

## COUNCIL FUNCTIONS: THE PRINCIPAL POWERS AND DUTIES OF LOCAL COUNCILS

AN128 - Council Functions: The Principal Powers and Duties of Local Councils

Function	Source of statutory powers and duties	Notes
Allotments	Small Holdings and Allotments Act 1908, s.23	
Art galleries	Local Government Act 1972, s.145 (1)(d)	But arguably this does not extend to museums
Baths and wash houses	Public Health Act 1936, s.221	Swimming baths are included
Burial grounds, cemeteries and crematoria	Local Government Act 1972, s.214 and Sch26; Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s.1 Cremation Acts 1902-1952 The Local Authorities' Cemeteries Order 1977 (SI 1977 No 204)	
Bus shelters	Local Government (Miscellaneous Provisions) Act 1953, s.4 Parish Councils Act 1957, s.1	
Byelaws (procedure)	The traditional procedure for making byelaws is in s.236 of the 1972 Act. A shorter alternative procedure is in s.236A of that Act, but s.236A only applies to some byelaw powers, not to all of them A procedure for revoking some old byelaws is in s.236B	Procedure for making byelaws

<p>Byelaws (substantive powers to make byelaws)</p>	<p>Public Health Act 1875, s.164 Open Spaces Act 1906, ss.12 and 15 Public Health Act 1936, ss.198, 223, 231, 233 Food Act 1984, s.60 Road Traffic Regulation Act 1984 s.57 Public Health (Wales) Act 2017 (not yet in force)</p>	<p>To regulate public walks and pleasure grounds open spaces and burial grounds; mortuaries; baths and bathing pools (for example swimming pools); public bathing (for example public swimming); marketplaces; parking places and (prospectively in Wales) conduct in public toilets</p>
<p>Car parks</p>	<p>Road Traffic Regulation Act 1984, s.57</p>	<p>Off-street only</p>
<p>Charities</p>	<p>Charities Act 2011, s.297ff Local Government Act 1972, s.137</p>	<p>Co-operation between charities and local authorities Trustees of parochial charities And power to make donations</p>
<p>Clocks</p>	<p>Parish Councils Act 1957, s.2</p>	<p>Public clocks</p>

Closed churchyards	Local Government Act 1972, s.215	
Commons and common land	Commons Act 1899, s.5 Commons Act 2006, s.45	
Conference facilities	Local Government Act 1972, s.144	
Community centres Local	Government Act 1972, s.133; LG (MP) Act 1976, s.19	

Community transport	Local Government and Rating Act 1997, ss.26 - 29	
Crime prevention	Local Government and Rating Act 1997, s.31	
Entertainments and the arts	Local Government Act 1972, s.145	
Footpaths, bridleways and restricted byways	Highways Act 1980, ss.43 and 50	Power to maintain. See also street lighting

General power of competence	Localism Act 2011, s.1	
Gifts	Local Government Act 1972, s.139	Accepting gifts
Highways: dedication of	Highways Act 1980, s.30	See also s.38
Investment schemes	Trustee Investments Act 1961, s.11	

Land transactions	Local Government Act 1972, ss.124 - 127	
Litter bins	Litter Act 1983, s.5, s.6	Power to provide; duty to empty
Lotteries	Gambling Act 2005, s.98	Having a lottery operating licence
Markets	Food Act 1984	

Mortuaries	Public Health Act 1936, s.198	And post-mortem rooms
NALC subscriptions	Local Government Act 1972, s.143	
Open spaces	Open Spaces Act 1906, s.9	
Parish property and documents	Local Government Act 1972, s.227	

Parks and pleasure grounds	Local Government (Miscellaneous Provisions Act 1976, s.19 Public Health Acts Amendment Act 1890, s.44 Public Health Act 1936, s.164 as applied (in the case of the latter two) by Local Government Act 1972, Sch.14, para 27	
Ponds and ditches	Public Health Act 1936, s.260	
SLCC subscriptions	Local Government Act 1972, s.143	
Street lighting	Parish Councils Act 1957, s.3	



Public buildings	Local Government Act 1972, s.133	
Public conveniences	Public Health Act 1936, s.87	
Recreation	Local Government (Miscellaneous Provisions Act 1976, s.19	
Seats and shelters	Parish Councils Act 1957, s.1	Can include youth shelters

Town and country planning	Town and Country Planning Act 1990, Sch.1, para 8 and ss.61E-61Q and Sch.4B, 4C	A right to be consulted Neighbourhood planning
Tourism	Local Government Act 1972, s.144	
Traffic calming	Highways Act 1980, s.274A	Contributing to a highway authority scheme
Village greens	Commons Act 2006, s.45	

Village halls	Local Government Act 1972, s.133; LG (MP) Act 1976, s.19	
War memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1; Local Government Act 1948, s.133	
Water supply	Public Health Act 1936, s.125	Wells, springs and streams
Wellbeing	Local Government Act 2000, s.2	