

# Powers and Duties

## Powers and Duties of Local Councils

Local 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 Clerks. 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>
Accounts	Duty to appoint a Responsible Financial Officer to manage the council's accounts	Local Government Act (LGA) 1972, section 151
Acceptance of office	Duty to sign declaration of acceptance of office (councillors and chairman)	LGA 1972, section 83
Agency arrangements	Power to arrange for the discharge of functions by another local authority	LGA 1972, section 101
Allotments	Power to provide allotments duty to provide allotment gardens if demand exist	Smallholdings and Allotments Act 1908, subsections 23, 26 and 42
Baths and washhouses	Power to provide public baths and washhouses	Public Health Act 1936, subsections 221-223, 227
Borrowing	Power to borrow money for statutory functions	LGA 1972, Sch 13
Burial grounds, cemeteries and crematoria*	Power to acquire and maintain	Open Spaces Act 1906, subsections 9 and 10

<b>Function</b>	<b>Powers and Duties</b>	<b>Statutory Provision</b>
	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)
Bus shelters*	Power to provide and maintain bus shelters	Local Government (Miscellaneous Provisions) Act 1953, section 4
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
Charities	Power to appoint trustees of parochial charities	Charities Act 1993, section 79
Christmas lights	Power to provide to attract visitors	LGA 1972, section 144

<b>Function</b>	<b>Powers and Duties</b>	<b>Statutory Provision</b>
Citizens Advice Bureau	Power to support	LGA 1972, section 142
Clocks*	Power to provide public clocks	Parish Councils Act 1957, section 2
Closed churchyards	Power (and sometimes duty) to maintain	LGA 1972, section 215
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
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
Conference Facilities*	Power to provide and encourage the use conference facilities	LGA 1997, section 144
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

<b>Function</b>	<b>Powers and Duties</b>	<b>Statutory Provision</b>
Crime prevention*	Power to spend money on various crime prevention measures	Local Government and Rating Act 1997, section 31
Drainage	Power to deal with ditches and ponds	Public Health Act 1936, section 260
Entertainment and the Arts*	Provision of entertainment and support for the arts including festivals and celebrations	LGA 1972, section 145
Flagpoles	Power to erect flagpoles in the highways	Highways Act 1980, section 144
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
Gifts	Power to accept gifts	LGA 1972, section 139
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

<b>Function</b>	<b>Powers and Duties</b>	<b>Statutory Provision</b>
	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
Interests	Duty to declare an interest	LGA 1972, section 94

<b>Function</b>	<b>Powers and Duties</b>	<b>Statutory Provision</b>
Investments	Power to participate in schemes of collective investment	Trustee Act 1961, section 11
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
	Power to light roads and public places	Parish Councils Act 1957, section .3 and Highways Act 1980, section 301
Litter*	Power to provide litter bins in streets and public places	Litter Act 1983, subsections 5 and 6
Lotteries	Power to promote lotteries	Lotteries and Amusements Act 1976, section 7
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

<b>Function</b>	<b>Powers and Duties</b>	<b>Statutory Provision</b>
	Power to convene a parish meeting	LGA 1972, Schedule 12 paragraph 14
Mortuaries and post-mortem rooms	Power to provide mortuaries and post-mortem rooms	Public Health Act 1936, section 198
Newsletters	Power to provide information relating to matters affecting local government	LGA 1972, section 142
Nuisances*	Power to deal with offensive ponds, ditches and gutters	Public Health Act 1936, section 260
Open Spaces	Power to acquire and maintain open spaces	Public Health Act 1875, section 164 Open Spaces Act 1906, subsections 9, 10
Parish documents	Power to give directions as to custody of parish documents	LGA 1972, section 226
Parking facilities	Power to provide parking places for motor vehicles and bicycles	Road Traffic Regulation Act 1984, subsections 57 and 63
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;



<b>Function</b>	<b>Powers and Duties</b>	<b>Statutory Provision</b>
		Public Health Acts Amendment Act 1890 section 44
Public buildings and village halls	Power to provide buildings for offices and for public meetings and assemblies	LGA 1972, section 133
Public conveniences	Power to provide public conveniences	Public Health Act 1936, section 87
Publicity	Power to provide information about matters affecting local government	LGA 1972, section 142
Records	Power to collect, exhibit and purchase local records	Local Government (Records) Act 1962, subsections 1 and 2
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
Seats and shelters*	Power to provide roadside seats and shelters	Parish Councils Act 1957, section 1

<b>Function</b>	<b>Powers and Duties</b>	<b>Statutory Provision</b>
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)
Town status	Power to adopt town status	LGA 1972, subsections 245 and 245B
Tourism*	Power to contribute to encouragement of Tourism	LGA 1972, section 144
Traffic calming	Power to contribute to the cost of traffic calming measures	Highways Act 1980, section 274A
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, Transport Act 1985, section 106A
Village signs	Power to use decorative signs to inform visitors	LGA 1972, section 144
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

**Function****Powers and Duties****Statutory Provision**

Village Halls*	(see Community centres and Public buildings)	
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
Water supply	Power to utilise any well, spring or stream to provide facilities for obtaining water from them	Public Health Act 1936, section 125