



chilham parish council

serving chilham, old wives lees and shottenden

Powers & Duties of Local Councils; Local Government Act 1972

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.

Function	Powers and Duties	Statutory Provision
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	Power to provide allotments and duty to provide allotment gardens if demand exists	Smallholdings and Allotments Act 1908,

		subsections 23, 26 and 42
Baths and washhouses	Power to provide public baths and washhouses (i.e. launderettes)	Public Health Act 1936, subsections 221, 222, 223 and 227
Borrowing	Power to borrow money for statutory functions	Local Government Act 1972, Schedule 13
Burial grounds, cemeteries and crematoria *	Power to acquire and maintain	Open Spaces Act 1906, subsections 9 and 10
	Power to provide	Local Government Act 1972, section 214
	Power to agree to maintain memorials and monuments	Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, section 1
	Power to contribute to expenses of maintaining cemeteries	Local Government Act 1972, section 214(6)
Bus shelters *	Power to provide and maintain bus shelters	Local Government (Miscellaneous Provisions) Act 1953, section 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

Byelaws	Power to make byelaws for public walks and pleasure grounds	Public Health Act 1875, section 164
	Power to make byelaws for cycle parks	Road Traffic Regulation Act 1984, section 57(7)
	Power to make byelaws for baths and washhouses	Public Health Act, 1936, section 233
	Power to make byelaws for open spaces and burial grounds	Open Spaces Act, 1906, section 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	Power to appoint trustees of parochial charities	Charities Act 1993, section 79
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 *	Power to provide public clocks	Parish Councils Act 1957, section 2

Closed churchyards	Power (and sometimes duty) to maintain	Local Government Act 1972, section 215
Commons and common pastures	Powers in relation to enclosure, regulation and management, and providing common pasture	Enclosure Act 1845; Local Government Act 1894, section 8(4); Smallholdings and Allotments Act 1908, section 34
Community centres	Power to provide and equip community buildings	Local Government Act 1972, section 133
	Power to provide buildings for use of clubs having athletic, social or educational objectives	Local Government (Miscellaneous Provisions) Act 1976, section 19
Conference Facilities *	Power to provide and encourage the use conference facilities	Local Government Act 1997, section 144
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
Councillors' Allowances	Power to pay allowances and travelling and subsistence to elected members	The Local Authorities (Members' Allowances) (England) Regulations 2003
Crime prevention *	Power to spend money on various crime prevention measures. May make grants of money to police authorities	Local Government and Rating Act 1997, section 31
Drainage	Power to deal with ditches and ponds	Public Health Act 1936, section 260

Entertainment and the Arts*	Power to provide entertainment and support for the arts including festivals and celebrations	Local Government Act 1972, section 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	Power to accept gifts	Local Government Act 1972, section 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 highway or widening of an existing highway	Highways Act 1980, subsections 30 and 72
	Consent of Parish Council required (right to veto application to Magistrates Court) for ending maintenance of highway at public expenses,	Highways Act 1980, subsections 47 and 116

	to stop up, divert or cease to maintain a public highway	
	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 *	Parish Councils Act 1957 S1
Interests	Duty to declare an interest	Local Government Act 1972, section 94
Investments	Power to participate in schemes of collective investment	Trustee Act 1961, section 11
Land	Power to acquire land by agreement, to appropriate land and to dispose of land	Local Government Act 1972, subsections 124, 126 and 127
	Power to acquire land by compulsory purchase	Local Government Act 1972, section 125

	Power to accept gifts of land	Local Government Act 1972, section 139
	Power to obtain particulars of persons interested in land	Local Government (Miscellaneous Provisions) Act 1976, section 16
Lotteries	Power to promote lotteries	Lotteries and Amusements Act 1976, section 7
Meetings	Duty to hold annual parish meeting	Local Government Act 1972, Schedule 12 paragraph 23
	Duty to hold annual parish council meeting	Local Government Act 1972, Schedule 12 paragraph 7
	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, section 198
Newsletters	Power to provide information relating to matters affecting local government	Local Government Act 1972, section 142
Nuisances *	Power to deal with offensive ponds, ditches and gutters	Public Health Act 1936, section 260
Open Spaces	Power to acquire and maintain open spaces	Public Health Act 1875, section 164; Open Spaces Act 1906, subsections 9, 10

Parish documents and property	Power to give directions as to custody of parish documents	Local Government Act 1972, section 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
Public buildings and village halls	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, section 222
Public buildings and village halls *	Power to provide buildings for offices and for public meetings and assemblies	Local Government Act 1972, section 133
Public conveniences	Power to provide public conveniences	Public Health Act 1936, section 87
Public inspection of documents	Duty to provide the public the right to inspect certain documents	Local Government Act 1972, section 228
Publicity	Power to provide information about matters affecting local government	Local Government Act 1972, section 142
Records	Power to collect, exhibit and purchase local records	Local Government (Records) Act 1962, subsections 1 and 2
Recreation *	Power to acquire land for, or to provide recreational facilities including recreation grounds, public walks, pleasure grounds	Public Health Act 1875 S164; Local Government Act 1972 Schedule 14 Para 27; Public Health Acts Amendment Act

	and open spaces and to manage and control them	1890 section 44; Open Spaces Act 1906 sections 9 and 10
	Power to provide gymnasiums, playing fields and holiday camps	Local Government (Miscellaneous Provisions) Act 1976, section 19
	Power to provide boating pools	Public Health Act 1961, section 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	Right to be notified of planning applications	Town and Country Planning Act 1990, Schedule 1 paragraph 8
Tourism *	Power to contribute to encouragement of tourism	Local Government Act 1972, section 144
Traffic calming	Power to contribute to the cost of traffic calming measures	Highways Act 1980, section 274A
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
Village greens *	Power to maintain, to make byelaws for and to prosecute for interference with village greens	Open Spaces Act 1906, section 15; Enclosure Act 1857, section 12; Commons Act 1876, section 29
War memorials	Power to maintain, repair and protect war memorials	War Memorials (Local Authorities Powers) Act 1923, section 1 as extended by Local Government Act 1948, section 133
Water supply	Power to utilise any well, spring or stream to provide facilities for obtaining water from them	Public Health Act 1936, section 125