

LOCAL COUNCIL POWERS AND DUTIES

FUNCTION	POWERS AND DUTIES	STATUTORY PROVISIONS
Allotments	Powers to provide land for allotments and to enter into allotment tenancies in or outside the council's area. Duty to provide allotment gardens if demand unsatisfied and if reasonable to do so.	Small Holding & Allotments Act 1908, ss.23, 25
Allowances for councillors	Power to pay councillors allowances.	Local authorities (Members' Allowances)(England) Regulations 2003
Ancillary power	Power to do anything that will facilitate, be conducive to or 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 of 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)
Bicycles and motor cycles – parking places	Power to provide and maintain parking places for bicycles and motor cycles in the council's area.	Road Traffic Regulation Act 1984, s.57(1)(a)
	Power to provide stands and racks for bicycles and motor cycles in the council's area.	Road Traffic Regulation Act 1984, s.63
	Power to make byelaws for the use of and charging for parking places.	Road Traffic Regulation Act 1984, s.57(7)
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.221(3)
Borrowing money	Power for councils to borrow money for their statutory functions or for the prudent management of their financial affairs.	Local Government Act 2003, Schedule 1, para.2
Burial grounds and cemeteries	Power to provide and maintain open space or burial ground in or outside the council's area.	Open Spaces Act 1906, ss.9 and 10
	Power to maintain for payment a monument or memorial on a private grave (for no more than 99 years) in the council's area.	Parish councils & Burial Authorities (Miscellaneous Provisions) Act 1970, s.1
	Power to provide and maintain cemeteries in or outside the council's area.	Local Government Act 1972, s.214(2)
	Power to contribute towards the maintenance of cemeteries where the inhabitants of the council's area may be buried.	Local Government Act 1972, s.214(6)
	Power to grant rights of burial, to place and maintain tombstones or memorials on graves and to charge fees.	Local Authorities' Cemeteries Order 1977
	Power to make relevant byelaws.	Open Spaces Act 1906, s.15
Bus Shelters	Power to provide and maintain bus shelters on roads or land adjoining roads in the council's area.	Local Government (Miscellaneous Provisions) Act 1953, s.4
Byelaws	Power to make byelaws for: - Places of public recreation - Cycle parks - Public swimming baths - Open spaces and burial grounds - Mortuaries and post-mortem rooms	- Public Health Act 1875, s.164 - Road Traffic Regulations Act 1984, s.57 (7) - Public Health Act 1936, s.223 - Open Spaces Act 1906, s.15 - Public Health Act 1936, s.198
Car parks (off-road)	Power to provide and maintain suitable off-road car parking places 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)
	Power to regulate use of car parks and charge for their use.	Road Traffic Regulation Act 1984, s.59(3, 35(1)
Car sharing schemes	Power to establish and maintain a car sharing scheme that benefits the council's area or to assist others to do so.	Local Government and Rating Act 1997 s.26

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Charging for discretionary services	Power to charge on a cost-recovery basis (i.e. not to make any profit) if the council has discretion to provide a service. Power does not apply where the council has a separate power to charge for the provision of a service or it is prohibited from charging for it.	Local Government Act 2003, s.93
Charities	Power to act as trustee of non-ecclesiastical charities.	Charities Act 2011, ss. 298-303; Local Government Act 1972, s.139 (1)
Cinemas	Power to provide a cinema, or contribute towards the expenses of a cinema in or outside of the council's area. Power to charge for admission to a cinema provided by the council.	Local Government Act 1972, s.145(1)(b) Local Government Act 1972, s.145(2)
Clocks	Power to provide and maintain public clocks in the council's area.	Parish Councils Act 1957, s.2
Closed Churchyards	Powers to maintain a closed churchyard in the council's area if requested to do so by a parochial church council.	Local Government Act 1972, s.215
Commons and common pastures	Powers to provide land in the council's area for common pasture if the council's 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 of the council's area.	Open Spaces Act 1906, ss.9-10
Community centres	Power to provide & equip buildings for use of clubs having athletic, social or educational objectives Power to acquire, provide and furnish community buildings for public meetings and assemblies	Local Government (Miscellaneous Provisions) Act 1976 s.19 Local Government Act 1972, s.133
Conference facilities	Power to provide and encourage the use of facilities in the council's area.	Local Government Act 1972, s.144
Contracts	Power to enter into contracts.	Local Government Act 1972, s.111
Crime prevention	Power to spend money on crime detection and prevention measures in the council's area.	Local Government and Rating Act 1997, s.31
Dance halls	Power to provide premises or contribute towards the expenses of providing dances in or outside of the council's area. Power to charge for admission.	Local Government Act 1972, s.145(1)(a) Local Government Act 1972, s.145(2)
Ditches & Ponds	Power to deal with ditches, ponds, pools and gutters by draining them or preventing them from being harmful to public health. Power to carry out works for their maintenance or improvement or to pay others to do this.	Public Health Act 1936, s.260 Public Health Act 1936, s.260
Dog control orders	Power to issue fixed penalty notices for offences committed under dog control orders* *UNTIL 20 Oct 2017 when replaced by PSPOs – S.75 Anti-Social Behaviour, Crime & Policing Act 2014	Clean Neighbourhoods and Environment Act 2005, s.59
Employment of staff	Power to appoint staff.	Local Government Act 1972, s.112
Fetes and other events	Power to provide entertainments and facilities for dancing in or outside of the council's area. Power to charge for admission.	Local Government Act 1972, s.145(1)(a) Local Government Act 1972, s.145(2)
Entertainment & arts	Power to provide or contribute to entertainment, dancing, theatre, concerts, bands, orchestras, arts and crafts etc.	Local Government Act 1972, s.145
Environment	Power to issue fixed penalty notices for litter, graffiti & offences under Dog Control Orders *UNTIL 20 Oct 2017 when replaced by PSPOs – S.75 Anti-Social Behaviour, Crime & Policing Act 2014	Clean Neighbourhoods and Environment Act 2005, s.19, s.30, Part 6
General Power of Competence	Power for an eligible council to do anything subject to statutory prohibitions, restrictions and limitations including those in place before or after introduction of general power of competence	Localism Act 2011, ss.1-8
Gifts	Power to accept gifts	Local Government Act 1972, s.139
Graffiti	Power to issue fixed penalty notices for graffiti offences in the council's area.	Anti-social Behaviour Act 2003, s.43
Honorary titles	Power to confer the title of honorary freemen/freewomen of council's area to persons of distinction and persons who have, in the opinion of the authority, rendered eminent services to that place or area	Local Government Act 1972, s.249
Indemnities	Power to indemnify councillors and staff with insurance cover.	Local Government Act 2000, s.101 Local Authorities (Indemnities for Members and Officers) Order 2004
Investments	Power to invest property in approved schemes.	Trustee Investments Act 1961, s.11

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Land/premises	Power to purchase or sell land in or outside of the council's area.	Local Government Act 1972, ss.124, 127
	Power to appropriate land for an authorised purpose.	Local Government Act 1972, s.126
	Power to accept and maintain gifts of land.	Local Government Act 1972, s.139
Life-saving appliances	Power to provide life-saving appliances (defibrillators, lifebelts etc.)	Public Health Act 1936, s.234
Lighting	Power to light roads and public places in the council's area.	Parish councils Act 1957, s.3; Highways Act 1980, s.301
Litter bins	Power to provide and maintain litter bins in streets and other public spaces and contribute to their provision and maintenance.	Litter Act 1983, ss.5,6
Lotteries	Powers to promote lotteries.	Gambling Act 2005, ss.98, 252
Markets	Power to establish markets in the council's area and provide a market place and market buildings.	Food Act 1984, s.50
	Power for a council that maintains a market to make byelaws.	Food Act 1984 s.60
Mortuaries and post-mortem rooms	Powers to provide mortuaries and post mortem rooms.	Public Health Act 1936, s.198
	Power to make byelaws to manage and charge for the use of mortuaries and post-mortem rooms.	Public Health Act 1936, s.198
Neighbourhood Planning	Powers to act as lead body for a neighbourhood development plan or a neighbourhood development order	Localism Act 2011, Sch. 9; Town & Country Planning Act 1990, s.61F(1), (2); Planning and Compulsory Purchase Act 2004, s.38C(2)
Newsletters etc.	Power for councils to publish 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, s.142
Non-councillors	Power to appoint non-councillors to council committees and sub-committees.	Local Government Act 1972, s.102(3)
Open spaces	Power to provide and maintain land for public recreation.	Public Health Act 1875, s.164
	Power to make byelaws.	Public Health Act 1875, s.164
	Power to provide and maintain land for open spaces in or outside of the council's area.	Open Spaces Act 1906, ss.9 and 10
	Power to make byelaws.	Open Spaces Act 1906, s.15
Parish meetings	Power to convene	Local Government Act 1972, Sch 12, para 15
Planning applications	Power to be notified of planning applications affecting the council's area, if the parish council so requests, and to comment.	Town and Country Planning Act 1990, Sch 1, para 8
Precept	Power to raise a precept.	Local Government Finance Act 1992, s.41
Public buildings and village halls	Power to provide buildings for public meetings and assemblies or contribute towards the expenses of providing such buildings.	Local Government Act 1972, s.133
Public Conveniences (toilets)	Power to provide public toilets.	Public Health Act 1936, s.87
	Power to make byelaws.	Public Health Act 1936, s.87
Rights of way (public)	Power to repair and maintain public footpaths and bridleways in the council's area.	Highways Act 1980, ss. 43,50
	Power to enter into agreement to dedicate a road as highway in the council's area or an adjoining area.	Highways Act 1980, s.30
	Power to enter into agreement to widen existing highway in the council's area or an adjoining area.	Highways Act 1980, s.72
	Power to provide warning notices on footpaths and bridleways.	Road Traffic Regulation Act 1984 s.72(2)

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Recreation	Power to provide and manage recreation grounds, public walks, pleasure grounds and open spaces.	Public Health Act 1875, s.164
	Power to make byelaws.	Public Health Act 1875, s.164
	Power to provide and contribute to a wide range of recreational facilities in or outside of the council's area.	Local Government (Miscellaneous Provisions) Act 1976, s.19
Right to challenge services that are provided by a principal authority	Power to submit an interest in running a service provided by a district, county or unitary authority.	Localism Act 2011, ss.81-86
Right to nominate and bid for assets of community value	Power to nominate assets to be added to a list of assets of community value	Localism Act 2011, ss.87-108
	Power to bid to buy a listed asset when it comes up for sale	Localism Act 2011, ss.87-108
Roads (highways)	Power to enter into agreement as to dedication and widening	Highways Act 1980, ss.30,72
	Power to provide and maintain roadside seats and shelters on roads and land bordering any road in the council's area.	Parish Councils Act 1957, s.1
	Power to consent or refuse consent to the local highways authority ending maintenance of highway or for stopping up/diverting a highway.	Highways Act 1980, ss.47,116
	Power to complain to the local highway authority about the obstruction of rights of way and roadside waste in the council's area.	Highways Act 1980, s.130
	Power to plant and maintain trees and shrubs and lay out grass verges in the council's area (with consent of Highways Authority)	Highways Act 1980, s.96
Sports and recreational facilities	Power to provide sports facilities and staff in or outside of the council's area or contribute towards the expenses of any voluntary organisation or local authority that provides sports facilities etc. in or outside of the council's area.	Local Government (Miscellaneous Provisions) Act 1976, s.19
Swimming pools (public baths)	Power to provide public swimming pools.	Public Health act 1936, s.221
	Power to charge for use of public swimming pools.	Public Health act 1936, s.222
	Power to make byelaws.	Public Health act 1936, s.223
Traffic signs	Power to provide traffic signs on roads	Road Traffic Regulation Act 1984 s.72(1)
Theatres	Power to provide a theatre or contribute towards their expenses in or outside of the council's area.	Local Government Act 1972, s.145(1)(b)
	Power to charge for admission to a theatre provided by the council.	Local Government Act 1972, s.145(2)
Tourism	Power to encourage tourism to the council's area or contribute to organisations encouraging tourism.	Local Government Act 1972, s.144
Traffic calming	Powers to contribute financially to a highways authority for traffic calming schemes for the benefit of the council's area.	Highways Act 1980, s.274A
Transport	Powers to spend money on community transport schemes (car-sharing, taxi fare concessions, and investigating traffic, road use or transport services).	Local Government and Rating Act 1997, ss.26-29
War memorials	Power to incur reasonable expenditure to maintain, repair and protect and adapt war memorials.	War Memorials (Local Authorities' Powers) Act 1923, s.1
Water	Power to make use of wells, springs or streams in the council's area and provide facilities for obtaining water from them.	Public Health Act 1936, s.125
Websites	Power for councils to provide their own websites 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, s.142