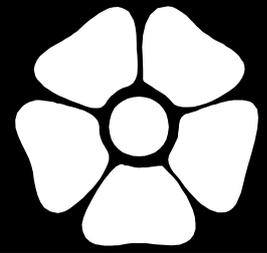


YLCA ADVICE NOTE



LOCAL COUNCIL POWERS

Allotments: Provision and maintenance 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).

Cemeteries: Provision and maintenance of burial grounds, or cemeteries, or crematoria.

Churchyards: 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.

Climate Change and Sustainable Energy Act 2006: powers for parish councils to encourage local people to save energy through microgeneration, the use of electricity or heat produced by microgeneration, efficient use of energy by people in the area, a reduction in the amount of energy used by local people, local production of biomass or any fuel derived from biomass or the electricity or heat generated from biomass or any such fuel. There is a limit on the expenditure that can be made using this power and this is the same as that for Section 137 of the Local Government Act 1972 at the time.

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

Commons: Protect any finally registered common which has no registered owner.

Crime Prevention: Support schemes for the prevention and detection of crime.

Dogs: Make a Dog Control Order and take enforcement action.

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

Fly Posting and Graffiti: Take enforcement action.

Gifts: Accept gifts including land.

Footpaths: Maintenance of public footpaths and bridleways.

Halls: Provision of building 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.

Investment: Participate in a scheme of collective investment.

Land: Acquire by agreement. Dispose of.

Legal Proceedings: Prosecute and defend any legal proceedings in the interests of the inhabitants. Take part in any public local inquiry.

Lighting: Provision and maintenance of any footway lighting which lights roads or pavements.

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

Lotteries: Promote.

Memorials: Maintenance of war memorials.

Mortuaries: Provision of mortuaries and post mortem rooms.

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.

Playing Fields: Provision & maintenance of land for any kind of outdoor recreation including boating pools.

Ponds: Deal with ponds, pools, or other places containing filth or matter prejudicial to health.

Post and Telephone: Guarantee the postal or telephone authorities against a loss on a facility.

Public Lavatories: Provision and maintenance of public lavatories.

Roadside Verges 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.

Sustainable Communities: To be represented on a panel and be consulted.

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

Town & Country Planning: Be notified of planning applications.

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

Traffic: Carry out surveys and assist the highway authority provide traffic calming. Support community transport schemes.

Village Greens: Maintain village or town greens.

Water Supply: To utilise a well, spring or stream and to provide facilities for obtaining water from them.

Section 137 (the free resource): 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 benefit to its area or to the inhabitants. The total expenditure by the council on all the cases under this general power must not in 2011/2012 financial year exceed £6.44 per elector for the parish or town.

General Power of Competence: Available to councils who qualify (number of councillors elected and having a 'qualified' clerk). Councils then permitted to broadly do anything that an individual can do.

LEGAL REFERENCES

Allotments - Small Holdings and Allotments Act 1908 S 23 Allotments Act 1950 S 9
Arts - Local Government Act 1972 S 145
Baths - Public Health Act 1936 S 221(a)
Cemeteries – Local Government Act 1972 S 214
Churchyards – Local Government Act 1972 S 215
Clocks - Parish Councils Act 1957 S 2
Commons - Able to bring prosecutions under various Acts of Parliament
Crime Prevention - Local Government and Rating Act 1997 S 31
Dogs: Cleaner Neighbourhoods and Environment Act 2005 S 55
Entertainments – Local Government Act 1972 S 45
Fly Posting & Graffiti: Cleaner Neighbourhoods and Environment Act 2005
Footpaths - Highways Act 1980 S 43
Gifts: Local Government Act 1972, S 139
Halls - Local Government (Miscellaneous Provisions) Act 1976 S 19
Investment: Trustee Investment Act 1961 S 11
Land: Local Government Act 1972, Ss 124, 127 and,139
Legal Proceedings – Local Government Act 1972 S 222
Lighting – Parish Councils Act 1957 S 3 & Local Government Act 1972 Sch14 para 34
Litter - Litter Act 1983 Ss 5, and 10
Lotteries: Lotteries & Amusement Act 1976, S 7
Mortuaries – Public Health Act 1936 S198
Memorials - War Memorials (Local Authorities' Powers) Act 1923 S 1
Open Spaces -Public Health Act 1875 S 164, Open Spaces Act 1906, and Local Government Act 1972 Sch14 para 27
Parking Spaces - Road Traffic Act 1984 S 57
Parks - Public Health Act 1875 S 164 & Local Government Act 1972 Sch14 para 27
Playing Fields – Local Government (Miscellaneous Provisions)Act 1976 S 19
Ponds – Public Health Act 1936 S 260
Post & Telephone - Post Office Act 1953 S 51(3) as amended by British Telecommunications Act 1981 S 88 and Sch 4
Public Conveniences – Local Government Act 1972 Sch14 para 9
Roadside Verges – Highways Act 1980 S 116
Seats – Parish Councils Act 1957 S 1
Shelters – Parish Councils Act 1957 S 1
Sustainable Communities: Sustainable Communities Act 2007
Swimming – Local Government (Miscellaneous Provisions) Act 1976 S 19
Tourism – Local Government Act 1972 S 144 as amended by Local Government (Miscellaneous Provisions) Act 1976 S 19
Town & Country Planning: Town & Country Planning Act 1990, Sch 1, para 8
Traffic – Local Government & Rating Act 1997 Ss 26-30
Village Green – Public Health Act 1875 S 164 & Local Government Act 1972 Sch14 para 27
Water Supply: Public Health Act 1936, S 125
Well-Being: Local Government Act 2000, Ss 2 and 4
Section 137 (The free resource) – Local Government Act 1972 S137 as amended by Local Government & Housing Act 1989 S36
General Power of Competence – Localism Act 2011.

