

COLNEY HEATH PARISH COUNCIL

- ✉ **Postal Address:** Highfield Park Visitor Centre, Hill End Lane AL4 0RA
- ☎ **Telephone:** (01727) 825 314
- 💻 **Website:** <https://colneyheathparishcouncil.gov.uk>
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Powers and Duties Of Parish Councils

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 which have been vested in Parish, Town and Community Councils by Acts of Parliament are summarised below. Each description is intended to be a general indication and 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 these details may include a requirement to obtain the consent of another body i.e. the District Council. Local Councils must also exercise their powers subject to the provisions of the general law.

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 are available from the parish council Clerk. 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.

Functions	Powers And Duties	Statutory Powers
Agency Arrangements	Power to arrange for the discharge of functions by another local authority	Local Government Act 1972 s.101
Allotments	Powers to provide allotments Duty to provide allotment gardens if demand unsatisfied	Small Holdings Allotments Act 1908 ss 23, 26 and 42
Archives	Power to make records held available to the public and support local archives	Local Government (Records) Act 1962, ss1 and 4
Baths and Washhouses:	Power to provide public baths and washhouses	Public Health Act 1936 ss 221, 222,223 and 227
Borrowing	Power to borrow money for statutory functions	Local Government Act 1972 Sch. 13
Burial Grounds, Cemeteries and crematoria*	Power to acquire and maintain	Open Spaces Act 1906, ss 9 and 10: Local Government Act 1972, s 214
Power to provide	Local Government Act 1972, s.214	
Power to agree to maintain monuments and memorials	Parish Council and Burial Authorities (Miscellaneous Provisions) Act 19970, s. 1	
Power to contribute towards expenses of cemeteries	Local Government Act 1972	
Bus Shelters	Power to provide and maintain	Local Government (Miscellaneous) Act 1953 s.4

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Bye Laws	Power to make byelaws for public walks and pleasure ground	Public Health Act 1875, s 164
Burial Grounds, Cemeteries and crematoria*	Power to acquire and maintain	Open Spaces Act 1906, ss 9 and 10: Local Government Act 1972, s 214
Cycle Parks	Road Traffic Regulation Act 1984 s.57 (7)	
Swimming pools, bathing places, baths and washhouses	Public Health Act 1936, s 223	
Open Spaces and Burial Grounds	Open Spaces Act 1906 ss 12 and 15	
Mortuaries and post-mortem rooms	Public Health Act 1936 s. 198	
Public Bathing	Public Health Act 1936 s. 231	
Hiring of pleasure boats in parks and pleasure grounds	Public Health Amendments Act 1907, s 44(2): Public Health Act 1961, s54	
Charities	Duty to receive accounts of parochial charities	Charities Act 1960, s 32
Power to appoint trustees of parochial charities	Charities Act 1993, s 79	
Clocks*	Power to provide public clocks	Parish Councils Act 1957, s 2
Closed Churchyards	Powers (and sometimes duty) as to maintain	Local Government Act 1972, s.215
Commons Land and Common Pastures	Powers in relation to inclosure as to regulation and management and as to providing common pasture	Inclosure Act 1845; Local Government Act 1984, s 8(4); Smallholding and Allotments Act 1908, s.34
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	
Conference facilities*	Power to provide and encourage the use of facilities	Local Government Act 1972, 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, s21; Local Government Act 1972, s 33A
Community Centres and Village Halls	Power to provide and equip premises for use of clubs having athletic, social or educational objectives	Local Government (Miscellaneous Provisions) Act 1976, s.19
Crime Prevention*	Powers to spend money on various crime prevention measures	Local Government and Rating Act 1997, s 31

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Power to (a) install equipment, (b) establish schemes and (c) assist others in so doing for the prevention of crime	Local Government and Rating Act 1997, s 31	
Delegated Functions	Power to assume a function delegated by another authority Power to ensure effective discharge of Council functions Power to employ someone to carry out Council functions	Local Government Act 1972ss. 101, 111 and 112
Drainage	Power to deal with ponds/ditches	Public Health Act 1936, s. 260
Education	Right to appoint governors of primary schools	School Standards and Framework Act 1988, para 15 of Sch.10
Entertainment and the Arts*	Provision of entertainment and support of the arts	Local Government Act 1972,s145
Environment	Power to act for the benefit of the community by tackling and promoting awareness of environmental issues	Local Government Act 1972,ss 111
Flagpoles	Power to erect flagpoles in 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	Local Government Act 1972,s137
Gifts	Power to accept	Local Government Act 1972 s139
Gifts	Power to accept	Local Government Act 1972 s139
Highways	Power to repair and maintain footpaths and bridleways	Highways Act 1980, ss 43 and 50
Power to light roads and public places	Parish Councils Act 1957 s 3: Highways Act 1980, s 301: Local Government Act 1972,Sched. 14 para 27	
Provision of litter bins	Litter Act 1983, 5 and 6	
Power to provide parking places for vehicles, bicycles and motorcycles	Road Traffic Regulation Act 1984, ss 57 and 63	
Power to enter into an agreement as to dedication and widening	Highways Act 1980. ss 30 and 72	

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Power to provide roadside shelters, and omnibus 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 and 116	
Power to complain to District Council as to protection of rights of way and roadside waste		
Power to provide traffic signs and other notices	Highways Act 1980, s 130	
Power to plant trees, etc., and to maintain roadside verges	Road Traffic Regulation Act 1984, s 72; Countryside Act 1968	
Power to complain to local highway authority that a highway is unlawfully stopped up or obstructed	Highways Act 1980, s 96	
Power to prosecute for unlawful ploughing of a footpath or bridleway	Highways Act 1980, s 130 Highways Act 1980, s 134	
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1962,s11
Land	Power to acquire land by agreement, to appropriate land and to dispose of	Local Government Act 1972, ss 124, 126 and 127
Power to accept gifts of land	Local Government Act 1972s139	
Power to acquire land by compulsory purchase	Local Government Act 1972, s 125	
Power to obtain particulars of persons interested in land	Local Government (Miscellaneous Provisions) Act 1976,s 16	
Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	Public Health Act 1875, s 16; Local Government Act 1972, Sched. 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19	
Power to accept gifts of land	Local Government Act 1972s139	
Power to acquire land by compulsory purchase	Local Government Act 1972, s 125	

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Functions	Powers And Duties	Statutory Powers
Power to obtain particulars of persons interested in land	Local Government (Miscellaneous Provisions) Act 1976, s 16	
Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	Public Health Act 1875, s 16; Local Government Act 1972, Sched. 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19	
Lighting	Power to light roads and public places	Parish Councils Act 1957, s Highways Act 1980, s 301
Litter* and dog fouling	Provision of receptacles Obligated to keep own land free of litter and dog faces	Litter Act 1983, ss 5 and Environmental Protection Act 1990; Litter (Animal Droppings) Order 1991
Lotteries	Power to promote	Lotteries and Amusements Act 1976, s 7
Mortuaries and post-mortem rooms	Powers to provide mortuaries and post-mortem rooms	Public Health Act 1936, s 198
Nature Reserves	Power to designate statutory to the nature reserves and marine nature reserves – English Nature can designate sites of specific scientific interest	National Parks and Access Countryside Act 1949, ss 15, 16 and 21; The Wildlife and Countryside Act 1982, ss 36 and 39 and Sched.12
Powers to make management agreements with landowners and the English Nature to manage council-owned reserve land as a nature reserve		
Nuisances	Power to deal with offensive ditches, ponds and gutters	Public Health Act 1936, s 260
Open Spaces	Power to acquire land and maintain	Public Health Act 1875, s 164; Open Spaces Act 1906, ss 9 and 10; Commons Act 1899
Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces, and to manage and control them.	Public Health Act 1875, s 164; Local Government Act 1972, Sched 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19.	
Parish Property and Records	Powers to direct as to their custody	Local Government Act 1972, s226
Parking Facilities	Power to provide parking places for motor vehicles, motorcycles and bicycles	Road Traffic Regulation Act 1984, ss 57 and 63

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Functions	Powers And Duties	Statutory Powers
Planning	Right to be notified of and power to respond to planning applications	Town and Country Planning Act 1990, Sched. 1 para 8; Local Government Act 1972, Sched. 15 para 20.
Postal telecommunications facilities and	Power to pay the Post Office, British Telecommunications or any other public telecommunications operator any loss sustained in providing post or telegraph office or telecommunications facilities	Post Office Act 1954, s 51; Telecommunications Act 1984,s97
Public Buildings and Village Halls	Power to provide buildings for offices and for public meetings and assemblies	Local Government Act 1972 s 133
Public Conveniences	Power to provide	Public Health Act 19336, s 87
Public Enquiries	Power to make representations at public enquiries	Local Government Act 1982, s222
Publicise functions	Power to publicise council and local authority functions	Local Government Act 1982, s. 142
Raising of Finances	Power to raise money through them precept	Local Government Act 1982, s150
Records	Power to collect, exhibit and purchase local records	Local Government Act (Records) Act 1962 ss 1 and 2
Recreation*	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds, and open spaces and to manage and control them. Power to provide gymnasiums, playing fields, holiday camps	Public Health Act 1875, s 164; Local Government Act 1972, Sched 14 para 27; Public Health Acts Amendment Acts 1890, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19; Commons Act 1899
Provision of boating pools	Public Health Act 1962, s 54	
Seats and Shelters*	Power to provide roadside seats and shelters	Parish Councils Act 1957, s 1
Tourism*	Power to contribute to the encouragement of tourism	Local Government Act 1972, s. 144
Town and Country Planning	Right to be notified of planning applications	Town & Country Planning Act 1990, Sched. 1 para 8
Town Status	Power to adopt town status	Local Government Act 1972, ss 245 and 245B
Traffic Calming	Power to contribute financially to traffic calming schemes	Local Government and Rating Act 1997, s 26
Training	Power to train Councillors	Local Government Act 1972. s175.

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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 Community Transport Schemes	Local Government and Rating Act 1997, s 26-29
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
War Memorials	Power to maintain, repair, protect and adapt war memorials	War Memorials (Local Authorities Powers) Act 1923, s 1 as extended by Local Government Act 1948, s 133
Water Supply	Power to utilise well, spring or stream and to provide facilities for obtaining water therefrom.	Public Health Act 1936, s 125

This list is intended as a summary of the principle functions of the Parish Council. It is not intended to be a definitive list of such functions.