

POWERS & FUNCTIONS OF PARISH COUNCILS

There are some 8,500 local councils at parish and town level in England. As a tier of local government they are elected bodies, with discretionary powers and rights laid down by Parliament to represent their communities and provide services for them. Policy has centred on the fact that they act as a focus for local opinion, and provide a way to get things done in a way that is best suited to their local community.

Parish councils in their current form were created by the Local Government Act 1894. Their governance, shape and form was consolidated in the Local Government Act 1972 (the Act). Under the Act, by passing a resolution, a parish council may be renamed a “town council”. This is particularly important since old urban district councils were incorporated into parish form. As a result of changes to the Act, brought about by the Local Government and Public Involvement in Health Act 2007, a parish council may be known alternatively as a “community”, “village” or “neighbourhood” council. This latest development is a reflection of the change in the nature of parishes, especially the needs of urban and suburban areas where there has been little tradition or expectation of a parish tier of local government.

The National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC) quite sensibly use the generic expression of “local councils” to describe all councils which fall into this class of authority. For ease of use, and to ensure we don’t clash with any publication of NALC or SLCC, we have used the legal term of “parish council” throughout this publication to mean all councils at the parish level of local government.

All councils are constituted in the same way; councillors are elected by the local government electorate and each council has a chairman, who must be one of the elected councillors. Councils vary in size and capacity; many are small, representing a few hundred people, others represent communities of over 30,000 people with budgets of over £1m and expenditure and staffing levels per head of population similar to a small district council.

A council is a corporate body with perpetual succession and a name. Local councillors are often referred to as “Members” – for example in codes of conduct. The number of councillors is fixed by the district (or unitary) council. A parish council’s lawful acts, assets and liabilities are its own and not those of its councillors or any other council.

A council must act within the law. It can only spend, raise or use money if it has a statutory power to do so, otherwise it acts ultra vires (beyond its powers). Parish councils have a wide range of powers under different acts of Parliament. Most of these powers are discretionary, i.e. a council may do something, rather than it must do something. However, under the Localism Act 2012 the general power of competence was extended to eligible local councils. This means they no longer need to ask if they have a specific power to do something but instead have “the power to do anything that individuals generally may do” as long as they don’t break other laws. To be eligible at least two-thirds of the members of the

Council must have been elected rather than co-opted and the clerk must hold at least one of the sector-specific qualifications and should have completed the relevant training designed as part of the National Training Strategy for local councils.

A parish council has the unfettered right to raise money by precept (a mandatory demand) on the district council. The precept required by a parish council is then collected by the principal council as part of the council tax levied on taxpayers in that parish.

Parish councils act as sounding boards for local opinion, though the range of services and amenities provided varies enormously. They often work with local voluntary organisations and other tiers of local government and have an important role in providing and improving very local services and amenities. Councils are represented nationally by NALC, referred to above, which works with independent county associations to provide routine support for councils and their clerks. County training partnerships provide training to the members and employees of parish councils.

There are certain obligations which by law a parish council must fulfil. For example:

- it must hold an annual meeting;
- It must hold at least three other meetings a year;
- It must appoint such officers as it believes necessary for the proper discharge of its functions. This must include an officer responsible for the proper administration of financial affairs;
- It must make Standing Orders for the supply of goods and services to the council.

The arrangements for meetings and proceedings of local councils are set out in [Part II of Schedule 12 to the Local Government Act 1972](#), as supplemented by any standing orders adopted by a council.

Parish councils should not see themselves as operating in isolation. They will achieve far more by being prepared to work constructively with other public bodies and organisations around them.

Parish councils will wish to:

- Be consulted on planning applications and will need a close relationship and understanding with the planning office of their district/unitary council. Parish councils are encouraged to prepare parish plans in consultation with the planning office with a view to the plan being taken into account by the district council in considering planning applications and preparing the Local Plan.
- Have points of contact with principal council services, such as highways, cleansing, parks, elections etc. and to contribute to the way such services are provided.

- Work closely with the monitoring officer of the principal council on standards matters and the members' code of conduct.
- Be represented, collectively with other parish councils, on the Local Strategic Partnership.
- Liaise with other stakeholders operating services within the parish council boundaries.
- Contribute to proposals which may be made to the Secretary of State under the Sustainable Communities Act 2007.

As the lowest tier of democratically elected representatives in the country, parish councils have the mandate to speak on behalf of the people they represent. It is important that parish councils learn how to do this with authority and integrity in order to have the optimum effect.