

NETHER WALLOP PARISH COUNCIL

To consider if the PC will become the contract party with Openreach to install community Faster Broadband.

This is not a usual function of a parish council and therefore before any decision or action can be taken it needs to be established that the Council have the legal power to act. In the Clerk’s opinion, the Council would be able to lawfully consider the proposal under the following powers:

<p>Local Government Act 1972, Part VII, Miscellaneous, Section 144</p>	<p>144 Power to encourage visitors and provide conference and other facilities.</p> <p>(1) A local authority may (either alone or jointly with any other person or body)—</p> <p>(a) encourage persons, by advertisement or otherwise, to visit their area for recreation, for health purposes, or to hold conferences, trade fairs and exhibitions in their area; and</p> <p>(b) provide, or encourage any other person or body to provide, facilities for F1 . . . , conferences, trade fairs and exhibitions or improve, or encourage any other person or body to improve, any existing facilities for those purposes.</p> <p>(2) Without prejudice to subsection (1) above, a local authority may contribute to any organisation approved by the Secretary of State for the purposes of this subsection and established for the purpose of encouraging persons to visit the United Kingdom or any part thereof.</p> <p>F2(3)</p> <p>F3(4)</p> <p>(5) In this section "local authority" includes the Common Council.</p>
<p>Telecommunications Act 1984, part VII, Miscellaneous, section 97.</p>	<p>97 Contributions by local authorities towards provision of facilities.</p> <p>[F1 (1) Where a local authority consider that it would be for the benefit of the whole or any part of their area that—</p> <p>(a) any additional telecommunication facilities should be provided; or</p> <p>(b) any existing telecommunication facilities should continue to be provided,</p> <p>by a public telecommunications operator, whether within or outside the area to be benefited, the authority may undertake to pay to that operator any loss he may sustain by reason of the provision or continued provision of those facilities.</p> <p>(2) In the application of this section to Scotland, nothing in subsection (1) above shall authorise the giving of an undertaking as respects the provision or continued provision of facilities outside the area to be benefited.</p> <p>(3) In this section "local authority"—</p> <p>(a) in relation to England F2 . . . , means a county council, F3, a district council, a London borough council, the Common Council of the City of London [F4 or], a parish council F5 . . . ;</p> <p>[F6 (aa) in relation to Wales, means a county council, a county borough council or a community council;]</p> <p>(b) in relation to Scotland, means a [F7 council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];</p> <p>(c) in relation to Northern Ireland, means a district council.]</p>