

## St Martha Parish Council

### POWERS AND DUTIES

#### Powers and Duties of Parish Councils

Parish Councils have a wide range of powers and duties. The following table sets out the main ones; it is not a complete list of every single power and duty.

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.

LGA 1972 – Local Government Act 1972

<b>FUNCTION</b>	<b>POWERS AND DUTIES</b>	<b>STATUTE</b>
<b>Agency Arrangements</b>	Power to arrange for the discharge of functions by another local authority	LGA 1972, s. 101
<b>Allotments</b>	Power to provide allotments. Duty to provide allotment gardens if demand exists.	Smallholdings and Allotments Act 1908, ss 23,26 and 42
<b>Ancillary power</b>	Power to do anything that will facilitate, be conducive to or incidental to the discharge of its power and functions	Local Government Act 1972, s. 111
<b>Bands and orchestras</b>	Power to maintain a band or orchestra or contribute to the maintenance of a band or orchestra in or outside the council's area.	Local Government Act 1972 s.145(1) (c)
	Power to charge for admission to performances	Local Government Act 1972 s.145 (2)
<b>Boating pools</b>	Power to provide a boating pool in a park provided or managed by the council	Public Health Act 1961 s 54(1)
	Power to charge a reasonable amount for its use	Public Health Act 1961 s 54(3)
<b>Baths and washhouses</b>	Power to provide public baths and washhouses	Public Health Act 1936, ss 221-223, 227
<b>Borrowing</b>	Power to borrow money for statutory functions	Local Government Act 2003, Schedule 1 para 2

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<b>Burial grounds, cemeteries and crematoria*</b>	Power to acquire and maintain. Power to provide	Open Spaces Act 1906 ss 9 and 10 LGA 1972, s214
	Power to agree to maintain memorials and monuments	Parish Council and Burial Authorities (Misc. Prov.) Act 1970, s 1
	Power to contribute to expenses of maintaining cemeteries	LGA 1972, s214(6)
<b>Bus shelters*</b>	Power to provide and maintain bus shelters	Local Government (Misc. Prov.) Act 1953, s4
<b>Byelaws</b>	Power to make byelaws for public walks and pleasure grounds. Cycle parks	Public Health Act 1875, s164 Road Traffic Regulation Act 1984, s57(7)
	Public bathing	PHA 1936, s231
	Swimming pools, bathing places, baths and washhouses	PHA 1936, s223
	Open spaces and burial grounds	OSA 1906, s15
	Hiring of pleasure boats in parks and pleasure grounds	PHA Amendment Act 1907, s44(2): PHA 1961, 54
	Mortuaries and post-mortem rooms	PHA 1936, s198
	Dogs and dog fouling in parks and open spaces	PHA 1875, s164 OSA 1906, s15
<b>Car sharing schemes *</b>	Power to establish and maintain a car sharing scheme that benefits the council's area or to assist others in doing so	Local Government and Rating Act 1997 s.26
<b>Car parks (off-road)</b>	Power to provide and maintain suitable off-road car parking places in the council's area to relieve or prevent traffic congestion or to preserve local amenities	Road Traffic Regulation Act 1984, s.57(1)(b)

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<b>Charging for discretionary services</b>	Power to charge on a cost recovery basis (i.e. not to make any profit) if the council has discretion to provide a service. The power does not apply if the council has a separate power to charge for provision of a service or it is prohibited from charging for it.	Local Government Act 2003 s.93.
<b>Charities</b>	Power to appoint trustees of parochial charities	Local Government Act 1972 s.139 (1) Charities Act 1993, s79 Charities Act 2011 ss 298-303
<b>Cinemas</b>	Power to provide a cinema, or contribute towards the expenses of a cinema in or outside the council's area	Local Government Act 1972 s.145(1)(b)
	Power to charge for admission to a cinema provided by the council	Local Government Act 1972 s.145 (2)
<b>Clocks*</b>	Power to provide public clocks	Parish Councils Act 1957, s2
<b>Closed churchyards</b>	Power (and sometimes duty) to maintain	LGA 1972, s215
<b>Common land</b>	Power to protect unclaimed common land from unlawful interference	Commons Registration Act 1965, s9
	Power to manage commons and village greens under a district council scheme	Commons Act 1899, ss4 and 5
	Power to provide land in the council's area for common pasture if the council's expenditure can be recovered from any charges it makes for use of the land	Small Holdings and Allotments Act 1908 s.34
<b>Community Gardens</b>	Power to provide and maintain open space as gardens in or outside the council's area	Open Spaces Act 1906 ss. 9 – 10
<b>Community centres and village halls*</b>	Power to provide and equip premises for clubs and other athletic, social or educational organisations	LG (Misc. Prov.) Act 1976, s19
<b>Conference facilities*</b>	Power to provide and encourage the use of conference facilities	LGA 1972, s144
<b>Contracts</b>	Power to enter into contracts	Local Government Act 1972 s.111
<b>Consultation</b>	Right to be consulted by principal councils if directed by Secretary of State	LG and Rating Act 1997, s21; LGA 1972, s33A

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<b>Crime prevention*</b>	Power to (a) install equipment (b) establish schemes and (c) assist others in so doing for the prevention of crime	LG and Rating Act 1997, s31
<b>Drainage</b>	Power to deal with ditches and ponds	PHA 1936, s260
<b>Dog control orders</b>	Power to make orders for dog control offences for land in the council's area	Clean Neighbourhoods and Environment Act 2005 s.55
	Power to issue fixed penalty notices for offences committed under dog control orders	Clean Neighbourhoods and Environment Act 2005 s. 59
<b>Entertainment and the arts*</b>	Provision of entertainment and support for the arts	LGA 1972, s145
<b>Employment of staff</b>	Power to appoint staff	LGA 1972 s. 112
<b>Flagpoles</b>	Power to erect flagpoles in highways	Highways Act 1980, s144
<b>"Free Resource"</b>	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 of all or some of the inhabitants	LGA 1972, s137
<b>Gifts</b>	Power to accept gifts	LGA 1972, s139
<b>Highways</b>	Power to maintain footpaths and bridleways	HA 1980, ss43 and 50
	Power to make a dedication agreement for a new highway or widening an existing highway	HA 1980, ss30 and 72
	Power to veto application to magistrates' court to stop up, divert or cease to maintain a public highway	HA 1980, ss 47, 116
	Power to complain to local highway authority that a highway is unlawfully stopped up or obstructed	HA 1980, s130
	Power to plant trees, etc. and maintain roadside verges	HA 1980, s142
	Power to prosecute for unlawful ploughing of a footpath or bridleway	HA 1980, s134
	Power to provide traffic signs and other notices	Road Traffic Regulation Act 1984, s72
<b>Honorary titles</b>	Power to confer title of honorary freeman or woman	Local Government Act 1972, s249
<b>Land</b>	Power to acquire land by agreement, to appropriate land and to dispose of land	LGA 1972, ss124, 126, 127
	Power to acquire land by compulsory purchase	LGA 1972, s125
	Power to accept gifts of land	LGA 1972, s139
	Power to obtain particulars of persons interested in land	LG (Misc. Prov.) Act 1976 s16
<b>Life-saving appliances</b>	Power to provide life-saving appliances (e.g. life belts, defibrillators)	Public Health Act 1936, s234
<b>Lighting</b>	Power to light roads and public places	PCA 1957, s3 HA 1980, s301

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<b>Litter*</b>	Power to provide litter bins in streets and public places	Litter Act 1983, ss5 and 6
<b>Lotteries</b>	Power to promote lotteries	Lotteries and Amusements Act 1976, s7
<b>Mortuaries and post-mortem rooms</b>	Powers to provide mortuaries and post-mortem rooms	PHA 1936, s198
<b>Newsletters etc.</b>	Power to publish information about the council, its services and the services provided in the council's area by other local authorities, government departments, charities and other voluntary organisations.	Local Government Act 1972 s 142
<b>Nuisances*</b>	Power to deal with offensive ponds, ditches and gutters	PHA 1936, s260
<b>Open spaces</b>	Power to acquire and maintain open spaces	PHA 1875, s164 OSA 1906, ss 9 and 10
<b>Parish documents</b>	Power to give directions as to the custody of parish documents	LGA 1972, s226
<b>Parking facilities</b>	Power to provide parking places for motor vehicles and bicycles	RTRA 1984, ss57 and 63
<b>Planning applications</b>	Power to be notified of planning applications affecting the council's area and to comment	Town and Country Planning Act 1990, Schedule 1, para 8
<b>Precept</b>	Power to raise a precept (council tax)	Local Government Finance Act 1992, s41
<b>Public buildings and village halls</b>	Power to provide buildings for offices and for public meetings and assemblies	LGA 1972, s133
<b>Public conveniences</b>	Power to provide public conveniences	PHA 1936, s87
<b>Public right of way</b>	Power to repair and maintain public footpaths and bridleways in the council's area	Highways Act 1980, ss43, 50
	Power to enter into agreement to dedicate a road as highway in the council's area	Highways Act 1980, s30
	Power to enter into agreement to wide existing highway in the council's area	Highways Act 1980, s72
	Power to provide warning notices on footpaths and bridleways	Road Traffic Regulation Act 1984, s72(2)
<b>Publicity</b>	Power to provide information about matters affecting local government	LGA 1972, s142
<b>Public toilets</b>	Power to provide public toilets	
	Power to make byelaws	

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		Public Health Act 1936, s87  Public Health Act 1936, s87
<b>Records</b>	Power to collect, exhibit and purchase local records	LG (Records) Act 1962, ss 1 and 2
<b>Recreation*</b>	Power to acquire land for, or provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	PHA 1875, s164 PHAAA 1890, s44 OSA 1906, ss 9 and 10 LG (Misc. Prov.) Act 1976, s19
<b>Rights to challenge services that are provided by a principal authority</b>	Power to submit an interest in running a service provided by a borough or county council	Localism Act 2011, ss81-86
<b>Right to nominate and bid for assets of community value</b>	Power to nominate assets to be added to a list of assets of community value	Localism Act 2011, ss87-108
	Power to bid to buy a listed asset when it come up for sale	Localism Act 2011 ss87-108
<b>Seats and shelters*</b>	Power to provide roadside seats and shelters	PCA 1957, s1
<b>Swimming pools</b>	Power to provide public baths	Public Health Act 1936, s221
	Power to charge for use of public baths	Public Health Act 1936 s222
	Power to make byelaws	Public Health Act 1936, s223
<b>Telecommunications facilities</b>	Power to pay BT or any other telecommunications operator any loss sustained in providing telecommunications facilities	Telecommunications Act 1984
<b>Town and Country Planning</b>	Right to be notified of planning applications	Town and Country Planning Act 1990, para.8 of Sch.1
<b>Town status</b>	Power to adopt town status	LGA 1972, ss 245 and 245B
<b>Tourism*</b>	Power to contribute to encouragement of tourism	LGA 1972, s144

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<b>Traffic calming</b>	Power to contribute to the cost of traffic calming measures	HA 1980, s274A
<b>Traffic signs</b>	Power to provide traffic signs on roads	Road Traffic Regulation Act 1984, s72(1)
<b>Transport*</b>	Power to (a) establish car sharing schemes; (b) make grants for bus services; (c) provide taxi fare concessions; (d) investigate public transport, road use and needs; (e) provide information about public transport services	LG and RA 1997, s26
<b>Village greens*</b>	Power to maintain, to make byelaws for and to prosecute for interference with village greens	OSA 1906, s15; Inclosure Act 1857, s12; Commons Act 1876, s29
<b>Village halls*</b>	(See Community Centres, Public Buildings)	
<b>War Memorials</b>	Power to maintain, repair and protect war memorials	War Memorials (Local Authorities' Powers) Act 1923, s1 as extended by LGA 1948, s133
<b>Water supply</b>	Power to utilise any well, spring or stream to provide facilities for obtaining water from them	PHA 1936, s125
<b>Websites</b>	Power to provide a website to give information about the council, its services and the services provided in the area by other local authorities, government departments, charities or other voluntary organisations	Local Government Act 1972 s 142