



**POWERS AND DUTIES OF PARISH/TOWN COUNCILS**

February 2016

**The law**

A host of legislation allows parish/town councils to carry out over 50 powers. Every council needs to be aware of WHICH PARTICULAR power they are using when spending money. Councils are ‘creatures of statute’ and must justify every expenditure with legislation. The main piece of legislation appertaining to constitution and administration of parish and town councils is:

**The Local Government Act 1972: a summary**

Section 9-16	Lays down the constitution of parish councils and parish meetings
Section 79-98	Covers qualification and disqualification, duty to sign declaration of office, resignation
Section 101	Allows a principal authority to ask any other authority to discharge a function on its behalf
Section 102-109	Provides for committees, standing orders and for parish meetings to have powers
Section 111	Subsidiary powers for a local authority to do anything which helps it to discharge its functions
Section 112-119	The appointment of staff and insurance
Section 123-131	Governs land transactions
Section 133	Provision of community buildings
Section 134	Parish council can use a school building
Section 135	Standing Orders for making contracts
Section 136	Power for one authority to contribute to another for concurrent functions
Section 137	Power to provide things not otherwise authorised for the benefit of some or all of its parishioners
Section 139	Power for council to accept goods, property or money
Section 140	Power to provide insurance for members’ accidental cover
Section 141	Power for councils to carry out research (village appraisals)
Section 142	Power to produce info: newsletters, citizens advice bureau
Section 143	Subscriptions to local government associations (i.e. CALC, NALC)
Section 144	Power to attract tourists and visitors (village signs/ Christmas lights)
Section 145	Power to promote entertainment and the arts, village celebrations
Section 151	Duty to appoint a Responsible Financial Officer
Section 222	Power to prosecute, appear at or defend legal proceedings/public inquiries
Section 228	Right of public to inspect certain documents
Section 245	Power to adopt town status
Schedule 12	Procedures and meetings
Schedule 13	Financial arrangements including power to borrow money
Schedule 26	Crematoria and cemeteries



**NB: Exclusion of the public and press** at meetings for discussion of confidential items is covered by the public Bodies (Admission to Meetings) Act 1960. LGA 1972 Schedule 12A does NOT apply to parish /town councils.

Certain sections of the LGA 1972 have been superseded by legislation in such areas as access to information and councillors' allowances and expenses. If in doubt, clerks should contact Worcestershire CALC.

Other acts in addition to the LGA 1972 stipulate certain powers and duties of parish and town councils as set out in the table below. A **power** is something that the parish/town council **may** choose to do but it is not compulsory. A **duty** is something that the parish/town council **must** carry out.

### POWERS AND DUTIES OF PARISH COUNCILS

FUNCTION	POWERS AND DUTIES	STATUTORY PROVISIONS
Access to information	Duty to provide information on receipt of written request.	Freedom of Information Act 2000
Accounts	Duty of financial management, appointment of independent and competent Internal Auditor, external audit process, publication of accounts, right of public access.	Accounts and Audit Regulations 2003 & 2006
Allotments	Power to provide allotments. Duty to consider provision of allotment gardens if demand unsatisfied.	Small Holdings and Allotments Act 1908, ss.23, 25, 26 & 42
Appointment of paid officers	Duty to appoint paid officers on merit.  Duty NOT to appoint councillors to paid posts.	Local Government and Housing Act 1989, s7 Local Government Act 1972, s.116
Baths and washhouses	Power to provide public baths and washhouses (i.e. launderettes).	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 and10; Local Government Act 1972, s.214.  Parish Councils and Burials Authorities (Misc. Provisions) Act 1970, s.1  Local Government Act 1972, s.214 (6)
Bus shelters and seats	Power to provide roadside seats and shelters.	Local Government Misc. Provisions Act 1953, s.4; Parish Councils Act 1957, s.1



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 Rating Act 1997
Byelaws	Power to make byelaws in regard to: Public walks and pleasure grounds.  Baths and wash houses.  Open spaces and burial grounds.  Mortuaries and post mortem rooms.  Hiring of pleasure boats.  Cycle parks.	Public Health Act 1875, s.164  Public Health Act 1936, ss.223 and 231  Open Spaces Act 1906, s.15  Public Health Act 1936, s.198  Public Health Amendment Act 1890, s.44(2)  Road Traffic Regulation Act 1984, s.57(7)
Car sharing scheme	Power to establish and maintain, or to assist others, in car-sharing scheme for benefit of persons in council's area. Schemes 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, s.26
Chairman's allowance	Power to pay the chairman reasonable allowance.	Local Government Act 1972, s.5(5) and s.34 (5)
Change of use of land	Power to use land by a parish council for another purpose other than what it was acquired for.	Local Government Act 1972, s.126
Charities	Duties regarding parochial charities.	Charities Act 2003, s.79
Citizen's Advice Bureau	Power to assist bodies such as CABs in advising individuals and by making or receiving communications or by providing representation to or before any body or person in asserting an individual's rights or obligations.	Local Government Act 1972, s.142
Clocks	Power to provide public clocks.	Parish Councils Act 1957, s.2
Closed churchyards	Powers to maintain.	Local Government Act 1972, s.215



Code of conduct	Duty of council to adopt the code of conduct.	Localism Act 2011, s.27(2)
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
Community centres and village halls	Power to provide and equip buildings for use of clubs having athletic, social or educational objectives.	Local Government (Misc. Provisions) Act 1976, s.19
Conference facilities	Power to provide and encourage the use of facilities.	Local Government Act 1972, s.144
Compulsory purchase	Power to ask district council to compulsory purchase on behalf of the parish council if it is unable to acquire land by agreement.	Local Government Act 1972, s.125
Councillors allowances and travelling expenses	Power to pay basic allowance and mileage for approved duties.	Local Authorities (Members Allowances) Regulations 2003
Crime prevention	Power to install closed circuit TV and make grants to the police authority to prevent crime.	Local Government and Rating Act 1997, s.31
Drainage	Power to clean ditches and maintain a pond.	Public Health Act 1936, ss.259 and 260
Entertainment and the arts	Power to provide entertainment and support of the arts.	Local Government Act 1972, s.145
Flagpoles	Power to erect flagpoles in the highways.	Highways Act 1980, s.144
General power of competence	Power enabling eligible local councils to do anything that individuals generally may do.	Localism Act 2011 s1(1)
Gifts	Power to accept gifts.	Local Government Act 1972, s.139
Highways	Power to repair and maintain public footpaths and bridleways.  Power to light roads and public places.  Provision of litter bins.  Power to provide parking places for vehicles, bicycles and motor cycles.	Highways Act 1980, ss.43 and 50  Parish Councils Act 1957, s.3; Highways Act 1980, s.301  Litter Act 1983, ss.5 and 6  Road Traffic Regulations Act 1984, ss.57 and 63
Highways (cont.)	Power to enter into agreement as to dedication and widening.  Power to provide roadside seats and shelters and bus shelters.	Highways Act 1980, ss.30 and 72  Parish Councils Act 1957, s.1



	<p>Power to complain to district council as to protection of rights of way and roadside waste.</p> <p>Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway.</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, s.130</p> <p>Highways Act 1980, ss.47 and 116</p> <p>Road Traffic Regulation Act 1984, s.72</p> <p>Highways Act 1980, s.96</p>
Interests	Duty of councillors to register and declare interests.	Localism Act 2011, s.30
Investments	Power to participate in schemes of collective investment.	Trustee Investments Act 1961, s.11
Investigation and publicity	Power to investigate the need for public passenger transport; the use and need for roads; the management and control of traffic.	Local Government Rating Act 1997, s.29
Joint committees	Power to form and participate in joint arrangements for services.	Local Government Act 1972, s.101, s.102
Land	<p>Power to acquire land by agreement, to appropriate, to dispose of land.</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>
Lighting	Power to light roads and public places.	<p>Parish Councils Act 1957, s.3</p> <p>Highways Act 1980, s.301</p>
Litter	Provision of receptacles.	Litter Act 1983, ss.5 and 6
Local energy saving measures	Power to encourage or promote micro-regeneration etc.	Climate Change and Sustainable Energy Act 2006, s.20
Lotteries	Powers to promote.	Lotteries and Amusements Act 1976, s.7
Markets	Power to establish or acquire markets.	The Food Act 1984, s.50
Mortuaries/ 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, s.142
Nuisances	Power to deal with offensive ditches.	<p>Public Health Act 1936, s.260;</p> <p>Public Health Act 1875, s.164</p>



Open Spaces	Power to acquire land for, and maintain, open spaces.	Open Spaces Act 1906, ss.9 and 10
Parking facilities	Power to provide parking places for motor vehicles and bicycles.	Road Traffic Regulation Act 1984, ss.57 and 63
Parish property and documents	Power to direct as to their custody.	Local Government Act 1972, s.226
Planning	Right to be notified of planning applications and certain amendments.	Town and Country Planning Act 1990, sch.1, para 8
Prosecute or defend legal proceedings	Power to prosecute or defend or appear in any legal proceedings. May institute civil proceedings in parish council name. May represent the community at public enquiries.	Local Government Act 1972, s.222
Public buildings and village halls	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
Public inspection of documents	Duty to provide public access to certain documents.	Local Government Act 1972, s.228
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.  Power to provide 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
Staff	Power to appoint staff under reasonable terms and conditions.	Local Government Act 1972, s.112
Standards	Code of conduct, disclosure and registrations of interest.	Localism Act 2011, s 26-34
Subscriptions to CALC, NALC and other associations	Power to subscribe to local government associations.	Local Government Act 1972, s.143
Subsidiary powers	The power to do anything which is coincidental to the discharge of the council's	Local Government Act 1972, s.111



	functions.	
Telecoms facilities	Power to pay British Telecommunications or any other public telecommunications operator for loss sustained providing telegraph office or telecommunication facilities.	Telecommunications Act 1984, s.97
Town/country planning	Right to be notified of planning applications.	Town and Country Planning Act 1990, sch.1, para 8
Tourism	Power to encourage, or contribute to organisations encouraging tourism.	Local Government Act 1972, s.144
Traffic calming	Power to contribute financially to traffic calming schemes.	Highways Act 1980, s 274A
Transport	<p>Powers to spend money on community transport schemes.</p> <p>Establish and support car sharing.</p> <p>Grant to support taxi fare concessions.</p> <p>Power to investigate needs and publicise transport services.</p> <p>Grant to bus service for elderly and disabled.</p>	<p>Local Government and Rating Act 1997,</p> <p>s.26</p> <p>s.28</p> <p>s.29</p> <p>Transport Act 1985, s.106A</p>
Village greens	Power to maintain, make bylaws for and prosecute for breach of bylaws.	<p>Open Spaces Act 1906, s.15</p> <p>Enclosure Act 1857, s.12</p> <p>Commons Act 1876, s.29</p>
Village signs	Power to make and erect ornamental village signs under the power to encourage visitors to the locality.	Local Government Act 1972, s.144
War memorials	Power to maintain, repair, 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 use well, spring or stream and to provide facilities for obtaining water therefrom.	Public Health Act 1936, s.125.