

Powers of Parish Councils

Subject	Summary of Discretionary Powers	Legislation
Allotments	Power to provide land for allotments and to enter into allotment tenancies in or outside the council's area	Small Holding and Allotments Act 1908,ss.23, 25
Allowances for councillors	Power to pay councillors allowances	Local Authorities (Members' Allowances) (England) Regulations 2003 - England
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	Powers 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)
Bands and orchestras	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 Regulations Act 1984, s.57(1)(a)
Bicycles and motor cycles – parking places	Power to provide stands and racks for bicycles and motor cycles in the council's area.	Road Traffic Regulations Act 1984, s.63
Bicycles and motor cycles – parking places	Power to make byelaws for the use of and charging for parking places	Road Traffic Regulation Act 1984, s.57(7) - England

	Power to provide a boating pool in a park provided or managed by the council.	Public Health Act 1961, s.54(1)
Boating Pools	Power to charge a reasonable amount for its use	Public Health Act 1961, s.54(3)
		Local Government Act 2003,
Borrowing money	Power to borrow money with approval where necessary	Schedule 1, paragraph 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.9-10
	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 and Burial Authorities (Miscellaneous Provisions) Act 1970, s.1
		Local Government Act 1972, s.214(2)
	Power to provide and maintain cemeteries in or outside the council's area.	Local Government Act 1972,
	Power to contribute towards the maintenance of cemeteries where the inhabitants of the council's area may be buried.	s.214(6)
		Local Authorities' Cemeteries Order 1977
Subject	Summary of Discretionary Power/Duties	Legislation
	Power to grant rights of burial, to place and maintain tombstones or memorials on graves and to charge fees.	Open Spaces Act 1906 s.15 - England

	Power to make byelaws	
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	See specific subject areas in this table
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 Regulations Act 1984, s.57(1)(b)
	Power to regulate use of car parks and charge for their use.	Road Traffic Regulation Act 1984, ss.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 other in doing so	Local Government and Rating Act 1997, s.26
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 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 act as trustee of non-ecclesiastical charity	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 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 and maintain public clocks within the council's area	Parish Councils Act 1957, s.2
Closed Churchyards	Power 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

Subject	Summary of Discretionary Powers & Duties	Legislation
Commons and common pastures	Power 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 the council's area	Open Spaces Act 1906, ss.9-10
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 for dances or to contribute to the expenses of dances in or outside the council's area.	Local Government Act 1972, s.145(1)(a)
	Power to charge for admission to dances provided by the council	Local Government Act 1972, s.145(2)
Ditches and ponds	Power to deal with ditches, ponds, pools and gutters by draining them or preventing them from being harmful to public health.	Public Health Act 1936, s260
	Power to carry out works for their maintenance or improvements or to pay other to do this	Public Health Act 1936, s.260
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
Employment of staff	Power to appoint staff	Local Government Act 1972, s.112

	Power to provide entertainments and facilities for dancing in or outside the council's area.	Local Government Act 1972, s.145(1)(a)
Fetes and other events		
	Power to charge for admission	Local Government Act 1972, s.145(2)
General power of competence – England	Power for an eligible council to do anything subject to statutory prohibitions, restrictions and limitations which include those in place before or after the introduction of the general power of competence.	Localism Act 2011, ss.1-8
Subject	Summary of Discretionary Powers & Duties	Legislation
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 titles of honorary freeman or freewoman	Local Government Act 1972, s.249
		Local Government Act 2000, s.101
Indemnities	Power to indemnify councillors and staff with insurance cover	Local Authorities (Indemnities for Members and Officers) Order 2004 - England
Investments	Power to invest property in approved schemes	Trustee Investments Act 1961, s.11
Land/premises	Power to purchase or sell land in or outside 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 (e.g. life belts, defibrillators)	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	Power to issue fixed penalty notices for litter offences in the council's area	Environmental Protection Act 1990, s.88
Litter bins	Power to provide and maintain litter bins in streets or other public spaces and contribute to their provision and maintenance	Litter Act 1983, ss.5-6
Lotteries	Power to promote lotteries	Gambling Act 2005, ss.98, 252
	Power to establish markets in the council's area and provide a market place and market buildings	Food Act 1984, s.50
Market		
	Power for a council that maintains a market to make byelaws	Food Act 1984, s.60 - England
Mortuaries and post-mortem rooms	Power 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 – England
Subject	Summary of Discretionary Powers & Duties	Legislation
Neighbourhood planning – England	Power to act as the lead body for the establishment of a neighbourhood development order or a neighbourhood development plan	Town and County Planning Act 1990, s.61F(1),(2) Planning and Compulsory Purchase Act 2004, s.38C(2)
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
Non-councillors	Power to appoint non-councillors to council committees and sub-committees	Local Government Act 1972, s.102(3)
	Power to provide and maintain land for public recreation	Public Health Act 1875, s.164 – England
Open spaces	Power to make byelaws	Open Spaces Act 1906, ss.9-10
	Power to provide and maintain land for open spaces in or outside the council’s area	Open Spaces Act 1906, s.15 – England

	Power to make byelaws	
Parish meetings – England Only	Power to convene	Local Government Act 1972, Schedule 12, paragraph 15
Planning applications	Power to be notified of planning applications affecting the council's area and to comment	Town and Country Planning Act 1990, Schedule 1, paragraph 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
	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 parish or community area	Highways Act 1980, s.30
Public rights of way	Power to enter into agreement to widen existing highway in the council's area or an adjoining parish or community area	Highways Act 1980, s.72
	Power to provide warning notices on footpaths and bridleways	Road Traffic Regulation Act 1984, s.72(2)

Subject	Summary of Discretionary Powers & Duties	Legislation
Public toilets	Power to provide public toilets	Public Health Act 1936, s.87 – England
Recreation	Power to make byelaws	Public Health Act 1875, s.164 – England
Right to challenge services that are provided by a principal authority – England	Power to provide and manage recreation grounds, public walks, pleasure grounds and open spaces	Local Government (Miscellaneous Provisions) Act 1976, s.19
Right to nominate and bid for assets of community value – England	Power to make byelaws	Localism Act 2011, ss.81-86
Roads	Power to provide and contribute to a wide range of recreational facilities in or outside the council's area	Localism Act 2011, ss.87-108
Roads	Power to submit an interest in running a service provided by a district, county or unitary authority	Highways Act 1980, ss.47,116
Right to nominate and bid for assets of community value – England	Power to nominate assets to be added to a list of assets of community value	Localism Act 2011, ss.87-108
Roads	Power to bid to buy a listed asset when it come up for sale	Highways Act 1980, ss.47,116
Roads	Power to consent or not consent to the local highway authority stopping maintenance of a road in the council's area or stopping	Highways Act 1980, ss.47,116

	up/diverting a road in the council's area	Highways Act 1980, s.130
	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.96 Parish Councils Act 1957, s.1
	Power to plant and maintain trees and shrubs, and lay out grass verges in the council's area	
	Power to provide and maintain seats and shelters on roads and land bordering any road in the council's area	
Sports and recreational facilities	Power to provide sports facilities in or outside the council's area or contribute towards the expenses of any voluntary organisation or local authority that provides sports facilities in or outside the council's area	Local Government (Miscellaneous Provisions) Act 1976, s.19
Subject	Summary of Discretionary Powers & Duties	Legislation
	Power to provide public baths	Public Health Act 1936, s.221
Swimming pools	Power to charge for use of public baths	Public Health Act 1936, s.222
	Power to make byelaws	

		Public Health Act 1936, s.223 – England
Traffic signs	Power to provide traffic signs on roads	Road Traffic Regulations Act 1984, s.72(1)
	Power to provide a theatre or contribute towards their expenses in or outside the council's area	Local Government Act 1972, s.145(1)(b)
Theatres		
	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	Power to make payments to a highway authority for traffic calming schemes for the benefit of the council's area	Highways Act 1980, s.274A
War memorials	Power to maintain, repair and protect war memorials in the council's area	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 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, s.142

