

Hawkhurst Parish Council - Powers and Duties

May 2019

No	Function	Power and Duty	Statutory Provision
1	Allotments	Power to provide allotments. Duty to provide allotment gardens if demand unsatisfied and if reasonable to do so.	Smallholdings & Allotments Act 1908, s.23
2	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
3	Baths (public)	Power to provide public swimming baths	Public Health Act 1936 s.221
4	Burial grounds, cemeteries and crematoria	Power to acquire and maintain. Power to provide. Power to contribute towards expenses of cemeteries.	Open Spaces Act 1906, Sections 9 and 10. Local Government Act 1972, s.214, Local Government Act 1972, s.214(6).
5	Bus shelters	Power to provide and maintain bus shelters.	Local Government (Misc. shelters Prov.) Act 1953, s.4.
6	Byelaws	Power to provide bye laws 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 Regulation Act 1984 s.57(7), Public Health Act, 1936 s.223, Open Spaces Act, 1906 s.15, Public Health Act 1936 s.198.
7	Charities	Duties in respect of parochial charities. Power to act as charity trustees.	Charities Act 2011 ss.;298-303
8	Clocks	Power to provide public clocks	Parish Councils Act 1957.
9	Closed churchyards	Powers to maintain.	LGA 1972 s.215.

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10	Commons and Common pastures	Powers in relation to inclosure, regulation and management and provision of common pasture.	Inclosure Act 1845, Small Holdings and Allotments Act 1908, s.34.
11	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 (Miscellaneous Provisions) Act 1976 s.19. Local Government Act 1972, s.133.
12	Conference facilities	Power to provide and encourage the use of facilities.	Local Government Act 1972, s.144
13	Crime prevention	Power to spend money on crime detection and prevention measures	Local Government and Rating Act 1997, s.31.
14	Ditches and ponds	Power to drain and maintain ponds and ditches to prevent harm to public health.	Public Health Act 1936, s.260.
15	Entertainment and the Arts	Provision of entertainment and support of the arts	LGA 1972, S.145.
16	Environment	Power to issue fixed penalty notice for litter, graffiti and offences under dog control orders.	Clean neighbourhoods and Environment Act 2005, s.19 s.30 Part 6.
17	The "Free Resource"	Power to spend a sum of money for the benefit of some or all of the parishoners. The expenditure must be commensurate with the benefit.	Local Government Act 1972 s.137.
18	General Power of Competence	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 to competence	Localism Act 2011, s.1-8.
19	Gifts	Power to accept gifts.	LGA 1972, s.139
20	Honorary Titles	Power to admit to be honorary freemen/freewomen of the council's area persons of distinction and persons have, in the opinion of the authority rendered eminent services to that place or area.	Local Government Act 1972, s.249.

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21	Highways	Power to repair and maintain public footpaths and bridleways. Power to light roads and public places. Power to provide parking places for vehicles, bicycles and motor cycles. Power to enter into an agreement as to dedication and widening. Power to provide roadside seats and shelters. Power to consent to a local highway authority stopping maintenance of a highway or stopping up / diverting a highway. Power to complain to district council about the protection of rights of way and roadside waste. Power to provide certain traffic signs and other Notices. Power to plant trees etc. and maintain roadside verges.	Highways Act 1980, ss.43,50. Parish Councils Act 1957 s.3. Highways Act 1980, s301. Road Traffic Regulation Act 1984 s.57, 63. Highways Act 1980 ss.30, 72. Parish Councils Act 1957 s.1. Highways Act 1980, ss.46, 116. Highways Act 1908, s.130. Road Traffic Regulation Act 1984, s.72. Highways Act 1980, s96
22	Investments	Power to participate in schemes of Collective investment	Trustee Act 1961, s.11.
23	Land	Power to acquire land by agreement, to appropriate land and to dispose of land. Power to accept gifts of land.	LGA 1972, ss.124, 126 and 127. LGA 1972, s.139
24	Litter	Power to provide litter bins in streets and public places.	Litter Act 1983, ss.5.
25	Lotteries	Power to promote lotteries	Gambling Act 2005 s.252, 258
26	Markets	Power to establish or acquire by agreement markets within the council's area and to provide a market place and market buildings	Food Act 1984 s.50
27	Mortuaries and post-mortem rooms	Power to provide mortuaries and post-mortem rooms.	Public Health Act 1936, s198.
28	Neighbourhood planning	Powers to act as lead body for a neighbourhood development plan or a neighbourhood development order.	Localism Act 2011, Schedule 9, Town and Country Planning Act 1990 ss 61E - 61Q. Schedule 4B, Planning and Compulsory Purchase Act 2004, s.38A.
29	Newsletters	Power to provide information relating to matters affecting local government.	LGA 1972 s.142

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30	Nuisances	Power to deal with offensive ponds, ditches and gutters.	Public Health Act 1936, S.260.
31	Open Spaces	Power to acquire and maintain land for public recreation. Power to acquire and maintain open spaces.	Public Health Act 1875 s.164. Open Spaces Act 1906, s9-10.
32	Parish property and documents	Powers to receive and maintain. Duty to deposit certain published works in specific deposit libraries.	Local Government Act 1972, s.226. Legal Deposit Libraries Act 2003, S.1.
33	Public buildings and village halls	Power to acquire and provide buildings for public meetings and assemblies.	LGA 1972, s.133.
34	Public conveniences	Power to provide public conveniences.	Public Health Act 1936, s.87.
35	Recreation	Power to provide a wide range of recreational facilities. Provision of boating pools.	Local Government (Miscellaneous Provisions) 1976 s.19. Public Health Act 1961 s.54.
36	Right to challenge services that are provided by a principal authority	The right to submit an interest in running a service provided by a district county or unitary authority.	Localism Act 2011, ss.81-86.
37	Right to nominate and bid for assets of community value	The right to nominate assets to be added to a list of assets of community value and the right to bid to buy a listed asset when it comes up for sale	Localism Act 2011, ss.87-108.
38	Town and Country Planning	Right to be notified of planning applications if right has been requested	Town and Country Planning Act 1990. Sched 1, para 8.
39	Tourism	Power to contribute to encouragement of Tourism	LGA 1972, s.144.
40	Traffic calming	Power to contribute financially to traffic calming measures.	Local Government and Rating Act 1997, s.30.
41	Transport	Powers to spend money on community transport schemes	Local Government and Rating Act 1997, s.26-29

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42	War memorials	Power to maintain, repair, protect and adapt war memorials	War Memorials (Local Authorities Powers) Act 1923, s.1 as extended by LGA 1948 s.133.
43	Water supply	Power to utilize any well, spring or stream for obtaining water.	Public Health Act 1936 s.125
44	Websites	Power for councils to have their own websites	LGA 1972, s.142