

What is a Parish Council?

It is the first tier of Local Government and was created by statute in 1894. Before 1894, for many years, the affairs of the parishes had been administered by a vestry, or meeting of the village inhabitants.

Inevitably these meetings were dominated by the squire, the parson and the principal ratepayers and some became 'select vestries', only open to those people deemed 'suitable' to serve. In many parishes, particularly rural ones, the system worked perfectly well, in others it was virtually non-existent or very inefficient.

For a variety of reasons, including a general movement towards greater 'democracy'; and a desire to break the power of the Church of England over the lives of nonconformists and non-believers, a Bill was promoted to create Parish Councils. After a difficult passage through parliament and many amendments, this Bill became an Act in 1894. Its effect was to transfer all non ecclesiastical functions from the church to the elected Parish Councils. Some other functions were added, such as those relating to the burial of the dead, which had, many years before, been vested in Burial Boards, an early form of QUANGO.

The regulations under which the first Parish Councils operated were not very tight at that stage and the influence of the church was not so easily to be diminished.

(Parish Government, 1894 - 1994, by K P Poole and Brian Keith-Lucas, published by The National Association of Local Councils in 1994)

“In the choice of chairmen of parish councils there was considerable evidence of traditional deference.

In the old vestries the parson had always taken the chair and now nearly one parish in five chose the parson as their first chairman, co-opting him for that purpose if he had not been elected to the council.”

There were many anomalies and difficulties encountered in the years between 1894 and 1972, when the present basic Local Government Act came into being. A full and very entertaining account of these years can be found in the above quoted book.

Much has changed since 1894, despite the impression given by the “*The Vicar of Dibley*” TV series. Parish Councils are closely regulated and the amount of administrative bureaucracy and red tape has increased exponentially in the past few years, with an accompanying rise in costs of audit and insurance. On the other hand, with lines of responsibility more

clearly drawn, there now appears to be no general animosity towards the church and some villages still have the parson on the Parish Council. That is, if s/he has the time to spare, because the church has also changed considerably, with greatly enlarged parishes, few curates and the same problem with red tape and mountains of post.



Powers and Responsibilities of Parish Councils



The Local Government Act, 1972, is the one most often referred to when describing the modern powers and responsibilities of Parish Councils but it is augmented by many earlier and later Acts, such as *The Criminal Justice and Public Order, Act 1994*, which, on the face of it, would not appear to relate to Parish Councils but which gave them a long needed ability to pay for measures to combat crime and the fear of crime in villages.

Parish Councils may only spend public money on projects or actions for which they have a Statutory Power. Breaking this rule is likely to result in a PC's accounts being refused by the auditor and, possibly, the individual councillors being required to repay the money illegally expended. For those of an enquiring nature, a list of the legislation conferring some of these powers appears at the end of this section.

There is still, as there was in 1894, only one power which the Parish Council must consider using and that is to provide allotments for the labouring poor, if asked for them. All other powers are voluntary - the Parish Council is not obliged to exercise them and indeed the majority would find it difficult to raise enough money to exercise them all on a permanent basis.

Raising the wind

Parish Councils are empowered to raise money for their activities through a tax (the "precept") on the village residents which is collected on their behalf by the District Council, as an addition to the District and County Council Tax. This is then paid to the Parish Council in two equal instalments.

Two neighbouring Parish Councils might require the same amount of money to function but the fewer houses there are in a village, the more each household is obliged to pay towards raising this sum. Thus, the actual tax paid by similar houses in neighbouring villages could differ widely. Though not actually 'capped' in their expenditure, as are the Principal Councils, the activities of many smaller Parish Councils are effectively limited by this difficulty; to what, in vulgar parlance, *'the market can stand'*. To combat this, smaller councils are being encouraged to combine for some large projects and share the expense across a wider base.

Borrowing is allowed, up to a prescribed limit and with permission, but this is of limited help to a small parish because, of course, the loan (plus interest) has to be repaid from slim resources.

Grants may be obtained for specific purposes from various sources, not least the District Council. Very few, if any of these, can be used for maintenance or general administration purposes.

Limited fund raising can be done but this is so hedged about by restrictions that, in the main, it is hardly worthwhile for a very small council.

Some larger councils are enterprising enough to have obtained property from which a considerable income is obtained. *Swanley Council, in Kent, is often mentioned because it owns a seaside hotel!*

Some Statutory Powers of Parish and Town Councils

Local Government Act 1972

s.101	Assume a function delegated by another authority
s.111	Ensure effective discharge of council functions
s.112	Employ someone to carry out council functions
s.124	Buy or lease land for the community
s.142	Publicise council and local authority functions
s.144	Encourage tourism
s.145	Provide entertainment
s.150	Raise money by precept (Council Tax)
s.175	Train councillors
s.214	Assume responsibility for a closed churchyard
s.222	Make representation at public enquiries
s.226	Acquire historical records

Sch.13 Borrow money
Sch.16 para 20 Comment upon planning applications

Local Government (Miscellaneous Provisions) Act 1953

s.4 Provide bus shelters

Local Government (Miscellaneous Provisions) Act 1976

s.19 Provide or support recreational facilities

Open Spaces Act 1906

s.9 Acquire and manage any open space including valuable habitats.

s.10 Administer open space held in trust
Provide lighting for any open space

Commons Act 1899

s.5 Manage common land

Public Health Act 1875

s.164
(see also LGA, 1972 sch. 14 para 27) Acquire and manage land for a village green
Provide parks, pleasure grounds, public walks
Make bylaws to prevent dog fouling or to ban dogs

Public Health Act 1961

s.54 Provide a boating lake

Public Health Act 1936

s.87 Maintain public toilets
s.125 Use a local water course to obtain water
s.260 Maintain a local water course

The Countryside Act 1958

s.27 Erect signs for a right of way

Highways Act 1980

- s.30 Create a right of way
- s.43 Maintain a right of way
- s.96 Plant verges with trees shrubs and bulbs (with Highways Authority consent)

Road Traffic Regulation Act 1984

- s.57 Take action to relieve traffic congestion
Provide Parking facilities

Parish Councils Act 1957

- s.1 Provide roadside seats (with Highways Authority consent)
- s.3 (see also LGA 1972 Sch14, para 34) Provide lighting for footways and public places

Litter Act 1983

- s.5 Provide litter bins

Smallholding and allotments Act 1908

- s.26 Provide allotments
- s.34 Acquire land for common pasture

Local Government (Records) Act 1962

- s.1 Make community records available to the public
- s.2 Purchase records of local interest
- s.4 Support local archives

National Parks and Access to the Countryside Act 1949

- s.16 Make agreement with English Nature to manage council-owned land as nature reserve.

The Wildlife and Countryside Act, 1981

s.39

Local authorities make management agreements
with landowners

Environmental Protection Act 1990

and

Litter (Animal Droppings) Order 1991

Must keep own land free of litter and dog faeces

There are many other Acts and Statutes which govern the activities of Parish Councils and these are being added to every few months. It is quite a job to keep up with them and that is why this Council subscribes to membership various organisations. Training and conferences are now an essential tool of the trade.