



Cabinet Report

Decision Maker:	Cabinet
Date:	Monday 27th June 2011
Classification:	For General Release
Title:	Community Governance
Wards Affected:	All, but specifically Queen's Park
Policy Context:	Supporting stronger communities
Financial Summary:	It is estimated that conducting the review will incur costs of between £10,000 - £15,000
Report of:	The Chief Executive and the Strategic Director Built Environment

1. Executive Summary

- 1.1 This report seeks to outline the necessary next steps regarding the launch of a Community Governance Review following the presentation of a petition on Monday 9th May to establish a community council covering the whole of the Queen's Park Ward. The petition, submitted in accordance with Part 4 of Local Government and Public Involvement in Health Act 2007 contains the necessary number of valid signatures (1281) i.e. more than 10% of the electorate of the area concerned and has been validated by the Head of Legal and Democratic Services as a valid petition. The receipt of a valid petition requires that the Council conduct a community governance review for at least the area in question.
- 1.2 The report outlines the legal standing of community/parish councils and provides a summary of the roles available to parish councils under statute.

2. Recommendations

- 2.1 That the Cabinet agrees to the proposed terms of reference of the Community Governance Review set out in Appendix 1.
- 2.2 That the Cabinet agree to conduct a community governance review for the whole of Westminster to include the review triggered by the submission of the Queen's Park petition and delegate authority to the Chief Executive and the Strategic Director for the Built Environment to do everything necessary to conduct the review.

- 2.3 That the Cabinet consider the petition to establish a community council in Queen's Park in conjunction with the proposed governance arrangements that are already in place across Westminster and that could potentially be established following the passage through parliament of the Localism Bill, for example Neighbourhood Forums.
- 2.4 That the Cabinet agree to the outlined process for conducting a community governance review. This includes the establishment of working group of officers to support the review and a cross party group of councillors to consider the evidence and decide on the outcome of the review.
- 2.5 That the outcome of the review be reported to the Cabinet meeting no later than 16 April 2012 with a recommendation to the Council meeting on 25 April 2012.

3. Background

- 3.1 The power for London Boroughs to establish parish councils was re-established by the Local Government and Public Involvement in Health Act 2007. Local authorities can consider whether it would be in the local interest to establish parish councils through a Community Governance Review. A review can also be triggered by a local area collecting enough signatures to impose a duty on the Council to undertake a Community Governance Review. To date there have been no parish councils established in London.
- 3.2 The residents of Queen's Park on 11th May presented a petition to the Leader and Chief Executive seeking the creation of a community council coterminous with the boundaries of the Queen's Park ward. Following the presentation of this petition the Council is legally required to undertake a Community Governance Review to consider their request. The Council has 12 months; starting from the date the terms of reference to the Review are published, to complete this review.
- 3.3 A valid petition has been received in the following terms:

"Petition for a Community Governance Review to constitute a Community Council for Queen's Park under the Local Government and Public Involvement in Health Act 2007, Section 80".

"We the undersigned, each being a local government elector for the area of the following proposed new community council, in pursuance of the rights conferred upon us by the above act of Parliament hereby request you to undertake a Community Governance Review and to constitute a local government council for the neighbourhood of Queen's Park. The community council shall comprise of the un-parished parts of the electoral ward of Queen's Park which is part of the Westminster City Council in London and shall comprise the same areas as that outlined on the attached map; such new community council to be called Queen's Park Community Council".

4. Conducting a Community Governance Review

- 4.1 There are two approaches the Council could take in response to this petition. The Council could conduct a review first of the Queen's Park Ward of establishing a Community Council for Queen's Park. Alternatively, the Council could consider a wider governance review looking at neighbourhood governance across the whole City and include the Queen's Park ward as part of that review. The latter approach is recommended.
- 4.2 Whilst undertaking a review that considers Queen's Park in isolation is on the face of it simpler there are a couple of drawbacks and risks:
- Considering such requests on a case by case basis without considering the wider picture of governance across the City could create a patchwork quilt of governance that ultimately is not fit for purpose for the City as a whole
 - There are proposals in the Localism Bill, such as Neighbourhood Forums, that could have a bearing on what neighbourhood governance looks like in the future and it is worth considering these alongside other governance options such as parishes.
 - Any decision in relation to Queen's Park will likely affect whether other parts of the city come forward to request parish councils. It is anticipated that this is a significant risk in undertaking the community governance review in only one ward and then having to conduct a similar process following receiving other petitions.
- 4.3 A Community Governance Review conducted over the whole of the borough will also ensure that all residents across Westminster are engaged in this review and are aware of the proposed governance implications of such a review.
- 4.4 Following the advice of the Department for Communities and Local Government it is proposed that a Community Governance Review is undertaken across the whole of Westminster. The guidance from the Department for Communities and Local Government suggests that in the interests of effective governance, the principal council should consider the benefits of undertaking a review of the whole of its area in one go, rather than carrying out small scale reviews in a piecemeal fashion of two or three areas. It is recommended that this is the approach adopted by Westminster City Council owing to the interest that has been expressed in the Queen's Park petition.
- 4.5 It is worth noting that the requirements in the Localism Bill may override the regulations in the Local Government and Public Involvement in Health Act 2007 that have framed this response and the proposed terms of reference. Should this happen the terms of reference will be reassessed to ensure they comply with the most up to date legislation and the timeframe altered accordingly.

Guidance on conducting a community governance review

4.6 A community governance review is a review of part or the whole of the borough to consider one or more of the following:

- Creating new parishes
- Abolishing, merging or altering parishes
- Electoral arrangements for parishes

4.7 The purpose of the review is to consider whether governance arrangements continue to reflect local identities and facilitates effective and convenient local government. In carrying out a review the Council is required to:

- Consult local people and consider any representations
- Consult other bodies that might have an interest in the review, e.g. schools, other public and voluntary organisations
- Consider the wider picture of community governance e.g. if there are already established local forums such as residents associations.

4.8 The 2007 Act allows principal councils to determine the terms of reference under which a community governance review is to be undertaken. The proposed Terms of Reference for the Review are attached in Appendix One.

4.9 When considering new governance arrangements, the Council will take into account a number of influential factors, including:

- the impact of community governance arrangements on community cohesion;
- the size, population and boundaries of any new local community or parish.

4.10 Principal councils must consider the wider picture of community governance in carrying out their reviews. In some areas there may be well established forms of community governance such as local residents' associations, or community forums which local people have set up and which help make a distinct contribution to the community.

5. Proposed process for conducting the Community Governance Review

5.1 It is proposed that a working group consisting of relevant officers is established to project manage the Community Governance Review. The Community Governance Review will be sponsored by the Chief Executive.

5.2 When the consultation period on the community governance review has come to an end a cross-party working group of Councillors will be established to discuss the representations received and make a recommendation to the Cabinet. The Cabinet will then make a recommendation to the Full Council no later than the Council meeting on 25 April 2012.

5.3 Electoral arrangements for a new or existing parish council will come into force at the first elections to the principal authority following a reorganisation order. It is recommended that any such parish council elections take place every four years at the same time as elections for the district or London borough but further consideration to this will be given following the outcome of the review. A shadow board arrangement will be considered during the interim period should a parish council(s) be recommended.

6. Powers and Duties of Parish Councils

6.1 The powers and duties of Parish Councils are varied and are conferred by a range of statutory provisions. A full list of these powers and duties (mostly powers) is available in appendix two.

6.2 Duties are functions which a community council must discharge. Powers are functions that are discretionary, so that the council has discretion about whether and how the power is exercised. Many of these powers are in the same service areas as principal authorities albeit more limited in scale and scope. There are however issues with duplication in this regard and fiscal imperative to keep council tax and precepts as low as possible.

6.3 Because a parish council has the power to carry out functions delegated to it by the principal authority, it would be open to a principal authority to confer additional functions on a parish.

6.4 The 'Right to Challenge' under the Localism Bill will also affect the mandate of parish councils to challenge the provision of the council.

6.5 It is worth noting from discussions with the Queen's Park Neighbourhood Forum that they intend to keep the precept as low as possible whilst retaining the apolitical voice of the Neighbourhood Forum going.

7. Staffing Issues

Not applicable

8. Finance Issues

8.1 The most important source of income for a parish/community council is from the Precept. The Parish Council has the right to instruct the City Council to add this parish tax to the council tax for the parish. The Precept is applied proportionally to tax payers in the parish. The precept and annual budget are set at an annual parish meeting. At the moment there is no cap for parish precepts but the Localism Bill proposes that the Council Tax referendum provision for significant increases to the Council Tax applies to the precept for larger parish councils.

- 8.2 Currently 2253 properties out of a total of 5186 properties in Queen's Park are in receipt of a 25% discount on their council tax. In addition, 78 properties are empty, 22 are second homes and 143 are properties in receipt of an exemption.
- 8.3 There are currently around 3,000 properties where the household is in receipt of Council Tax Benefit. Council Tax Benefit payments are paid directly by the Council, but reimbursed by central government. If there was a parish precept this would be added to the main Council Tax charge. The increased Council Tax charge would be used to determine the level of Council Tax Benefit that each claimant is entitled to. It should be noted that the government is currently proposing that in 2013 the existing Council Tax Benefit scheme will be replaced by a localised Council Tax Benefit scheme. The government has however not announced any details of how the scheme may operate. In particular it has not announced the parameters within which any scheme would need to operate, although the government has said that it only intends in future to meet 90% of their existing expenditure on Council Tax Benefit.
- 8.4 It is anticipated that the cost of this community governance review will not exceed £5,000 in marketing materials, as the timetable enables us to use existing communication channels including the My Westminster e-newsletter, the Westminster Reporter, Children's First and Westminster Plus. In addition, council time will need to be spent in setting out how any proposed new governance arrangements will work in practice. Officer time will be needed to answer potential questions from stakeholder groups and realistically this will take £5,000 - £10,000 worth of officer time to facilitate.

9. Equalities implications

- 9.1 The Community Review and the methods used to obtain opinion will take care to ensure that hard to reach groups are contacted. The report setting out the results will contain any necessary equalities impact assessment.

10. Legal Issues

- 10.1 From 13 February 2008, district councils, unitary county councils and London borough councils ("principal councils") have had responsibility for undertaking community governance reviews and have been able to decide whether to give effect to recommendations made in those reviews. In making that decision, they will need to take account of the views of local people.
- 10.2 Council's must ensure that community governance arrangements continue to reflect local identities and facilitate effective and convenient local government. The purpose of a community governance review is to therefore ascertain whether the establishment of a community council would meet this end. A review may need to be carried out, for example, following a major change in the population of a community.
- 10.3 Section 93 of the 2007 Act allows principal councils to decide how to undertake a community governance review, provided that they comply with the duties in that Act

which apply to councils undertaking reviews. The 2007 Act requires that both local people and bodies such as local residents' associations and/or community forums are consulted during a community governance review, that representations received in connection with the review are taken into account and that steps are taken to notify them of the outcomes of such reviews including any decisions. If the principal council has not instigated the review itself, local people can also petition the council to conduct a community governance review. A principal council has a duty to carry out a community governance review if it receives a valid petition for the whole or part of the council's area. Any review undertaken must be completed within 12 months – beginning when the council publishes its terms of reference and concluding when the council publishes the recommendations made in the review. A valid petition has been received in respect of the whole of Queen's Park ward.

- 10.4 The position is that the powers and duties (mostly powers) of a parish council are prescribed by statute, so should the council decide, following consultation, to establish one it will have the powers listed in Appendix Two. The council may choose to give them additional powers beyond those listed should this be deemed appropriate and cost effective.

Public petitions for a Community Governance Review

- 10.4 For a petition to be valid it must meet certain conditions. The first of these conditions is that a petition must be signed by the requisite number of local electors, based on the most recently published electorate register.
- 10.5 The three thresholds are:
- (a) for an area with less than 500 local electors, the petition must be signed by at least 50% of them;
 - (b) for an area with between 500 and 2,500 local electors, the petition must be signed by at least 250 of them; and
 - (c) for an area with more than 2,500 electors, the petition must be signed by at least 10% of them.
- 10.6 The petition should define the area to which the review relates, whether on a map or otherwise, and refer to identifiable fixed boundaries. The petition must specify one or more proposed recommendations for review. The petition identified the whole of the Queen's Park Ward and contained valid signatories.

Recommendations and decisions on the outcome of community governance reviews

- 10.7 Community governance reviews will make recommendations on those matters they have considered, as defined by the terms of reference set out at the start of the review.

A principal council must make recommendations as to:

- (a) whether a new parish or any new parishes should be constituted;
- (b) whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered; or
- (c) what the electoral arrangements for new or existing parishes, which are to have parish councils, should be.

- 10.8 In deciding what recommendations to make the principal council must have regard to the need to secure that community governance reflects the identities and interests of the community in that area and is effective and convenient. The 2007 Act provides that it must also take into account any other arrangements (apart from those relating to parishes and their institutions) that have already been made, or that could be made, for the purposes of community representation or community engagement.
- 10.9 The recommendations must take account of any representations received and should be supported by evidence which demonstrates that the recommended community governance arrangements would meet the criteria set out in the 2007 Act. Where a principal council has conducted a review following the receipt of a petition, it will remain open to the council to make a recommendation which is different to the recommendation the petitioners wished the review to make. For example, a principal council may reasonably conclude that a recommendation set out in a petition to establish a parish council should not be made as it may negatively impact on community cohesion, either within the proposed parish area, or in the wider community within which it would be located.
- 10.10 After taking a decision on the extent to which the council will give effect to the recommendations made in a community governance review, the council must publish its decision and its reasons for taking that decision. It must also take sufficient steps to ensure that persons who may be interested in the review are informed of the decision and the reasons for it. The latter will depend on local circumstances. There are a number of steps that a principal council must take to publicise the outcome of any review it has conducted, and to provide information about that outcome to the bodies it must notify following any reorganization order it makes to implement the review.
- 10.11 If the council implements the recommendations made in its review there are other steps it is required to take. These include depositing copies of the reorganization order which the principal council will need to draw up to give effect to its decisions. Besides depositing a copy of the reorganisation order at its main office, it should also deposit a map showing the effects of the order in detail which should be available for inspection by the public at all reasonable times (i.e. during normal working hours). The 2007 Act also requires the council to make available a document setting out the reasons for the

decisions it has taken (including where it has decided to make no change following a community governance review) and to publicise these reasons.

10.12 Methods of publicity it may wish to consider are through publication on the council's website, in local newspapers, on notice boards in public places, and in local libraries, town halls or other local offices. In addition, after a principal council has made a reorganisation order, as soon as practicable, it must inform the following organisations that the order has been made:

- (a) the Secretary of State for Communities and Local Government;
- (b) the Local Government Boundary Commission for England;
- (c) the Office of National Statistics;
- (d) the Director General of the Ordnance Survey; and
- (e) any other principal council (e.g. a county council) whose area the order relates to.

Implications for the City Council

10.13 It is important to clarify that, at this stage; it is the City Council's decision as to whether to conduct a community governance review covering the whole City. However, a valid petition has been received in respect of Queen's Park, as detailed in this report. A review must at least be carried out in response to that. Whether a review is carried out voluntarily or under statutory obligation has no bearing upon the principal council's ultimate authority to make the final recommendation as to whether to establish a community council.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact Lucy Capron on 020 7641 4340

Background Papers

- Guidance on community governance reviews: Department for Communities and Local Government
<http://www.communities.gov.uk/documents/localgovernment/pdf/1527635.pdf>
- Petition submitted by residents of Queens Park Ward

Appendix One

Community Governance Review - Terms of Reference

That a community governance review be carried out by Westminster City Council under the provisions of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”). The review shall comply with the legislative requirements, have regard for the associated statutory guidance and will be conducted in accordance with these terms of reference.

As per the 2007 Act, Westminster City Council will take account of the necessary criteria when conducting the review, namely:

- The identities and interests of the community in an area; and
- The effective and convenient governance of the area.

In undertaking this review, Westminster City Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 and the guidance on community governance reviews published by the Department of Communities and Local Government and the Electoral Commission in April 2008.

The review shall be of the community governance needs of the whole of the local authority area of Westminster City Council. This will include consideration of the proposals put forward in the petition for a community council in the Queen’s Park ward.

When carrying out the Community Governance Review, the City Council must also take into account other existing or potential community governance arrangements (other than those relating to parishes) in determining what parish arrangements to recommend. For the purposes of this review these considerations will also include the new proposed governance arrangements under the Localism Bill; namely Neighbourhood Forums. The review will therefore consider the emerging relationship between neighbourhood forums and community councils.

The review shall invite and take account of submissions from all interested parties and will undertake consultation work with residents and local bodies across Westminster. This may include advertising on the council website, advertising in local newspapers, presenting at area forums, holding stakeholder engagement events and issuing a written consultation.

Following the review the Cabinet and Full Council shall make recommendations as to:

- whether or not to establish new parishes, the name of any new parish and the styling (i.e. parish, community, neighbourhood or village) of any new parish;

- the electoral arrangements of any new parish council – including the ordinary year of election, warding and number of councillors.

Following the review the Cabinet may also wish to make recommendations as to:

- whether or not to introduce any new community governance arrangements other than those relating to parishes and parish council's.

The consultation period as to the creation of parish councils across Westminster will be dependent upon the legislative timetable of the Localism Bill. It is anticipated the consultation will start in the autumn with a view to concluding early 2012. Any representations on the review must be received by the advertised closing date or they will not be considered.

Please send any representation to Lucy Capron at Member Services, 18th Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP.

The Council intends to make people interested in the review aware of the outcome of any decisions taken in relation to the review and the reasons behind these decisions.

If the Council recommends that parish/community councils be created in Westminster then it will adopt a reorganisation of community governance order. Copies of this order, a map showing the affected area and the final recommendations which set out the Council's reason for the decision will be deposited at Council offices, on the website and at local contact points. The Council will then inform and provide a copy of the order to the Secretary of State at the Department of Communities and Local Government and other designated bodies.

Appendix Two

Powers and Duties of Parish Councils

POWERS AND DUTIES OF PARISH COUNCILS

FUNCTION	POWERS AND DUTIES	STATUTORY POWERS
Agency Arrangements	Power to arrange for the discharge of functions by another local authority	Local Government Act 1972 s.101
Allotments	Powers to provide allotments Duty to provide allotment gardens if demand unsatisfied	Small Holdings Allotments Act 1908 ss 23, 26 and 42
Archives	Power to make records held available to the public and support local archives	Local Government (Records) Act 1962, ss1 and 4
Baths and Washhouses:	Power to provide public baths and washhouses	Public Health Act 1936 ss 221, 222,223 and 227
Borrowing	Power to borrow money for statutory functions	Local Government Act 1972 Sch. 13
Burial Grounds, Cemeteries and crematoria*	Power to acquire and maintain	Open Spaces Act 1906, ss 9 and 10: Local Government Act 1972, s 214
	Power to provide	Local Government Act 1972, s.214
	Power to agree to maintain monuments end memorials	Parish Council and Burial Authorities (Miscellaneous Provisions) Act 19970, s. 1
	Power to contribute towards expenses of cemeteries	Local Government Act 1972
Bus Shelters	Power to provide and maintain	Local Government (Miscellaneous) Act 1953 s.4
Bye Laws	Power to make bye laws for public walks and pleasure ground	Public Health Act 1875, s 164

	Cycle Parks	Road Traffic Regulation Act 1984 s.57 (7)
	Swimming pools, bathing places, baths and washhouses	Public Health Act 1936, s 223
	Open Spaces and Burial Grounds	Open Spaces Act 1906 ss 12 and 15
	Mortuaries and post-mortem rooms	Public Health Act 1936 s. 198
	Public Bathing	Public Health Act 1936 s. 231
	Hiring of pleasure boats in parks and pleasure grounds	Public Health Amendments Act 1907, s 44(2); Public Health Act 1961, s54
Charities	Duty to receive accounts of parochial charities	Charities Act 1960, s 32
	Power to appoint trustees of parochial charities	Charities Act 1993, s 79
Clocks*	Power to provide public clocks	Parish Councils Act 1957, s 2
Closed Churchyards	Powers (and sometimes duty) as to maintain	Local Government Act 1972, s.215
Commons Land and Common Pastures	Powers in relation to inclosure as to regulation and management and as to providing common pasture	Inclosure Act 1845; Local Government Act 1984, s 8(4); Smallholding and Allotments Act 1908, s.34
	Power to protect unclaimed common land from unlawful interference	Commons Registration Act 1965, s.9
	Power to manage commons and village greens under a district council scheme	Commons Act 1899, ss 4 & 5
Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Consultation	Right to be consulted by principal councils if directed by Secretary of State (England) or by Welsh Assembly (Wales)	Local Government and Rating Act 1997, s21; Local Government Act 1972, s 33A
Community Centres and Village Halls	Power to provide and equip premises for use of clubs having	Local Government (Miscellaneous Provisions) Act 1976, s.19

	athletic, social or educational objectives	
Crime Prevention	Powers to spend money on various crime prevention measures	Local Government and Rating Act 1997, s 31
	Power to (a) install equipment, (b) establish schemes and (c) assist others in so doing for the prevention of crime	Local Government and Rating Act 1997, s 31
Delegated Functions	Power to assume a function delegated by another authority	Local Government Act 1972ss. 101, 111 and 112
	Power to ensure effective discharge of Council functions	
	Power to employ someone to carry out Council functions	
Drainage	Power to deal with ponds/ditches	Public Health Act 1936, s. 260
Education	Right to appoint governors of primary schools	School Standards and Framework Act 1988, para 15 of Sch.10
Entertainment and the Arts*	Provision of entertainment and support of the arts	Local Government Act 1972,s145
Environment	Power to act for the benefit of the community by tackling and promoting awareness of environmental issues	Local Government Act 1972,ss 111 and 137
Flagpoles	Power to erect flagpoles in highways	Highways Act 1980, s 144
"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 all or some of the inhabitants	Local Government Act 1972,s139
Gifts	Power to accept	Local Government Act 1972 s139
Highways	Power to repair and maintain footpaths and bridleways	Highways Act 1980, ss 43 and 50
	Power to light roads and public places	Parish Councils Act 1957 s 3: Highways Act 1980, s 301: Local

		Government Act 1972,Sched. 14 para 27
	Provision of litter bins	Litter Act 1983, 5 and 6
	Power to provide parking places for vehicles, bicycles and motorcycles	Road Traffic Regulation Act 1984, ss 57 and 63
	Power to enter into an agreement as to dedication and widening	Highways Act 1980. ss 30 and 72
	Power to provide roadside shelters, and omnibus shelters	Parish Councils Act 1957, s 1
	Consent of Parish Council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway	Highways Act, 1980 ss 47 and 116
	Power to complain to District Council as to protection of rights of way and roadside waste	
	Power to provide traffic signs and other notices	Highways Act 1980, s 130
	Power to plant trees, etc., and to maintain roadside verges	Road Traffic Regulation Act 1984, s 72; Countryside Act 1968
	Power to complain to local highway authority that a highway is unlawfully stopped up or obstructed	Highways Act 1980, s 96
	Power to prosecute for unlawful ploughing of a footpath or bridleway	Highways Act 1980, s 130 Highways Act 1980, s 134
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1962,s11
Land	Power to acquire land by agreement, to appropriate land and to dispose of	Local Government Act 1972, ss 124, 126 and 127
	Power to accept gifts of land	Local Government Act 1972s139
	Power to acquire land by compulsory purchase	Local Government Act 1972, s 125
	Power to obtain particulars of	Local Government (Miscellaneous

	persons interested in land	Provisions) Act 1976,s 16
	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	Public Health Act 1875, s 16;; Local Government Act 1972, Sched. 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19
Lighting	Power to light roads and public places	Parish Councils Act 1957, s Highways Act 1980, s 301
Litter* and dog fouling	Provision of receptacles Obligated to keep own land free of litter and dog faces	Litter Act 1983, ss 5 an Environmental Protection Act 1990; Litter (Animal Droppings) Order 1991
Lotteries	Power to promote	Lotteries and Amusements Act 1976, s 7
Mortuaries and post-mortem rooms	Powers to provide mortuaries and post-mortem rooms	Public Health Act 1936, s 198
Nature Reserves	Power to designate statutory to the nature reserves and marine nature reserves - English Nature can designate sites of specific scientific interest	National Parks and Access Countryside Act 1949, ss 15, 16 and 21; The Wildlife and Countryside Act 1982, ss 36 and 39 and Sched.12
	Powers to make management agreements with landowners and the English Nature to manage council-owned reserve land as a nature reserve	
Nuisances	Power to deal with offensive ditches, ponds and gutters	Public Health Act 1936, s 260
Open Spaces	Power to acquire land and maintain	Public Health Act 1875, s 164; Open Spaces Act 1906, ss 9 and 10; Commons Act 1899
	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces, and to manage and control them.	Public Health Act 1875, s 164; Local Government Act 1972, Sched 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19.

Parish Property and Records	Powers to direct as to their custody	Local Government Act 1972, s226
Parking Facilities	Power to provide parking places for motor vehicles, motorcycles and bicycles	Road Traffic Regulation Act 1984, ss 57 and 63
Planning	Right to be notified of and power to respond to planning applications	Town and Country Planning Act 1990, Sched. 1 para 8; Local Government Act 1972, Sched. 15 para 20.
Postal and telecommunications facilities	Power to pay the Post Office, British Telecommunications or any other public telecommunications operator any loss sustained in providing post or telegraph office or telecommunications facilities	Post Office Act 1954, s 51; Telecommunications Act 1984,s97
Public Buildings and Village Halls	Power to provide buildings for offices and for public meetings and assemblies	Local Government Act 1972 s 133
Public Conveniences	Power to provide	Public Health Act 19336, s 87
Public Enquiries	Power to make representations at public enquiries	Local Government Act 1982, s222
Publicise functions	Power to publicise council and local authority functions	Local Government Act 1982, s. 142
Raising of Finances	Power to raise money through them precept	Local Government Act 1982, s150
Records	Power to collect, exhibit and purchase local records	Local Government Act Records) Act 1962 ss 1 and 2
Recreation*	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	Public Health Act 1875, s 164; Local Government Act 1972, Sched 14 para 27; Public Health Acts Amendment Acts 1890, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19; Commons Act 1899
	Provision of boating pools	Public Health Act 1962, s 54
Seats and Shelters*	Power to provide roadside seats and shelters	Parish Councils Act 1957, s 1

Tourism*	Power to contribute to the encouragement of tourism	Local Government Act 1972, s. 144
Town and Country Planning	Right to be notified of planning applications	Town & Country Planning Act 1990, Sched. 1 para 8
Town Status	Power to adopt town status	Local Government Act 1972, ss 245 and 245B
Traffic Calming	Power to contribute financially to traffic calming schemes	Local Government and Rating Act 1997, s 26
Training	Power to train Councillors	Local Government Act 1972. s175.
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 Community Transport Schemes	Local Government and Rating Act 1997, s 26-29
Village greens	Power to maintain, to make bylaws for and to prosecute for interference with village greens	Open Spaces Act 1906, s 15 Inclosure Act 1857, s 12, Commons Act 1876, s 29
War Memorials	Power to maintain,, repair, protect and adapt war memorials	War Memorials (Local Authorities Powers) Act 1923, s 1 as extended by Local Government Act 1948, s 133
Water Supply	Power to utilise well, spring or stream and to provide facilities for obtaining water there from.	Public Health Act 1936, s 125

Where a function is marked with an asterisk *. A council also has the power to give financial assistance to another person or body performing the same function.

