



EYTHORNE PARISH COUNCIL

STATUTORY POWERS

Local Government Powers and Duties

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

Duties

A duty is an activity that must be carried out 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. 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 powers which have been vested in Parish, Town and Community Councils by Acts of Parliament are summarised below as a guide. Each description is brief and is intended to be a general indication. It is not a complete list of every single power and duty. It also provides details of the regulations under which statutory provisions are made. 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.

<i>Function</i>	<i>Power / Duties</i>	<i>Legislation</i>
Accounts	Duty to appoint a Responsible Financial Officer to manage the Councils' accounts	Local Government Act 1972, section 151
Acceptance of office	Duty to sign Declaration of Acceptance of Office (Councillors and Chairman)	Local Government Act 1972, section 83
Agency arrangements	Power to arrange for the discharge of functions by another local authority	Local Government Act 1972, section 101
Allotments	Provide	Small holdings and Allotments Act 1908 s.26

Baths and washhouses	Power to provide public baths and washhouses (i.e. launderettes)	Public Health Act 1936, subsections 221, 222, 223 and 227
Borrowings	Power to borrow money for statutory functions	Local Government Act 1972, Schedule 13
	Power to acquire and maintain	Open Spaces Act 1906, subsections 9 and 10
	Power to provide	Local Government Act 1972, section 214
Burial grounds and cemeteries	Provide and maintain Maintain monuments and memorials Contribute to expenses of cemeteries	Open Spaces Act 1906 s.9 and s.10 Local Govt Act 1972 s.214 and s.215 Parish Councils and Burial Authorities Act 1970 s.1
Bus shelters	Provide and maintain	Local Govt Act 1953 s.4
Bus Services	Power to make grants of money (though not of a capital nature) for bus service appearing to be for the benefit of people living in the Council' s area or community bus service (mini buses run on non-profit basis and catering for social and welfare needs of one or more communities	Local Government and Rating Act 1997
Bye laws	Make bye laws in regard to pleasure grounds Cycle parks Baths and wash houses Open spaces and burial grounds Mortuaries and post-mortem rooms	Public Health Act 1875 s.164 Road Traffic Regs Act 1984 s.57 Public Health Act 1936 s.198 and s.223 Open Spaces Act 1906 s.15
Car Sharing Scheme	Power to establish and maintain, or to assist others, in car-sharing scheme for the benefit of persons in Council' s area. Scheme whereby private cars are made available for use on journeys where one or more passengers may be carried at separate fares	Local Government and Rating Act 1997
Chairman's Allowance	Power to pay the Chairman reasonable allowance	Local Government Act 1972 sections 15(5) and 35(5)
Charities	Receive accounts of parochial charities	Charities Act 1960 s.32

Christmas Lights	Power to provide to attract visitors	Local Government Act 1972, section 144
Citizens Advice Bureau	Power to Support	Local Government Act 1972, section 142
Clocks	Provide public clocks	Parish Councils Act 1957 s.2
Closed churchyards	Maintain	Local Govt Act 1972 s.215
Commons and common pastures	Enclosing, regulation and management Provide common pasture	Enclosure Act 1845 Local Govt Act 1894 s.8 Smallholdings and Allotments Act 1908 s.34
Conference facilities	Provide and encourage the use	Local Govt Act 1972 s.144
Community centres	Provide and equip buildings for athletic, social and educational groups	Local Govt Act 1976 s.19
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; Local Government Act 1972, section 33A
Councillor's Allowances	Power to pay allowances and travelling and subsistence to elected members	The Local Authorities (Members' Allowances) (England) Regulations 2003
Crime prevention	Spend money on various crime prevention measures	Local Govt and Rating Act 1997 s.31
Drainage	Deal with ponds and ditches	Public Health Act 1936 s.260
Education	Appoint school governors	Education (no.2) Act 1986 s.4
Entertainment and the arts	Provision of entertainment and support of the arts	Local Govt Act 1972 s.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	Local Government Act 1972, section 137
Gifts	Accept	Local Govt Act 1972 s.139
Highways	Power to repair and maintain public footpaths and bridleways	Highways Act 1980, subsections 43 and 50
	Power to light roads and public places	Parish Councils Act 1957, section 3; Highways Act 1980, section 301
	Power to provide parking places for motor vehicles, bicycles and motorcycles	Road Traffic Regulation Act 1984, sections 57 and 63
	Power to make a dedication agreement for a new	Highways Act 1980, subsections 30 and 72

	highway or widening of an existing highway	
	Consent of Parish Council required (right to veto application to Magistrates Court) for ending maintenance of highway at public expenses, 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
	Power to provide litter bins on the highway and public places *	Litter Act 1983, subsections 5 and 6
	Power to provide seats and shelters on the highway and public places * Power to contribute to the cost of traffic calming measures	Parish Councils Act 1957 S1 Highways Act 1980, section 274A
Interests	Duty to declare an interest	Local Government Act 1972, section 94
Investments	Participate in schemes of collective investments	Trustee Investments Act 1961 s.11
Land	Acquire by agreement, to appropriate land and to dispose of land To accept gifts of land Power to acquire land by compulsory purchase Power to obtain particulars of persons interested in land	Local Govt Act 1972 s. 124, s.126, s.127 and s.139, Local Government Act 1972, section 125. Local Government (Miscellaneous Provisions) Act 1976, section 16
Litter	Provide receptacles	Litter Act 1983 s. 5 and s.6
Lotteries	Promote	Lotteries and Amusements Act 1976 s.7
Meetings	Duty to hold annual parish meeting Duty to hold annual parish council	Local Government Act 1972, Schedule 12 paragraph 23 Local Government Act 1972, Schedule 12, P7

	Power to convene a parish meeting	Local Government Act 1972, Schedule 12 paragraph 14
Mortuaries and post mortem rooms	Power to provide mortuaries and post-mortem rooms	Public Health Act 1936 s.198
Newsletters	Power to provide information relating to matters affecting local government	Local Government Act 1972, section 142
Nuisances	Deal with offensive ditches	Public Health Act 1936 s.260
Open spaces	Acquire land and maintain	Public Health Act 1875 s.164 Open spaces Act 1906 s.9 and s.10
Parish property and documents	Direct as to their custody	Local Govt Act 1972 s.226
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; Local Government Act 1972 Schedule 14 paragraph 27; Public Health Acts Amendment Act 1890 section 44
Postal and telecommunications facilities	Pay the PO, BT or other operator any loss sustained providing facilities	Post Office Act 1953 s.51 Telecommunications Act 1984 s.97
Public buildings and village halls	Provide buildings for offices and public meetings and assemblies.	Local Govt Act 1972 s.133
Public conveniences	Power to provide public conveniences	Public Health Act 1936 s.87
Public inspection of documents	Duty to provide the public the right to inspect certain documents	Local Government Act 1972, section 228
Recreation	Acquire, manage and control land for recreation grounds, public walks, pleasure grounds and open spaces Provide gymnasiums, playing fields and holiday camps Provide boating pools	Public Health Act 1875 s.164 Local Govt Act 1972 sched 14 para 27 Public Health Amendment Acts 1890 s.44 Open spaces Act 1906 s.9 and s.10 Local Govt Act 1976 s.19 Public Health Act 1961 s.54
Staff	Power to appoint staff under reasonable terms and conditions	Local Government Act 1972, section 112
Subscriptions	Power to subscribe to Local Government associations	Local Government Act 1972, section 143
Town and Country Planning	To be notified of planning applications	Town and Country Planning Act 1990 sched.1 para 8

Tourism	Contribute to organisations encouraging	Local Govt Act 1972 s.144
Traffic Calming	Contribute financially to traffic calming schemes	Local Govt and Rating Act 1997 s. 30
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 make and erect decorative signs to inform visitors	Local Government Act 1972, section 144
War memorials	Maintain, repair, protect and adapt	War Memorials (Local Authorities Powers) Act 1923 s.1 extended by Local Govt Act 1948 s.133
Water supply	Utilise well, spring or stream to provide facilities for obtaining water	Public Health Act 1936 s.125