

Powers and Duties

Powers and Duties of Parish Councils

Local Councils have a wide range of powers and duties. The following table sets out the main ones; it is not a complete list of every single power and duty.

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

FUNCTION	POWERS AND DUTIES	STATUTE
Agency Arrangements	Power to arrange for the discharge of functions by another authority	LGA 1972, s.101
Allotments	Power to provide allotments. Duty to provide allotment gardens if demand exists	Smallholdings and Allotments Act 1908, ss 23, 26 and 42
Ancillary Power	Power to do anything that will facilitate, be conducive to our incidental to the discharge of its powers and functions	Local Government Act 1972, s.111
Bands and orchestras	Power to maintain a band or orchestra or contribute to the maintenance of a band or orchestra in or outside the council's area	Local Government Act 1972 s.145(1)(c)
	Power to charge for admission to performances	Local Government Act 1972 s.145 (2)
Boating Pools	Power to provide a boating pool in a park provided or managed by the council	Public Health Act 1961 s.54(1)
	Power to charge a reasonable amount for its use	Public Health Act 1961 s.54(3)
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	Local Government Act 2003, s.1, paragraph 2
Burial grounds, cemeteries and crematoria*	Power to acquire and maintain. Power to provide	Open Spaces Act 1906 ss 9 and 10. LGA 1872, s214
	Power to agree to maintain memorials and monuments	Parish Council and Burial Authorities (Misc.Prov.) Act 1970 s.1
	Power to contribute to expenses of maintaining cemeteries	LGA 1972, s214(6)
Bus shelters*	Power to provide and maintain bus shelters	Local Government (Misc. Prov.) Act 1953, s4

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	Local Government Rating Act 1997
Byelaws	Power to make byelaws for public walks and pleasure grounds. Cycle parks	Public Health Act 1875, 3164 Road Traffic Regulations Act 1984, 357(7)
	Public bathing	PHA 1936, s231
	Swimming pools, bathing places, baths and washhouses	PHA 1936, s223
	Open spaces and burial grounds	OSA 1906, s15
	Hiring of pleasure boats in parks and pleasure grounds	PHA Amendment Act 1907, s44(2): PHA 1961, 54
	Mortuaries and post-mortem rooms	PHA 1936, 2198
	Dogs and dog fouling in parks and open spaces	PHA 1875, s164 OSA 1906, S15
Car sharing schemes*	Power to establish and maintain a car sharing scheme that benefits the council's area or to assist others in doing so	Local Government and Rating Act 1997 s.26
Car parks (off-road)	Power to provide and maintain suitable off-road car parking spaces in the council's area to relieve or prevent traffic congestion or to preserve local amenities	Road Traffic Regulation Act 1984, s.57(1)(b)
Chairman's Allowance	Power to pay the chairman reasonable allowance	LGA 1972 s15(5) and 35(5)
Change of use of land	Power to use land by a parish council for another purpose other than what it was acquired for	LGA 1972 s126
Charging for discretionary services	Power to charge on a cost recovery basis (e not to make any profit) if the council has discretion to provide a service. The power does not apply if the council has a separate power to charge for provision of a service or it is prohibited from charging for it.	Local Government Act 2003 s.93

Charities	Power to appoint trustees of parochial charities	Local Government Act 1972 s.139(1) Charities Act 1993, s79 Charities Act 2011 ss298-303
Citizen's Advice Bureau	Power to assist bodies such as CAB's in advising individuals and by making or receiving communications or by providing representation to or before any body or person in asserting an individual's rights or obligations	LGA 1972, s142
Cinemas	Power to provide a cinema, or contribute towards the expenses of a cinemas in or outside the council's area	Local Government Act 1972 s.145 (1)(b)
	Power to charge for admission to a cinema provided by the council	Local Government Act 1972 s.145 (2)
Clocks*	Power to provide public clocks	Parish Councils Act 1957, s2
Closed Churchyards	Power (and sometimes duty) to maintain	LGA 1972, s215
Common Land	Power to protect unclaimed common land from unlawful interference	Commons Registration Act 1965, s9
	Power to manage commons and village greens under a district council scheme	Commons Act 1899, ss4 and 5
	Power to provide land in the council's area for common pasture if the councils expenditure can be recovered from any charges it makes for use of the land	Small Holdings and Allotments Act 1908 s.34
Community Gardens	Power to provide and maintain open space as gardens in or outside the council's area	Open Spaces Act 1906 ss.9-10

Community centres and village halls*	Power to provide and equip premises for clubs and other athletic, social or educational organisations	LG (Misc. Prov.) Act 1976, s19
Conference facilities*	Power to provide and encourage the use of conference facilities	LGA 1972, s144
Contracts	Power to enter into contracts	Local Government Act 1972 s.111
Consultation	Right to be consulted by principal councils if directed by the Secretary of State	LG and Rating Act 1997, s21: LGA 1972, s33A
Crime Prevention*	Power to (a) install equipment (b) establish schemes and (c) assist others in so doing for the prevention of crime	LG and Rating Act 1997, s31
Drainage	Power to deal with ditches and ponds	PHA 1936, s260
Dog control orders	Power to make orders for dog control offences for land in the council's area	Clean Neighbourhoods and Environment Act 2005 s.55
	Power to issue fixed penalty notices for offences committed under dog control orders	Clean Neighbourhoods and Environment Act 2005 s.59
Education	Right to appoint school governors	Education (no 2) Act 1986 s4
Entertainment and the arts*	Provision of entertainment and support for the arts	LGA 1972, s145
Employment of staff	Power to appoint staff	LGA 1972 s.112
Flagpoles	Power to erect flagpoles in highways	Highways Act 1980, s144
“Free Resource” Power of Last Resort	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
Gifts	Power to accept gifts	LGA 1972, s.139

Highways	Power to maintain footpaths and bridleways	HA 1980, ss43 and 50
	Power to make a dedication agreement for a new highway or widening an existing highway	HA 1980 ss30 and 72
	Power to veto application to magistrates' court to stop up, divert or cease to maintain a public highway	HA 1980, ss47, 116
	Power to complain to local highway authority that a highway is unlawfully stopped up or obstructed	HA 1980, s130
	Power to plant trees, etc and maintain roadside verges	HA 1980, s142
	Power to prosecute for unlawful ploughing of a footpath or bridleway	HA 1980, s134
	Power to provide traffic signs and other notices	Road Traffic Regulations Act 1984, s.72
Investments	Power to participate in schemes or collective investment	Trustee Investments Act 1961 s11
Investigation and publicity	Power to investigate the need for public passenger transport; the use and need for roads; the management and control of traffic	Local Government Rating Act 1997
Land	Power to acquire land by agreement, to appropriate land to dispose of land	LGA 1972, ss124, 126, 127
	Power to acquire land by compulsory purchase	LGA 1972, s125
	Power to accept gifts of land	LGA 1972, s139
	Power to obtain particulars of persons interested in land	LG (Misc. Prov.) Act 1976 s.16
Lifesaving appliances	Power to provide life-saving appliances (e.g., life belts, defibrillators)	Public Health Act 1936, s234
Lighting	Power to light roads and public places	PCA 1957, s3 HA 1980, S301
Litter*	Power to provide litter bins in streets and public places	Litter Act 1983, ss5 and 6
Lotteries	Power to promote lotteries	Lotteries and Amusements Act 1976, s7
Mortuaries and post-mortem rooms	Powers to provide mortuaries and post-mortem rooms	PHA 1936, s198

Newsletters etc.	Power to publish information about the council, its services and the services provided in the council's area by other local authorities, government departments, charities and other voluntary organisations	Local Government Act 1972 s.142
Nuisances*	Power to deal with offensive ponds, ditches and gutters	PHA 1936, s.260
Open Spaces	Power to acquire and maintain open spaces	PHA 1875, s.164 OSA 1906, ss9 and 10
Parish documents	Power to give directions as to the custody of parish documents	LGA 1972, s.226
Parking facilities	Power to provide parking places for motor vehicles and bicycles	RTRA 1984, ss57 and 63
Planning applications	Power to be notified of planning applications affecting the council's area and to comment	Town and Country Planning Act 1990, sch 1, paragraph 8
Precept	Power to raise a precept (council tax)	Local Government Finance Act 1992, s41
Public buildings and village halls	Power to provide building for offices and for public meetings and assemblies	LGA 1972, s133
Public conveniences	Power to provide public conveniences	PHA 1936, s87
Public inspection of documents	Public have the right to inspect certain documents	LGA 1872, s228

Public Right of way	<p>Power to repair and maintain public footpaths and bridleways in the council's area</p> <p>Power to enter into agreement to dedicate a road as highway in the council's area</p> <p>Power to enter into agreement to wide existing highway in the council's area</p> <p>Power to provide warning notices on footpaths and bridleways</p>	<p>Highways Act 1980, ss43, 50</p> <p>Highways Act 1980, s30</p> <p>Highways Act 1980, s72</p> <p>Road Traffic Regulations Act 1984, s72(2)</p>
Publicity	Power to provide information about matters affecting local government	LGA 1972, s142
Public Toilets	<p>Power to provide public toilets</p> <p>Power to make byelaws</p>	<p>Public Health Act 1936, s87</p> <p>Public Health Act 1936, s87</p>
Records	Power to collect, exhibit and purchase local records	LGA (records) Act 1962 ss 1 and 2
Recreation*	Power to acquire land for, or provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them.	<p>PHA 1875, s164</p> <p>PHAAA 1890, s44</p> <p>OSA 1906, ss9 and 10</p> <p>LG (Misc. Prov.) Act 1976, s19</p>
Rights to challenge services that are provided by a principal authority	Power to submit an interest in running a service provided by a borough or county council	Localism Act 2011, ss81-86
Right to nominate and bid for assets of community value	<p>Power to nominate assets to be added to a list of assets of community value.</p> <p>Power to bid to buy a listed asset when it comes up for sale</p>	<p>Localism Act 2011, ss87-108</p> <p>Localism Act 2011, ss87-108</p>
Seats and shelters*	Power to provide roadside seats and shelters	PCA 1957, s1
Subscriptions to County ALC, NALC and other associations	Power to subscribe to local government associations	LGA 1972 s143

Swimming Pools	Power to provide public baths	Public Health Act 1936, s221
	Power to charge for use of public baths	Public Health Act 1936, s222
	Power to make byelaws	Public Health Act 1936, s223
Taxi fare concessions	Power to make arrangements with licensed taxi or hire car operator whereby he/she is reimbursed for giving fare concessions to persons resident in council area eligible to receive travel concessions under scheme established by County or District under Transport Act 1985	Local Govt Rating Act 1997
Telecommunications facilities	Power to pay BT or other telecommunications operator any loss sustained in providing telecommunications facilities	Telecommunications Act 1984
Town and Country planning	Right to be notified of planning applications	Town and Country Planning Act 1990, para 8 of sch. 1.
Town status	Power to adopt town status	LGA 1972, ss245 and 245B
Tourism*	Power to contribute to encouragement of tourism	LGA 1972, s144
Traffic calming	Power to contribute to the cost of traffic calming measures	HA 1980, s274A
Traffic signs	Power to provide traffic signs on roads	Road Traffic Regulations Act 1984, S72(1)
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 and needs; (e) provide information about public transport services	LG and RA 1997, s26
Village greens*	Power to maintain, to make byelaws for and to prosecute for interference with village greens	OSA 1906, s15; Inclosure Act 1857, s12; Commons Act 1876, s29
Village halls*	(See Community Centres, Public Buildings)	

Village Signs	Power to make and erect ornamental village signs under the power to encourage visitors to the locality	LGA 1972, s144
War Memorials	Power to maintain, repair and protect war memorials	War Memorials (Local Authorities' Powers) Act 1923, s1 as extended by LGA 1948, s133
Water supply	Power to utilise any well, spring or stream to provide facilities for obtaining water from them	PHA 1936, s125
Websites	Power to provide a website to give information about the council, its services and the services provided in the area by other local authorities, government departments, charities or other voluntary organisations.	Local Government Act 1972 s142