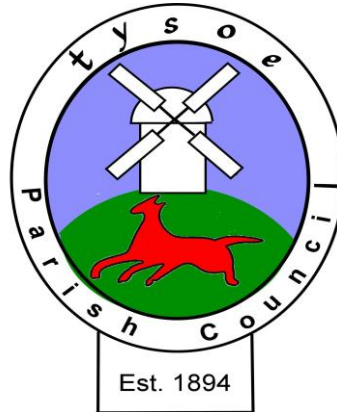




TYSOE PARISH COUNCIL

Powers & Duties

Last reviewed: 14 September 2026

Next review date: June 2027

This is an indicative list of powers and duties of Parish Councils, showing the wide range of activities covered by Acts of Parliament. (Note, no list can be totally comprehensive.

FUNCTION	POWERS AND DUTIES	STATUTE
Administration of the council	Duty to undertake the following: – Appoint a chairman of the council; Appoint officers as appropriate for carrying out its functions;	Local Government Act 1972, s.15(2)
	Appoint a responsible financial officer (RFO) to manage the council's financial affairs; the RFO is often the clerk especially in smaller councils;	Local Government Act 1972 s 112
	Appoint an independent and competent auditor;	Local Government Act 1972, s151
	Hold a minimum number of 4 meetings per year, one of which must be the Annual Meeting of the Council.	Local Government Act 1972, schedule 12 p8 (1)
Agency Arrangements	Power to arrange for the discharge of functions by another local authority	LGA 1972, s. 101
Allotments	Power to provide allotments. Duty to provide allotment gardens if demand exists.	Smallholdings and Allotments Act 1908, ss 23,26 and 42
Ancillary power	Power to do anything that will facilitate, be conducive to or incidental to the discharge of its power and functions	Local Government Act 1972, s. 111
Annual Parish meeting	Duty to hold an annual parish meeting.	Local Government Act 1972, s12 para 23
Bands and orchestras	Power to maintain a band or orchestra or contribute to the maintenance of a band or orchestra in or outside the council's area.	Local Government Act 1972 s.145(1) (c)
	Power to charge for admission to performances	Local Government Act 1972 s.145 (2)
Baths and washhouses	Power to provide public baths and washhouses	Public Health Act 1936, ss 221-223, 227
	Power to charge a reasonable amount for its use	Public Health Act 1961 s 54(3)

Bio-Diversity	Duty to consider in decision making Consider what they can do to conserve and enhance biodiversity. Agree policies and specific objectives based on their consideration. Act to deliver these policies and achieve their objectives.	Natural Environment and Rural Communities Act 2006 s.40 <u>Environment Act 2021</u>
Boating pools	Power to provide a boating pool in a park provided or managed by the council	Public Health Act 1961 s 54(1)
Borrowing	Power to borrow money for statutory functions	Local Government Act 2003, Schedule 1 para 2
Burial grounds, cemeteries and crematoria*	Power to acquire and maintain. Power to provide	Open Spaces Act 1906 ss 9 and 10 LGA 1972, s214
	Power to agree to maintain memorials and monuments	Parish Council and Burial Authorities (Misc. Prov.) Act 1970, s 1
	Power to contribute to expenses of maintaining cemeteries	LGA 1972, s214(6)
Bus shelters*	Power to provide and maintain bus shelters	Local Government (Misc. Prov.) Act 1953, s4
Byelaws	Power to make byelaws for public walks and pleasure grounds. Cycle parks	Public Health Act 1875, s164 Road Traffic Regulation Act 1984, s57(7)
	Public bathing	PHA 1936, s231
	Swimming pools, bathing places, baths and washhouses	PHA 1936, s223
	Open spaces and burial grounds	OSA 1906, s15
	Hiring of pleasure boats in parks and pleasure grounds	PHA Amendment Act 1907, s44(2): PHA 1961, s4
	Mortuaries and post-mortem rooms	PHA 1936, s198
	Dogs and dog fouling in parks and open spaces	PHA 1875, s164 OSA 1906, s15
Car parks (off-road)	Power to provide and maintain suitable off-road car parking places in the council's	Road Traffic Regulation

	area to relieve or prevent traffic congestion or to preserve local amenities	Act 1984, s.57(1)(b)
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 to make any profit) if the council has discretion to provide a service. The 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 appoint trustees of parochial charities	Local Government Act 1972 s.139 (1) Charities Act 1993, s79
	Power to act as charity trustees	Charities Act 2011 ss 298-303
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)
Clocks*	Power to provide public clocks	Parish Councils Act 1957, s2
Closed churchyards	Powers to maintain closed churchyards	LGA 1972, s215
	Duty to decide whether to adopt a closed churchyard, if asked to do so by the Parochial Church Council.	
Common land	Power to protect unclaimed common land from unlawful interference	Commons Registration Act 1965, s9
	Power to manage commons and village greens under a district council scheme	Commons Act 1899, ss4 and 5
	Power to provide land in the council's area for common pasture 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 and village halls*	Power to provide and equip premises for clubs and other athletic, social or educational organisations	LG (Misc. Prov.) Act 1976, s19
	Power to acquire, provide and furnish community buildings	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 the use of conference facilities	LGA 1972, s144
Contracts	Power to enter into contracts	Local Government Act 1972 s.111
Consultation	Right to be consulted by principal councils if directed by Secretary of State	LG and Rating Act 1997, S21: LGA 1972, s33A
Crime prevention*	Power to (a) install equipment (b) establish schemes and (c) assist others in so doing for the prevention of crime	LG and Rating Act 1997, s31
	Duty to do what it can do to prevent crime and disorder.	Crime and Disorder Act 1998 s.17
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
Drainage	Power to deal with ditches and ponds	PHA 1936, s260
Employment of staff	Power to appoint staff	LGA 1972 s. 112
	Duty to comply with Employment Law	Employment Act 2002 Employment Relations Act 2004 Employment Act 2008 The Work & Families Act 2006 Equality Act 2010, s.149 and schedule 19 Human Rights Act 1998 s.6
Entertainment and the arts*	Provision of entertainment and support for the arts	LGA 1972, s145
Environment	Power to issue fixed penalty notices for litter, graffiti and offences under dog control orders	Clean neighbourhoods and Environment Act 2005, s.19 s.30 Part 6

Flagpoles	Power to erect flagpoles in highways	Highways Act 1980, s144
Freedom of Information	<i>Duty to comply with its obligations under the Freedom of Information Act and Data Protection Act.</i>	<i>Freedom of Information Act 2000 Data Protection Act 1998</i>
"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 of all or some of the inhabitants. <i>The expenditure must be commensurate with the benefit.</i>	LGA 1972, s137
General Power of Competence	<i>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 of competence.</i>	Localism Act 2011, s.1- 8
Gifts	Power to accept gifts	LGA 1972, s139
Highways	Power to maintain footpaths and bridleways	HA 1980, ss43 and 50
	Power to make a dedication agreement for a new highway or widening an existing highway	HA 1980, ss30 and 72
	Power to veto application to magistrates' court to stop up, divert or cease to maintain a public highway	HA 1980, ss 47, 116
	Power to complain to local highway authority that a highway is unlawfully stopped up or obstructed	HA 1980, s130
	<i>Power to complain to district council about the protection of rights of way and roadside waste</i>	<i>Highways Act 1908, s.130</i>
	Power to plant trees, etc. and maintain roadside verges	HA 1980, s142
	Power to prosecute for unlawful ploughing of a footpath or bridleway	HA 1980, s134
	Power to provide traffic signs and other notices	Road Traffic Regulation Act 1984, s72
	<i>Power to admit to be honorary freemen/freewomen of the councils area persons of distinction and persons have, in the opinion of the authority rendered eminent services to that place or area.</i>	Local Government Act 1972, s249

Investments	Power to participate in schemes of Collective investment	Trustee Investment Act 1961 s.11
Land	Power to acquire land by agreement, to appropriate land and to dispose of land	LGA 1972, ss124, 126, 127
	Power to acquire land by compulsory purchase	LGA 1972, s125
	Power to accept gifts of land	LGA 1972, s139
	Power to obtain particulars of persons interested in land	LG (Misc. Prov.) Act 1976 s16
Life-saving appliances	Power to provide life-saving appliances (e.g. life belts, defibrillators)	Public Health Act 1936, s234
Lighting	Power to light roads and public places	PCA 1957, s3 HA 1980, s301
Litter*	Power to provide litter bins in streets and public places	Litter Act 1983, ss5 and 6
Lotteries	Power to promote lotteries	Gambling Act 2005 s.252, 258
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
Minutes	Duty to keep minutes	Local Government Act 1972, s12 p41(1)
Mortuaries and post-mortem rooms	Powers to provide mortuaries and post-mortem rooms	PHA 1936, s198
Newsletters etc.	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
Nuisances*	Power to deal with offensive ponds, ditches and gutters	PHA 1936, s260
Open spaces	Power to acquire and maintain land for public recreation	PHA 1875, s164
	Power to acquire and maintain land for open spaces	OSA 1906, ss 9 and 10
Parish property and documents	Power to give directions as to the custody of parish documents	LGA 1972, s226
	Duty to deposit certain published works in specific deposit libraries	Legal Deposit Libraries Act 2003, s.1

Parking facilities	Power to provide parking places for motor vehicles and bicycles	RTRA 1984, ss57 and 63
Planning applications	Power to be notified of planning applications affecting the council's area and to comment	Town and Country Planning Act 1990, Schedule 1, para 8
Precept	Power to raise a precept (council tax)	Local Government Finance Act 1992, s41
Public buildings and village halls	Power to provide buildings for offices and for public meetings and assemblies	LGA 1972, s133
Public conveniences	Power to provide public conveniences	PHA 1936, s87
Publicity	Power to provide information about matters affecting local government	LGA 1972, s142
Public right of way	Power to repair and maintain public footpaths and bridleways in the council's area	Highways Act 1980, ss43, 50 Highways Act 1980, s30
	Power to enter into agreement to dedicate a road as highway in the council's area	Highways Act 1980, s72
	Power to enter into agreement to widen existing highway in the council's area	Road Traffic Regulation Act 1984, s72(2)
	Power to provide warning notices on footpaths and bridleways	
Public toilets	Power to provide public toilets Power to make byelaws	Public Health Act 1936, s87 Public Health Act 1936, s87
Records	Power to collect, exhibit and purchase local records	LG (Records) Act 1962, ss 1 and 2
Recreation*	Power to acquire land for, or provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	PHA 1875, s164 PHAAA 1890, s44 OSA 1906, ss 9 and 10 LG (Misc. Prov.) Act 1976, s19
Rights to challenge services that are provided by a principal authority	Power to submit an interest in running a service provided by a borough or county council	Localism Act 2011, ss81-86
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 Power to bid to buy a listed asset when it come up for sale	Localism Act 2011, ss87-108 Localism Act 2011 ss87-108

Seats and shelters*	Power to provide roadside seats and shelters	PCA 1957, s1
Swimming pools	Power to provide public baths Power to charge for use of public baths Power to make byelaws	Public Health Act 1936, s221 Public Health Act 1936 s222 Public Health Act 1936, s223
Telecommunications facilities	Power to pay BT or any other telecommunications operator any loss sustained in providing telecommunications facilities	Telecommunications Act 1984
Town and Country Planning	Right to be notified of planning applications	Town and Country Planning Act 1990, para.8 of Sch.1
Tourism*	Power to contribute to encouragement of tourism	LGA 1972, s144
Town status	Power to adopt town status	LGA 1972, ss 245 and 245B
Traffic calming	Power to contribute to the cost of traffic calming measures	HA 1980, s274A
Traffic signs	Power to provide traffic signs on roads	Road Traffic Regulation Act 1984, s72(1)
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 and needs; (e) provide information about public transport services	LG and RA 1997, s26 -29
Village greens*	Power to maintain, to make byelaws for and to prosecute for interference with village greens	OSA 1906, s15; Inclosure Act 1857, s12; Commons Act 1876, s29
Village halls*	(See Community Centres, Public Buildings)	
War Memorials	Power to maintain, repair protect and adapt war memorials	War Memorials (Local Authorities' Powers) Act 1923, s1 as extended by LGA 1948, s133
Water supply	Power to utilise any well, spring or stream to provide facilities for obtaining water from them	PHA 1936, s125

Websites	Power to provide a website to give information about the council, its services and the services provided in the area by other local authorities, government departments, charities or other voluntary organisations	Local Government Act 1972 s 142
	Duty on smaller authorities to publish specific information on a website.	Transparency Code for Smaller Authorities 2014.