

Powers and Functions of Parish Councils

Parish and Town Councils (known collectively as Local Councils) are the first tier of local government and the closest to the community they serve. A Town Council is a parish council which has resolved to call itself a Town Council. The chairman of a Town Council can also be called the Town Mayor. There are some 8,500 Parish and Town Councils in England. As a tier of local government they are elected bodies, with discretionary powers and rights laid down by Parliament to represent their communities and provide services for them. All local authorities are constituted in the same way with Councillors elected by the local government electorate and a Chairman, who must be one of them. Local Councils vary in size and capacity; many are very small, representing a few hundred people, others represent communities of over 30,000 people with budgets over £1m and expenditure and staffing levels per head of population similar to a small District Council.

A Local Council is a body corporate with perpetual succession and a name. It comprises a Chairman (or Town Mayor), and Councillors. Local Councillors are often referred to as "Members" – for example in the Code of Conduct. The number of Councillors is fixed by the District Council. A Local Council's lawful acts, assets and liabilities are its own and not those of its Councillors.

A local Council must act within the law. It can only spend, raise or use money if it has a statutory power to do so, otherwise it acts *ultra vires* (beyond its powers). Local Councils have a wide range of powers under different acts of Parliament. Most of these powers are discretionary, ie the Council *may* do something, rather than it *must* do something. The exercise of these powers may be subject to various consents, from, for example, the owner of land or another public body such as the highways authority. Almost all Local Council powers are concurrent with those of the District Council, i.e. the power may be exercised by either the Parish/Town Council or the District Council.

A Local Council has the unfettered right to raise money by precept (a mandatory demand) on the District Council. The precept required by the Local Council is then collected by the District Council as part of the council tax levied on tax payers in that parish. Local Councils act as a sounding board for local opinion and have important rights of consultation. County and District or Unitary Councils are obliged by law to consult the Local Council on certain matters affecting the parish.

The range of services and amenities provided by Local Councils varies enormously. Many provide public seats and shelters, litter bins and notice boards. Some provide recreation grounds, public halls, cemeteries, allotments and swimming pools. All play an important role in maintaining and improving local services and facilities, supporting local voluntary organisations and activities and influencing and lobbying on local development.

Local Councils are represented nationally by a National Association which has a network of county branches. The National Association offers extensive training and support for Local Councils and their Clerks through county based Training Partnerships. The Association of Larger Local Councils represents larger parish councils.

There are certain obligations which by law a Local Council must fulfil. For example:

- a. It must hold an annual meeting;
- b. It must hold at least three other meetings a year;
- c. It must appoint such officers as it believes necessary for the proper discharge of its functions (this may be a Councillor unpaid, but in common practice is a Clerk and/or Treasurer);
- d. It must make Standing Orders for the supply of goods and services to the Council.

The arrangements for meetings and proceedings of Local Councils are set out in Part II of Schedule 12 to the Local Government Act 1972, as supplemented by any standing orders adopted by a council.

List of Parish Council Powers

(this is not an exhaustive list)

Function	Powers & Duties	Statutory Provisions
Allotments	Duty to provide allotments. Power to improve and adapt land for allotments, and to let grazing rights	Small Holding & Allotments Act 1908, ss. 23, 26, and 42
Baths and washhouses	Power to provide public baths and washhouses	Public Health Act 1936, ss. 221, 222, 223 and 227
Burial grounds, cemeteries and crematoria	Power to acquire and maintain Power to provide Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, Ss 9 and 10; Local Government Act 1972, s. 214; Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s. 1
Bus shelters	Power to provide and maintain shelters	Local Government Act 1972, s. 214(6) Local Government (Miscellaneous Provision) Act 1953, s. 4
Bye-laws	Power to make bye-laws in regard to pleasure grounds Cycle parks Baths and washhouses Open spaces and burial grounds Mortuaries and post-mortem rooms	Public Health Act 1875, s. 164 Road Traffic Regulation Act 1984, s.57(7) Public Health Act 1936, s.223 Open Spaces Act 1906, s.15 Public Health Act 1936, s.198
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed churchyards	Powers as to maintenance	Local Government Act 1972, s.215
Common pastures	Powers in relation to providing common pasture	Smallholdings and Allotments Act 1908, s.34
Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Community centres	Power to provide and equip buildings for use of clubs having athletic, social or recreational objectives	Local Government (Miscellaneous Provisions) Act 1976 s.19
Crime prevention	Powers to install and maintain equipment and establish and maintain a scheme for detection or prevention of crime	Local Government and Rating Act 1997, s.31
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260
Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145
Gifts	Power to accept	Local Government Act 1972, s.139
Highways	Power to maintain footpaths and bridle-ways Power to light roads and public places Provision of litter bins Powers to provide parking places for bicycles and motor-cycles, and other vehicles Power to enter into agreement as to dedication and widening Power to provide roadside seats and shelters	Highways Act 1980, ss.43,50 Parish Councils Act 1957, s.3; Highways Act 1980, s.301 Litter Act 1983, ss.5,6 Road Traffic Regulation Act 1984, ss.57,63 Highways Act 1980, ss.30,72 Parish Councils Act 1957, s.1 Highways Act 1980, ss.47,116 Highways Act 1980, s.130 Road Traffic Regulation Act 1984, s.72 Highways Act 1980, s.96

	Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway Power to complain to highway authority as to unlawful stopping up or obstruction of highway or unlawful encroachment on roadside wastes Power to provide traffic signs and other objects or devices warning of danger Power to plant trees and lay out grass verges etc. and to maintain them	
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11
Land	Power to acquire by agreement, to appropriate, to dispose of	Local Government Act 1972, ss.124, 126, 127
Litter	Power to accept gifts of land	Local Government Act 1972, s.139
Lotteries	Provision of receptacles Powers to promote	Litter Act 1983, ss.5,6 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
Open spaces	Power to acquire land and maintain	Public Health Act 1875, s.164 Open Spaces Act 1906, ss.9 and 10
Parish documents	Powers to direct as to their custody	Local Government Act 1972, s.226
Telecommunications facilities	Power to pay public telecommunications operators any loss sustained providing telecommunication facilities	Telecommunications Act 1984, s.97
Public buildings and village hall	Power to provide buildings for public meetings and assemblies	Local Government Act 1972, s.133
Public conveniences	Power to provide	Public Health Act 1936, s.87
Town and country planning	Right to be notified of planning applications	Town and Country Planning Act 1990, Sched.1, para. 8
Tourism	Power to encourage visitors and provide conference and other facilities	Local Government Act 1972, s.144
Traffic calming	Powers to contribute financially to traffic calming schemes	Highways Act 1980, s.274A
Transport	Powers in relation to car-sharing schemes, taxi fare concessions and information about transport Powers to make grants for bus services	Local Government and Rating Act 1997, s.26, 28 and 29 Transport Act 1985, s.106A
War memorials	Power to maintain, repair, protect and alter 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 from them	Public Health Act 1936, s.125

Who Does What?..... a (very) rough guide!

County Councils

Monitoring Officer for
County Members only

Education

Most schools
Special education
Nursery, adult, community

Personal Social Services

Securing provision for the elderly,
children and those with
disabilities (including social care
and health and residential care)
Inspection Services

Planning

Strategic planning/structure plans
Minerals and waste planning
Historic buildings

Highways/Transport

Public transport
Highways and parking
Traffic management
Footpaths and bridleways
Transport planning
Street lighting

Emergency Planning

Recreation

Parks and open spaces
Support for the arts
Archives and Record Office
Museums/Art Galleries

Economic Development

Tourism Development

District Councils

Monitoring Officer
Ethics & Probity for District &
Parish Members

Housing

Management and maintenance
of council houses
Working with Housing
Associations (known as
Registered Social Landlords)
Housing advice
Renovation grants
Homelessness
Unfit housing
Residential care

Cemeteries and Burials, Crematoria

Planning

Local Development Framework
Development control (Planning
applications and enforcement)
Advertising consent
Historic buildings
Conservation areas
Tree preservation

Highways/Transport

Unclassified roads
Off-street car parking
Traffic management
Footpaths and bridleways
Road safety
Local transport plans
Street lighting
Street naming

Emergency Planning

Recreation

Parks, open spaces and halls
Swimming pools and leisure
centres
Support for the arts
Museums and art galleries

Economic Development

Tourism Development

Parish Councils

Clocks

Closed Churchyards Burials/Cemeteries

Planning – as consultees

Bus shelters

War and other memorials

Street lighting

Public Open Spaces
Village Halls
Playing fields
Museums and the Arts

Tourism Development

Environmental Services

Refuse disposal
 Recycling
 Gypsy sites

Trading Standards**Registration of Births,
Marriages and Deaths****Library & Information Service****Grants to voluntary bodies****Community Planning****Environmental Services**

Refuse collection/street
 cleansing
 Recycling
 Management of travellers/gypsy
 sites
 Food safety
 Public conveniences
 Markets
 Dog and pest control
 Noise abatement
 Health & Safety

Seats**Licensing****Allotments****Electoral
Registration/Elections****Council Tax and Business
Rate collection****Grants to voluntary bodies****Help with Lottery Applications****Community Planning
Community Safety (anti-social
behaviour, alcohol byelaws)****Litter bins and litter
clearance****Local charities****Markets****Public seating****Licensing – as consultees****Allotments****Grants to voluntary
bodies**

NOTE: Both the county and district functions are discharged by single authorities in the case of metropolitan district councils and unitary councils.