communities and Local Government	Local Government Finance	Local Government Act 2003 (Business Improvement Districts) and the Business Improvement Districts (England) Regulations 2004 (SI 2004/2443) Part 4	2003	Billing authorities have the power to make Business Improvement District arrangements with respect to an area and to impose a levy on ratepayers in that area. Where a billing authority makes Business Improvement District arrangements under these powers, the 2003 Act and the 2004 Regulations impose certain obligations on the billing authority in relation to the administration, collection etc of that levy.	Guidance on regs (2004) - http://www.communities.gov.uk/documents/localgovernment/pdf/1177490.pdf	N/A	To allow Local Authorities to create a Business Improvement District - and collect and enforce the Business Improvement District levy	Director of Resources/S151	FAIR/Full Council	
Department for Communities and Local Government	Local Government Finance	Business Rate Supplements Act 2009 Section 20	2009	Obligation on billing authorities to calculate the chargeable amount of Business Rates Supplement (BRS) for each person who is subject to a BRS (section 20). (This obligation only applies to billing authorities in whose area a BRS has been levied).	Guidance published on Department for Communities and Local Government website on 1) Business Rate Supplements guidance: additionality and ballots (May 2009) 2) - Business Rate Supplements: guidance for Local Authorities (Jan 2010). Link - http://www.communities.gov.uk/localgovernment/localgovernmentfinance/businessratesubsidies/subsidiesandballots/	*Statutory Instruments 2010/187 - The Business Rate Supplements (Collection and Enforcement) (England) Regulations 2010 *Statutory Instruments 2010/134 - The Business Rate Supplements (Administrative Expenses) (England) Regulations 2010 *Statutory Instruments 2009/2543 - The Business Rate Supplements (Transfers to Revenue Accounts) (England) Regulations 2009 *Statutory Instruments 2009/2542 - The Business Rate Supplements (Rateable Value Condition) (England) Regulations 2009 *Statutory Instruments 2009/2202 - The Business Rate Supplements Act 2009 (Commencement No1) (England) Order 2009	To calculate the Business Rates Supplement tax for each liable ratepayer	Director of Resources/S151	FAIR/Full Council	
Department for Communities and Local Government	Local Government Finance	The Business Rate Supplements (Transfers to Revenue Accounts) (England) Regulations 2009	2009	Billing authorities who collect Business Rates Supplement on behalf of a levying authority obliged to make certain calculations and to transfer Business Rates Supplement revenues from their collection fund to the relevant levying authority's Business Rates Supplement revenue account at various times throughout the financial year.	Guidance published on Department for Communities and Local Government website on 1) Business Rate Supplements guidance: additionality and ballots (May 2009) 2) - Business Rate Supplements: guidance for Local Authorities (Jan 2010). Link - http://www.communities.gov.uk/localgovernment/localgovernmentfinance/businessratesubsidies/subsidiesandballots/	*Statutory Instruments 2010/187 - The Business Rate Supplements (Collection and Enforcement) (England) Regulations 2010 *Statutory Instruments 2010/134 - The Business Rate Supplements (Administrative Expenses) (England) Regulations 2010 *Statutory Instruments 2009/2543 - The Business Rate Supplements (Transfers to Revenue Accounts) (England) Regulations 2009 *Statutory Instruments 2009/2542 - The Business Rate Supplements (Rateable Value Condition) (England) Regulations 2009 *Statutory Instruments 2009/2202 - The Business Rate Supplements Act 2009 (Commencement No1) (England) Order 2009	To ensure that the revenues collected by the billing authority are transferred to the upper tier authority who has levied the Business Rates Supplement	Director of Resources/S151	FAIR/Full Council	
Department for Communities and Local Government	Local Government Finance	The Business Rate Supplements (Collection and Enforcement) (England) Regulations 2010 (SI 2010/187) amending the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations and Demand Notices Regulations.	2010	Where a ratepayer is liable to pay a Business Rates Supplement the billing authority is obliged to bill for that Business Rates Supplement as part of the normal billing process for national non-domestic rates and to include in the ratepayer's rates bill, certain information about the Business Rates Supplement.	Guidance published on Department for Communities and Local Government website on 1) Business Rate Supplements guidance: additionality and ballots (May 2009) 2) - Business Rate Supplements: guidance for Local Authorities (Jan 2010). Link - http://www.communities.gov.uk/localgovernment/localgovernmentfinance/businessratesubsidies/subsidiesandballots/	*Statutory Instruments 2010/187 - The Business Rate Supplements (Collection and Enforcement) (England) Regulations 2010 *Statutory Instruments 2010/134 - The Business Rate Supplements (Administrative Expenses) (England) Regulations 2010 *Statutory Instruments 2009/2543 - The Business Rate Supplements (Transfers to Revenue Accounts) (England) Regulations 2009 *Statutory Instruments 2009/2542 - The Business Rate Supplements (Rateable Value Condition) (England) Regulations 2009 *Statutory Instruments 2009/2202 - The Business Rate Supplements Act 2009 (Commencement No1) (England) Order 2009	To Demand form the liable ratepayer the Business Rates Supplement tax	Director of Resources/S151	FAIR/Full Council	
Department for Communities and Local Government	Council Tax and Council tax capping	Local Government Finance Act 1992 (LGFA 1992)(only applies to billing authorities). Section 1	1992	To levy and collect council tax	No	No	There are many SIs However, the main ones are The Council Tax (Administration and Enforcement) Regulations 1992. The Council Tax (Demand Notices) Regulations 2011.	to enable billing authorities to set, and collect council tax.	Director of Resources/S151	FAIR/Full Council
Department for Communities and Local Government	Council Tax and Council tax capping	Local Government Finance Act 1992 for billing authorities and sections 43 to 48 LGFA 1992 for major precepting authorities. Sections 32 to 36	1992	Each financial year to calculate budget requirements and levels of council tax	No	No	No	to enable local authorities to calculate budget requirements and level of council tax	Director of Resources/S151	Full Council (Budget)
Department for Communities and Local Government	Council Tax and Council tax capping	Local Government Finance Act 1992 Section 65	1992	Each financial year to consult representatives of persons subject to non-domestic rates about proposals for expenditure	No	No	No	To enable Local Government Finance system to operate	Director of Resources/S151	FAIR/Full Council
Department for Communities and Local Government	Council Tax and Council tax capping	Local Government Finance Act 1992 Section 68	1992	To provide information to the Secretary of State if required to do so.	No	No	No	to provide information to the Secretary of State on request	Director of Resources/S151	FAIR/Full Council
Department for Communities and Local Government	Council Tax and Council tax capping	Local Government Finance Act 1992 (see generally sections 52I, 52J, 52T and 52U) Chapter 4A of Part 1	1992	Where capping action is taken against a billing or a major precepting authority the authority is required to undertake substitute calculations and to meet various requirements when doing so.	No	No	No	This ensures that final capping decisions by Ministers and (when challenged by an authority) Parliament, are put into effect. Authorities must calculate a new (reduced) budget requirement level.	Director of Resources/S151	FAIR/Full Council
Department for Communities and Local Government	Council Tax and Council tax capping	Local Government Finance Act 1992. Section 52Y	1992	Billing and major precepting authorities must provide certain types of information to the Secretary of State if required to do so.	No	No	No	To help ensure that Secretary of State has all the relevant information to hand when making decisions in relation to council tax capping	Director of Resources/S151	FAIR/Full Council
Department for Communities and Local Government	Council Tax and Council tax capping	Council Tax (Administration and Enforcement) Regulations 1992 (SI 1992/613) Regulations 8 and 14	1992	Each financial year to take reasonable steps to ascertain whether any dwellings in their areas are exempt dwellings, or whether council tax discounts apply.	No	No	No	Allows Local Authorities to ascertain whether a discount or an exemption are correctly applied	Director of Resources/S151	FAIR/Full Council
Department for Communities and Local Government	Council Tax and Council tax capping	Council Tax (Administration and Enforcement) Regulations 1992 (SI 1992/613) Regulation 10	1992	To notify the residents or owners of dwellings which are exempt from council tax.	No	No	No	Linked to the above regulations. Allows Local Authorities to make assumptions	Director of Resources/S151	FAIR/Full Council
Department for Communities and Local Government	Council Tax and Council tax capping	Council Tax (Administration and Enforcement) Regulations 1992 (SI 1992/613). Regulations 18 to 21 of the	1992	Each financial year to serve a demand notice on every person liable to pay council tax demanding the payment of council tax.	No	No	No	Allows Local Authorities to issue demand notices	Director of Resources/S151	FAIR/Full Council
Department for Communities and Local Government	Council Tax and Council tax capping	Council Tax (Administration and Enforcement) Regulations 1992 (SI 1992/613). Regulation 31	1992	Each financial year to make final adjustments in cases where the sums paid are either less or more than a person's liability to council tax.	No	No	No	allows Local Authorities to adjust a demand notice	Director of Resources/S151	FAIR/Full Council
Department for Communities and Local Government	Council Tax and Council tax capping	Council Tax (Demand Notices) (England) Regulations 2009 (SI 2009/3193)	2009	Duties in relation to matters to be contained in, and information to be supplied with, council tax demand notices ('Council Tax bills'). Council Tax bills are issued by billing authorities, who must include the matters specified in Part 2 of Schedule 1 in the bills (regulation 6) and supply the information in Part 2 of Schedule 2 when they serve those bills (regulation 7).	No	No	No	Prescribes the information that goes with demand notices	Director of Resources/S151	FAIR/Full Council
Department for Communities and Local Government	Council Tax and Council tax capping	Council Tax (Demand Notices) (England) Regulations 2009. Regulations 9 and 10	2009	Precepting authorities and levying bodies are also required to provide information to billing authorities when they issue precepts or levies.	No	No	No	Prescribes the information, from local precepting bodies, that goes with demand notices	Director of Resources/S151	FAIR/Full Council
Department for Communities and Local Government	Accounting and finance	Local Government Finance Act 1992 (LGFA 1992) Section 25	1992	Budget calculations: report on robustness of estimates etc- where an authority to which s32 or s43 of the Local Government Finance Act 1992 (billing or major precepting authority) or s85 of the Greater London Authority Act 1999 (GLA) applies is making calculations in accordance with that section, the chief finance officer of the authority must report to it on the following matters: a) the robustness of the estimates made for the purposes of the calculations, and b) the adequacy of the proposed financial reserves. An authority to which a report under this section is made must have regard to the report when making decisions about the calculations in connection with which it is made.	No	No	No	Safe and prudent budgeting by local authorities on revenue account	Director of Resources/S151	Audit & Scrunity/FAIR/Full Council

Review of DCLG Statutory Duties

Department	Theme	Legislation	Year	Title of duty	Statutory guidance and/or non statutory guidance for this duty?	Associated regulations (eg secondary legislation) for this duty	Function - What is it intended to achieved?	Delegated to Officer (title)	Committee/Council
Department for Communities and Local Government	Accounting and finance	Local Government Finance Act 1992 Section 27	1992	Budget calculations: report on inadequacy of controlled reserve: where an authority to which s32 or s43 of the Local Government Finance Act 1992 (billing or major precepting authority) or s85 of the Greater London Authority Act 1999 (GLA) applies is making calculations in accordance with that section, if in relation to the previous financial year it appears to the chief finance officer that a controlled reserve is or is likely to be inadequate, he must report to the authority on: a) the reasons for that situation and b) the action, if any, which he considers it would be appropriate to take to prevent such a situation arising in relation to the corresponding reserve for the financial year under consideration. An authority to which a report under this section is made must have regard to the report when making decisions about the calculations in connection with which it is made.	No	No	Regular budget monitoring by local authorities	Director of Resources/S151	Audit & Scrutiny/FAIR/Full Council
Department for Communities and Local Government	Accounting and finance	Local Government Finance Act 1992 Section 28	1992	Budget monitoring: general: where in relation to a financial year an authority to which s32 or s43 of the Local Government Finance Act 1992 (billing or major precepting authority) applies has made the calculations required by that section, it must review them from time to time during the year. If as a result of carrying out the review, it appears to the authority that there has been a deterioration in its financial position, it must take such action as it considers necessary to deal with the situation.	No	No	Regular budget monitoring by local authorities	Director of Resources/S151	Audit & Scrutiny/FAIR/Full Council
Department for Communities and Local Government	Accounting and finance	Audit Commission Act 1998 Section 27	1998	Keep their accounts, prepare and certify their accounts, deposit their accounts, and publish information relating to their accounts in accordance with the regulations prescribed by the Secretary of State. These regulations are the Accounts and Audit Regulations 2003, SI 2003/533, as amended.	Non-statutory - Department for Communities and Local Government Circular 03/2006 - Guidance on the Accounts and Audit Regulations 2006	Accounts and Audit Regulations 2003 plus four amending instruments (Consultation on consolidation and revision issued 24 January 2011)	Sound financial management, regular production of published accounts and proper conduct of external audit	Director of Resources/S151	Audit & Scrutiny
Department for Communities and Local Government	Accounting and finance	Audit Commission Act 1998 Section 32B	1998	The Commission may require local authorities to provide it with such data as the Commission may reasonably require for the purpose of conducting data matching exercises. It is a criminal offence not to comply.			Enables the Commission's National Fraud Initiative to operate.	Director of Resources/S151	Audit & Scrutiny
Department for Communities and Local Government	Accounting and finance	Audit Commission Act 1998 Section 48	1998	The Audit Commission has the power to require bodies subject to audit (including local authorities) to provide the Commission with all such information as the Commission may reasonably require for the discharge of its functions under this Act. It is a criminal offence not to comply.			Enables the AC to carry out audits.	Director of Resources/S151	Audit & Scrutiny
Department for Communities and Local Government	Accounting and finance	Accounts and Audit Regulations 2003, SI 2003/533 Regulation 4	2003	Relevant bodies (which include Local Authorities) are responsible for ensuring that the financial management of the body is adequate and effective, which includes a requirement for a review once a year of the effectiveness of the system of internal control.	Non-statutory - Department for Communities and Local Government Circular 03/2006 - Guidance on the Accounts and Audit Regulations 2006	Accounts and Audit Regulations 2003 plus four amending instruments (Consultation on consolidation and revision issued 24 January 2011)	Ensures regular assessment of financial management and internal controls; statement is published with annual accounts	Director of Resources/S151	Audit & Scrutiny/FAIR
Department for Communities and Local Government	Accounting and finance	Accounts and Audit Regulations 2003, SI 2003/533 Regulation 6	2003	A relevant body must maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control.	Non-statutory - Department for Communities and Local Government Circular 03/2006 - Guidance on the Accounts and Audit Regulations 2006	Accounts and Audit Regulations 2003 plus four amending instruments (Consultation on consolidation and revision issued 24 January 2011)	Ensures sound internal audit maintained and gives access powers for internal auditors	Director of Resources/S151	Audit & Scrutiny
Department for Communities and Local Government	Accounting and finance	Local Government Act 2003 (LGA 2003) Section 3	2003	Duty to determine affordable borrowing limit – a Local Authority must determine and keep under review how much money it can afford to borrow. The duty is to be performed in accordance with regulations made by the Secretary of State (Local Authorities (Capital Finance and Accounting) (England) Regulations 2003, SI 2003/3146).	CIPFA's Prudential Code Treasury Management Code	The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003, SI 2003/3146 and amendments SI 2004/534, 2004/3055, 2006/521, 2007/573, 2008/414, 2009/321, 2009/2272, 2010/454	Determines affordable borrowing limit as part of prudential borrowing regime.	Director of Resources/S151	FAIR
Department for Communities and Local Government	Accounting and finance	Local Government Act 2003 Section 14	2003	Supply the Secretary of State with such information relating to the matters dealt with in Chapter 1, and at such time, as he may request.	No	No	Provides way of checking on operation of capital finance provisions.	Director of Resources/S151	FAIR
Department for Communities and Local Government	Accounting and finance	Local Government Act 2003 Section 15	2003	Have regard to such guidance as the Secretary of State may issue (e.g. guidance on investments).	Statutory guidance: Guidance on Local Government Investments (second edition) issued 11 March 2010. CIPFA's Treasury Management Code.	No	Makes possible the issue of user-friendly statutory guidance on investments	Director of Resources/S151	FAIR
Department for Communities and Local Government	Accounting and finance	Local Authorities (Capital Finance and Accounting) (England) Regulations 2003, SI 2003/3146 Regulation 27	2003	Duty to charge to revenue account a minimum amount for that financial year in respect of the financing of capital expenditure incurred by the Local Authority in that year	Statutory guidance: Guidance on Minimum Revenue Provision (second edition) issued 11 March 2010	No	Ensures LAs make prudent provision for repaying debts.	Director of Resources/S151	Audit & Scrutiny/FAIR/Full Council
Department for Communities and Local Government	Accounting and finance	Local Democracy, Economic Development and Construction Act 2009 Section 37	2009	Notify Audit Commission where company, limited liability partnership or industrial and provident society connected with the Local Authority meets certain conditions specified by the Secretary of State (not yet commenced).			Ensure the Audit Commission is aware of LA companies	Director of Resources/S151	Audit & Scrutiny
Department for Communities and Local Government	Planning	Small Holdings and Allotments Act 1908 Section 23	1908	Allotment authorities (that is, parish councils, or where there isn't one, district councils) must provide a sufficient number of allotments and let them to persons resident in the area (where they are of the opinion that there is a demand).	No statutory guidance. "Allotments: A plot holders' guide" is a non-statutory guide produced at the time of DTLR (archived on Department for Communities and Local Government website). "A place to grow" - non-statutory guide.		Intended to ensure that Local Authorities provide sufficient number of allotments for those in their area that want one	Director of Environment	Clean & Green
Department for Communities and Local Government	Planning	Planning (Hazardous Substances) Act 1990 and Planning (Hazardous Substances) Regulations 1992.	1992	Certain duties for hazardous substances authorities- for example, to consider and determine applications for hazardous substances consent and consult prescribed bodies.	Circular 04/00 provides guidance on statutory provisions. Separate non-statutory guidance for industry - "Hazardous substances consent: a guide to industry."	Planning (Hazardous Substances) Regulations 1992 (SI 1995 No.656) and The Planning (Control of Major Accident Hazards) Regulations 1999 (SI 1999, No. 981) (amended by SI 2009 No. 1901 and 2010 No. 1050)	To ensure control of hazardous substances	Director of Environment	Clean & Green
Department for Communities and Local Government	Planning	Planning and Compensation Act 1991 Schedule 2	1991	Mineral planning authorities to determine applications for registration of old mining permission and to register the permissions	Non-statutory guidance in the form of Minerals Policy Guidance notes 8 and 9		The 1991 Act introduced requirements for the review and updating of Interim Development Order mineral planning permissions. These are planning permissions which were granted between 1943-1948.	Director of Place	Planning
Department for Communities and Local Government	Planning	Environment Act 1995 Schedule 13	1995	Mineral planning authorities to review old mineral permissions	Non-statutory guidance in the form of Minerals Policy Guidance note 14		The 1995 Act introduced the requirement for the review and updating of old mineral permissions and the periodic review of all mineral permissions thereafter.	Director of Place	Planning
Department for Communities and Local Government	Planning	Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 Regulation 3	1999	Local Planning Authorities to take into account environmental assessment before granting planning or subsequent consent under a planning permission for certain categories of development	non statutory - Circular 2/99 deals with Environmental Impact Assessment		Transposes requirement of the Environmental Impact Assessment Directive 85/337/EEC	Director of Place	Planning
Department for Communities and Local Government	Planning	Environmental Assessment of Plans and Programmes Regulations 2004 Regulation 5	2004	Local Planning Authorities responsible for strategic environmental assessment of certain plans during their preparation - applies to development plan documents	Non-statutory 'A Practical Guide to the Strategic Environmental Assessment Directive'		Transposes requirement of the Strategic Environmental Assessment Directive 2001/42/EC	Director of Place	Planning
Department for Communities and Local Government	Planning	Local Democracy, Economic Development and Construction Act 2009 Section 71(1) (to be repealed in the Localism Bill)	2009	Make a scheme for the establishment and operation of a Leaders' Board (and various subsidiary duties in the same section).				Monitoring Officer	Full Council
Department for Communities and Local Government	Planning	Local Democracy, Economic Development and Construction Act 2009 (to be repealed in the Localism Bill) Sections 73 to 77	2009	Member of a Leaders' Board- various duties on local authorities regarding the revision of a regional strategy and its implementation.				Director of Housing/Place	Full Council
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Planning (Listed Buildings and Conservation Areas) Act 1990 Section 69	1990	Determine from time to time, which parts of its area should be conservation areas.	Planning Policy Statement 5 Planning for the Historic Environment; PPS Practice Guide (English Heritage)	No	To identify those areas of historical and architectural interest that should benefit from the protections in the 1990 Act	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Planning (Listed Buildings and Conservation Areas) Act 1990 Section 66	1990	In considering whether to grant planning permission affecting a listed building or its setting, have special regard to the desirability of preserving the building or its setting.	Planning Policy Statement 5 Planning for the Historic Environment; PPS Practice Guide (English Heritage)	Publicity requirements in regulation 5A Planning (Listed Buildings and Conservation Areas) Regulations 1990	To prevent damage to the fabric or setting of a listed building by ensuring that the effects on any such building are a material consideration when considering a relevant planning application.	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Planning (Listed Buildings and Conservation Areas) Act 1990 Section 71	1990	Publish proposals for the preservation and enhancement of conservation areas.	No	No	By definition, conservation areas are places which should be conserved. Without active management they could degrade and lose their reason for existence.	Director of Place	Planning

Review of DCLG Statutory Duties

Department	Theme	Legislation	Year	Title of duty	Statutory guidance and/or non statutory guidance for this duty?	Associated regulations (eg secondary legislation) for this duty	Function - What is it intended to achieved?	Delegated to Officer (title)	Committee/Council
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Planning (Listed Buildings and Conservation Areas) Act 1990 Section 72	1990	Exercise certain functions paying special attention to the desirability of enhancing or preserving the appearance of conservation areas	Planning Policy Statement 5 Planning for the Historic Environment; PPS Practice Guide (English Heritage)	Regulation 5A of Planning (Listed Buildings and conservation Areas) Regulations 1990 (made under s73) sets out the publicity requirements for planning permissions where the development would affect the character or appearance of the conservation area.	To ensure that when exercising other functions with respect to buildings or land in a conservation area (particularly the grant of planning permission) special attention is paid to preserving or enhancing the character or appearance of the area.	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 (TCPA 1990) Section 65	1990	Duties imposed on Local Planning Authorities by order under this section relating to publicity of planning applications.	DoE Circular 15/92 Publicity for Planning Applications	Town and Country Planning (Development Management Procedure) (England) Order 2010.	Ensures that planning applications given adequate publicity - to give members of the public an opportunity to know about and, if they choose, make representations on planning applications.	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 69	1990	Keep register of various applications made under this Act.		Town and Country Planning (Development Management Procedure) (England) Order 2010.	Ensures that local authorities maintain a register of planning applications and decisions, this is then freely accessible to members of the public.	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 70(2)	1990	Have regard to development plan and other material considerations in determining planning and other applications.	Yes - various policy and guidance on determination - for instance the Planning System: General Principles (2004)		Sets out principles of decision making for local authorities.	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990, Section 71	1990	By order not to determine applications for planning permission before end of prescribed period and to consult and further duty to consult other local authority when granting consent for caravans			Sets out that Local Planning Authorities cannot make decisions until consultation is complete	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 73	1990	Duties about how to consider application to develop land without compliance with planning condition.	Circular 11/95 - the use of conditions in planning permission	Town and Country Planning (Development Management Procedure) (England) Order 2010.	to allow developers to make minor amendments to planning permissions without having to submit a new planning application.	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 74	1990	How to determine planning applications.	Yes - various policy and guidance on determination - for instance the Planning System: General Principles (2004)	Town and Country Planning (Development Management Procedure) (England) Order 2010.	Sets out principles of decision making for local authorities.	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 76A	1990	Refer application for planning permission to Secretary of State for major infrastructure project when directed to by Secretary of State				Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 77	1990	Refer application for planning permission to Secretary of State when directed to either in a specific case or because of a general direction.	The Town and Country Planning (Consultation) (England) Direction 2009 is a combined Circular and Direction.	The Town and Country Planning (Consultation) (England) Direction 2009 is a combined Circular and Direction.	Ensures that certain types of cases are referred to the Secretary of State for his consideration of whether they should be called in.	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 78	1990	Give notice of decisions within prescribed periods			gives applicants the right of appeal against a decision by an Local Planning Authority	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 83	1990	Determine from time to time whether to designate any part of their area as a Simplified Planning Zone if regional strategy identifies a need for one (and connected procedures in other sections).			To ensure local authorities consider, from time to time, the case for creating areas where simplified planning arrangements are in place. Simplified Planning Zones remove the requirement for planning permission for specified development	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 97	1990	Have regard to development plan and other material considerations when deciding whether or not to revoke or modify a planning permission (and connected procedures under other provisions to be complied with in order to revoke or modify permission).	Non-statutory: Minerals Planning Guidance note 4		Section 97 of the Town and Country Planning Act 1990 enables Local Planning Authorities and Mineral Planning Authorities - in respect of minerals development- to make an order revoking or modifying a planning permission . This section enables the orders to impose restoration conditions on minerals planning consents.	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990, Section 106A(7)	1990	Give notice of determination of application to vary or discharge planning obligation within prescribed period.	Yes - Circular 5/05 (2005)	Yes - Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992	Require authorities to give notice of their decision to the applicant within a period prescribed by the Secretary of State	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 107	1990	Pay compensation for revocation or modification of planning permission.	No	No	To compensate applicants for removal or change to right to develop which has already been granted	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 108	1990	Pay compensation for withdrawal or modification of planning permission granted by development order	No	No	Applies s107 where planning permission is refused where it is normally granted by a development order. In practice, where the Local Planning Authority makes an article 4 direction removing permitted development rights and a subsequent planning application is refused, compensation is payable	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 109	1990	Apportion compensation under section 107.	No	No	Procedural provision for s107. If practicable, the Local Planning Authority shall apportion any compensation for depreciation in value to various parts of the land.	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 110	1990	Give notice to Secretary of State where compensation includes compensation for depreciation	No	No	Procedural provision under s107. The Local Planning Authority must notify the Secretary of State of any compensation for depreciation and any apportionment under s109.	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 115	1990	Pay compensation where discontinuance order made	No	No	Fairness to landowners, whose legal development are required to be removed by a discontinuance notice.	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 139	1990	Respond to purchase notice	DoE Circular 13/83 Purchase Notices	No	fairness to affected landowners. It requires the Local Planning Authority to respond to a purchase notice within 3 months: either to accept it, gain the agreement of another Local Authority or statutory undertaker to accept it or to refer it to the Secretary of State for determination.	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 191	1990	To issue certificates of lawful existing use or development or refuse applications	DETR Circular 10/97 Enforcing Planning Control; Enforcing Planning Control: Good Practice Guide for Local Planning Authorities; Lawful Development Certificates: a User's Guide	Town and country Planning (Development Management Procedure) Order 2010: art 35	To establish the lawfulness of development	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 192	1990	To issue certificates of lawful proposed use or development or refuse applications	DETR Circular 10/97 Enforcing Planning Control; Enforcing Planning Control: Good Practice Guide for Local Planning Authorities; Lawful Development Certificates: a User's Guide	Town and country Planning (Development Management Procedure) Order 2010: art 35	To establish the lawfulness of development	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 197	1990	Include appropriate provision for the protection of tree in a planning permission.	Non-statutory guidance : Tree Preservation Orders - A Guide to the Law and Good Practice	Town and Country Planning (Trees) Regulations 1999 (SI No.1892). These regulations are currently under review.	To ensure that appropriate trees are retained, protected and planted as part of the planning process and help to deliver sustainable development.	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 203	1990	Pay compensation arising under tree preservation orders.	Non-statutory guidance : Tree Preservation Orders - A Guide to the Law and Good Practice	Town and Country Planning (Trees) Regulations 1999 (SI No.1892). These regulations are currently under review.	To make provision for the payment of compensation for loss or damage caused or incurred as a result of refusal of consent or granting consent subject to conditions.	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 204	1990	Pay compensation where requirement to replant trees.	Non-statutory guidance : Tree Preservation Orders - A Guide to the Law and Good Practice	Town and Country Planning General Regulations 1992 (SI No.1492)	To make provision for the payment of compensation for loss or damage caused or incurred in complying with a replanting direction in a woodland, where the Forestry Commission decide not to make a grant under the Forestry Act 1979.	Director of Place	Planning
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 223	1990	Pay compensation for expense of removing prohibited advertisements	Department for Communities and Local Government Circular 03/2007 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007	Town and Country Planning (Control of Advertisements) (England) Regulations 2007	The payment of compensation where in order to comply with the 2007 Regulations, works are carried out to remove any advertisement which was being displayed on 1 August 1948 or for discontinuing the use of a site for the display of advertisements that was used on that date	Director of Place	Planning
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 S13	2004	Survey and keep under review certain matters which affect the development of their area or the planning of its development.	National planning policy statements (PPS1-PPS25) and associated guidance	Town and country planning (local development) regulations 2004 as amended	Equip Local Planning Authorities with intelligence needed for it to determine range and scope of development plans required.	Director of Place	Planning
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 S14	2004	Keep under review those matters which may be expected to affect development in that area or the planning of that development, in so far as the development relates to a county matter.	National planning policy statements (PPS1-PPS25) and associated guidance	Town and country planning (local development) regulations 2004 as amended	Equip Local Planning Authorities with intelligence needed for it to determine range and scope of development plans required.	Director of Place	Planning
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 and S30 Greater London Authority Act S 15	2004	Prepare and maintain a local development scheme (LDS), which is effectively a project plan for the preparation of local development documents (LDDs). LPAs must submit LDS to Secretary of State and if a London LPA also to the mayor of London.	National planning policy on local spatial planning - PPS12 'and plan making manual' guidance	Town and country planning (local development) regulations 2004 as amended	Public document setting out timetable for preparation of Development Plan Documents.	Director of Place	Planning
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 S 17(3)	2004	The Local Development Documents must, taken as a whole, set out the authority's policies relating to the development and use of land in their area.	National planning policy on local spatial planning - PPS12 'and plan making manual' guidance	Town and country planning (local development) regulations 2004 as amended	Provides framework for spatial planning strategy in area and against which planning applications are determined.	Director of Place	Planning

Review of DCLG Statutory Duties

Department	Theme	Legislation	Year	Title of duty	Statutory guidance and/or non statutory guidance for this duty?	Associated regulations (eg secondary legislation) for this duty	Function - What is it intended to achieved?	Delegated to Officer (title)	Committee/Council
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 S17(6)	2004	Keep their Local Development Documents under review (having regard to the results of any review carried out under s.13PCPA).	National planning policy on local spatial planning - PPS12 'and plan making manual' guidance	Town and country planning (local development) regulations 2004 as amended	Ensures spatial Planning framework is up to date.	Director of Place	Planning
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 (To be repealed in Localism Bill) S 24	2004	Local Development Documents must be in general conformity with the regional spatial strategy	National planning policy statements (PPS1-PPS25) and associated guidance	Town and country planning (local development) regulations 2004 as amended	N/A	Director of Place	Planning
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 S 16	2004	Prepare and maintain a development scheme in relation to minerals and waste (these being the matters in relation to which they still have planning obligations).	Policy and guidance on the control of minerals development through Minerals LDFs is provided in MPS1 Planning and Minerals. Policy on planning for sustainable waste management is in PPS10	Town and country planning (local development) regulations 2004 as amended	Public document setting out timetable for preparation of Minerals and Waste Development Plan Documents. To ensure that waste and minerals developments are consistent with Government objectives of sustainable development, to ensure the adequate and steady supply of minerals to meet the needs of the economy and society, and to ensure sufficient opportunities for the provision of waste management facilities to meet the needs of the community.	Director of Place	Planning
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 S17(4)	2004	Where a county council is required to prepare such a scheme, the council's Local Development Documents must, taken as a whole, set out the council's policies relating to development which is a council matter.	Policy and guidance on the control of minerals development through Minerals LDFs is provided in MPS1 Planning and Minerals. Policy on planning for sustainable waste management is in PPS10	Town and country planning (local development) regulations 2004 as amended	Provides framework for spatial planning strategy in area and against which planning applications are determined.	Director of Place	Planning
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 S 17(6)	2004	The council must keep their Local Development Documents under review (having regard to the results of any review carried out under s. 14 PCPA)	national planning policy on local spatial planning - PPS12 'and plan making manual' guidance	Town and country planning (local development) regulations 2004 as amended	Ensures Minerals and Waste spatial Planning framework is up to date.	Director of Place	Planning
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 S 18	2004	Prepare a statement of community involvement	national planning policy on local spatial planning - PPS12 'and plan making manual' guidance	Town and country planning (local development) regulations 2004 as amended	Public document setting out minimum level of engagement with local community an LPA is committed to.	Director of Place	Planning
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 S 20	2004	Local planning authorities must submit every Development Plan Document for independent examination by a person appointed by the Secretary of State	national planning policy on local spatial planning - PPS12 'and plan making manual' guidance	Town and country planning (local development) regulations 2004 as amended	Delivers independent ratification that plans are sound. Provides community with opportunity to make representations to independent examination.	Director of Place	Planning
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 S. 26	2004	If the Secretary of State so directs, a local planning authority must prepare a revision of any Local Development Document, which is then subject to the examination process again.		Town and country planning (local development) regulations 2004 as amended	Allows Secretary of State to Intervene where Local Planning Authorities not conforming to national policy.	Director of Place	Planning
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 S 35	2004	Every local planning authority must make an annual report to the Secretary of State giving such information as is prescribed in relation to the extent of its implementation of the Local Development Scheme, and the extent to which the policies set out in the Local Development Documents are being achieved.	Secretary of State guidance on core output indicators and national planning policy on local spatial planning - PPS12 'and plan making manual' guidance	Town and country planning (local development) regulations 2004 as amended	Reports progress on preparation of Development Plan Documents and effectiveness of policies.	Director of Place	Planning
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 Section 38(6)	2004	Local Planning Authorities to decide planning applications in accordance with development plan unless material considerations indicate otherwise.	national planning policy statements (PPS1-PPS25) and associated guidance	Town and country planning (local development) regulations 2004 as amended	Ensures Planning applications are determined according to pre determined statements of policy which are justified.	Director of Place	Planning
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 Section 39(2)	2004	Local Planning Authorities to exercise functions under Part 2 with the objective of contributing to the achievement of sustainable development (and subsidiary duty to have regard to connected guidance).	National planning policy statements (PPS1-PPS25) and associated guidance	Town and country planning (local development) regulations 2004 as amended	Ensures Local Planning Authorities conforms to current national policy in plan preparation.	Director of Place	Planning
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 Section 19	2004	Preparation of local development documents	National planning policy on local spatial planning - PPS12	Town and country planning (local development) regulations 2004 as amended	Plans must be prepared in accordance with the Local Planning Authorities Local Development Schemes, national policies and guidance. Other statutory plans in effect for the area - eg/Regional Spatial Strategies	Director of Place	Planning/Full Council
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 Section 34	2004	Guidance	National planning policy statements (PPS1-PPS25) and associated guidance	Town and country planning (local development) regulations 2004 as amended	In preparing local development documents Local authorities must have regard to guidance issued by Secretary of State	Director of Place	Planning/Full Council
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 Section 22	2004	Withdrawal of local development documents.		Town and country planning (local development) regulations 2004 as amended	After a Development Plan Document has been submitted to the Secretary of State for examination, a local authority may only withdraw the Development Plan Document with the recommendation of the person appointed to carry out the examination or by direction from the Secretary of State	Director of Place	Planning/Full Council
Department for Communities and Local Government	Planning and Compulsory Purchase	Planning and Compulsory Purchase Act 2004 Section 23	2004	Adoption of local development documents	National planning policy on local spatial planning - PPS12	Town and country planning (local development) regulations 2004 as amended	Before adopting a Development Plan Document, Local Planning Authorities must make modifications to it as recommended by the person appointed to conduct the examination. A full council resolution is required for the adoption of the Development Plan Document.	Director of Place	Planning/Full Council
Department for Communities and Local Government	Local Government Pension Scheme (LGPS)	LGPS Regulations 1997/1612 LGPS (Benefits, membership and Contributions) Regulations 2007/1166 LGPS (Transitional Provisions) Regulations 2008/238 LGPS (Administration) Regulations 2008/239 LGPS (Management and Investment of Funds) Regulations 2009/3093	1997	Local authorities are subject to a number of duties both as Local Government Pension Scheme employing authorities or as Local Government Pension Scheme administering authorities (some authorities are both employing and administering authorities).	Each set of Regulations and every subsequent amendment is accompanied by an Explanatory Memorandum		Provide a statutory framework as a public service pension scheme	Joint Director of People & Governance - HR	Finance, Assets, Investment and Recovery
Department for Communities and Local Government	Building Act - not covered by separate review of Building Regulations	Building Act 1984 s59	1984	Drainage: Service of a notice requiring provision or repair of foul water drainage system	None	No	Prevention of risk to health	Director of Communities and Health - Health and Wellbeing or Director of Assets and Investment - Health & Safety	Housing, Health & Community
Department for Communities and Local Government	Building Act - not covered by separate review of Building Regulations	Building Act 1984 s64	1984	Sanitary Convenience: Service of a notice requiring sufficient sanitary conveniences to be provided	None	No	Prevention of risk to health	Director of Communities and Health - Health and Wellbeing or Director of Assets and Investment - Health & Safety	Housing, Health & Community
Department for Communities and Local Government	Building Act - not covered by separate review of Building Regulations	Building Act 1984 s65	1984	Provision of sanitary conveniences in workplaces. Local Authorities shall by notice require owner or occupier of the building to provide sanitary conveniences	None	No	Prevention of risk to health	Director of Communities and Health - Health and Wellbeing or Director of Assets and Investment - Health & Safety	Housing, Health & Community
Department for Communities and Local Government	Building Act - not covered by separate review of Building Regulations	Building Act 1984 s72	1984	Means of escape from fire: Service of a notice requiring provision for adequate means of escape from fire	None	No	Prevention of risk to safety	Director of Assets and Investment	Housing, Health & Community
Department for Communities and Local Government	Building Act - not covered by separate review of Building Regulations	Building Act 1984 s78(2)	1984	Dangerous building-emergency measures: Notice of intention to take action under 78 (1) where reasonably practicable	None	No	Prevention of risk to safety.	Director of Assets and Investment	Housing, Health & Community
Department for Communities and Local Government	Building Act - not covered by separate review of Building Regulations	Building Act 1984 s91	1984	Duties of Local Authorities: Local Authorities must carry out duties imposed on them in the Building Act and the Building Regulations	Guidance to duties in parts 1 and 2 of the Building Act is given, but parts 1 and 2 of the Building Act are not part of this review. (They are part of a separate review of the Building Regulations.) There is no guidance given for parts 3 and 4 of the Building Act	No	Local Authorities compliance with duties imposed on them	Director of Environment	Clean & Green
Department for Communities and Local Government	Building Act - not covered by separate review of Building Regulations	Building Act 1984 s91a	1984	Registers: Local Authorities to maintain a public register of prescribed information relating to their duties under the Building Act	None	No	Public availability of information	Director of Environment	Clean & Green

Review of DCLG Statutory Duties

Department	Theme	Legislation	Year	Title of duty	Statutory guidance and/or non statutory guidance for this duty?	Associated regulations (eg secondary legislation) for this duty	Function - What is it intended to achieved?	Delegated to Officer (title)	Committee/Council
Department for Communities and Local Government	Building Act - not covered by separate review of Building Regulations	Building Act 1984 s92	1984	Form of Documents: All documents issued, made or given by Local Authority under the Act, must be in writing.	None	No	To ensure that there is a physical record, and to reduce the risk of discrepancies between parties.	Director of Environment	Clean & Green
Department for Communities and Local Government	Building Act - not covered by separate review of Building Regulations	Building Act 1984 s99(1)	1984	Notice requiring works: Local Authority notices must indicate the type of work to be executed, and the time within which the work must be done, where it is stated that s.99 applies.	None	No	Clarity of what is required of the person on whom the notice is served - particularly as s.99(2) enables the Local Authority to execute the works and recover costs if the person notified does not do so within the specified time.	Director of Environment	Clean & Green
Department for Communities and Local Government	Building Act - not covered by separate review of Building Regulations	Building Act 1984 s100 (2)	1984	Sale of materials: Where the Local Authority sells any material under 100 (1) they shall after deducting their expenses, pay all proceeds to the person who the materials originally belonged to.	None	No	To ensure that the Local Authority are not profiting from the sale of another's confiscated materials	Director of Environment	Clean & Green
Department for Communities and Local Government	Building Act - not covered by separate review of Building Regulations	Building Act 1984 s104	1984	Local Authority to give effect to court orders where the court of appeal varies or reverses a decision of the Local Authority	None	No	To ensure that the Local Authority carries out court orders	Director of Environment	Clean & Green
Department for Communities and Local Government	Building Act - not covered by separate review of Building Regulations	Building Act 1984 s106 (1)	1984	Compensation for damage: Local Authorities shall make full compensation to anyone who has sustained damage as a result of exercise by the Local Authority of its powers under the Act where the person has not been in default themselves in relation to the matter.	None	No	To ensure that Local Authorities are financially responsible for damage caused and not to penalise persons who are not at fault.	Director of Environment	Clean & Green
Department for Communities and Local Government	Party Walls	Party Wall etc. Act 1996 s10(8)	1996	The appointing officer (appointed by the Local Authority and appointed only for the purposes of this section), may appoint a third surveyor, where either of the two current surveyors refuse to select a third surveyor.	None	No	To ensure that the mechanism in place in section 10(8) for when the surveyors have failed to appoint a third surveyor as required to do so in section 10, is able to be carried out.	Director of Environment	Clean and Green
Department for Communities and Local Government	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 (TCPA 1990) Schedule 9	1990	i) Paragraphs 5 and 6 enables Mineral Planning Authorities to make suspension orders in respect of sites where minerals development has taken place but which has been temporarily suspended.ii) Paragraph 3 enables an Mineral Planning Authority to prohibit the resumption of working on a mineral site	Non-statutory: Minerals Planning Guidance note 4		To suspend minerals workings to deal with an environmental problems on the site. To prohibit minerals extraction if it is unlikely to be worked in the future.	Director of Place	Planning
Department for Communities and Local Government	Executive arrangements	Local Government Act 2000 Section 44 and 105	2000	Certain duties on Local Authorities in holding mayoral referendums and mayoral elections.	Statutory and non-Statutory guidance: New Council Constitutions. Guidance to English Local Authorities.	The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007. SI 2007/1024.	Electoral procedures	Returning Officer/CEO	Full Council
Department for Communities and Local Government	Housing	Housing Grants, Construction and Regeneration Act 1996	1996	To provide facilities for disabled persons in dwellings	Non statutory guidance Delivering Housing Adaptations for Disabled People: A Good Practice Guide (June 2006 edition)	Housing Renewal Grants Regulations 1996, Housing Renewal Grants (Service and Charges) Order 1996, Disabled Facilities Grant (Maximum Amounts and Additional Purposes) (England) Order 2008, Jobseekers Allowance (Work for Your Benefit Pilot Scheme) Regulations 2010	Provides that Local Authorities must give grants to disabled persons (subject to means testing and up to a prescribed maximum) to allow them to adapt their homes to meet their needs.	Director of Housing (The DFG sits with the Communities Team under Private Sector Housing)	Housing, Health & Community
Department for Communities and Local Government	Finance	Local Government Finance Act 1988 Sections 114 to 116	1988	Reporting duties of section 151 officer	No statutory guidance. Non-statutory guidance has been issued by CIPFA in Appendix A to their Statement on the Role of the Chief Financial Officer in Local Government.	No	This duty requires the officer to report to members if the authority has or is about to take action or make a decision that is unlawful, or if it appears to the officer that the authority will not have sufficient resources to finance its expenditure for the financial year.	Director of Resources/s151	Finance, Assets, Investment and Recovery