



# FELIXSTOWE

## TOWN COUNCIL

### **Powers and Duties of Town and Parish Councils**

**Felixstowe Town Council has a variety of responsibilities, duties (the things that it must do), and powers (the things that it may do). All these are laid down in Acts of Parliament. A list of Town Council powers and duties is provided below.**

#### **Allotments**

**Powers & Duties:** Powers to provide allotments.

Duty to provide allotment gardens if demanded unsatisfied

**Statutory Provisions:** Small Holding & Allotments Act 1908, ss. 23, 26, & 42

#### **Baths and Washhouses**

**Powers & Duties:** Power to provide public baths and washhouses

**Statutory Provisions:** Public Health Act 1936, Ss 221, 222, 223 & 227

#### **Burial grounds, cemeteries and crematoria**

**Powers & Duties:** Power to acquire and maintain

Power to provide

Power to agree to maintain monuments and memorials

Power to contribute towards expenses of cemeteries

**Statutory Provisions:** Open Spaces Act 1906, Ss 9 and 10; Local Government Act 1972, s. 214; Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s.1 Local Government Act 1972, s. 215(6)

#### **Bus Shelters**

**Powers & Duties:** Power to provide and maintain shelters

**Statutory Provisions:** Local Government (Miscellaneous Provision) Act 1953, s. 4

#### **Bye Laws**

**Powers & Duties:** Power to make bye-laws in regard to pleasure grounds,

Cycle Parks

Baths and Washhouses

Open spaces and burial grounds

Mortuaries and post-mortem rooms

**Statutory Provisions:** Public Health Act 1875, s. 164

Road Traffic Regulation Act 1984, s.57(7)

Public Health Act 1936, s.223

Open Spaces Act 1906, s.15

Public Health Act 1936, s.198

#### **Charities**

**Powers & Duties:** Duty to receive accounts of parochial charities

**Statutory Provisions:** Charities Act 1960, s.32

### **Clocks**

**Powers & Duties:** Power to provide public clocks

**Statutory Provisions:** Parish Councils Act 1957, s.2

### **Closed Churchyards**

**Powers & Duties:** Powers as to maintenance

**Statutory Provisions:** Local Government Act 1972, s.215

### **Commons and common pastures**

**Powers & Duties:** Powers in relation to enclosure, as to regulation and management, and as to providing common pasture

**Statutory Provisions:** Enclosure Act 1845;

Local Government Act 1894, s.8(4);

Smallholdings and Allotments Act 1908, s.34

### **Conference facilities**

**Powers & Duties:** Power to provide and encourage the use of facilities

**Statutory Provisions:** Local Government Act 1972, s.144

### **Community centres**

**Powers & Duties:** Power to provide and equip buildings for use of clubs having athletic, social or educational objectives

**Statutory Provisions:** Local Government (Miscellaneous Provisions) Act 1976 s.19

### **Crime prevention**

**Powers & Duties:** Powers to spend money on various crime prevention measures

**Statutory Provisions:** Local Government and Rating Act 1997, s.31

### **Drainage**

**Powers & Duties:** Power to deal with ponds and ditches

**Statutory Provisions:** Public Health Act 1936, s.260

### **Education**

**Powers & Duties:** Right to appoint school governors

**Statutory Provisions:** Education (No.2) Act 1986, s.4

### **Entertainment and the arts**

**Powers & Duties:** Provision of entertainment and support of the arts

**Statutory Provisions:** Local Government Act 1972, s.145

### **Gifts**

**Powers & Duties:** Power to accept

**Statutory Provisions:** Local Government Act 1972, s.139

## **Highways**

**Powers & Duties:** Power to repair and maintain public footpaths and bridle-ways.

Power to light roads and public places

Provision of litter bins

Power to provide parking places for vehicles, bicycles and motor-cycles. Power to enter into agreement as to dedication and widening. Power to provide roadside seats and shelters, and omnibus shelters. Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway. Power to complain to district council as to protection of rights of way and roadside wastes

Power to provide traffic signs and other notices

Power to plant trees etc. and to maintain roadside verges

**Statutory Provisions:** Highways Act 1980, ss.43,50

Parish Councils Act 1957, s.3;

Highways Act 1980, s.301

Litter Act 1983, ss.5,6

Road Traffic Regulation Act 1984, ss.57,63

Highways Act 1980, ss.30,72

Parish Councils Act 1957, s.1

Highways Act 1980, ss.47,116

Highways Act 1980, s.130

Road Traffic Regulation Act 1984, s.72

Highways Act 1980, s.96

## **Investments**

**Powers & Duties:** Power to participate in schemes of collective investment

**Statutory Provisions:** Trustee Investments Act 1961, s.11

## **Land**

**Powers & Duties:** Power to acquire by agreement, to appropriate, to dispose of

Power to accept gifts of land

**Statutory Provisions:** Local Government Act 1972, ss.124, 126, 127

Local government Act 1972, s.139

## **Litter**

**Powers & Duties:** Power as to the provision of receptacles

**Statutory Provisions:** Litter Act 1983, ss.5,6

## **Lotteries**

**Powers & Duties:** Powers to promote

**Statutory Provisions:** Lotteries and Amusements Act 1976, s.7

## **Mortuaries and post mortem rooms**

**Powers & Duties:** Powers to provide mortuaries and post mortem rooms

**Statutory Provisions:** Public Health Act 1936, s.198

## **Nuisances**

**Powers & Duties:** Power to deal with offensive ditches

**Statutory Provisions:** Public Health Act 1936, s.260

### **Open spaces**

**Powers & Duties:** Power to acquire land and maintain

**Statutory Provisions:** Public Health Act 1875, s.164

Open Spaces Act 1906, ss.9 and 10

### **Parish Property and documents**

**Powers & Duties:** Powers to direct as to their custody

**Statutory Provisions:** Local Government Act 1972, s.226

### **Postal and telecommunications facilities**

**Powers & Duties:** Power to pay the Post Office, British Telecommunications or any other public telecommunications operator any loss sustained providing post or telegraph office or telecommunication facilities

**Statutory Provisions:** Post Office Act 1953, s.51;

Telecommunications Act 1984, s.97

### **Public buildings and village hall**

**Powers & Duties:** Power to provide buildings for offices and for public meetings and assemblies

**Statutory Provisions:** Local Government Act 1972, s.133

### **Public Conveniences**

**Powers & Duties:** Power to provide

**Statutory Provisions:** Public Health Act 1936, s.87

### **Recreation**

**Powers & Duties:** Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them

Power to provide gymnasiums, playing fields, holiday camps

Provision of boating pools

**Statutory Provisions:** Public Health Act 1875, s.164

Local Government Act 1972, Sched.14 para.27

Public Health Acts Amendment 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**

**Powers & Duties:** Right to be notified of planning applications

**Statutory Provisions:** Town and Country Planning Act 1990, Sched.1, para.8

### **Tourism**

**Powers & Duties:** Power to contribute to organisations encouraging

**Statutory Provisions:** Local Government Act 1972, s.144

### **Traffic Calming**

**Powers & Duties:** Powers to contribute financially to traffic calming schemes

**Statutory Provisions:** Local Government and Rating Act 1997, s.30

### Transport

**Powers & Duties:** Powers to spend money on community transport schemes

**Statutory Provisions:** Local Government and Rating Act 1997, s.26-29

### War memorials

**Powers & Duties:** Power to maintain, repairs, protect and adapt war memorials

**Statutory Provisions:** War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s.133

### Water Supply

**Powers & Duties:** Power to utilise well, spring or stream and to provide facilities for obtaining water therefrom

**Statutory Provisions:** Public Health Act 1936, s.125

### Section 137

In addition to the specific powers and duties listed above, Section 137 of the Local Government Act 1972 provides that Town Councils may spend money on any purpose which in its opinion is of direct benefit to all or part of its community. The total Council can spend under this general power must not in any financial year exceed an amount set by the Secretary of State. This is calculated as a set amount per elector in the Parish and is indexed annually in line with the RPI (Retail Price Index).

**For the year 2015/16 the limit is £7.36 per elector.**