

## **ANNEX A**

# **PARISH CHARTER – HUNTINGDONSHIRE**

## **Draft – Version 1.3**

**March 2007**

## **Charter**

### Definitions:

The Principal Authority is the Huntingdonshire District Council (the Council).

Cambridgeshire and Peterborough Association of Local Councils (CALC) is the representative body for Parish and Town Councils in Cambridgeshire and Peterborough.

A Quality parish or town council is a council that has achieved the necessary accreditation under the Quality Parish and Town Council Scheme introduced by the Government in association with various local government associations and other bodies in June 2003.

This document defines the relationship between the Council and the parish and town councils in Huntingdonshire, irrespective of whether they are members of CALC.

## **Introduction**

1. CALC and the Council have agreed to publish a charter which sets out how they aim to work together for the benefit of local people. This Charter is the result of discussions locally to establish a new way of working and to confirm existing good practice.
2. The Council acknowledges that parish and town councils are the grass-roots level of local government. By working with them and CALC, the Council aims to act in partnership with local communities in ways which are consistent with the duty to have regard to the needs of the wider community.
3. In their role as democratically accountable bodies, both the Council and parish and town councils shape the decisions that affect their communities. The parish and town councils offer a means of decentralising the provision of certain services and of revitalising local communities. In turn, the parish and town councils recognise the strategic role of the Council, the equitable distribution of services which it has to achieve and the potential economies of scale that can be achieved by centralising the provision of certain services.
4. This Charter reflects the increasing importance of partnership working and the development of Quality Status. Thus the first part of the Charter (Part 1) applies to all parish and town councils in the area. The second part (Part 2) applies to Quality Parish and Town Councils only.

### **SUSTAINABILITY**

5. The Council and the parish and town councils in Huntingdonshire will work together to promote sustainable social, economic and environmental development for the benefit of local communities.

### **COMMUNITY PLANNING AND PARTNERSHIP WORKING**

6. The Council recognises CALC as a key community partner and has made provision for the Association to be represented on the Huntingdonshire Local Strategic Partnership. The Council will consult and involve parish and town councils accordingly about the content and direction of the community strategy as it affects the local communities they represent.
7. Where a parish or town council either individually or collectively has prepared a parish or town plan, the Council will take account of its proposals and priorities in developing and implementing the community strategy as it affects the local areas concerned. The Council will strengthen links between the parish or town council and the Local Strategic Partnership in order to improve delivery of local priorities.

### **LOCAL GOVERNANCE**

8. The Council will hold liaison meetings with representatives of all parish and town councils that wish to take part. There shall be a minimum of 2 liaison meetings per annum which shall be facilitated between the Council and CALC who shall ensure that all parish and town councils in Huntingdonshire are invited to the meeting, irrespective of their membership of the Association.
9. Parish and town councils will invite representatives (councillors and/or officers) of the Council to meetings of the Huntingdonshire District Association of CALC which will be co-ordinated by a single point of contact at the Council.
10. The Council will organise the administration of local parish and town council elections in Huntingdonshire and will endeavour, wherever possible, to hold such elections on the same day as another national or local government election in that parish or town. Where the local parish or town council election is held on the same day as another election, the Council will divide the cost of the elections equitably so that the parish or town council will share the cost of the election. Otherwise the cost of a parish or town council election and any parish poll will be recharged to the respective parish or town council.

### **CONSULTATION**

11. The Council will aim to give parish and town councils the opportunity to comment before making any decision which affects the respective parish or town. This is without prejudice to any statutory arrangements for consultation between the Council and the parish and town councils in Huntingdonshire. In furtherance of this, the Council will publish its agenda and reports for its meetings including its Cabinet, panels etc. on its website at the same time as they are sent to members of the Council. The

Council will supply each parish and town council with the specific website address where such agenda and reports may be viewed on the website of the Council.

12. This will not apply to circumstances where, on the grounds of confidentiality, the Council does not intend to embark upon public consultation. Parish and town councils similarly will not be entitled to receive or have access to reports of a confidential nature which are to be or have been submitted to meetings of the Council, its Cabinet, panels etc.
13. To help achieve the objectives laid down in this Charter, liaison and consultation (both formal and informal) will be further developed at parish and town council level through regular meetings or specific service consultative groups and, at officer level, individually or through working parties and groups. The Council will consider use of the meetings of CALC to facilitate wider consultation.
14. The Council will attend meetings with parish and town councils and/or meetings of the Huntingdonshire District Association of CALC at a mutually agreed time to discuss matters of common interest. This is in addition to the liaison meetings referred to in paragraph 8 above.
15. Upon request parish and town councils will send copies of their meeting agenda and reports to the Council and to district councillors who represent the respective parish and town. Officers and councillors of the Council will be given an opportunity to speak, by prior arrangement, at parish and town council meetings on matters of mutual interest appearing on the agenda of the latter meetings. In addition, officers and councillors of the Council will endeavour to attend meetings of parish and town councils at their request to speak on specific issues. It is understood that no electioneering will be undertaken at such meetings.

#### **LAND USE AND DEVELOPMENT PLANNING**

16. Where a parish or town council (or group of councils) has prepared in consultation with the Council a parish or town plan which includes proposals concerning land use and development control issues (eg. a village design statement) the Council will normally adopt this as Supplementary Planning Guidance (provided it meets the requirements set out in national planning guidance). As with other planning policies and guidance, the Council shall have regard to the currency of the plan produced by the parish or town council.
17. Where the parish or town plan proposals imply some changes to the current development plan or the local development framework for their area, the Council will consider and discuss the proposals with the parish and town council (or councils) as part of its next review of that plan. If any aspects of the proposals are not accepted the Council will explain the reasons in a letter to the parish or town council(s).

#### **INFORMATION AND COMPLAINTS**

18. When the Council consults parish and town councils, it will provide them with sufficient information to enable them to reach an informed view on the matter, and give them adequate time to respond in accordance with

the statutory requirements, where applicable, having regard to the operational procedures of the parish and town councils.

19. The Council will communicate with parish and town councils and others in the community by publishing District Wide its quarterly newsletter and making it available in the local community. It will also keep parish and town councils informed by sending them copies of other relevant newsletters/local promotional material produced by the Council. The Council will provide a list, at least annually, of newsletters and local promotional material available and each parish and town council will advise the Council which of the literature it requires.
20. The Council and parish and town councils will acknowledge letters and e-mails requiring a reply sent by one party to another within 10 working days of their receipt. The first acknowledgement will contain a full response to the letter or e-mail or give an indication of the date by which a full answer will be given. Both will provide substantive answers to letters which need a reply.
21. If the Council or a parish or town council is dissatisfied with the actions, response to a request for information or a failure to consult as defined in this charter, either party may make a formal complaint about the other party's actions. The respective authorities should consider the involvement of CALC in such situations to act as mediator but without the result of such mediation being binding on either party.

#### **STANDARDS COMMITTEE**

22. Both the Council and the parish and town councils have adopted members' codes of conduct, based on the national model code. The parish and town councils will work with the Council's Standards Committee to promote and maintain high standards of conduct and the Monitoring Officer of the Council shall act as the Monitoring Officer of the parish and town councils without charge. The parish and town councils will be entitled to nominate two representatives to the Standards Committee and the Council will consult and agree the arrangements with the parish and town councils for their appointment using the facility of the Huntingdonshire District Association of CALC, such representatives to be drawn from parish and town councils throughout Huntingdonshire irrespective of their membership of CALC. Without prejudice to the generality of paragraph 11, the Council shall supply the parish and town councils with copies of the agenda and minutes of meetings of the Standards Committee at the same time as these are sent to the members of the Committee.

#### **DELEGATING RESPONSIBILITY FOR SERVICE PROVISION**

23. If a parish or town council (or group of local councils) wishes to discharge a function on behalf of the Council, the Council will consider this where it provides equal or better value (taking account of cost, quality, local preference, practicality and the ability of the District to continue to deliver the service throughout the remainder of Huntingdonshire no less economically than before). Where it is not good value or practicable the Council will, in consultation with the parish or town council, explore alternative solutions to encourage more local-level input into service delivery.

24. If the Council wishes to discharge a function on behalf of a parish or town council on an agency basis, the parish or town council will similarly consider this on the same criteria as in paragraph 23.
25. The provisions of Appendices 1 and 2 shall apply in such circumstances.

### **FINANCIAL ARRANGEMENTS**

26. Where a parish or town council takes on the provision of certain services, the level of funding will be agreed by the Council and the parish or town council. It is agreed that the Council will be the service provider of last resort and any delegated funding will be by way of grant from the Council. Any such funding shall have regard to the Council's responsibility to continue to provide a standard of service without detriment and without financial disadvantage in the other parts of Huntingdonshire.
27. Where the Council acts as the agent for a parish or town council, it shall do so on a rechargeable basis, such charge to be fixed by agreement between the Council the relevant parish or town council.

### **LOCAL COMMUNITY LIFE**

28. The Council will promote local community life through financial support by way of capital grants and loan schemes for village halls and other community facilities and will circulate this information to parish and town councils. The availability of such grants and loans shall extend to parish and town councils on application and subject to the appropriate criteria being met.

### **PRACTICAL SUPPORT**

29. The Council will, where practicable, offer parish and town councils access to their own support services, to enable them to take advantage of facilities such as printing and purchasing, at a mutually agreed price. In addition, officers of the Council will provide information and advice, where appropriate, on request to parish and town councils without charge. Officers of the Council reserve the right to decline to offer such information and advice where this would involve excessive time or investigation or may offer to provide the advice at a mutually agreed price. In particular, assistance will be offered in identifying and helping to meet the training needs of parish and town councils (for example, through County Training Partnerships.)

## **Part 2 Quality Parish and Town Councils**

30. In addition to the above, the Council has agreed to work in the following ways with those parish and town councils which are recognised as having attained Quality status.

### **INFORMATION AND ACCESS POINTS**

31. If a Quality parish council (or group of Quality parish councils) wishes to become a local information and/or access point for the Council's services, the Council will help it to do so. The Council may: -

- + issue to the parish council (and up-date as necessary) relevant written information on and application forms for its services
- + give electronic access to similar information and forms (where it provides these electronically), provided the parish or town council has appropriate technology
- + provide suitable briefing, training and support to staff of the parish or town council

## **DELEGATION OF FUNCTIONS AND SERVICE PROVISION**

32. The Council will consider a request by a Quality parish or town council (or group of Quality councils) the opportunity to take on one or more of the functions currently provided by the Council. It is agreed that all services, which may be legally delegated, may be considered. The arrangements contained in paragraphs 23 and 25 will apply in such circumstances.

### **Appendix 1**

#### **General Financial Aspects of Delegation**

A – The general rule shall be that funding will follow delegation

B – That delegated funding shall be calculated on a pro rata basis which includes fixed as well as variable costs. At the time of agreeing the charter the population of Huntingdonshire is anticipated to continue to grow and this growth will offset any disadvantage by the delegation of fixed costs. The Council will provide a cost breakdown if requested to support the delegated amount.

C – If it appears to the Council, that the delegation of a service will result in marginally higher costs to the Council in the delivery of the service to the remainder of its area, the delegated funding will be reduced by an amount equivalent to the increased cost to be incurred by the Council.

D - The funding will be delegated by way of grant. This will provide a prudent structure should the delegated service be returned to the Council at some point in the future.

E – The amount of the grant should be reviewed every two years and increased in line with the Retail Price Index or the overall costs of the Council whichever is the greater.

F – In the event of the Council acting as the agent for a parish or town council in the delivery of a service, the arrangements described in sub-paragraphs A to E shall apply.

### **Appendix 2**

A - Any agreement between the Council and parish and town councils for the delegation of service delivery or for this to be undertaken on an agency basis shall be the subject of an agreement in writing between the parties on the standard of service to be delivered.

B - In the event of the standard failing to be achieved, the Council or the parish or town council shall meet to attempt to resolve any shortfall in standards. If this is unsuccessful, the Council or the parish or town council may take back the service from the other party and the procedure for such action shall be contained in the agreement for the delegation/agency arrangements.

	PARISH COUNCIL	2	3	4	5	6	7	8
1	St Neots Town (+letter)	Y	Y	n/a	Y	n/a	Y	Quality assurance is essential to transfer of function
2	Hollywell-cum-Needingworth	Y	Y	n/a	N	Para 1 = PC/TC not CALC	Y	Concern issue may become political, unclear how managed/monitored
3	Alconbury	Y	N	Y	Y	n/a	Y	Quality = gained recognition of ability to conduct business responsibly
4	Little Paxton	Y	N	Y	Y	n/a	Y	Quality = standards
5	Grt & Little Gidding	Y	N	Y	Y	n/a	N	Councils may be able to tick some but not all boxes for QP status
6	Colne	Y	N	N	Y	n/a	N	n/a
7	Toseland	Y	N	N	Y	n/a	N	Scheme is voluntary, doesn't mean not capable of carrying out services
8	Glatton	Y	N	N	Y	n/a	N	Hard to recruit clerks in smaller PC if made a requirement
9	Chesterton	N	N	N	Y	n/a	N	Discriminate to smaller PC
10	Hemingford Abbots	Y	N	?	Y	n/a	Y	give some assurance of effective discharge of responsibility
11	St Ives Town Council	Y	N	Y	Y	Para 1 = PC/TC not CALC	Y	Quality = gained recognition of ability to conduct business responsibly
12	Houghton and Wyton	N	N	Y	N	Lang used - misleading	N	Don't need a badge / label
13	Bury	Y	N	N	Y	n/a	N	It is a forum of discrimination
14	Offord Cluny	Y	N	Y	Y	n/a	N	Should be for DC to determine whether PC has ability to discharge function
15	Fenstanton PC	Y	N	N	Y	n/a	N	Status is no indignation of overall capability and efficiency
16	Southoe & Midloe	N	N	N	N	Adds bureaucracy	N	Existing volunteers should be consulted
17	Warboys	Y	N	N	Y	n/a	N	n/a
18	Great Gransden	N	N	N	N	system already works well	N	Will cause confusion and more beurocracy
19	Tilbrook	Y	N	N	Y	n/a	Y	n/a
20	Hemingford Grey	Y	N	Y	Y	n/a	Y	Quality status = well run and providing value for money
21	Buckworth	Y	N	N	Y	based on version 1.4	N	Capable of carrying out responsible service provision without Quality status
22	Farcet	?	N	Y	?	n/a	n/a	n/a
23	Waresley	Y	N	N	Y	n/a	N	Should not be penalised for not having status. Not all can obtain
24	Kimbolton & Stonely	Y	N	N	Y	n/a	N	Extra costs for attaining status - could be spent elsewhere
25	Wistow	N	N	N	Y	n/a	N	Bureaucratic exercise, small parishes can't do it justice
26	Brampton	?	N	?	N	n/a	N	Delegation through choice of PC, still high service without status
27	Sibson cum Stibbington	Y	N	Y	Y	n/a	n/a	PC: take delegated responsibility if in best interests - service/costs
28	Huntingdon	Y	Y	?	Y	n/a	n/a	Encourage QS to raise standards district wide although based on discretion
29	Ellington	Y	N	Y	Y	Subject to amendment	N	Can opt out of QS but should not be excluded from service provision
30	Somersham	Y	Y	?	?	Subject to contract (equal)	N	Status is no indignation of overall capability and efficiency
31	Kings Ripton	Y	N	N	Y	n/a	N	Not option for smaller councils
32	Sawtry	Y	Y	n/a	Y	n/a	N	Small PCs will struggle to meet criteria but still provide service
33	Bluntisham	Y	N	n/a	Y	n/a	N	If considered competent now, why need QS?
34	Ramsey	Y	N	Y	Y	n/a	N	If not QS can still take delegated responsibilities
35	Waresley	Y	N	n/a	Y	n/a	N	n/a
36	Holme	Y	N	N	N	confidential issues	N	Councils still capable without Quality Status

	9	10	11	12	13
1	Y	Playgrounds, grass cutting, street naming & No, cleaning, parks, minor planning apps	Y	n/a	N
2	Y	Grass cutting	Y	n/a	N
3	N	n/a	N	A(Y)B(?)C(N)D(Y)E(N)	N
4	Y	Grass cutting	Y	n/a	Y
5	N	n/a	Y	n/a	N
6	Y	Grass cutting	Y	Grant basis/annual review	N
7	Y	n/a	Y	n/a	N
8	Y	Grass cutting, litter picking	Y	n/a	Y
9	N	n/a	Y	n/a	N
10	N	n/a	Y	n/a	N
11	Y	Car parking, landscaping, play areas, street cleaning	Y	n/a	N
12	N	n/a	N	PC & DC funds questionable	N
13	N	n/a	Y	n/a	N
14	Y	currently anticipating amalgamation with Offord Darcy PC	Y	n/a	Y
15	N	n/a	N	year on adjustment appropriate	N
16	N	n/a	Y	n/a	Y
17	N	n/a	Y	n/a	N
18	N	n/a	N	Money - discretion of HDC	N
19	N	n/a	Y	n/a	N
20	?	n/a	Y	n/a	?
21	N	n/a	Y	concern of funding provision maintained?	Y
22	n/a	n/a	n/a	n/a	n/a
23	N	n/a	Y	n/a	N
24	Y	Tourism/Marketing/Street Markets/Car Parking/Planning apps	Y	n/a	N
25	N	n/a	N	n/a	N
26	Y	Road naming, grass cutting	N	concern of funding provision maintained?	N
27	Y	n/a	Y	DC: cost breakdown prior to committing	?
28	Y	Play areas, maintenance - parks/green space, Town Hall, street benches	Y	n/a	Y
29	Y	Grass cutting - currently good contract	Y	n/a	N
30	Y	Too simplistic - services should be evaluated by the Parish - priority	N	if delegated - funding to parish not HDC	n/a
31	N	n/a	N	Not workable	N
32	Y	Street naming and No. Need more time to consult on other possibilities.	N	No recognition of removing double taxation	Y
33	Y	Need more info from DC about what will be delegated	Y		?
34	Y	Services that would provide benefits to HDC & RTC	Y	n/a	Y
35	N	n/a	Y	n/a	N
36	N	n/a	N	Value for money needs focus	n/a

	14	15	16	17	18
1	n/a	N	n/a	N	n/a
2	n/a	Y	Web hosting	N	n/a
3	n/a	N	n/a	N	n/a
4	what services will be avail?	N	n/a	N	n/a
5	n/a	Y	Cutting of playing field	N	n/a
6	n/a	N	n/a	N	n/a
7	n/a	N	n/a	N	n/a
8	Grass cutting, litter picking	N	n/a	Y	Plan apps- reason from DC: overuling
9	n/a	N	n/a	Y	n/a
10	n/a	N	n/a	N	n/a
11	n/a	N	n/a	N	n/a
12	n/a	N	n/a	N	n/a
13	n/a	N	n/a	N	n/a
14	n/a	Y	n/a	N	n/a
15	n/a	Y	Dog waste bins	N	n/a
16	Playground & Cemetery maintenance, prof clerk	N	n/a	N	n/a
17	n/a	N	n/a	N	n/a
18	n/a	N	n/a	N	n/a
19	n/a	N	n/a	N	n/a
20	n/a	?	n/a	N	n/a
21	Grass cutting & maintenance at competitive rate	N	n/a	n/a	n/a
22	n/a	n/a	n/a	n/a	n/a
23	n/a	N	n/a	N	n/a
24	n/a	N	n/a	N	n/a
25	n/a	N	n/a	N	n/a
26	n/a	?	see response	N	n/a
27	Not enough clarification - agency/responsibility	N	n/a	N	n/a
28	Waste management and collection	Y	Support: Youth TC, H&S, Insurance, HR	N	n/a
29	n	N	n/a	N	n/a
30	Need proper consultation first	n/a	need consultation	n/a	Finance Charter: relationship of tiered Gov
31	n/a	Y	Play area - use is increasing	N	n/a
32	Grass cutting	Y	n/a	?	n/a
33	n/a	N	n/a	N	n/a
34	Currently provide grounds maintenance, play eqp	N	n/a	N	n/a
35	n/a	N	n/a	N	n/a
36	n/a	n/a	n/a	n/a	n/a

- 1 Lead to a closer working relationship
- 2 Lead to a closer working relationship, consider info point for community, evening mtgs
- 3 n/a
- 4 Improve leadership and provision of better services
- 5 n/a
- 6 n/a
- 7 Document stating relationships between PC/TC/DC/CPALC
- 8 n/a
- 9 In smaller PC difficulty attending meetings of PC affairs - elderly
- 10 n/a
- 11 n/a
- 12 started in 2003 not consulted til 2008 - disappointing / layout & structure of draft incoherent
- 13 n/a
- 14 n/a
- 15 n/a
- 16 Impossible to recruit and keep Clerks, decreases interest in helping community.
- 17 n/a
- 18 n/a
- 19 n/a
- 20 n/a
- 21 Charter needs to be flexible & regularly reviewed to reflect changing communities and gov. legislation
- 22 When Clerk qualified= go for Q/S, submit by end of year. Cllr Butler informed that charter always dismissed.
- 23 Good idea to have consultation between DC & PC, DC need to listen to opinions of PC
- 24 n/a
- 25 n/a
- 26 Concern about 1st/2nd tier relationships- perceive DC as unresponsive to PC views eps planning apps
- 27 Consideration of additional responsibility from 'paid' Councillors to volunteers/clerks
- 28 Paper attached
- 29 n/a
- 30 Constant prevention by local gov of the delegation of services to parishes - need to fully embrace concept
- 31 n/a
- 32 Unsure of CPALC involvement when they wont serve on TC and PCs
- 33 n/a
- 34 n/a
- 35 Good to consult between PC and DC but DC needs to listen
- 36 n/a

## ANNEX C

### Town and Parish Councils that have responded / not responded to the consultation survey.

#### Not Responded

	<b>PARISH COUNCIL</b>
1	Abbotsley
2	Abbots Ripton
3	Alconbury Weston
4	Alwalton
5	Barham & Woolley
6	Brington & Molesworth
7	Broughton
8	Buckden
9	Bythorn & Keyton
10	Catworth
11	Conington
12	Covington
13	Denton & Caldecote
14	Diddington
15	Earith
16	Easton
17	Elton
18	Eynesbury Hardwicke
19	Folksworth & Washingley
20	Godmanchester
21	Grafham
22	Great Paxton
23	Great Staughton
24	Haddon
25	Hail Weston
26	Hamerton
27	Hilton
28	Leighton Bromswold
29	Morbourn
30	Offord D'Arcy
31	Oldhurst
32	Old Weston
33	Perry
34	Pidley-cum-Fenton
35	Spaldwick
35	Steeple Gidding
36	Stilton
37	Stow Longa
38	Tetworth
39	The Stukeleys
40	Upton & the Raveleys
41	Water Newton
42	Winwick
43	Woodhurst
44	Woodwalton
45	Yaxley
46	Yelling

#### Responded

	<b>PARISH COUNCIL</b>
1	St Neots Town (+letter) Hollywell-cum-
2	Needingworth
3	Alconbury
4	Little Paxton
5	Grt & Little Gidding
6	Colne
7	Toseland
8	Glatton
9	Chesterton
10	Hemingford Abbots
11	St Ives Town Council
12	Houghton and Wyton
13	Bury
14	Offord Cluny
15	Fenstanton PC
16	Southoe & Midloe
17	Warboys
18	Great Gransden
19	Tilbrook
20	Hemingford Grey
21	Buckworth
22	Farcet
23	Waresley
24	Kimbolton & Stonely
25	Wistow
26	Brampton
27	Sibson cum Stibbington
28	Huntingdon
29	Ellington
30	Somersham
31	Kings Ripton
32	Sawtry
33	Bluntisham
34	Ramsey
35	Waresley
36	Holme

ANNEX D

- (j) Fire precautions under the Offices, Shops and Railway Premises Act will be a county council responsibility.
- (k) Through agency.
- (l) Subject to amalgamation schemes.

Local authorities have power under section 101 of the Local Government Act 1972 to arrange for the discharge of their functions by any other authority.

Powers may be vested in joint boards under various Acts and the provisions of the Local Government Act 1972 may be applied to such boards under section 241 of the Act. Many local authorities have acquired power to undertake other functions by means of local Acts.

C. UNITARY AUTHORITIES

All functions in Wales are exercised by county and county borough councils as unitary authorities. 5-01.2  
Unitary authorities have been established in some places in England by orders under the Local Government Act 1992.

[THE NEXT PARAGRAPH IS 5-02]

APPENDIX 2

PRINCIPAL POWERS AND DUTIES OF PARISH AND COMMUNITY COUNCILS

<i>Function</i>	<i>Powers and Duties</i>	<i>Statutory Provisions</i>	5-02
Allotments	Power to provide allotments. Duty to provide allotment gardens if demand unsatisfied.	Small Holdings and Allotments Act 1908, ss.23-33	
Areas of outstanding natural beauty in England	Duty to have regard to purpose of enhancing natural beauty of area of outstanding natural beauty when performing functions in relation to or so as to affect land in such an area. Right to appoint members of Conservation Boards	Countryside and Rights of Way Act 2000, s.85  Countryside and Rights of Way Act 2000, Sch.13, para.5	
Baths and washhouses	Power to provide public baths, washhouses and bathing places	Public Health Act 1936, ss.221, 222, 223 and 227	

5-02	<i>Function</i>	<i>Powers and Duties</i>	<i>Statutory Provisions</i>
	Burial grounds, cemeteries and crematoria	Power to provide	Local Government Act 1972, ss.214 and 215. Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s.1
	Bus shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provisions) Act 1953, s.4
	By-laws	Power to make by-laws in regard to— Pleasure grounds, etc.	Public Health Act 1875, s.164, Public Health Act Amendment Act 1890, s.45. Local Government Act 1894, s.8
		Cycle parks	Road Traffic Regulation Act 1984, s.57
		Baths and washhouses	Public Health Act 1936, s.223
		Public Bathing	Public Health Act 1936, s.231
		Open spaces	Open Spaces Act 1906, s.15
		Mortuaries and post-mortem rooms	Public Health Act 1936, s.198
		Power to enforce by-laws made by another authority as respects access land in its area	Countryside and Rights of Way Act 2000, s.17(8)
	Charities	Power to transfer property of parochial charity to parish council; power to appoint charity trustees	Charities Act 1993, s.79
	Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2

PRINCIPLE POWERS AND DUTIES OF PARISH AND COMMUNITY COUNCILS

<i>Function</i>	<i>Powers and Duties</i>	<i>Statutory Provisions</i>	5-02
Closed churchyards	Powers as to maintenance	Local Government Act 1972, s.215	
Commons and common pastures	Powers in relation to inclosure and as to regulation and management	Inclosure Act 1845 Local Government Act 1894, s.8(4). Smallholdings and Allotments Act 1908, s.34	
Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144	
Community centres	Power to provide and equip buildings for use of clubs having athletic, social or educational objects	Local Government (Miscellaneous Provisions) Act 1976, s.19	
Consultation	Right to be consulted in designated matters by country or district council	Local Government Act 1972, s.33A, Local Government and Rating Act 1997, s.21	
Crime Prevention	Power to establish and maintain crime prevention equipment or scheme	Local Government and Rating Act 1997, s.31	
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260	
Education	Right to appoint school governors	School Standards and Framework Act 1998, Sch,10, para.15.	
Entertainment and the arts	Provision of entertainment and the support of the arts	Local Government Act 1972, ss.144 and 145	
Gifts	Power to accept	Local Government Act 1972, s.139	
Highways	Public to repair and maintain public footpaths	Highways Act 1980, ss.30, 43, 50	
	Power to light roads and public places	Parish Councils Act 1957, s.3 Highways Act 1980, s.301	
	Provision of litter bins	Litter Act 1983, ss.5, 6	

5006/1

## 5-02 Function

## Investments

<i>Powers and Duties</i>	<i>Statutory Provisions</i>
Power to provide parking places for bicycles, motorcycles and other vehicles	Road Traffic Regulation Act 1984, ss.57-60
Power to acquire rights of way	Highways Act 1980, ss.30, 72
Power to provide roadside seats and shelters, and omnibus shelters	Parish Councils Act 1957, s.1. Local Government (Miscellaneous Provisions) Act 1953, s.4
Consent of parish council required for stopping up or diversion of highway	Highways Act 1980, ss.47, 116
Power to complain to district council as to maintenance of highways or protection of rights of way and roadside wastes	Highways Act 1980, s.130
Power to prosecute unlawful ploughing of a footpath or bridleway	Highways Act 1980, s.134
Power to contribute to traffic calming works	Highways Act 1980, s.274A, inserted by the Local Government Rating Act 1997
Power to provide traffic signs and other notices	Road Traffic Regulation Act 1984, s.72
Power as to roadside verges	Highways Act, 1980, s.96
Right to be notified of order requiring operator to provide tunnel or bridge for footpath or bridleway over railway	Transport and Works Act 1992, s.48
Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11, as amended

PRINCIPLE POWERS AND DUTIES OF PARISH AND COMMUNITY COUNCILS

<i>Function</i>	<i>Powers and Duties</i>	<i>Statutory Provisions</i>	<b>5-02</b>
Land	Acquisition	Local Government Act 1972, ss.124-127	
	Rights of way, over land (other than highways)	Local Government Act 1894, s.8(1)(g)	
Litter	Provision of receptacles	Litter Act 1983, ss.5, 6	
Lotteries	Power to promote	Lotteries and Amusements Act 1976, s.7	
Mortuaries and post-mortem rooms	Power to provide mortuaries and post-mortem rooms	Public Health Act 1936, s.198	
National Park	Duty of Secretary of State to appoint parish members of National Park Authorities	Environment Act 1995, Sch.7	
	Duty of parish council to have regard to purposes for which National Parks are designated	National Parks and Access to the Countryside Act 1949, s.11A	
Nuisances	Power to deal with offensive ponds, ditches and gutters	Public Health Act 1936, s.260	
Open spaces	Power to acquire land	Public Health Act 1875, s.164, Open Spaces Act 1906, ss.9 and 10	
Parish and property and documents	Management and custody	Local Government Act 1972, s.227	
Postal and telecommunications facilities	Power to pay any public telecommunications operator any loss sustained in providing or continuing to provide telecommunications facilities	Telecommunications Act 1984, s.97	
Public buildings and village halls	Power to provide buildings for offices and for public meetings and assemblies	Local Government Act 1972, s.133; Local Government (Miscellaneous Provisions) Act 1976, s.19	

PART 5—APPENDICES

5-02 *Function*  
Public conveniences

Recreation

Town and County  
Planning

Tourism

Transport

Village greens

*Powers and Duties*

Power to provide

Power to acquire land for recreation grounds, public walks and open spaces and to manage and control them

Power to provide gymnasiums, playing fields, holiday camps

Provision of boating pools

Right to be notified of planning applications

Power to encourage

Power to establish car-sharing scheme

Power to make grants for bus services

Power to make arrangements for taxi fare concessions

Power to publicise information about public passenger transport services and to investigate such services, the use of roads and traffic control

Power to provide

*Statutory Provisions*

Public Health Act 1936, s.87

Local Government Act 1894, s.6.  
Public Health Act 1890, s.44.  
Open Spaces Act 1906, ss.9 and 10

Local Government (Miscellaneous Provisions) Act 1976, s.19

Public Health Act 1961, s.54

Town and Country Planning Act 1990, s.252, Sch.1, para.8, Sch.14, para.1

Local Government Act 1972, s.144

Local Government and Rating Act 1997, s.26

Transport Act 1985, s.106A, inserted by the Local Government and Rating Act 1997, s.27

Local Government and Rating Act 1997, s.28

Local Government and Rating Act 1997, s.29

Public Health Act 1875 s.164,  
Local Government Act 1972, Sch.14, para. 27

PRINCIPLE POWERS AND DUTIES OF PARISH AND COMMUNITY COUNCILS

<i>Function</i>	<i>Powers and Duties</i>	<i>Statutory Provisions</i>	<b>5-02</b>
War memorials	Power to maintain, repair, protect and adapt war memorials	War Memorials (Local Authorities' Powers) Act 1923, as amended by Local Government Act 1948, s. 133	
Water supply	Power to utilise well, spring or stream and to provide facilities for obtaining water therefrom	Public Health Act 1936, ss. 125, 260	

**[THE NEXT PARAGRAPH IS 5-04.1.]**

**NOTE**

As to the powers and duties of parish councils under the Local Government and Housing Act 1989, **5-04.1** see Circular 23/90.

**[THE NEXT PARAGRAPH IS 5-05]**

## **ANNEX E**

### Principle Powers and Duties of Parish and Community Councils (Addition to Annex D)

#### **Climate Change and Sustainable Energy Act 2006, s 20(1) & (2)**

- To encourage or promote any of the following in their area –
  - microgeneration;
  - the use of electricity generated or heat produced by microgeneration, biomass or any such fuel;
  - efficiency in the use of electricity, heat, gas, fuel and other descriptions or sources of energy;
  - reductions in the amounts of energy used; and
  - production of biomass or any fuel derived from biomass.
  
- To provide information. Advice or assistance about goods or services available within their area for the purpose of encouraging or facilitating any matters mentioned above.

#### **Local Government and Public Involvement in Health Act 2007, s 77 & 78**

- To promote economic, social and environmental well-being having regard to any community strategy prepared by a relevant principal council.

#### **Clean Neighbourhoods & Environment Act 2005, s 55 & 58**

- A primary or secondary authority may make an order, known as a 'dog control order', providing for an offence or offences on any land in its area relating one of the following matters –
  - fouling of land by dogs and the removal of dog faeces;
  - the keeping of dogs on leads;
  - the exclusion of dogs from land; and
  - the number of dogs which a person may take on to any land.
  
- A dog control order may be revoked or amended by the authority which made it in relation to any amendment of a dog control order as if it were the making of a new order.