

# **Powers and Duties of Parish Councils**

Parish Councils have a wide range of powers and but very few duties.

## **Duties**

A duty is an activity that must be carried out (Mandatory) e.g. local councils must appoint a chairman and a clerk.

## **Powers**

Statutory powers, granted by Parliament give local councils the choice or opportunity to take action and are therefore discretionary.

The powers which have been vested in Parish, Town and Community Councils by Acts of Parliament are summarised below as a guide to Councillors and others. Each description is brief and is intended to be a general indication. It is not a complete list of every single power and duty.

Like all powers given to public bodies the powers of local councils are defined in detail in legislation and these details may include a requirement to obtain the consent of another body (for example the approval of the County Council to the provision of a car park).

Local Councils must exercise their powers also subject to the provisions of the general law (for example planning permission is necessary for a sports pavilion).

## Table of details

The following table describes the powers and duties held by local councils for a number of functions. It also provides details of the regulations under which statutory provisions are made. Information on all these details should be in the hands of the parish council Clerk/RFO.

Where a function is marked with an asterisk (\*) a council also has the power to give financial assistance to another person or body performing the same function.

|   | <b>Function</b>                            | <b>Powers and Duties</b>   | <b>Statutory Provision</b>  |
|---|--|--|---|
| 1 | Accounts                                   | Duty to appoint a Responsible Financial Officer to manage the council's accounts | Local Government Act (LGA) 1972, section 151                                    |
| 2 | Acceptance of office                       | Duty to sign declaration of acceptance of office (councillors and chairman)      | LGA 1972, section 83  |
| 3 | Agency arrangements                        | Power to arrange for the discharge of functions by another local authority       | LGA 1972, section 101   |
| 4 | Allotments                                 | Power to provide allotments duty to provide allotment gardens if demand exist    | Smallholdings and Allotments Act 1908, subsections 23, 26 and 42                |
| 5 | Baths and washhouses                       | Power to provide public baths and washhouses                                     | Public Health Act 1936, subsections 221-223, 227                                |
| 6 | Borrowing                                  | Power to borrow money for statutory functions                                    | LGA 1972, Sch 13  |
| 7 | Burial grounds, cemeteries and crematoria* | Power to acquire and maintain  | Open Spaces Act 1906, subsections 9 and 10                                      |
|   |  | Power to provide   | LGA 1972, section 214   |
|   |  | Power to agree to maintain memorials and monuments                               | Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s 1 |
|   |  | Power to contribute to expenses of maintaining cemeteries                        | LGA1972, section 214(6)   |
| 8 | Bus shelters*                              | Power to provide and maintain bus shelters                                       | Local Government (Miscellaneous Provisions) Act 1953, section 4                 |

|    | <b>Function</b>             | <b>Powers and Duties</b>   | <b>Statutory Provision</b>   |
|----|-----------------------------|--|--|
| 9  | Byelaws                     | Power to make byelaws for public walks and pleasure grounds  | Public Health Act 1875, section 164  |
|    |                             | Cycle parks  | Road Traffic Regulation Act 1984, section 57(7)  |
|    |                             | Baths and Washhouses   | Public Health Act, 1936, section 233   |
|    |                             | Open spaces and burial grounds   | Open Spaces Act, 1906, section 15  |
| 10 | Charities                   | Power to appoint trustees of parochial charities   | Charities Act 1993, section 79   |
| 11 | Christmas lights            | Power to provide to attract visitors   | LGA 1972, section 144  |
| 12 | Citizens Advice Bureau      | Power to support   | LGA 1972, section 142  |
| 13 | Clocks*                     | Power to provide public clocks   | Parish Councils Act 1957, section 2  |
| 14 | Closed churchyards          | Power (and sometimes duty) to maintain   | LGA 1972, section 215  |
| 15 | Commons and common pastures | Powers in relation to enclosure, regulation and management, and providing common pasture                             | Inclosure Act 1845; Local Government Act 1894, section 8(4); Smallholdings and Allotments Act 1908, section 34 |
| 16 | Community centres           | Power to provide and equip community buildings   | LGA 1972, section 133  |
|    |                             | Power to provide buildings for use of clubs having athletic, social or educational objectives                        | Local Government (Miscellaneous Provisions) Act 1976, section 19   |
| 17 | Conference Facilities*      | Power to provide and encourage the use conference facilities   | LGA 1997, section 144  |
| 18 | Consultation                | Right to be consulted by principal councils if directed by Secretary of State (England) or by Welsh Assembly (Wales) | Local Government and Rating Act 1997, section 21; LGA 1972, section 33A  |
| 19 | Crime prevention*           | Power to spend money on various crime prevention measures  | Local Government and Rating Act 1997, section 31   |

|    | <b>Function</b>             | <b>Powers and Duties</b>   | <b>Statutory Provision</b>                    |
|----|-----------------------------|--|---|
| 20 | Drainage                    | Power to deal with ditches and ponds   | Public Health Act 1936, section 260           |
| 21 | Entertainment and the Arts* | Provision of entertainment and support for the arts including festivals and celebrations   | LGA 1972, section 145                         |
| 22 | Flagpoles                   | Power to erect flagpoles in the highways   | Highways Act 1980, section 144                |
| 23 | Free Resource               | Power to incur expenditure not otherwise authorised on anything which in the council's opinion is in the interests of the area or part of it or all or some of the inhabitants | LGA 1972, section 137                         |
| 24 | Gifts                       | Power to accept gifts  | LGA 1972, section 139                         |
| 25 | Highways                    | Power to maintain footpaths and bridleways   | Highways Act 1980, subsections 43 and 50      |
|    |                             | Power to light roads and public places   | Parish Councils Act 1957, section 3           |
|    |                             | Power to provide parking places for vehicles, bicycles and motor-cycles  | Road Traffic Regulation Act 1984, section 57  |
|    |                             | Power to make a dedication agreement for a new highway or widening of an existing highway  | Highways Act 1980, subsections 30 and 72      |
|    |                             | Right to veto application to magistrates court to stop up, divert or cease to maintain a public highway  | Highways Act 1980, subsections 47 and 116     |
|    |                             | Power to complain to a local highway authority that a highway is unlawfully stopped up or obstructed   | Highways Act 1908, section 130                |
|    |                             | Power to plant trees etc. and maintain roadside verges   | Highways Act 1980, section 96                 |
|    |                             | Power to prosecute for unlawful ploughing of a footpath or bridleway   | Highways Act 1980, section 134                |
|    |                             | Power to provide traffic signs and other notices   | Road Traffic Regulation Act, 1984, section 72 |
| 26 | Interests                   | Duty to declare an interest  | LGA 1972, section 94                          |

|    | <b>Function</b>                  | <b>Powers and Duties</b>   | <b>Statutory Provision</b>   |
|----|----------------------------------|--|--|
| 27 | Investments                      | Power to participate in schemes of collective investment                       | Trustee Act 1961, section 11   |
| 28 | Land                             | Power to acquire land by agreement, to appropriate land and to dispose of land | LGA 1972, subsections 124, 126 and 127   |
|    |                                  | Power to acquire land by compulsory purchase                                   | LGA 1972, section 125  |
|    |                                  | Power to accept gifts of land  | LGA 1972, section 139  |
|    |                                  | Power to obtain particulars of persons interested in land                      | Local Government (Miscellaneous Provisions) Act 1976, section 16               |
| 29 | Lighting                         | Power to light roads and public places   | Parish Councils Act 1957, section 3 and Highways Act 1980, section 301         |
| 30 | Litter*                          | Power to provide litter bins in streets and public places                      | Litter Act 1983, subsections 5 and 6   |
| 31 | Lotteries                        | Power to promote lotteries   | Lotteries and Amusements Act 1976, section 7                                   |
| 32 | Meetings                         | Duty to hold annual parish meeting   | LGA 1972, Schedule 12 paragraph 23   |
|    |                                  | Duty to hold annual parish council meeting                                     | LGA 1972, Schedule 12 paragraph 7  |
|    |                                  | Power to convene a parish meeting  | LGA 1972, Schedule 12 paragraph 14   |
| 33 | Mortuaries and post-mortem rooms | Power to provide mortuaries and postmortem rooms                               | Public Health Act 1936, section 198  |
| 34 | Newsletters                      | Power to provide information relating to matters affecting local government    | LGA 1972, section 142  |
| 35 | Nuisances*                       | Power to deal with offensive ponds, ditches and gutters                        | Public Health Act 1936, section 260  |
| 36 | Open Spaces                      | Power to acquire and maintain open spaces                                      | Public Health Act 1875, section 164<br>Open Spaces Act 1906, subsections 9, 10 |

|    | <b>Function</b>                    | <b>Powers and Duties</b>  | <b>Statutory Provision</b>  |
|----|------------------------------------|---|---|
| 37 | Parish documents                   | Power to give directions as to custody of parish documents  | LGA 1972, section 226   |
| 38 | Parking facilities                 | Power to provide parking places for motor vehicles and bicycles   | Road Traffic Regulation Act 1984, subsections 57 and 63   |
| 39 | Parks and pleasure grounds         | Power to acquire land or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them | Public Health Act 1875, section 164; LGA 1972 Schedule 14 paragraph 27;<br>Public Health Acts Amendment Act 1890 section 44 |
| 40 | Public buildings and village halls | Power to provide buildings for offices and for public meetings and assemblies   | LGA 1972, section 133   |
| 41 | Public conveniences                | Power to provide public conveniences  | Public Health Act 1936, section 87  |
| 42 | Publicity                          | Power to provide information about matters affecting local government   | LGA 1972, section 142   |
| 43 | Records                            | Power to collect, exhibit and purchase local records  | Local Government (Records) Act 1962, subsections 1 and 2  |
| 44 | Recreation*                        | Power to provide a wide range of recreational facilities  | Open Spaces Act 1906, section 9-10, Local Government (Miscellaneous Provisions) Act 1976, section 19                        |
|    |                                    | Provision of boating pools  | Public Health Act 1961, section 54  |
| 45 | Seats and shelters*                | Power to provide roadside seats and shelters  | Parish Councils Act 1957, section 1   |
| 46 | Town and Country planning          | Right to be notified of planning applications   | Town and Country Planning Act 1990, paragraph 8 of Schedule 1; paragraph 2 of Schedule 1A (Wales)                           |
| 47 | Town status                        | Power to adopt town status  | LGA 1972, subsections 245 and 245B  |
| 48 | Tourism*                           | Power to contribute to encouragement of Tourism   | LGA 1972, section 144   |

|    | <b>Function</b>               | <b>Powers and Duties</b>   | <b>Statutory Provision</b>  |
|----|-------------------------------|--|---|
| 49 | Traffic calming               | Power to contribute to the cost of traffic calming measures  | Highways Act 1980, section 274A   |
| 50 | Transport*                    | Power to (a) establish car-sharing schemes; (b) make grants for bus services; (c) provide taxi-fare concessions; (d) investigate public transport, road use needs; (e) provide information about public transport services | Local Government and Rating Act 1997, section 26,<br>Transport Act 1985, section 106A             |
| 51 | Village signs                 | Power to use decorative signs to inform visitors   | LGA 1972, section 144   |
| 52 | Village greens*               | Power to maintain, to make bylaws for and to prosecute for interference with village greens  | Open Spaces Act 1906, section 15; Inclosure Act 1857, section 12; Commons Act 1876, section 29    |
| 53 | Village Halls*                | (see Community centres and Public buildings)   |   |
| 54 | War memorials                 | Power to maintain, repair and protect war memorials  | War Memorials (Local Authorities Powers) Act 1923, section 1 as extended by LGA 1948, section 133 |
| 55 | Water supply                  | Power to utilise any well, spring or stream to provide facilities for obtaining water from them  | Public Health Act 1936, section 125   |
| 56 | Flyposting & Graffiti         | Power to take enforcement action against those that flypost or graffiti  | Cleaner Neighbourhoods and Environment Act 2005   |
| 57 | Dogs                          | Power to make a Dog Control Order<br>Power to take enforcement action against those who commit an offence against a Dog Control Order  | Cleaner Neighbourhoods and Environment Act 2005   |
| 58 | Telecommunications facilities | Power to pay public telecommunications operators any loss sustained providing telecommunication facilities   | Telecommunications Act 1984, section 87   |
| 59 | Sustainable communities       | Able to represent on a panel of representatives to be consulted on proposals that would contribute to sustainable communities  | Sustainable Communities Act 2007  |

|    | <b>Function</b> | <b>Powers and Duties</b>                                | <b>Statutory Provision</b>  |
|----|-----------------|---|---|
| 60 | Well-Being      | Power to well-being of the area (for eligible councils) | Section 2 and 4 of the Local Government Act 2000 (as amended by Part 4 of the Local Government and Public Involvement in Health Act 2007) |