

LEGAL POWERS AND DUTIES – WHAT CAN A COUNCIL DO?

Function	Powers and Duties	Statutory Provisions
Allotments	Power to provide allotments Duty to provide allotment gardens if demand unsatisfied and if reasonable to do so	Smallholdings & Allotments Act 1908, s.23
Allowances	Power to pay allowances to councillors	Local Authorities (Members' Allowances) (England) Regulations 2003
Annual Parish meeting	Power to convene an annual parish meeting.	Local Government Act 1972, s12 para 15
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 and washhouses.	Public Health Act 1936 s.221
Biodiversity	Duty to consider conserving & enhancing through decision making	Natural Environment and Rural Communities Act 2006 s.40 Environment Act 2021
Burial grounds, cemeteries and crematoria	Power to acquire and maintain	Open Spaces Act 1906, ss 9 &10
Burial grounds, cemeteries and crematoria Bus shelters	Power to provide	Local Government Act 1972, s.214
	Power to agree to maintain monuments and memorials	Parish Councils and Burial, Authorities (Miscellaneous, Provisions) Act 1970, s.1
	Power to contribute towards expenses of cemeteries	Local Government Act 1972, s.214(6)
	Power to provide and maintain bus shelters	Local Government (Misc. shelters Prov.) Act 1953, s.4
Byelaws	Power to make byelaws in regard to pleasure grounds	Public Health Act 1875, s.164
Byelaws	Cycle Parks	Road Traffic Regulation Act 1984, s.57
	Baths and washhouses	Public Health Act 1936, s.22
	Open spaces and burial grounds	Open Spaces Act, 1906, s.15
Charities	Duties in respect of parochial charities Power to act as charity trustees	Charities Act 1993, s.79 Local Government Act 1972 s. 139(1)
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2

Closed churchyards	Powers to maintain Duty to decide whether to adopt a closed churchyard, if asked to do so by the Parochial Church Council.	LGA 1972 s.215
Commons and Common pastures	Powers in relation to inclosure, regulation and management and provision of common pasture	Inclosure Act 1845 Small Holdings and Allotments Act 1908, s.34
Community centres	Power to provide and equip buildings for use of clubs, having athletic, social or educational objectives Power to acquire, provide and furnish community buildings	Local Government (Miscellaneous Provisions) Act 1976 s.19 Local Government Act 1972, s.133
Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Crime prevention	Power to spend money on various crime prevention measures. Duty to do what it can do to prevent crime and disorder.	Local Government and Rating Act 1997, s.31 Crime and Disorder Act 1998 s.17
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260
Employment	Power to appoint staff (duties to comply with employment laws)	Local Government Act 1972 s.112
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
The "Free Resource"	Power to spend a sum of money for the benefit of some or all of the parishioners.	Local Government Act 1972 s.137
Freedom of Information	Duty to comply with its obligations under Freedom of Information Act and Data Protection Act.	Freedom of Information Act 2000 Data Protection Act 1998
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, s.1- 8
Gifts	Power to accept gifts	LGA 1972, s.139
Highways	Power to repair and maintain public footpaths and Bridleways	Highways Act 1980, ss. 43,50
	Power to light roads and public places	Parish Councils Act 1957 s.3 Highways Act 1980, s301
	Provision of litter bins	Litter Act 1983, ss.5,6
	Power to provide parking places for vehicles, bicycles and motorcycles	Road Traffic Regulation Act 1984 s.57,
	Power to enter into an 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

	Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway.	Highways Act 1980, ss.47,116
	Power to complain to district council about the protection of rights of way and roadside waste	Highways Act 1908, s.130
	Power to provide certain traffic signs and other Notices	Road Traffic Regulation Act.1984, s.72
	Power to plant trees etc. and maintain roadside verges	Highways Act 1980, s.96
Honorary Titles	Power to admit honorary freemen/freewomen of the council's area	Local Government Act 1972, s.249
Investments	Power to participate in schemes of Collective investment	Trustee Investment Act 1961 s.11
Land	Power to acquire land by agreement, to appropriate land and to dispose of land	LGA 1972, ss.124, 126 & 127
	Power to accept gifts of land	LGA 1972, s.139
Litter	Provision of receptacles	Litter Act 1983, ss.5,
Lotteries	Power to promote lotteries	Gambling Act 2005 s.252, 258
Markets	Power to establish or acquire by agreement markets within the council's area and to provide a marketplace and market buildings	Food Act 1984 s.50
Minutes	Duty to keep minutes	Local Government Act 1972, s12 p 41(1)
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	LGA 1972 s.142
Nuisances	Power to deal with offensive ponds, ditches and gutters	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, s.9-10
Parish property and documents	Powers to direct as to their custody	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 halls	Power to acquire and provide buildings for public meetings and assemblies	LGA 1972, s.133
Precept	Power to set the precept	Local Government Finance Act 1992, s.41
Public conveniences	Power to provide public conveniences	Public Health Act 1936, s. 87

Recreation	Power to provide and manage recreation grounds, public walks, pleasure grounds, and open spaces Power to provide a wide range of recreational facilities Provision of boating pools	Public Health Act 1875, s.164 Local Government (Miscellaneous Provisions) 1976 s.19 Public Health Act 1961 s.54
Subsidiary power	Power to do any thing which is calculated to facilitate, or is conducive or incidental to, the discharge of any of the council's functions	Local Government Act 1972 s. 111
Town and Country Planning	Right to be notified of planning applications if right has been requested	Town and Country Planning Act 1990. Sched 1, para 8
Tourism	Power to encourage or contribute to encouragement of tourism	Local Government Act 1972, s.144
Traffic calming	Power to contribute financially to Highways Authority for traffic calming measures in the council's area	Local Government and Rating Act 1997, s. 30
Transport	Powers to spend money on community transport schemes	Local Government and Rating Act 1997, s.26-29
War memorials	Power to maintain, repair, protect and adapt war memorials	War Memorials (Local Authorities Powers) Act 1923 ,s.1 as extended by LGA 1948 s.133
Water supply	Power to utilise any well, spring or stream for obtaining water	Public Health Act 1936 s.125
Websites	Power for councils to have their own websites Duty to ensure public sector website is accessible Duty on smaller authorities to publish specific information on a website.	Local Government Act 1972, s.142 Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018. Transparency Code for Smaller Authorities 2014.