



Lytham Town Council

Powers and Duties

Local councils have many powers but relatively few duties. This document provides a brief overview to support understanding.

Duties

A duty is a mandatory action that a council must perform. For example, every local council is required to appoint a chairman and a clerk. Duties can also be considered to be responsibilities.

Powers

Statutory powers are granted by Parliament and allow councils to take certain actions at their discretion. The powers available to Parish, Town, and Community Councils are summarised below for general guidance. These summaries are not exhaustive.

As with all public bodies, a council's powers are defined by legislation, which may require consent from another authority—for example, County Council approval for a car park. Councils must also comply with general laws, such as obtaining planning permission for structures like sports pavilions.

Just because a local council has a legal power to do something, it does not always mean that the council **MUST** take action.

For example, a council has a power which would allow it provide allotments if there was sufficient public demand - however it is not compelled to provide them if it is not reasonable to do so, such as where the cost to purchase land is unreasonably high.

Table of details

The following table describes the commonly used powers and duties held by local councils for a range of functions. It also provides details of the regulations under which statutory provisions are made.

Lytham Town Council may not need to use all of these powers, however this is a useful guide to what is available to allow the council to work effectively/

Where a function is marked with an asterisk (*) a council also has the power to give financial assistance to another person or body performing the same function.

Function	Powers and Duties	Statutory Provision
Accounts	Duty to appoint a Responsible Financial Officer to manage the council's accounts	Local Government Act (LGA) 1972, section 151
Acceptance of office	Duty to sign declaration of acceptance of office (councillors and chairman)	LGA 1972, section 83
Agency arrangements	Power to arrange for the discharge of functions by another local authority	LGA 1972, section 101
Allotments	Power to provide allotments duty to provide allotment gardens if demand exist	Smallholdings and Allotments Act 1908, subsections 23, 26 and 42

Function	Powers and Duties	Statutory Provision
Baths and washhouses	Power to provide public baths and washhouses	Public Health Act 1936, subsections 221-223, 227
Borrowing	Power to borrow money for statutory functions	LGA 1972, Sch 13
Burial grounds, cemeteries and crematoria*	Power to acquire and maintain Power to provide Power to agree to maintain memorials and monuments Power to contribute to expenses of maintaining cemeteries	Open Spaces Act 1906, subsections 9 and 10 LGA 1972, section 214 Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s 1 LGA 1972, section 214(6)
Bus shelters*	Power to provide and maintain bus shelters	Local Government (Miscellaneous Provisions) Act 1953, section 4
Byelaws	Power to make byelaws for public walks and pleasure grounds Cycle parks Baths and Washhouses Open spaces and burial grounds	Public Health Act 1875, section 164 Road Traffic Regulation Act 1984, section 57(7) Public Health Act, 1936, section 233 Open Spaces Act, 1906, section 15
Charities	Power to appoint trustees of parochial charities	Charities Act 1993, section 79
Christmas lights	Power to provide to attract visitors	LGA 1972, section 144
Citizens Advice Bureau	Power to support	LGA 1972, section 142
Clocks*	Power to provide public clocks	Parish Councils Act 1957, section 2
Closed churchyards	Power (and sometimes duty) to maintain	LGA 1972, section 215
Commons and common pastures	Powers in relation to enclosure, regulation and management, and providing common pasture	Inclosure Act 1845; Local Government Act 1894, section 8(4); Smallholdings and Allotments Act 1908, section 34
Community centres	Power to provide and equip community buildings Power to provide buildings for use of clubs having athletic, social or educational objectives	LGA 1972, section 133 Local Government (Miscellaneous Provisions) Act 1976, section 19
Conference Facilities*	Power to provide and encourage the use conference facilities	LGA 1997, section 144
Consultation	Right to be consulted by principal councils if directed by Secretary of State (England) or by Welsh Assembly (Wales)	Local Government and Rating Act 1997, section 21; LGA 1972, section 33A

Function	Powers and Duties	Statutory Provision
Crime prevention*	Power to spend money on various crime prevention measures	Local Government and Rating Act 1997, section 31
Drainage	Power to deal with ditches and ponds	Public Health Act 1936, section 260
Entertainment and the Arts*	Provision of entertainment and support for the arts including festivals and celebrations	LGA 1972, section 145
Flagpoles	Power to erect flagpoles in the highways	Highways Act 1980, section 144
Free Resource	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 all or some of the inhabitants	LGA 1972, section 137
Gifts	Power to accept gifts	LGA 1972, section 139
Highways	<p>Power to maintain footpaths and bridleways</p> <p>Power to light roads and public places</p> <p>Power to provide parking places for vehicles, bicycles and motor-cycles</p> <p>Power to make a dedication agreement for a new highway or widening of an existing highway</p> <p>Right to veto application to magistrates court to stop up, divert or cease to maintain a public highway</p> <p>Power to complain to a local highway authority that a highway is unlawfully stopped up or obstructed</p> <p>Power to plant trees etc. and maintain roadside verges</p> <p>Power to prosecute for unlawful ploughing of a footpath or bridleway</p> <p>Power to provide traffic signs and other notices</p>	<p>Highways Act 1980, subsections 43 and 50</p> <p>Parish Councils Act 1957, section 3</p> <p>Road Traffic Regulation Act 1984, section 57</p> <p>Highways Act 1980, subsections 30 and 72</p> <p>Highways Act 1980, subsections 47 and 116</p> <p>Highways Act 1908, section 130</p> <p>Highways Act 1980, section 96</p> <p>Highways Act 1980, section 134</p> <p>Road Traffic Regulation Act, 1984, section 72</p>
Interests	Duty to declare an interest	LGA 1972, section 94
Investments	Power to participate in schemes of collective investment	Trustee Act 1961, section 11
Land	<p>Power to acquire land by agreement, to appropriate land and to dispose of land</p> <p>Power to acquire land by compulsory purchase</p> <p>Power to accept gifts of land</p> <p>Power to obtain particulars of persons interested in land</p>	<p>LGA 1972, subsections 124, 126 and 127</p> <p>LGA 1972, section 125</p> <p>LGA 1972, section 139</p> <p>Local Government (Miscellaneous Provisions) Act 1976, section 16</p>
Lighting	Power to light roads and public places	Parish Councils Act 1957, section .3 and Highways Act 1980, section 301

Function	Powers and Duties	Statutory Provision
Litter*	Power to provide litter bins in streets and public places	Litter Act 1983, subsections 5 and 6
Lotteries	Power to promote lotteries	Lotteries and Amusements Act 1976, section 7
Meetings	Duty to hold annual parish meeting Duty to hold annual parish council meeting Power to convene a parish meeting	LGA 1972, Schedule 12 paragraph 23 LGA 1972, Schedule 12 paragraph 7 LGA 1972, Schedule 12 paragraph 14
Mortuaries and post-mortem rooms	Power to provide mortuaries and post-mortem rooms	Public Health Act 1936, section 198
Neighbourhood Development	Power to consult on, and establish a Neighbourhood Development Plan	Localism Act 2011, Chapter 3
Newsletters	Power to provide information relating to matters affecting local government	LGA 1972, section 142
Nuisances*	Power to deal with offensive ponds, ditches and gutters	Public Health Act 1936, section 260
Open Spaces	Power to acquire and maintain open spaces	Public Health Act 1875, section 164 Open Spaces Act 1906, subsections 9, 10
Parish documents	Power to give directions as to custody of parish documents	LGA 1972, section 226
Parking facilities	Power to provide parking places for motor vehicles and bicycles	Road Traffic Regulation Act 1984, subsections 57 and 63
Parks and pleasure grounds	Power to acquire land or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	Public Health Act 1875, section 164; LGA 1972 Schedule 14 paragraph 27; Public Health Acts Amendment Act 1890 section 44
Public buildings and village halls	Power to provide buildings for offices and for public meetings and assemblies	LGA 1972, section 133
Public conveniences	Power to provide public conveniences	Public Health Act 1936, section 87
Publicity	Power to provide information about matters affecting local government	LGA 1972, section 142
Records	Power to collect, exhibit and purchase local records	Local Government (Records) Act 1962, subsections 1 and 2
Recreation*	Power to provide a wide range of recreational facilities Provision of boating pools	Open Spaces Act 1906, section 9-10, Local Government (Miscellaneous Provisions) Act 1976, section 19 Public Health Act 1961, section 54
Seats and shelters*	Power to provide roadside seats and shelters	Parish Councils Act 1957, section 1

Function	Powers and Duties	Statutory Provision
Town and Country planning	Right to be notified of planning applications	Town and Country Planning Act 1990, paragraph 8 of Schedule 1; paragraph 2 of Schedule 1A (Wales)
Town status	Power to adopt town status	LGA 1972, subsections 245 and 245B
Tourism*	Power to contribute to encouragement of Tourism	LGA 1972, section 144
Traffic calming	Power to contribute to the cost of traffic calming measures	Highways Act 1980, section 274A
Transport*	Power to (a) establish car-sharing schemes; (b) make grants for bus services; (c) provide taxi-fare concessions; (d) investigate public transport, road use needs; (e) provide information about public transport services	Local Government and Rating Act 1997, section 26, Transport Act 1985, section 106A
Village signs	Power to use decorative signs to inform visitors	LGA 1972, section 144
Village greens*	Power to maintain, to make bylaws for and to prosecute for interference with village greens	Open Spaces Act 1906, section 15; Inclosure Act 1857, section 12; Commons Act 1876, section 29
Village Halls*	(see Community centres and Public buildings)	
War memorials	Power to maintain, repair and protect war memorials	War Memorials (Local Authorities Powers) Act 1923, section 1 as extended by LGA 1948, section 133
Water supply	Power to utilise any well, spring or stream to provide facilities for obtaining water from them	Public Health Act 1936, section 125