

Houghton Parish Council – Powers for Expenditure

<u>Function</u>	<u>Power</u>	<u>Legislation</u>
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
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

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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
	Open spaces and burial grounds	Open Spaces Act 1906, s.15
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)
Charging for discretionary services	(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	Local Government Act 1972, s.145(1)(b)
	Power to charge for admission to a cinema provided by the council.	Local Government Act 1972 s.145(2)

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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
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
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. Power to issue fixed penalty notices for offences committed under dog control orders.	Clean Neighbourhoods and Environment Act 2005, s.55 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. Power to charge for admission.	Local Government Act 1972, s.145(1)(a) Local Government Act 1972, s.145(2)

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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
	Power to enter into agreement as to dedication and widening.	Highways Act 1980, ss.30,72
	Power to consent to local highway authority stopping maintenance of a highway or stopping up/diverting a highway.	Parish Council Act 1957, s.1
	Power to complain to district council about protection of rights of way and roadside waste.	Highways Act 1980, s.130
	Power to provide certain traffic signs.	Road Traffic Regulation Act 1984, s.72

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	Power to plant trees and shrubs and maintain roadside verges.	Highways Act 1980, s.96
	Power to provide and maintain seats and shelters on roads and land bordering any road in the council's area.	Parish Councils Act 1957, s.1
Indemnities	Power to indemnify councillors and staff with insurance.	Local Government Act 2000, s.101 Local Authorities (Indemnities for Members and Officers) Order 2004
Land	Power to purchase or sell land in or outside the council's area.	Local Government Act 1972, ss.124,127
	Power to appropriate land for an authorised purpose.	Local Government Act 1972, s.126
	Power to accept and maintain gifts of land.	Local Government Act 1972, s.139
Life-saving appliances	Power to provide life-saving appliances (e.g., defibrillators).	Public Health Act 1936, s. 234
Litter	Power to issue fixed penalty notices for litter offences in the council's area.	Environmental Protection Act 1990, s.88
	Power to provide and maintain litter bins in streets and other public spaces and contribute to their provision and maintenance.	Litter Act 1983, ss.5-6

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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.	Public Health Act 1875 s.164 Public Health Act 1875 s.164
	Power to provide and maintain land for open spaces in or outside the council’s area.	Open Spaces Act 1906, ss.9-10
	Power to make byelaws.	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

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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 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)
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

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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 2001, 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.	Local Government Act 1972, s. 145(1)(b)
	Power to charge for admission to a theatre provided by the council.	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

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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