



Three Counties Training



SUSSEX & SURREY ASSOCIATIONS OF LOCAL COUNCILS AFFILIATED TO THE NATIONAL ASSOCIATION OF LOCAL COUNCILS

East Sussex ALC Ltd. President - Lord Amphill
West Sussex ALC Ltd. President - Cllr Michael Chater OBE
Surrey ALC Ltd. President - Dame Sarah Goad DCVO, JP, H.M Lord-Lieutenant

CEO - Trevor Leggo
Assistant CEO - Anne Bott

A SUMMARY OF THE FUNCTIONS OF LOCAL COUNCILS

The functions (the bundle of duties (things which a council must do) and powers (things which it may do)) which have been vested in Parish Councils by Acts of Parliament are summarised in this leaflet as a guide to Councillors and others. Each description is brief and is intended to be a general indication. Like all functions 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 (for example the approval of the County Council to the provision of a car park). Local Councils must exercise their powers also subject to the provisions of the general law (for example planning permission is necessary for a sports pavilion) and the rules on lawful decision-making. Information on all these matters should be in the hands of the Clerks of the Councils.

The powers are listed alphabetically. Where a power is marked with an asterisk the council may, in addition to exercising the power itself, help another body to act by giving financial assistance.

Allotments - Provision and maintenance of allotments for cultivation.

Arts - Developing and improving knowledge of the arts and the crafts which serve the arts.

Baths - Provision of baths and wash-houses (which in modern terms may mean a launderette).

Borrowing - Parish and Town Councils can borrow money for capital expenditure for up to a maximum of 50 years with consent of the Secretary of State for Communities and Local Government (borrowing approval). The Council must have borrowing approval *before* seeking and drawing down funds.

Cemeteries - Provision and maintenance of burial grounds, cemeteries, crematoria, mortuaries and post-mortem rooms.

Churchyards - Power to contribute to the costs of a churchyard in use and a *duty* to maintain any closed churchyard where the duty has been transferred by the Church of England.

Clocks - Provision and maintenance of public clocks, on churches or elsewhere.

Commons - Power to protect any finally registered common which has no registered owner.

Crime Prevention - installation of equipment and establishment of schemes for the detection or prevention of crime; making grants to the police authority for these purposes. This now includes the ability to contribute to the funding of police officers or police community support officers.

Entertainments - Provision of any form of public entertainment and any premises for giving entertainments. (This includes maintaining bands or orchestras and providing for dancing.)

Halls - Provision of buildings for public meetings and functions, for indoor sports or physical recreation, or for the use of clubs or societies having recreational, social or athletic objects.

Legal Proceedings - Power to prosecute and defend any legal proceedings in the interests of the inhabitants. Power to take part in any public local inquiry.

Lighting - Provision and maintenance of any *footway* lighting which lights roads or pavements provided the columns are not above specified heights.

Litter - Provision of litter-bins in streets and support for anti-litter campaigns.

Open Spaces - Provision and maintenance of public open spaces, pleasure grounds and public walks.

Parking Places - Provision and management of car and cycle parks.

Parks - Provision and maintenance of public parks and appropriate facilities.

Planning - Local councils have a right to be notified of any planning application affecting their area and to make comments which the planning authority must take into account.

Playing Fields - Provision and maintenance of land for any kind of outdoor recreation, including boating pools.

Ponds - Power to deal with ponds, pools or other places containing filth or matter prejudicial to health.

Public Lavatories - Provision and maintenance of public lavatories.

Rights of Way - Maintenance of public footpaths and bridleways.

Roadside Verges - Power to plant and maintain roadside verges.

Seats - Provision and maintenance of public seats on the highway.

Shelters - Provision and maintenance of shelters for general public use and also particularly for bus passengers.

Signs - Power to erect signs which warn of dangers or announce a place name, or indicate a bus stop.

Swimming - Provision of indoor or outdoor swimming pools or bathing places.

Tourism - Provision of facilities for conferences and encouragement of recreational and business tourism.

Traffic Calming - contribution towards the cost of traffic calming works provided by highway authorities.

Transport - establishment of car-sharing and taxi fare concession schemes; making grants for community bus services and bus services for the elderly or disabled; investigation of public transport, road and traffic provision and needs; provision of information about public transport services.

Village Green - Powers to maintain the village or town green.

General Expenditure Power – Section 137(1) Local Government Act 1972. In any situation *not* covered by one of the specific powers described above, a council may spend money on any purpose which in its opinion is of direct benefit to its area or to the inhabitants. The total expenditure by the council on all the cases under its general power must not in any financial year exceed the set value per elector multiplied by the number of local government electors in the parish or town.

The value per elector in any given year can be obtained from the Sussex/Surrey ALC Website.

General Power of Competence – Part 1 of the Localism Act 2011. An adoptable power enabling a council to do anything which a natural person can do subject to any pre-existing or subsequently-imposed statutory constraints but requires, a qualified clerk and an electoral mandate; particularly useful for engaging in economic development and local affordable housing schemes (replaces s 137(1) of the 1972 Act).



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Powers and duties of local councils

Function	Powers & Duties	Statutory Provisions
Allotments	Powers to provide allotments. Duty to provide allotment gardens if demand unsatisfied	Small Holdings & Allotment Act 1908, ss.23, 25 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 Local Government Act 1972, s.125(6)
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provisions) 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
Charities	Co-operation with charities Participation in charities	Charities Act 2011 s 297 Local Government Act 1972 s 139(1)(b)
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed Churchyards	Powers as to maintenance	Local Government Act 1972, s.215
Commons 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 1894, s 8(4). Smallholdings and Allotments Act 1908, s.34 Commons Act 2006 s 45
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 education objectives	Local Government (Miscellaneous Provisions) Act 1976, s.19

Function	Powers & Duties	Statutory Provisions
Community Right to bid (Assets of Community Value)	Right to nominate assets of community value	Localism Act 2011 ss 87-108
Community Right to challenge	Right to induce a procurement exercise	Localism Act 2011 ss81-86
Crime Prevention	Powers to spend money on various crime prevention measures	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
Grants	Power to make grants	Localism Act 2011 s 1, Local Government Act 1972 ss 137(1), 137(3) (charities), 145, Local Government (Miscellaneous Provisions) Act 1976 s 19 (recreational facilities) Transport Act 1985 s 106A (bus services)
Highways	<p>Power to repair and maintain public footpaths and bridle-ways</p> <p>Power to light road and public places</p> <p>Power to provide parking places for vehicles, bicycles and motor-cycles</p> <p>Power to enter into agreement as to dedication and widening</p> <p>Power to provide roadside seats and shelters, and omnibus shelters</p> <p>Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway</p> <p>Power to complain to district council as to protection of rights of way and roadside wastes</p> <p>Power to provide traffic signs and other notices</p> <p>Power to plant trees etc. and to maintain roadside verges</p>	<p>Highways Act 1980, ss.43, 50</p> <p>Parish Councils Act 1957, s.3; Highways Act 1980, s.301</p> <p>Road Traffic Regulation Act 1984, ss.57, 63</p> <p>Highways Act 1980, ss.30, 72</p> <p>Parish Councils Act 1957, s.1</p> <p>Highways Act 1980, ss.47, 116</p> <p>Highways Act 1980, s.130</p> <p>Road Traffic Regulation Act 1984, s.72</p> <p>Highways Act 1980, s.96</p>
Investments	Power to participate in schemes of collective investments	Trustee Investments Act 1961, s.11
Land	<p>Power to acquire by agreement, to appropriate to dispose of</p> <p>Power to accept gifts of land</p>	<p>Local Government Act 1972, ss.124, 126, 127</p> <p>Local Government Act 1972, s.139</p>
Litter	Provision of receptacles	Litter Act 1983, ss.5, 6

Function	Powers & Duties	Statutory Provisions
Lotteries	Powers to participate in lotteries	Gambling Act 2005 ss 98, 99
Markets	Power to provide market	Food Act 1984 Pt 3
Mortuaries and post mortem rooms	Powers to provide mortuaries and post mortem rooms	Public Health Act 1936, s.198
Neighbourhood Planning	Power to promote neighbourhood plans and neighbourhood planning orders	Town and Country Planning Act 1990 (as amended)
Nuisances	Power to deal with offensive ditches	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, 10
Parish Property and documents	Powers to deal direct as to their custody	Local Government Act 1972, s.226
Public Buildings and village hall	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 1936, s.87
Recreation	Power to acquire land or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them Power to provide recreational facilities Provision of boating pools	Public Health Act 1875, s.164 Public Health Acts 1875-1961 Open Spaces Act 1906 Local Government (Miscellaneous Provisions) Act 1976, s.19 Public Health Act 1961, s.54
Town and Country Planning	Right to be notified of planning applications Initiation of neighbourhood planning orders Initiation of neighbourhood development plans The right to be consulted before submission of certain planning applications	Town and Country Planning Act 1990, sch. 1, para.8 Town and Country Planning Act 1990 (as amended) s 61E Planning and Compulsory Purchase Act 2004 s 38A Town and Country Planning Act 1990 (as amended) s 61W
Tourism	Power to contribute to organisations encouraging	Local Government Act 1972, s.144
Traffic Calming	Powers to contribute financially to traffic calming schemes	Highways Act 1980 s 274A
Transport	Powers to spend money on community transport schemes	Local Government and Rating Act 1997 ss.26-29
War Memorials	Power to maintain, repairs, protect and adapt war memorials	War memorials (Local Authorities' Powers) Act 1923, s.1, as extended by Local Government Act 1948, s.133

This list is intended only as a summary of the principal functions of local councils. It is not intended to be a definitive list of such functions.