

Brenchley and Matfield Parish Council

Statutory Powers at a Glance

Agency arrangements	Power to arrange for the discharge of functions by another local authority	LGA 1972, s 101
Allotments	Powers to provide allotments Duty to provide allotments if requested	Small Holding & Allotments Act 1908 ss 23, 26 & 42
Ancillary Power	Power to do anything that will facilitate, be conducive to or incidental to the discharge of council's powers and functions	Local Govr Act 1972, s 111
Anti Social Behaviour	Power to tackle (see also Crime Prevention)	Crime & Disorder Act, s 17
Appraisals, Design Statements, and Parish Plans (see Neighbourhood Planning below)	Raising the profile of the Council	
Arts and Local Crafts	Development of	LGA 1972, s145
Baths and Washhouses	Power to provide public baths and washhouses	Public Health Act 1936 ss 221, 222, 223 & 227
Boating Lake	Power to provide	Public Health Act 1961, s54
Borrowing	Power to borrow money for statutory functions	LGA 1972, Sched 13; LGA 2003, Sched 1 but check with KALC first before actioning
Burial Grounds and Cemeteries	Power to acquire and maintain Power to provide Power to agree to maintain memorials	Open Spaces Act 1906 ss 9 & 10 LGA 1972 s 214 Parish Councils & Burial Authorities (MP) Act 1970 s 1

	Power to contribute to expenses of cemeteries	LGA 1972 s 215 (6)
Bus Services	Power to make a revenue grant for bus services	Lcal Government & Rating Act 1997, s27
Bus Shelters	Power to provide and maintain shelters	LG (MP) Act 1953 s 4 Parish Councils Act 1957 s 1
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 Dogs and dog fouling in parks and open spaces	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 Public Health Act 1875 s 164; Open Spaces Act 1906, s 15
Car Parks (off road)	Power to provide and maintain Power to charge for the use of car parks	Road Traffic Regulation Act 1984 s57 Road Traffic Regulation Act 1984 s59 and s35
Car Sharing Schemes	Power to establish & maintain	Local Government & Rating Act 1997, s26
Cinemas and Theatres	Power to provide or contribute towards the expenses of a cinema or theatre in or outside the council's area and to charge for admission	LGA 1972 s145
Citizens Advice Bureau	Power to support	LGA 1972, s142
CCTV	Power to spend money on crime prevention measures	Local Government and Rating Act 1997 s31
Charities	Duty to receive accounts of parochial charities Power to appoint trustees of parochial charities	Charities Act 1960 s32 (3) (repealed by Charities Act 1993, see s 46(2) of that Act) Charities Act 1993, s 79

Christmas Lights	Power to provide	LGA 1972, s 111
Churchyards - closed	Powers as to maintenance	LGA 1972, s215
Churchyards - not closed	Powers as to maintenance	LGA 1972, s214
Citizens Advice Bureau	Powers to support	LGA 1972, s 142
Clean Up Day (Litter picking etc)	Power to finance	Open Spaces Act 1906, s 16 (as advised by SLCC Hampshire) but better to use LGA 1972, s 111
Clerk's Expenses inc Home Office	Right of local authority to pay	Local Govt (Financial Provisions) Act 1963, s 5
Clocks	Power to provide public clocks	Parish Councils Act 1957 s2
Code of Conduct	Duty to adopt a code of conduct for Councillors	LGA 2000, s 51
Common Land	Power to protect unclaimed common land from unlawful interference	Commons Registration Act 1965, s 9
	Power to manage commons and village greens under a District Council scheme	Commons Act 1899, ss 4 & 5
Commons and common pastures	Powers in relation to enclosure, as to regulation and management, and as to providing common pasture	Inclosure Act 1845 LGA 1894 s8 (4) Smallholdings and Allotments Act 1908 s34
Community centres and Village Halls	Power to provide and equip premises for clubs and other athletic, social or educational organisations	LG (MP) Act 1976, s 19
Conference facilities	Power to provide and encourage the use of facilities	LGA 1972 s144
Community Transport	Power to establish and support car sharing schemes	Local Govt and Rating Act 1997, s 26

	Power to pay grants for a bus service for elderly/disabled etc	LGRA 1997, s 27
	Power to grant taxi fare concessions to the disabled etc	LGRA 1997, s 28
	Power to investigate transport needs and publicise transport services	LGRA 1997, s 29
Crime and Disorder	Duty on Parish Councils to consider crime reduction in every policy and action	Crime and Disorder Act 1998, s 17
Crime prevention	Power to spend money on various crime prevention measures e.g. equipment, schemes and assisting others	Local Government and Rating Act 1997 s31
	Power to contribute to to police services e.g. PCSOs	Police Act 1996, s 92
Cycle racks	Power to provide	Road Traffic Regulation Act 1984, ss57 - 60
Defibrillators	Power to provide	Public Health Act 1936, s234
Ditches and Drainage	Power to deal with ponds, ditches and gutters	Public Health Act 1936 ss 259 and 260
Dogs	Dogs and dog fouling in parks and open spaces	Public Health Act 1875 s 164; Open Spaces Act 1906, s 15
	Power to make a Dog Control Order	Cleaner Neighbourhoods and Environment Act 2005
	Power to take enforcement action against those who commit an offence against a Dog Control Order	Cleaner Neighbourhoods and Environment Act 2005
"ECO Friendly"		Climate Change & Sustainable Energy Act 2006, clause 20
Education	Power to appoint school governors of primary schools	Education (No 2) Act 1986 s 4 School Standards and Framework Act 1998, para 15 of Sch 9

Employment of Staff	Power to appoint staff	LGA 1972 s112
Entertainment and the Arts see also: Recreation	Provision of entertainment and support of the arts	LGA 1972, s145
Expenditure by Council	Normal business costs e.g. salaries, stationery, office equipt	LGA 1972, s150
Expert advice	To buy	LGA 1972, s112
Flagpoles	Power to erect	Highways Act 1980, s144
Flags	Power to provide (if benefit to some of inhabitants or area)	LGA 1972, s137
Footpaths	see under Highways	
`	Power to incur expenditure not otherwise authorised on anything which in the Council's opinion is in the interests of the area or part of it, or of all or some of the inhabitants	LGA 1972, s 137
General Power - wide ranging	Subsidiary powers of local authorities	LGS 1972, s111
Gifts	Power to accept	LGA 1972, s139
Graffiti	Power to issue fixed penalty notices for graffiti offences	Anti-Social Behaviour Act 2003, s43
Heritage	Power to support Heritage projects in the Parish - encourage visitors and the arts generally	LGS 1972, ss 144 & 145
Highways	Dedication, repair and maintenance of footpaths	Highways Act 1980, ss 30, 43, 50
	Power to erect a flagpole	Highways Act 1980, s 144
	Power to light footways, roads and public places	Parish Councils Act 1957, s3 Highways Act 1980, s 301

Provision of litter bins	Litter Act 1983, ss 5 and 6
Power to provide parking places for bicycles, motorcycles and other vehicles	Road Traffic Regulation Act 1984, ss 57 - 60
Power to widen Highway	Highways Act 1980, ss 30 and 72
Power to provide traffic signs and warning notices	Road Traffic Regulation Act 1984, s 72
Power to provide roadside seats and shelters, & bus shelters	Highways Act 1980, s 130 Road Traffic Regulation Act 1984. s 72
Consent of Parish Council required for stopping up or diversion of highway (veto power?)	Highways Act 1980, ss 47, 116
Power to compel Highway Authority to take action to protect rights of way and roadside wastes from obstruction or encroachment	Highways Act 1980, s 130
Power to plant trees etc in roadside verges	Highways Act 1980, s 96
Power to require Highway Authority to signpost bridleways and footpaths	Countryside Act 1968, s 27
Right to object to a public path order, reclassification or modification	Highways Act 1980, s 118 & 119 and Sched 6; Wildlife and Countryside Act 1981, ss 53 & 54 and Sched 15
Power to fund traffic calming works	Highways Act 1980, s 274A and LG&RA 1997, s30
Power to take action to relieve traffic congestion	Road Traffic Regulation Act 1984, s57

	Power to survey traffic needs and publicise information	Local Government and Rating Act 1997, s29
	Power to prosecute for unlawful ploughing of a footpath or bridleway	Highways Act 1980, s 134
Honorary Freemen	Power to appoint	LGA 1972, s249
Indemnities	Power to indemnify councillors and staff with insurance cover	LGA 2000 s101 and Local Authorities (Indemnities for Members and Officers) Order 2004
Information see also: Publicise Council's Functions	Duty to prepare a publication scheme for information available for public inspection	Freedom of Information Act 2000, ss 19 & 20
Information Board for Tourists	Power to provide	LGA 1972, s144
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s 11
KALC Membership	Power to provide funding for	LGA 1972, s143
Land	Acquisition, including compulsory purchase	Local Govt Act 1972, ss 124-127
	Power to accept gifts of land	LGA 1972, s 139
	Power to obtain particulars of persons interested in land	LG (M) Act 1976, s 16
	Rights of Way over land	Local Govt Act (other than Highways) 1894, s 8(1)g
Life Saving Appliances	Power to provide e.g. life belts, defibrillators)	Public Health Act 1936, s234
Lighting	Power to light roads and public places	Parish Councils Act 1957, s 3; Highways Act 1980, s 301
Litter	Power to provide receptacles	Litter Act 1983, ss 5 & 6

	Power to take enforcement action against those who litter	Cleaner Neighbourhoods and Environment Act 2005
	Must keep own land free of litter and dog faeces	Environmental Protection Act 1990 and Litter (Animal Droppings Order 1991
Litter picking	Power to finance	LGA 1972, s 111
Local Environment	Promote awareness of	LGA1972, s111
Lotteries	Power to promote	National Lottery etc Act 1993
Markets	Power to establish in the council's area	Food Act 1984, s50 and s60
Mortuaries and post-mortem rooms	Power to provide	Public Health Act 1936, s 198
Museums	Power to contribute	Local Govt Act 1972, s 145(1)d
Neighbourhood Development Plan	Power to produce	Planning & Compulsory Purchase Act 2002 (inserted to that Act by Sched 9 of the Localism Act 2011)
	Expenses in connection with	LGA 1972, s111
Non-Councillors	Power to appoint non-councillors to council committees	LGA 1972, s102
Open spaces	Power to acquire and maintain land	Public Health Act 1875, s 164 Open Spaces Act 1906, ss 9 & 10
	Power to light	Open Spaces Act 1906, s 10
	Power to make bylaws for any open space	Open Spaces Act 1906, ss 12 & 15
Parish Newsletter	Power to provide information	LGA 1972, s 142
Parish Plan	Power to support	LGA 1972, s111

Parish property and documents	To maintain and improve management and custody	Local Govt Act 1894, s 8(1)l; Local Govt Act 1972, s 226
Parking facilities	Power to provide parking places for motor vehicles & bicycles	Road Traffic Regulation Act 1984, ss 57 & 63
Parks and Pleasure Grounds	Power to provide	Public Health Act 1875, s 164; (Amendment) Act 1890 s 44 Public Health Act 1961, ss 53 & 54
Planning Applications	Power to be notified of applications affecting the council's area and to comment	Town & Country Planning Act 1990. sched 1, para 8
	Power to respond to planning applications	LGA 1972, Sched 16, para 20
Play Areas & childrens' activities	Emphasis on Council to examine policy on local crime	Crime & Disorder Act s17
Play Areas & childrens' activities	Power to support	LG (MP) Act 1976, s19 (see Youth activities below)
Ponds	Power to deal with ponds and ditches	Public Health Act 1936 ss 259 and 260
Postal & Telecommunications	Power to reimburse any public telecommunications operator	Telecommunications Act 1984, s 97
	any loss sustained in providing additional telecomms facilities	
Precept	Power to raise a precept	Local Government Finance Act 1992, s41
Proper Officer	Council to appoint a Proper Officer to discharge Council's functions	LGA 1972, s 112
Property - Council's	Manage property effectively	LGA 1972, s111
Public buildings and village halls	Power to provide buildings for offices & for public assemblies	Local Govt Act 1972, s 133

Public conveniences - toilets	Power to provide	Public Health Act 1936, s 87
Public Enquiries	Power to make representations	LGA 1972, s222
Public Rights of Way	Power to repair and maintain public footpaths and bridleways in the council's area and to enter into agreements	Highways Act 1980, s43, s50, s30, s72 and Road Traffic Regulation Act 1984, s 72
Publicise Council's functions	Power to provide information about matters affecting local government through surveys, exhibitions and training progs	LGA 1972, s142
Records	Power to collect, exhibit and purchase local records	Local Govt (Records) Act 1962, s 1 & 2
Records - Historical	Power to acquire historical records of community value	LGA 1972, s 226
Records	Power to make community records available to the public Power to purchase records of local interest Power to support local archives	Local Government (Records) Act 1962, s1 Local Government (Records) Act 1962, s2 Local Government (Records) Act 1962, s4
Recreational activities	Power to support	LG (MP) Act 1976, s19
Recreation see also: Entertainment	Power to acquire land for recreation grounds, public walks and open spaces and to manage and control them	Local Govt Act 1894, s 6; Public Health Act 1890, s 44; Open Spaces Act 1906, ss 9 & 10
	Power to provide indoor recreational facilities (sports centres, swimming pools etc.) and outdoor facilities (playing fields, golf courses, camp sites etc.)	LG (MP) Act 1976, s 19
	Power to provide boating pools etc	Public Health Act 1961, s 54
Responsible Financial Officer	Council to appoint a Responsible Financial Officer	LGA 1972, s151
Right of Way	Power to create	Highways Act 1980, s30

	Power to maintain	Highways Act 1980, s43
Right to challenge services 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, s81-86
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. Power to bid or buy a listed asset	Localism Act 2011, s81-86
Royal British Legion	Power to contribute to cost of wreaths	LGA 1972, s137 Note: special wording req'd for Minutes
Samaritans	Power to grant fund	LGA 1972, s142 para 2A
Scouts	Power to support	LG (MP) Act 1976, S19
Seats and Shelters	Power to provide	Parish Councils Act 1957, ss 2 & 3
Seats - on Village Greens	Power to provide	Open Spaces Act 1910, s10(b) <i>source: SLCC Nat'l Forum</i>
Signs	Power to Erect signs for a right of way (Highways consent)	Countryside Act 1968, s27
Small Holdings see also Allotments	Power to acquire land for common pasture	Smallholdings and Allotments Act 1908, s34
Stained glass window in Church	Power to fund the repair	LGA 1972, s144
Statutory Declaration	Power to pay fees for a Solicitor to witness	LGA 1972, s 111
Subscriptions to Magazines	Considered to be Parish Council expenses	LGA 1972, s150
Surveys, exhibitions, information outputs		LGA 1972, s142
Sustainable Communities	Able to be represented on a panel of representatives to be consulted on proposals that would contribute to sustainable	Sustainable Communities Act 2007

	communities	
SLCC fees, CiLCA study	Power to provide funding for	LGA 1972, s111
Social activities (pro-active involvement in the community)	Power to support, eg Goudhurst Parish Hall maint grant, Quarry Centre Kilndown etc	LG (MP) Act 1976, s19
Taxis	Power to grant taxo concessionary fare schemes	Local Government and Rating Act 1997, s28
Telephone Box (red) Telephone Box (red)	Power to maintain an unprofitable service under BT scheme Power to accept from BT without a public phone	Telecommunications Act 1984, s97 LGA 1972, s139
Theatres	see Cinemas above	
Tourism	Power to encourage visitors and provide conference and other facilities	LGA 1972, s144
Town and Country Planning	Right to be notified of planning applications	Town & Country Planning Act 1990, s 252, Sched 1, para 8, Sched 14, para 1
	Right to be consulted about Local Plan	T&CP (Development Plans) Regs 1991
Traffic calming	see under Highways	
Training - Councillors	Power to provide	LGA 1972, s175
Training - Clerk	Power to provide	LGA 1972, s111
Transport	see Community Transport	
Tree Wardens		Arnold-Baker para 14.21
Verges	Power to plant trees, shrubs & bulbs (Highways consent)	

Village Greens	Power to provide	Public Health Act 1875, s 164; LGA 1972 Sched 14, para 27
	Power to maintain, to make byelaws for and to prosecute for interference with village greens	Open Spaces Act 1906, s 15; Inclosure Act 1857, s 12; Commons Act 1876, s 29
Village Halls	Power to provide buildings for public assemblies	Local Govt Act 1972, s 133
War Memorials	Power to maintain, repair and protect War Memorials	War Memorials (Local Authorities Powers) Act 1923, s 1 as extended by LGA 1948, s 133
Water supply	Power to utilise any well, spring or stream to provide facilities for obtaining water from them	Public Health Act 1936, s 125
	Maintain a local water course	Public Health Act 1936, s260
Website	Power to encourage visitors Provision of information on local government	LGA 1972, s144 LGA 1972, s142
Well-Being	Principal Councils existing power is available to local Councils which "satisfy criteria based on the Quality Parish scheme". Replaces LGA 1974, s137. Eligible Councils must have regard to the Community Strategy of the Principal Council.	LGA 2000, s 1 to 4 <i>Presentation at SLCC Training Day Uckfield 14 Nov 07</i>
Youth Activities	Power to support	LG (MP) Act 1976, s19 (Clive at KALC says OK for Scouts, and Youth Club activities, and we can treat it as a very broad power following advice from NALC, e.g. sponsoring an occasional whist drive.

A general "catch all" Power
Subsidiary Powers of Local
Authorities

.....a local authority shall have power to do any thing which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.
Arnold-Baker 10th edition, page 452

LGA 1972, s 111

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