WISTOW PARISH COUNCIL
STATUTORY POWERS

SUBJECT	SUMMARY OF DISCRETIONARY POWERS	LEGISLATION
Allotments	Power to provide land for allotments and to enter into allotment tenancies in or outside the council's area	Small Holding and Allotments Act 1908 ss.23, 25
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
Bicycles and motorcycles – parking places	Power to provide and maintain parking places for bicycles and motorcycles in the council's area Power to provide stands and racks for bicycles and motorcycles in the council's area Power to make byelaws for the use of and charging for parking places	Road Traffic Regulations Act 1984. s.57(1)(a) Road Traffic Regulation Act 1984, s.63 Road Traffic Regulation Act 1984, s.57(7)
Burial grounds and cemeteries	Power to provide and maintain open spaces or burial ground in or outside the council's area Power to maintain for payment a monument or memorial on a private grave (for no more than 99 years) in the council's area Power to provide and maintain cemeteries in or outside the council's area Power to contribute towards the maintenance of cemeteries where the inhabitants of the council's area may be buried Power to grant rights of burial, to place and maintain tombstones or memorials on graves and to charge fees Power to make byelaws	Open Spaces Act 1906, ss.9-10 Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s.1 Local Government Act 1972, s.214(2) Local Government Act 1972, s.214(6) Local Authorities' Cemeteries Order 1977 Open Spaces Act 1906, s.15
Bus Shelters	Power to provide and maintain bus shelters on roads or land adjoining roads in the council's area	Local Government (Miscellaneous Provision) Act 1953, s.4

Review Date	January 2024	Next Review Date	January 2025

WISTOW PARISH COUNCIL

Byelaws	Power to make byelaws	See specific subject areas
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 Power to regulate use of car parks and charge for their use	Road Traffic Regulations Act 1984, s.57(1)(b) Road Traffic Regulation Act 1984, ss.59(3), 35(1)
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. 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
Community gardens	Power to provide and maintain open spaces as gardens in or outside the council's area	Open Spaces Act 1906, ss.9-10
Contracts	Power to enter into contracts	Local Government Act 1972, s.111
Crime prevention	Power to spend money on crime detection and prevention measures in the council's area	Local Government and Rating Act 1997, s.31
Ditches and ponds	Power to deal with ditches, ponds, pools and gutters by draining them or preventing them from being harmful to public health Power to carry out works for their maintenance or improvement or to pay others to do this	Public Health Act 1936, s.260
Dogs 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
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)

Review Date	January 2024	Next Review Date	January 2025

General power of competence	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	Localism Act 2011, ss.1-8
Land/Premises	Power to purchase or sell land in or outside the council's area Power to appropriate land for an authorised purpose Power to accept and maintain gifts of land	Local Government Act 1972, ss.124, 127 Local Government Act 1972, s.126 Local Government Act 1972, s.139
Life-saving appliances	Power to provide life-saving appliances (e.g. liftbelts, defibrillators)	Public Health Act 1936, s.234
Lighting	Power to light roads and public places in the council's area	Parish Councils Act 1957, s.3; Highways Act 1980, s.301
Litter bins	Power to provide and maintain litter bins in streets or other public spaces and contribute to their provision and maintenance	Litter Act 1983, ss.5-6
Markets	Power to establish markets in the council's area and provide a market place and market buildings Power for a council that maintains a market to make byelaws	Food Act 1984, s.50 Food Act 1984, s.60
Neighbourhood planning	Power to act as the lead 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, 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
Non-councillors	Power to appoint non-councillors to council committees and sub-committees	Local Government Act 1972, s.102 (3)

WISTOW PARISH COUNCIL

Open spaces	Power to provide and maintain land for public recreation Power to make byelaws Power to provide and maintain land for open spaces in or outside the council's area Power to make byelaws	Public Health Act 1875, s.164 Public Health Act 1875, s.164 Open Spaces Act 1906, ss.9-10 Open Spaces Act 1906, s.15
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, paragraph 8
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 public footpaths and bridleways in the council's area Power to enter into agreement to dedicate a road is highway in the council's area or an adjoining parish or community area Power to enter into agreement to widen existing highway in the council's area or an adjoining parish or community area Power to provide warning notices on footpaths and bridleways	Highway Act 1980, ss.43, 50 Highways Act 1980, s.30 Highways Act 1980, s.72 Road Traffic Regulations Act 1984, s.72(2)
Public toilets	Power to provide public toilets Power to make byelaws	Public Health Act 1936, s.87
Recreation	Power to provide and manage recreation grounds, public walks, pleasure grounds and open spaces Power to make byelaws	Public Health Act 1875, s.164 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
Right to challenge services that are provided by a principal authority	Power to submit an interest in running a service provided by a district, county or unitary authority	Localism Act 2000, 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 Power to bide to buy listed asset when it comes up for sale	Localism Act 2011, ss.87-108

Review Date	January 2024	Next Review Date	January 2025

WISTOW PARISH COUNCIL

Roads	Power to consent or not consent to the local highway authority stopping maintenance of a road in the council's area or stopping up/diverting a road in the council's area Power to complain to the local highway authority about the obstruction of right of way and "roadside waste" in the council's area Power to plant and maintain trees and shrubs, and lay out grass verges in the council's area Power to provide and maintain seats and shelters on roads and land bordering any road in the council's area	Highways Act 1980, ss.47, 116 Highways Act 1980, s.130 Highways Act 1980, s.96 Parish Councils Act 1957, s.1
Sports and recreational facilities	Power to provide sports facilities in or outside the council's area or contribute towards the expenses of any voluntary organisation or local authority that provides sports facilities in or outside the council's area	Local Government (Miscellaneous Provisions) Act 1976, s.19
Tourism	Power to encourage tourism to the council's area or contribute to organisations encouraging tourism	Local Government Act 1972, s.144
Traffic calming	Power to make payments to a highway authority for traffic calming schemes for the benefit 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
Websites	Power to provide a website to give information about the council, its services and the services authorities, government departments, charities, or other voluntary organisations	Local Government Act 1972, s.142 Transparency Code for Smaller Authorities 2015 Transparency Code 2015