

# Flax Bourton Parish Council Parish Council

## Statutory Powers at a Glance

|   |  |   |
|---|--|---|
| Agency arrangements                             | Power to arrange for the discharge of functions by another local authority   | LGA 1972, s 101   |
| Allotments                                      | Powers to provide allotments<br>Duty to provide allotments if requested  | Small Holding & Allotments Act 1908 ss 23, 26 & 42  |
| Anti Social Behaviour                           | Power to tackle  | Crime & Disorder Act, s 17  |
| Appraisals, Design Statements, and Parish Plans | Raising the profile of the Council   | LGA 1972, s111  |
| Arts and Local Crafts                           | Development of (Clayden Parish Cllrs' Guide 19th Edition, p 88)  | LGA 1972, s145  |
| Baths and Washhouses                            | Power to provide public baths and washhouses   | Public Health Act 1936 ss 221, 222, 223 & 227   |
| Borrowing                                       | Power to borrow money for statutory functions  | LGA 1972, Sched 13; LGA 2003, Sched 1   |
| Burial Grounds and Cemeteries                   | Power to acquire and maintain<br>Power to provide<br>Power to agree to maintain memorials<br>Power to contribute to expenses of cemeteries | Open Spaces Act 1906 ss 9 & 10<br>LGA 1972 s 214<br>Parish Councils & Burial Authorities (MP) Act 1970 s 1<br>LGA 1972 s 215 (6)        |
| Bus Shelters                                    | Power to provide and maintain shelters   | LG (MP) Act 1953 s 4<br>Parish Councils Act 1957 s 1  |
| Bye Laws  | Power to make bye-laws in regard to pleasure grounds<br>Cycle parks<br>Baths and Washhouses<br>Open spaces and Burial Grounds              | Public Health Act 1875 s 164<br>Road Traffic Regulation Act 1984 s 57 (7)<br>Public Health Act 1936 s 223<br>Open spaces Act 1906, s 15 |

|                                   |  |   |
|-----------------------------------|--|---|
|                                   | Mortuaries and post-mortem rooms   | Public Health Act 1936 s 198  |
|                                   | Dogs and dog fouling in parks and open spaces                              | Public Health Act 1875 s 164; Open Spaces Act 1906, s 15                                    |
| Citizens Advice Bureau            | Power to support   | LGA 1972, s142  |
| CCTV                              | Power to spend money on crime prevention measures                          | Local Government and Rating Act 1997 s31  |
| Charities                         | Duty to receive accounts of parochial charities                            | Charities Act 1960 s32 (3) (repealed by Charities Act 1993, see s 46(2) of that Act)        |
|                                   | Power to appoint trustees of parochial charities                           | Charities Act 1993, s 79  |
| Christmas Lights                  | Power to provide   | LGA 1972, s 111   |
| Churchyards - closed              | Powers as to maintenance   | LGA 1972, s215  |
| Churchyards - not closed          | Powers as to maintenance   | LGA 1972, s214  |
| Citizens Advice Bureau            | Powers to support  | LGA 1972, s 142   |
| Clean Up Day (Litter picking etc) | Power to finance   | Open Spaces Act 1906, s 16 (as advised by SLCC Hampshire) but better to use LGA 1972, s 111 |
| Clerk's Expenses inc Home Office  | Right of local authority to pay  | Local Govt (Financial Provisions) Act 1963, s 5   |
| Clocks                            | Power to provide public clocks   | Parish Councils Act 1957 s2   |
| Code of Conduct                   | Duty to adopt a code of conduct for Councillors                            | LGA 2000, s 51  |
| Common Land                       | Power to protect unclaimed common land from unlawful interference          | Commons Registration Act 1965, s 9  |
|                                   | Power to manage commons and village greens under a District Council scheme | Commons Act 1899, ss 4 & 5  |

|                                     |   |  |
|-------------------------------------|---|--|
| Commons and common pastures         | Powers in relation to enclosure, as to regulation and management, and as to providing common pasture  | Inclosure Act 1845<br>LGA 1894 s8 (4)<br>Smallholdings and Allotments Act 1908 s34   |
| Community centres and Village Halls | Power to provide and equip premises for clubs and other athletic, social or educational organisations   | LG (MP) Act 1976, s 19   |
| Conference facilities               | Power to provide and encourage the use of facilities  | LGA 1972 s144  |
| Community Transport                 | Power to establish and support car sharing schemes<br>Power to pay grants for a bus service for elderly/disabled etc<br>Power to grant taxi fare concessions to the disabled etc<br>Power to investigate transport needs and publicise transport services | Local Govt and Rating Act 1997, s 26<br>LGRA 1997, s 27<br>LGRA 1997, s 28<br>LGRA 1997, s 29  |
| Crime and Disorder                  | Duty on Parish Councils to consider crime reduction in every policy and action  | Crime and Disorder Act 1998, s 17  |
| Crime prevention                    | Power to spend money on various crime prevention measures e.g. equipment, schemes and assisting others<br><br>Power to contribute to to police services e.g. PCSOs  | Local Government and Rating Act 1997 s31<br><br>Police Act 1996, s 92  |
| Cycle racks                         | Power to provide  | Road Traffic Regulation Act 1984, ss57 - 60  |
| Ditches and Drainage                | Power to deal with ponds, ditches and gutters   | Public Health Act 1936 ss 259 and 260  |
| Dogs                                | Dogs and dog fouling in parks and open spaces<br><br>Power to make a Dog Control Order<br><br>Power to take enforcement action against those who commit an offence against a Dog Control Order  | Public Health Act 1875 s 164; Open Spaces Act 1906, s 15<br><br>Cleaner Neighbourhoods and Environment Act 2005<br><br>Cleaner Neighbourhoods and Environment Act 2005 |
| "ECO Friendly"                      |   | Climate Change & Sustainable Energy Act 2006, clause 20  |

|  |  |  |
|--|--|--|
| Education  | Power to appoint school governors of primary schools   | Education (No 2) Act 1986 s 4<br>School Standards and Framework Act 1998, para 15 of Sch 9 |
| Entertainment and the Arts<br>see also: Recreation | Provision of entertainment and support of the arts   | LGA 1972, s145   |
| Expenditure by Council                             | Normal business costs e.g. salaries, stationery, office equip  | LGA 1972, s150   |
| Flagpoles  | Power to erect   | Highways Act 1980, s144  |
| Flags  | Power to provide (if benefit to some of inhabitants or area)   | LGA 1972, s137   |
| Footpaths  | see under Highways   |  |
| "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 of all or some of the inhabitants | LGA 1972, s 137  |
| General Power - wide ranging                       | Subsidiary powers of local authorities   | LGS 1972, s111   |
| Gifts  | Power to accept  | LGA 1972, s139   |
| Heritage   | Power to support Heritage projects in the Parish - encourage visitors and the arts generally   | LGS 1972, ss 144 & 145   |
| Highways   | Dedication, repair and maintenance of footpaths  | Highways Act 1980, ss 30, 43, 50   |
|  | Power to erect a flagpole  | Highways Act 1980, s 144   |
|  | Power to light footways, roads and public places   | Parish Councils Act 1957, s3<br>Highways Act 1980, s 301                                   |
|  | Provision of litter bins   | Litter Act 1983, ss 5 and 6  |

|  |  |  |
|--|--|--|
|  | Power to provide parking places for bicycles, motorcycles and other vehicles   | Road Traffic Regulation Act 1984, ss 57 - 60   |
|  | Power to widen Highway   | Highways Act 1980, ss 30 and 72  |
|  | Power to provide traffic signs and warning notices   | Road Traffic Regulation Act 1984, s 72   |
|  | Power to provide roadside seats and shelters, & bus shelters   | Highways Act 1980, s 130<br>Road Traffic Regulation Act 1984. s 72                                     |
|  | Consent of Parish Council required for stopping up or diversion of highway (veto power?)                                       | Highways Act 1980, ss 47, 116  |
|  | Power to compel Highway Authority to take action to protect rights of way and roadside wastes from obstruction or encroachment | Highways Act 1980, s 130   |
|  | Power to plant trees etc in roadside verges  | Highways Act 1980, s 96  |
|  | Power to require Highway Authority to signpost bridleways and footpaths  | Countryside Act 1968, s 27   |
|  | Right to object to a public path order, reclassification or modification   | Highways Act 1980, s 118 & 119 and Sched 6; Wildlife and Countryside Act 1981, ss 53 & 54 and Sched 15 |
|  | Power to fund traffic calming works  | Highways Act 1980, s 274A  |
|  | Power to prosecute for unlawful ploughing of a footpath or bridleway   | Highways Act 1980, s 134   |
| Information<br>see also: Publicise Council's Functions | Duty to prepare a publication scheme for information available for public inspection   | Freedom of Information Act 2000, ss 19 & 20  |
| Information Board for Tourists                         | Power to provide   | LGA 1972, s144   |

|                                  |   |  |
|----------------------------------|---|--|
| Investments                      | Power to participate in schemes of collective investment  | Trustee Investments Act 1961, s 11                                       |
| KALC Membership                  | Power to provide funding for                              | LGA 1972, s143   |
| Land                             | Acquisition, including compulsory purchase                | Local Govt Act 1972, ss 124-127  |
|                                  | Power to accept gifts of land                             | LGA 1972, s 139  |
|                                  | Power to obtain particulars of persons interested in land | LG (M) Act 1976, s 16  |
|                                  | Rights of Way over land                                   | Local Govt Act (other than Highways) 1894, s 8(1)g                       |
| Lighting                         | Power to light roads and public places                    | Parish Councils Act 1957, s 3; Highways Act 1980, s 301                  |
| Litter                           | Power to provide receptacles                              | Litter Act 1983, ss 5 & 6  |
|                                  | Power to take enforcement action against those who litter | Cleaner Neighbourhoods and Environment Act 2005                          |
| Litter picking                   | Power to finance  | LGA 1972, s 111  |
| Lotteries                        | Power to promote  | Lotteries and Amusements Act 1976, s 7;<br>National Lottery etc Act 1993 |
| Mortuaries and post-mortem rooms | Power to provide  | Public Health Act 1936, s 198  |
| Museums                          | Power to contribute                                       | Local Govt Act 1972, s 145(1)d   |
| Open spaces                      | Power to acquire and maintain land                        | Public Health Act 1875, s 164<br>Open Spaces Act 1906, ss 9 & 10         |
|                                  | Power to light  | Open Spaces Act 1906, s 10   |
| Parish Newsletter                | Power to provide information                              | LGA 1972, s 142  |

|                                       |   |  |
|---------------------------------------|---|--|
| Parish Plan                           | Power to support  | LGA 1972, s111   |
| Parish property and documents         | To maintain and improve management and custody  | Local Govt Act 1894, s 8(1); Local Govt Act 1972, s 226  |
| Parking facilities                    | Power to provide parking places for motor vehicles & bicycles   | Road Traffic Regulation Act 1984, ss 57 & 63   |
| Parks and Pleasure Grounds            | Power to provide  | Public Health Act 1875, s 164; (Amendment) Act 1890 s 44<br>Public Health Act 1961, ss 53 & 54 |
| Play Areas & childrens' activities    | Emphasis on Council to examine policy on local crime  | Crime & Disorder Act s17   |
| Play Areas & childrens' activities    | Power to support  | LG (MP) Act 1976, s19 (see Youth activities below)   |
| Ponds                                 | Power to deal with ponds and ditches  | Public Health Act 1936 ss 259 and 260  |
| Postal & Telecommunications           | Power to reimburse any public telecommunications operator any loss sustained in providing additional telecomms facilities | Telecommunications Act 1984, s 97  |
| Proper Officer                        | Council to appoint a Proper Officer to discharge Council's functions  | LGA 1972, s 112  |
| Public buildings and village halls    | Power to provide buildings for offices & for public assemblies  | Local Govt Act 1972, s 133   |
| Public conveniences                   | Power to provide  | Public Health Act 1936, s 87   |
| Publicise Council's functions         | Power to provide information about matters affecting local government through surveys, exhibitions and training progs     | LGA 1972, s142   |
| Records                               | Power to collect, exhibit and purchase local records  | Local Govt (Records) Act 1962, s 1 & 2   |
| Recreational activities               | Power to support  | LG (MP) Act 1976, s19  |
| Recreation<br>see also: Entertainment | Power to acquire land for recreation grounds, public walks and open spaces and to manage and control them                 | Local Govt Act 1894, s 6; Public Health Act 1890, s 44;<br>Open Spaces Act 1906, ss 9 & 10     |

|   |  |  |
|---|--|--|
|   | Power to provide indoor recreational facilities (sports centres, swimming pools etc.) and outdoor facilities (playing fields, golf courses, camp sites etc.) | LG (MP) Act 1976, s 19                                       |
|   | Power to provide boating pools etc   | Public Health Act 1961, s 54                                 |
| Responsible Financial Officer                               | Council to appoint a Responsible Financial Officer   | LGA 1972, s151   |
| Royal British Legion  | Power to contribute to cost of wreaths   | LGA 1972, s137   |
| Scouts  | Power to support   | LG (MP) Act 1976, S19  |
| Seats and Shelters  | Power to provide   | Parish Councils Act 1957, ss 2 & 3                           |
| Seats - on Village Greens                                   | Power to provide   | Open Spaces Act 1910, s10(b) <i>source: SLCC Nat'l Forum</i> |
| Stained glass window in Church                              | Power to fund the repair   | LGA 1972, s144   |
| Statutory Declaration                                       | Power to pay fees for a Solicitor to witness   | LGA 1972, s 111  |
| Surveys, exhibitions, information outputs                   |  | LGA 1972, s142   |
| Sustainable Communities                                     | Able to be represented on a panel of representatives to be consulted on proposals that would contribute to sustainable communities                           | Sustainable Communities Act 2007                             |
| SLCC fees, CiLCA study                                      | Power to provide funding for   | LGA 1972, s111   |
| Social activities (pro-active involvement in the community) | Power to support, eg Goudhurst Parish Hall maint grant, Quarry Centre Kilndown etc   | LG (MP) Act 1976, s19  |
| Telephone Box (red)   | Power to maintain an unprofitable service under BT scheme  | Telecommunications Act 1984, s97                             |
| Telephone Box (red)   | Power to accept from BT without a public phone   | LGA 1972, s139   |

|                           |   |   |
|---------------------------|---|---|
| Tourism                   | Power to encourage visitors and provide conference and other facilities                         | LGA 1972, s144  |
| Town and Country Planning | Right to be notified of planning applications   | Town & Country Planning Act 1990, s 252, Sched 1, para 8, Sched 14, para 1            |
|                           | Right to be consulted about Local Plan  | T&CP (Development Plans) Regs 1991  |
| Traffic calming           | see under Highways  |   |
| Training - Councillors    | Power to provide  | LGA 1972, s175  |
| Training - Clerk          | Power to provide  | LGA 1972, s111  |
| Transport                 | see Community Transport   |   |
| Tree Wardens              |   | Arnold-Baker para 14.21   |
| Village Greens            | Power to provide  | Public Health Act 1875, s 164; LGA 1972 Sched 14, para 27                             |
|                           | Power to maintain, to make byelaws 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             | Power to provide buildings for public assemblies  | Local Govt Act 1972, s 133  |
| 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   |
| Website                   | Power to encourage visitors   | LGA 1972, s144  |
|                           | Provision of information on local government  | LGA 1972, s142  |
| Well-Being                | Principal Councils existing power is available to local   | LGA 2000, s 1 to 4  |

Councils which "satisfy criteria based on the Quality Parish scheme". Replaces LGA 1974, s137. Eligible Councils must have regard to the Community Strategy of the Principal Council  
*Presentation at SLCC Training Day Uckfield 14 Nov 07*

Youth Activities

Power to support

LG (MP) Act 1976, s19 (Clive at KALC says OK for Scouts, Ocean Blue Twirlers and Youth Club activities, and we can treat it as a very broad power after advice from NALC, e.g. sponsoring an occasional whist drive).

**A general "catch all" Power**  
Subsidiary Powers of Local Authorities

.....a local authority shall have power to do any thing which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.  
*Arnold-Baker 8th edition, page 476*

LGA 1972, s 111