



Hampshire ALC Key Topic Note - Local Council Powers

Parish and Town Councils have a range of powers and duties. Powers are activities that the council can choose to do; duties are activities that councils must do by law.

Below is a table setting out the powers of a local council.

Please see our separate article on Local Council Duties.

Function	Power	Legislation
Allotments	Power to provide land for allotments and to enter 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
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 to the maintenance of a band or orchestra in or outside the council's area Power to charge for admission to performances	Local Government Act 1972, s.145(1)(c) Local Government Act 1972, s.145 (2)
Baths (public)	Power to provide public swimming baths	Public Health Act 1936, s.221
Bicycles and motorcycles – parking places	Power to provide and maintain parking places for bicycles and motorcycles in the council's area Power to provide stands and racks for bicycles and motorcycles in the council's area Power to make byelaws for the use of and charging for parking places	Road Traffic Regulation Act 1984, s.57(1)(a) Road Traffic Regulation Act 1984, s.63 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.54(3)
Borrowing Money	Power to borrow money with approval where necessary	Local Government Act 2003, Sch. 1, para. 2
Burial grounds and cemeteries	Power to acquire 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
	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 byelaws	Open Spaces Act 1906, s.15
Bus Shelters	Power to provide and maintain bus shelters on roads and land adjoining roads in the council's area	Local Government (Miscellaneous Provision) Act 1953, s.4
Byelaws	Power to make byelaws for:	
	Places of public recreation	Public Health Act 1875, s. 164
	Cycle Parks	Road Traffic Regulations Act 1984
	Public swimming baths	Public Health Act 1936, s.223
	Open spaces and burial grounds	Open Spaces Act 1906, s.15
	Mortuaries and post-mortem rooms	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, 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 others 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 for 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 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 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 by a parochial church council	Local Government Act 1972, s.215
Commons and common pastures	Powers in relation to enclosure, regulation, management, and provision of common pasture council's area 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 Centres	Power to provide and 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 Act 1972 (Miscellaneous Provisions) Act 1976 s.19 Local Government Act 1972 s.133
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 use of facilities	Local Government Act 1972, s.144
Crime prevention	Power to spend money on crime detention 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 drain and maintain ponds and ditches to prevent harm to public health	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
Entertainment & the arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145
Environment	Power to issue fixed penalty notices for litter and graffiti	Clean Neighbourhoods and Environment Act 2005, s.19, s.30 part 6
Fetes and other events	Power to provide entertainments and facilities for dancing in or outside the council's area	Local Government Act 1972, s.145(1)(a)
	Power to charge for admission	Local Government Act 1972, s.145(2)
General Power of Competence	Power to 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 GPC	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
Highways	Power to repair and maintain footpaths and bridleways	Highways Act 1980, s.43,50
	Power to light roads and public places	Parish Councils Act 1957, s.3: Highways Act 1980, s.301
	Power to provide parking places for vehicles, bikes and motorcycles	Road Traffic Regulations Act 1984, ss.57,63

	<p>Power to enter into agreement as to dedication and widening</p> <p>Power to consent to local highway authority stopping maintenance of a highway or stopping up/diverting a highway</p> <p>Power to complain to district council about protection of rights of way and roadside waste</p> <p>Power to provide certain traffic signs</p> <p>Power to plant trees and shrubs and maintain roadside verges</p> <p>Power to provide and maintain seats and shelters on roads and land bordering any road in the council's area</p>	<p>Highways Act 1980, ss.30,72</p> <p>Parish Council Act 1957, s.1</p> <p>Highways Act 1980, s.130</p> <p>Road Traffic Regulation Act 1984, s.72</p> <p>Highways Act 1980, s.96</p> <p>Parish Councils Act 1957, s.1</p>
Honorary Titles	Power to confer title of honorary freeman or freewoman of the council's area to persons of distinction who have given exceptional service to the area	Local Government Act 1972, s.249
Indemnities	Power to indemnify councillors and staff with insurance	Local Government Act 2000, s.101 Local Authorities (Indemnities for Members and Officers) Order 2004
Investments	Power to take part in schemes of collective investment	Trusted investments Act 1961, s.11
Land	<p>Power to purchase or sell land in or outside the council's area</p> <p>Power to appropriate land for an authorised purpose</p> <p>Power to accept and maintain gifts of land</p>	<p>Local Government Act 1972, ss.124,127</p> <p>Local Government Act 1972, s.126</p> <p>Local Government Act 1972, s.139</p>
Life-saving appliances	Power to provide life-saving appliances (e.g., defibrillators)	Public Health Act 1936, s. 234
Litter	<p>Power to issue fixed penalty notices for litter offences in the council's area</p> <p>Power to provide and maintain litter bins in streets and other public spaces and contribute to their provision and maintenance</p>	<p>Environmental Protection Act 1990, s.88</p> <p>Litter Act 1983, ss.5-6</p>

Lotteries	Power to promote lotteries	Gambling Act 2005, ss.98, 252
Markets	Power to establish markets in the council's area and provide a marketplace and market buildings Power for a council that maintains a market to make byelaws	Food Act 1984, s.50 Food Act 1984, s.60
Mortuaries and Post-Mortem Rooms	Power to provide mortuaries and post-mortem rooms Power to make byelaws to manage and charge for the use of mortuaries and post-mortem rooms	Public Health Act 1936, s.198 Public Health Act 1936, s.198
Neighbourhood Planning	Power to act as the leading body for the establishment of a Neighbourhood Development Order or a Neighbourhood Development Plan.	Town and Country Planning Act 1990, s.61F(1), (2) Planning and Compulsory Purchase Act 2004, s.38C (2)
Newsletters	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)
Nuisances	Power to deal with offensive ditches	Local Government Act 1972, s.142
Open Spaces	Power to provide and maintain land for public recreation Power to make byelaws Power to provide and maintain land for open spaces in or outside the council's area Power to make byelaws	Public Health Act 1875 s.164 Public Health Act 1875 s.164 Open Spaces Act 1906, ss.9-10 Open Spaces Act 1906, ss.9-10
Parish Meetings	Power to convene	Local Government Act 1972, Sch. 12, para. 15
Parish property and documents	Power to receive and retain documents	Local Government Act 1972, s.226
Planning applications	Power to be consulted on planning applications affecting the council's area	Town and Country Planning Act 1990, Sch. 1, para. 8

Precept	Power to raise a precept	Local Government Finance Act 1992, s.41
Public baths	Power to provide public baths	Public Health Act 1936, s.221
	Power to charge for use of public baths	Public Health Act 1936, s.222
	Power to make byelaws	Public Health Act 1936, s.223
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 rights of way	Power to repair and maintain footpaths and bridleways in the council's area	Highways Act 1980, ss.43, 50
	Power to enter into agreement to dedicate a road as a highway in the council's area or an adjoining parish area	Highways Act 1980, s.30
	Power to enter into agreement to widen existing highway into the council's area or an adjoining parish area	Highways Act 1980, s.72
	Power to provide warning notices on footpaths and bridleways	Road Traffic Regulation Act 1984, s.72(2)
Public toilets	Power to provide public toilets	Public Health Act 1936, s.87
	Power to make byelaws	Public Health Act 1936, s.87
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 the council's area	Local Government (Miscellaneous Provisions) Act 1976, s.19
Right to Challenge services provided by the 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 2001, ss. 87 – 108
	Power to bid to buy a listed asset when it comes up for sale	Localism Act 2011, ss. 87 – 108

Sport and recreational	Power to provide sport facilities in or outside the council's area or contribute towards expenses of a voluntary organisation or local authority that provides sport facilities in or outside the council's area	Local Government (Miscellaneous Provisions) Act 1976, s.19
Theatres	Power to provide a theatre or contribute towards their expenses in or outside the council's area Power to charge for admission to a theatre provided by the council	Local Government Act 1972, s. 145(1)(b) Local Government Act 1972, s.142(2)
Tourism	Power to encourage tourism to the council's area or contribute to organisations encouraging tourism	Local Government Act 1972, s.144
Town and Country Planning	Right to be notified of planning applications if right has been requested	Town and Country Planning Act 1990, Sch.1, para.8
Traffic Calming	Power to make contributions to a highway authority for traffic calming schemes for the benefits 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 by other local authorities, government departments, charities, and voluntary organisations	Local Government Act 1972, s.142

Essential Resources

Hampshire ALC Key Topic: Local Council Duties

This document reflects our advice based on our understanding of the current legislation and guidance and our knowledge of the sector. It is not however intended to be formal legal advice.

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