

WHAT CAN LOCAL COUNCILS DO?

The powers which have been vested in Parish, Town and Community Councils by Acts of Parliament are summarised in this publication as a guide to Councillors and others. Each description is brief and is intended to be a general indication. 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). Information on all these details should be in the hands of the Clerks of the Council.

The powers are listed below.

| Function | Powers & Duties | Statutory Provisions |
|---|--|--|
| Allotments | Powers to provide allotments. Duty to provide allotment gardens if demanded unsatisfied | Small Holding & Allotments Act 1908, ss. 23, 26, & 42 |
| Baths and Washhouses | Power to provide public baths and washhouses | Public Health Act 1936, Ss 221, 222, 223 & 227 |
| Burial grounds, cemeteries and crematoria | Power to acquire and maintain Power to provide Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries | Open Spaces Act 1906, Ss 9 and 10; Local Government Act 1972, s. 214; Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s.1 Local Government Act 1972, s. 215(6) |
| Bus Shelters | Power to provide and maintain shelters | Local Government (Miscellaneous Provision) Act 1953, s. 4 |
| Bye Laws | Power to make bye-laws in regard to pleasure grounds, Cycle Parks Baths and Washhouses Open spaces and burial grounds Mortuaries and post-mortem rooms | Public Health Act 1875, s. 164 Road Traffic Regulation Act 1984, s.57(7) Public Health Act 1936, s.223 Open Spaces Act 1906, s.15 Public Health Act 1936, s.198 |

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|-----------------------------|---|--|
| Charities | Duty to receive accounts of parochial charities | Charities Act 1960, s.32 |
| Clocks | Power to provide public clocks | Parish Councils Act 1957, s.2 |
| Closed Churchyards | Powers as to maintenance | Local Government Act 1972, s.215 |
| Commons and common pastures | Powers in relation to enclosure, as to regulation and management, and as to providing common pasture | Enclosure Act 1845; Local Government Act 1894, s.8(4); Smallholdings and Allotments Act 1908, s.34 |
| Conference facilities | Power to provide and encourage the use of facilities | Local Government Act 1972, s.144 |
| Community centres | Power to provide and equip buildings for use of clubs having athletic, social or educational objectives | Local Government (Miscellaneous Provisions) Act 1976 s.19 |
| Crime prevention | Powers to spend money on various crime prevention measures | Local Government and Rating Act 1997, s.31 |
| Drainage | Power to deal with ponds and ditches | Public Health Act 1936, s.260 |
| Education | Right to appoint school governors | Education (No.2) Act 1986, s.4 |
| Entertainment and the arts | Provision of entertainment and support of the arts | Local Government Act 1972, s.145 |
| Gifts | Power to accept | Local Government Act 1972, s.139 |

| Function | Powers & Duties | Statutory Provisions |
|----------------------------------|---|--|
| Highways | <p>Power to repair and maintain public footpaths and bridle-ways. Power to light roads and public places</p> <p>Provision of litter bins</p> <p>Power to provide parking places for vehicles, bicycles and motor-cycles. Power to enter into agreement as to dedication and widening.</p> <p>Power to provide roadside seats and shelters, and omnibus shelters. Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway. Power to complain to district council as to protection of rights of way and roadside wastes</p> <p>Power to provide traffic signs and other notices</p> <p>Power to plant trees etc. and to maintain roadside verges</p> | <p>Highways Act 1980, ss.43,50</p> <p>Parish Councils Act 1957, s.3;</p> <p>Highways Act 1980, s.301</p> <p>Litter Act 1983, ss.5,6</p> <p>Road Traffic Regulation Act 1984, ss.57,63</p> <p>Highways Act 1980, ss.30,72</p> <p>Parish Councils Act 1957, s.1</p> <p>Highways Act 1980, ss.47,116</p> <p>Highways Act 1980, s.130</p> <p>Road Traffic Regulation Act 1984, s.72</p> <p>Highways Act 1980, s.96</p> |
| Investments | Power to participate in schemes of collective investment | Trustee Investments Act 1961, s.11 |
| Land | <p>Power to acquire by agreement, to appropriate, to dispose of</p> <p>Power to accept gifts of land</p> | <p>Local Government Act 1972, ss.124, 126, 127</p> <p>Local government Act 1972, s.139</p> |
| Litter | Provision of receptacles | Litter Act 1983, ss.5,6 |
| Lotteries | Powers to promote | Lotteries and Amusements Act 1976, s.7 |
| Mortuaries and post mortem rooms | Powers to provide mortuaries and post mortem rooms | Public Health Act 1936, s.198 |

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|-----------------------------------|---|---|
| Nuisances | Power to deal with offensive ditches | Public Health Act 1936, s.260 |
| Open spaces | Power to acquire land and maintain | Public health Act 1875, s.164 Open Spaces Act 1906, ss.9 and 10 |
| Parish Property and documents | Powers to direct as to their custody | Local Government Act 1972, s.226 |
| Public buildings and village hall | Power to provide buildings for offices and for public meetings and assemblies | Local Government Act 1972, s.133 |
| Public Conveniences | Power to provide | Public Health Act 1936, s.87 |
| Recreation | Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them Power to provide gymnasiums, playing fields, holiday camps Provision of boating pools | Public Health Act 1875, s.164 Local Government Act 1972, Sched.14 para.27 Public Health Acts Amendment Act 1890 s.44 Open Spaces Act 1906, ss.9 and 10 Local Government (Miscellaneous Provisions) Act 1976, s.19 Public Health Act 1961, s.54 |
| Town and Country Planning | Right to be notified of planning applications | Town and Country Planning Act 1990, Sched.1, para.8 |
| Tourism | Power to contribute to organisations encouraging | Local Government Act 1972, s.144 |
| Traffic Calming | Powers to contribute financially to traffic calming schemes | Local Government and Rating Act 1997, s.30 |
| Transport | Powers to spend money on community transport schemes | Local Government and Rating Act 1997, s.26-29 |
| War memorials | Power to maintain, repairs, protect and adapt war memorials | War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s.133 |
| Water Supply | Power to utilise well, spring or stream and to provide facilities for obtaining water therefrom | Public Health Act 1936, s.125 |