

SAMBOURNE PARISH COUNCIL POWERS AND DUTIES

A POWER : Provides the Parish Council with the legal right to take action if they choose but it is not compulsory.

A DUTY : Is something that the Parish Council must provide.

FUNCTION	POWERS AND DUTIES	STATUTORY PROVISIONS
Accounts and Audit	Duty to prepare, submit for audit and publish end of year accounts including the appointment of a responsible finance officer and an internal auditor.	Accounts and Audit Regulations 2003
Bus shelter	Power to provide and maintain shelters	Local Government Misc Provisions Act 1953 s 4
Byelaws	Power to make Byelaws in regard to Open spaces	Open Spaces Act 1906s15
Crime Prevention and disorder	Power to install and maintain equipment with view to preventing and detecting crime in the area. Duty to consider the impact of all of our functions and decisions on crime and disorder in the local area.	Crime and Disorder Act 1998 s 17
Councillors' Allowances	Power to pay attendance allowance, travelling and subsistence expenses to members	Local Authorities (Members' Allowances) (England) Regulations 2003
Data Protection	Duty to conform with Data protections requirements by registering with the Information Commissioner	Data Protection Act 1998
Dogs, Control of	Power to make a range of Control of Orders – failing to remove faeces, not keeping on lead, banning dogs from land where dogs are excluded, taking more than a specified number onto land	Clean Neighbourhoods and Environment Act 2005 Part 6 ss 55 to 65
Drainage	Power to deal with ponds and ditches	Public Health Act 1936 s 260
Duty of Care	Duty owed by employers to employees Duty owed to occupiers (owners) of premises and land to people in or on it.	Employment legislation Common or statutory law of negligence.

	<p>Duty owed in connection with supply of goods or services.</p> <p>Duty owed concerning the construction or maintenance of buildings.</p>	Corporate Manslaughter and Corporate Homicide Act 2007
Employment Law including Equality	As an employer a council has a duty to ensure it conforms with all relevant employment legislation	Contact County Association or SLCC as appropriate
Ethical framework and Councillors' Interests	Duty to adopt Code of Conduct and every councillor to sign acceptance of office, complete a register of pecuniary interests and declare personal and prejudicial interests	Localism Act 2011 s 27 and s 28
Flyposting	Power to prosecute those suspected of committing a flyposting offence or offer a fixed penalty notice	Clean Neighbourhoods and Environment Act 2005 Part 4 ss 28, 29, 30
Gifts	Power to accept	Local Government Act 1972 s 139
Grants and Donations	Power to make financial gifts and donations to voluntary groups which will benefit some or all of the inhabitants of the parish. The expenditure must be commensurate with the benefit. Grants and donations cannot be made to religious or political bodies.	Local Government Act 1972 s 137 and amended by the Local Government and Housing Act 1989 s 28
Health and Safety and Management of Risk	Duty. Councils as employers must conform with health and safety legislation	Health and Safety at Work Act 1974
Highways	<p>Power to make WCC/SDC aware of necessary repair and maintenance of public footpaths and bridleways.</p> <p>Provision of litter bins</p> <p>Power to request WCC to provide parking places for vehicles, bicycles and motor cycles.</p> <p>Power to request that WCC/SDC provide roadside seats and bus shelters.</p> <p>Power to ensure that SDC provides traffic signs and other notices.</p> <p>Power to plant trees etc and to maintain roadside verges.</p> <p>Power to fund traffic calming measures.</p>	<p>Highways Act 1980 ss 43 50</p> <p>Litter Act 1993 ss 56</p> <p>Road Traffic Act Regs 1984 ss 57</p> <p>Parish Councils Act 1957 s1</p> <p>Road Traffic Reg Act 1984 s 72</p> <p>Highways Act 1980 s 96</p> <p>Local Government and Rating Act 1997 s 30</p>

Human Rights	Duty to have consideration to an individual's Human Rights when taking decisions, implementing policies and handling enquiries from members of the public	Human Rights Act 1998
Land	Duty to conserve biodiversity of plant and animal life in a particular habitat	Natural Environment and Rural Communities Act 2006
Memorials	Power to maintain, repair, protect and adapt war memorials	War Memorials (Local Authorities Powers) Act 1923 s1
Nuisances	Power to deal with offensive ditches	Public Health Act 1936 s 260
Parish Property and documents	Power to direct as to their custody. Duty to deposit certain published works in specific deposit libraries	Local Government Act 1972 s 226
Precept	Power to raise money through the precept	Local Government Act 1972 s 226 S227
Public inspection of documents and Publication Scheme	Duty to have a publication scheme of certain core documents. Public have the right to inspect certain documents	Freedom of Information Act 2000 Local Government Act 1972 s 228
Race Relations	Duty to have regard to, whilst exercising their functions, the elimination of unlawful discrimination, promotion of equality of opportunity and the promotion of good relations between people of different racial groups.	Race Relations (Amendment) Act 2000
Subscriptions	Power to subscribe to local government associations and other reasonable subscriptions relevant to the work of the parish	Local Government Act 1972 s 143
Town and Country planning	Right to be notified of planning applications if right has been requested	Town and Country Planning Act 1990 Sched 1 para 8
Traffic calming works, speed cameras, CCTV cameras etc	Power to contribute to expenditure by highway authority (principally County Council) in constructing removing or maintaining traffic calming works, if it will be of benefit to the area.	Local Government and Rating Act 1997 s30

Village Greens	Power to register land as a Village Green, to protect Village Greens and grant an easement for right of access across a registered Village Green	Countryside and Rights of Way Act 2000 and Vehicular Access Across Common and Other Land (England) Regulations 2002 Commons Registration Act 945 Countryside and Rights Way of Act 2000 Commons Act 2006 s9, 45, 51
Village Signs	Power to make and erect ornamental village signs.	Local Government Act 1972 s 144
Water	Power to utilise well, spring or stream and provide facilities for obtaining water therefrom	Public Health Act 1936 s 125
Websites	Power for councils to have their own websites	Local Government Act 1972 s 142