



# ANDOVER TOWN COUNCIL

## **Powers and Duties of Local Councils**

Local Councils have a wide range of powers but very few duties.

### **Duties**

A duty is an activity that must be carried out (Mandatory), 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.

The powers vested in Parish, Town, and Community Councils by Acts of Parliament are summarised below as a guide to Councillors and others. Each description is brief and intended as a general indication. It is not a complete list of every single power and duty.

Like all powers given to public bodies, the powers of local councils are defined in detail in legislation and may include a requirement to obtain the consent of another body (e.g., approval of the County Council to provide a car park).

Local Councils must also exercise their powers subject to the provisions of general law (e.g., planning permission is necessary for a sports pavilion).

### **Table of details**

The following table describes the powers and duties held by local councils for a number of functions. It also provides details of the regulations under which statutory provisions are made. Information on all these details should be in the hands of the parish council Clerks.

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>Statutory Provision</b>
Accounts	Duty to appoint a Responsible Financial Officer to manage the council's accounts	LGA 1972, s. 151
Acceptance of office	Duty to sign declaration of acceptance of office (councillors and chairman)	LGA 1972, s. 83
Agency arrangements	Power to arrange for the discharge of functions by another local authority	LGA 1972, s.101
Allotments	Power to provide allotments duty to provide allotment gardens if demand exist	Smallholdings & Allotments Act 1908, ss. 23, 26 & 42

Baths and washhouses	Power to provide public baths and washhouses	Public Health Act 1936, ss. 221-223, 227
Borrowing	Power to borrow money for statutory functions	LGA 1972, Sch 13
Burial grounds, cemeteries and crematoria*	Power to acquire and maintain	Open Spaces Act 1906, ss. 9 & 10
	Power to provide	LGA 1972, s. 214
	Power to agree to maintain memorials and monuments	Parish Councils and Burial Authorities (Misc. Prov.) Act 1970, s 1
	Power to contribute to expenses of maintaining cemeteries	LGA1972, s. 214(6)
Bus shelters*	Power to provide and maintain bus shelters	Local Government (Misc. Prov.) Act 1953, s. 4
Byelaws	Power to make byelaws for public walks and pleasure grounds	Public Health Act 1875, s. 164
	Cycle parks	Road Traffic Regulation Act 1984, s. 57(7)
	Baths and Washhouses	Public Health Act, 1936 s. 233
	Open spaces and burial grounds	Open Spaces Act, 1906, s. 15
Charities	Power to appoint trustees of parochial charities	Charities Act 1993, s. 79
Christmas lights	Power to provide to attract visitors	LGA 1972 s.144
Citizens Advice Bureau	Power to support	LGA 1972 s.142
Clocks*	Power to provide public clocks	Parish Councils Act 1957 s. 2
Closed churchyards	Power (and sometimes duty) to maintain	LGA 1972 s. 215
Commons and common pastures	Powers in relation to enclosure, regulation and management, and providing common pasture	Inclosure Act 1845; Local Government Act 1894, s.8(4); Smallholdings & Allotments Act 1908, s.34
Community centres	Power to provide and equip community buildings	LGA 1972 s.133
	Power to provide buildings for use of clubs having athletic, social or educational objectives	Local Government (Misc. Prov.) Act 1976, s. 19
Conference Facilities*	Power to provide and encourage the use conference facilities	LGA 1997, s. 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, s. 21 LGA 1972, s. 33A
Crime prevention*	Power to spend money on various crime prevention measures	Local Government and Rating Act 1997, s. 31
Drainage	Power to deal with ditches and ponds	Public Health Act 1936, s. 260
Entertainment and the Arts*	Provision of entertainment and support for the arts including festivals and celebrations	LGA 1972, s. 145
Flagpoles	Power to erect flagpoles in the highways	Highways Act 1980, s. 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	LGA 1972, s. 137
Gifts	Power to accept gifts	LGA 1972, s. 139
Highways	Power to maintain footpaths & bridleways	Highways Act 1980, ss. 43 & 50
	Power to light roads and public places	Parish Councils Act 1957 s.3
	Power to provide parking places for vehicles, bicycles and motor-cycles	Road Traffic Regulation Act 1984 s.57
	Power to make a dedication agreement for a new highway or widening of an existing highway	Highways Act 1980, ss. 30 & 72
	Right to veto application to magistrates court to stop up, divert or cease to maintain a public highway	Highways Act 1980, ss. 47 & 116
	Power to complain to a local highway authority that a highway is unlawfully stopped up or obstructed	Highways Act 1908, s. 130
	Power to plant trees etc. and maintain roadside verges	Highways Act 1980, s. 96
	Power to prosecute for unlawful ploughing of a footpath or bridleway	Highways Act 1980, s. 134
	Power to provide traffic signs and other notices	Road Traffic Regulation Act, 1984, s. 72
Interests	Duty to declare an interest	LGA 1972, s. 94
Investments	Power to participate in schemes of collective investment	Trustee 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 acquire land by compulsory purchase	LGA 1972, s. 125
	Power to accept gifts of land	LGA 1972, s. 139
	Power to obtain particulars of persons interested in land	Local Government (Misc. Prov.) Act 1976, s. 16
Lighting	Power to light roads and public places	Parish Councils Act 1957, s.3 & Highways Act 1980, s. 301
Litter*	Power to provide litter bins in streets and public places	Litter Act 1983, ss. 5 & 6
Lotteries	Power to promote lotteries	Lotteries and Amusements Act 1976, s. 7
Meetings	Duty to hold annual parish meeting	LGA 1972, Sch. 12 para.23
	Duty to hold annual parish council meeting	LGA 1972, Sch. 12 para. 7
	Power to convene a parish meeting	LGA 1972, Sch. 12 para. 14
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 open spaces	Public Health Act 1875, s. 164 Open Spaces Act 1906, ss.9,10
Parish documents	Power to give directions as to custody of parish documents	LGA 1972, s. 226
Parking facilities	Power to provide parking places for motor vehicles and bicycles	Road Traffic Regulation Act 1984, ss. 57 & 63
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 s.164; LGA 1972 sch. 14 para. 27; Public Health Acts Amendment Act 1890 s.44
Public buildings and village halls	Power to provide buildings for offices and for public meetings and assemblies	LGA 1972, s. 133
Public conveniences	Power to provide public conveniences	Public Health Act 1936, s. 87
Publicity	Power to provide information about matters affecting local government	LGA 1972, s. 142
Records	Power to collect, exhibit and purchase local records	Local Government (Records) Act 1962, ss. 1 & 2
Recreation*	Power to provide a wide range of recreational facilities	Open Spaces Act 1906, s. 9-10 Local Government (Misc. Prov.) Act 1976, s. 19
	Provision of boating pools	Public Health Act 1961 s.54
Seats and shelters*	Power to provide roadside seats and shelters	Parish Councils Act 1957, s. 1
Town and Country planning	Right to be notified of planning applications	Town & Country Planning Act 1990, para. 8 of sch. 1; para. 2 of Sch. 1A (Wales)
Town status	Power to adopt town status	LGA 1972, ss. 245, 245B
Tourism*	Power to contribute to encouragement of Tourism	LGA 1972, s. 144
Traffic calming	Power to contribute to the cost of traffic calming measures	Highways Act 1980, s. 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, s. 26 Transport Act 1985 s106A
Village signs	Power to use decorative signs to inform visitors	LGA 1972 s.144
Village greens*	Power to maintain, to make bylaws for and to prosecute for interference with village greens	Open Spaces Act 1906, s. 15; Inclosure Act 1857, s. 12; Commons Act 1876, s. 29
Village Halls*	(see Community centres and Public buildings)	
War memorials	Power to maintain, repair and protect 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 to provide facilities for obtaining water from them	Public Health Act 1936, s. 125