

LEGAL POWERS AND DUTIES OF PARISH AND TOWN COUNCILS

Source: Good Councillors Guide 2017 – NALC (National Association of Local Councils)

Function	Powers and Duties	Statutory Provisions
Allotments	Powers to provide allotments	Small Holding 8t Allotments Act 1908. s.23
	Duty to provide allotment gardens if demand unsatisfied and if reasonable to do so	
Borrowing money	Power for councils to borrow money for their statutory functions or for the prudent management of their financial affairs	Local Government Act 2003, Schedule 1, para. 2
Baths (public)	Power to provide public swimming baths	Public Health Act 1936, s.221
Burial grounds, cemeteries and Crematoria	Power to acquire and maintain	Open Spaces Act 1906. Sections 9 and 10
	Power to provide	Local Government Act 1972. s 214
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provision) Act 1953, s.4
Byelaws	Power to make byelaws for: Places of public recreation	Public Health Act 1875, s.164
	Cycle parks	Road Traffic Regulation Act
	Public swimming baths	Public Health Act 1936, s.223
	Open spaces and burial grounds	Open Spaces Act 1906, s.15
	Mortuaries and post-mortem rooms	Public Health Act 1936, s.198
Charities	Duties in respect of parochial charities	Charities Act 2011, ss.298-303
	Power to act as charity trustees	Local Government Act 1972, b s.139 (1)
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed Churchyards	Powers to Maintain	Local Government Act 1972, s. 215
Commons and Pastures	Powers in relation to inclosure, regulation, management and provision of common pasture	Inclosure Act 1845; Small Holdings and Allotments Act 1908, s.34
Conference facilities	Power to provide and encourage 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 Act 1972 (Miscellaneous Provisions) Act 1976 s. 19
Crime Prevention	Power to spend money on crime detection and prevention measures	Local Government and Rating Act 1997, s. 31
Ditches and ponds	Power to drain and maintain ponds and ditches to prevent harm to public health	Public Health Act 1936, s.260
Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972. S.145
Environment	Power to issue fixed penalty notices for litter, graffiti and offences under dog control orders	Clean neighbourhoods and Environment Act 2005, s.19. s.30, Part 6
General Power of Competence	Power for an eligible council to do anything subject to statutory prohibitions, restrictions and limitations which include those in place before or after the introduction of the general power of competence	Localism Act 2011, ss18
Gifts	Power to accept	Local Government Act 1972, s.139

Highways	Power to repair and maintain public footpaths and bridle-ways	Highways Act 1980, ss, 43, 50
	Power to light roads and public places	Parish Councils Act 1957, s. 3; Highways Act 1980, s.301
	Power to provide parking places for vehicles, bicycles and motor cycles	Road Traffic Regulation Act 1984, ss. 57. 63
	Power to enter into agreement as to dedication and widening	Highways Act 1980, ss. 30,72
	Power to provide roadside seats and shelters	Parish Councils Act 1957, s. 1
	Power to consent to a local highway authority stopping maintenance of a highway or stopping up/ diverting a highway	Highways Acts 1980, ss. 47,116
	Power to complain to district council about the protection of rights of way and roadside waste	Highways Act 1980, s. 130
	Power to provide certain traffic signs	Road Traffic Regulation Act and other notices 1984, s, 72
	Power to plant trees and shrubs and to maintain roadside verges	Highways Act 1980, s. 96
Honorary Titles	Power to admit to be honorary freemen/ freewomen of the council's area persons of distinction and persons who have, in the opinion of the authority, rendered eminent services to that place or area	Local Government Act 1972, s. 249
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s. 11
Land	Power to acquire by agreement, to appropriate, to dispose of	Local Government Act 1972, ss. 124,126,127
Litter	Provision of bins	Litter Act, 1983, ss. 5, 6
Lotteries	Powers to promote	Gambling Act 2005, s, 252, 258
Markets	Power to establish or acquire by agreement markets within the council's area and provide a market place and market building	Food Act 1984, s. 50
Mortuaries and post-mortem rooms	Power to provide mortuaries and post-mortem rooms	Public Health Act 1936, s. 198
Neighbourhood Planning	Powers to act as lead body for a neighbourhood development plan or a neighbourhood development order	Localism Act 2011. Schedule 9; Town and County Planning Act 1990, ss. 61E-61Q, Schedule 4B: Planning and Compulsory Purchase Act 2004. s. 38A
Newsletter	Power to provide information relation to matters affecting local government	Local Government Act 1972, s. 142
Nuisances	Power to deal with offensive ditches	Public Health Act 1936, s. 260
Open spaces	Power to acquire and maintain land for public recreation	Public Health Act 1875. s. 164
	Power to acquire and maintain land for open spaces	Open spaces act 1906, ss. 9 and 10
Parish Property and documents	Power to receive and retain	Local Government Act 1972, s. 226
	Duty to deposit certain published works in specific deposit libraries	Legal Deposit Libraries Act 2003, s. 1

Public buildings and village hall	Power to acquire and provide buildings for public meetings and assemblies	Local Government Act 1972, s. 133
Public Conveniences	Power to provide	Local Government Act 1972, s. 133 Public Health Act 1936r s. 87
Recreation	Power to provide a wide range or recreational facilities	Local Government (Miscellaneous Provisions) Act 1976, s. 19
	Provision of boating pools	Public Health Act 1961, s. 34
Right to challenge services that are provided by a principal authority	The right to submit an interest in a service provided by a district, county or unitary authority	Localism Act 2011, ss. 81-86
Right to nominate and bid for assets of community value	The right to nominate assets to be added to a list of assets and the right to bid to buy a listed asset when it comes up for sale	Localism Act 2011, ss. 87-108
Town and Country Planning	Right to be notified of planning applications if right has been requested	Localism Act 2011, ss. 87-108
Tourism	Power to encourage tourism to the council's area	Local Government Act 1972, s. 144
Traffic Calming	Power 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. 25-29
War memorials	Power to maintain, repairs, protect and adapt war memorials	War Memorials (Local Authorities' Power) Act 1923, S.1
Water	Power to utilise wells, springs or streams for obtaining water	Public Health Act 1936, s. 125
Websites	Power for councils to have their own websites	Local Government Act 1972, s.142