

Town and Community Councils

List of legal duties and powers

The list below is an indicative list of duties and powers to help you appreciate in summary the wide range of functions covered by Acts of Parliament and Measures or Acts of the Senedd Cymru (Welsh Parliament). It is a useful reference when you need to know if the community council can act but note, no list can be comprehensive.

Remember that a duty is an action that must be taken by law while a power is an action that the council can choose to undertake.

Activity	Powers and Duties	Statutory Provisions
Annual report	Duty to publish an annual report about council priorities, activities and achievements.	Local Government and Elections (Wales) Act 2021, Section 52.
Annual meeting of the council	Duty to hold	Local Government Act 1972, Schedule 12, paragraph 23
Allotments	Powers to provide allotments Duty to provide allotment	Small Holdings and Allotments Act 1908, s23
Attendance at meetings by persons not in the same place	Duty to ensure meetings can take place virtually or partially virtually	Local Government and Elections (Wales) Act 2021, Section 47
Borrowing	Subject to Welsh Ministers' consent power to borrow money for capital purposes	Local Government Act 2003 Schedule 1 para 2
Burial grounds, cemeteries and crematoria	Power, as a burial authority, to acquire and provide with a duty to maintain Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, ss. 9 and 10 Parish Councils and Burial Authorities (Miscellaneous) Act 1970, s.1 Local Government Act 1972, s. 214
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provisions) Act 1953, s.4
Bye Laws	Power to make byelaws for: Mortuaries and post mortem rooms Pleasure grounds Parking places Open spaces and burial grounds	Public Health Act 1936, s.198 Public Health Act 1875, s.164 Road Traffic Regulation Act 1984, s.57(7) Open Spaces Act 1906, s.15

Activity	Powers and Duties	Statutory Provisions
Charities	Powers regarding local charities	Charities Act 2011, Part 15
Christmas Lights	Power to encourage visitors	Local Government Act 1972, s.144
Citizens Advice Bureau	Power to support Citizens Advice Bureaus	Local Government Act 1972, s.142 (2A)
Climate change	Power to promote local energy saving measures	Climate Change and Sustainable Energy Act 2006, s.20
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed Churchyards	Powers to maintain	Local Government Act 1972, s.215
Code of conduct	Duty to adopt a code of conduct Duty on councillors to comply with the code of conduct	Local Government Act 2000, s. 51 Local Government Act 2000, s. 52
Common land and village greens	Power to protect common land and village greens where the owner is not registered	Commons Act 2006, s.45
Community centres	Power to provide buildings for use of clubs having athletic	Local Government Act 1972, s.133 Local Government (Miscellaneous
Community meetings	Power to convene and duty to give notice	Local Government Act 1972, Schedule 12, paragraphs 30, 30D and 30E
Community polls	Power to organise a community governance poll (no other polls are permitted)	Local Government and Elections (Wales) Act 2021, s162 and Schedule 13
Conference facilities and exhibitions	Power to provide facilities	Local Government Act 1972, s.144
Co-option of members	Powers to co-opt persons to fill vacancies Duty to advertise	Representation of the People Act 1985, s21 Local Elections (Parishes and Communities) (England and Wales) Rules 2006,
Crime prevention	Powers to spend money on various crime prevention measures Duty to exercise functions with regard to the effect on crime and disorder	Local Government and Rating Act 1997, s.31 Crime and Disorder Act 1998, s17
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260

Activity	Powers and Duties	Statutory Provisions
Entertainment and the arts	Power to provide entertainment and support to the arts including festivals and celebrations	Local Government Act 1972, s.145
Environment (keeping it safe)	Duty to promote and enhance biodiversity	Environment (Wales) Act 2016 Section 6
Finance	Duty to make arrangements for the proper administration of the council's financial affairs and to secure that one of their officers has responsibility for the administration of those affairs	Local Government Act 1972, s151
	Duty to make a budget calculation Power to issue a precept to a billing authority Duty to keep accounts for audit Power to make financial contributions etc for the purpose of BID projects	Local Government Finance Act 1992, s.50 Local Government Finance Act 1992, s.41 Accounts and Audit (Wales) Regulations 2014 Local Government Act 2003, ss. 43,58
General power (s137)	Power to incur expenditure for certain purposes not otherwise authorised	Local Government Act 1972, s. 137
General power of competence	Power to do anything that individuals generally may do (for eligible councils only). Power to restrict the power of local authorities to incur expenditure for certain purposes not otherwise authorised to councils that are not eligible community councils	Local Government and Elections (Wales) Act 2021, Section 24. Local Government and Elections (Wales) Act 2021, Section 37 and Part 2 of Schedule 3
Gifts	Power to accept gifts	Local Government Act 1972, s.139
Highways	Power to enter into agreement as to dedication	Highways Act 1980, s.30

	Power to repair and maintain footpaths and bridleways	Highways Act 1980, ss. 43, 50
	Power to plant trees etc and to maintain roadside verges	Highways Act 1980, s.96
	Power to complain to highway authority regarding protection of rights of way and roadside wastes	Highways Act 1980, s.130(6)
	Power to erect flagpoles etc on highways	Highways Act 1980, s.144
	Power to contribute to traffic calming schemes	Highways Act 1980, s. 274A
	Power to provide roadside seats and shelters	Parish Councils Act 1957, s.1
	Power to light roads and public places	Parish Councils Act 1957, s.3
	Power to provide parking places	Road Traffic Regulation Act 1984, s.57
	Power to provide traffic signs and other notices	Road Traffic Regulation Act 1984, s.72
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961
Land	Power to acquire by agreement, to appropriate, to dispose of land	Local Government Act 1972, ss.124, 126, 127
Litter	Power to provide receptacles in public places	Litter Act 1983, ss.5.6
Lotteries	Power to hold a lottery operating license	Gambling Act 2005, s.98
Marine management	Power to obtain advice from the Maritime Management Organisation	Marine management
Meetings	Duty to hold annual meeting	Paragraph 23(1), Schedule 12, Local Government Act 1972
	Duty to hold meeting within 14 days of a community council election	Paragraph 23(2), Schedule 12, Local Government Act 1972
	Power to call extraordinary meeting	Paragraph 25, Schedule 12, Local Government Act 1972
	Quorum for meetings	Paragraph 28, Schedule 12, Local Government Act 1972

	Duty to notify time and place of meeting	Paragraph 26(1)(a), Schedule 12, Local Government Act 1972 as amended by the Local Government and Elections (Wales) Act 2021, s.49 and Part 1 of Schedule 4
Meeting notes	Duty to draw up meeting notes within 7 working days of the meeting.	Local Government and Elections (Wales) Act 2021, paragraph 12 of Schedule 4.
Meeting venues	Power to convene meetings at any place the council directs whether inside or outside the council's area	Local Government and Elections (Wales) Act 2021, paragraph 20 of Schedule 4
Mortuaries and post mortem rooms	Powers to provide mortuaries and post mortem rooms	Public Health Act 1936, s.198
Minutes	Duty to draw up minutes of community meetings	Paragraph 35, Schedule 12, Local
National Parks	Duty to have regard to purposes for which National Parks are designated	National Parks and Access to the Countryside Act 1949, s.11A
Newsletters	Power to provide information relating to matters affecting local government	Local Government Act 1972, s.142
Officers and employees of the council standing for election	Right to stand for election to their employing council	Local Government and Elections (Wales) Act 2021, Section 20
Open Spaces	Power to acquire land and duty to maintain them	Open Spaces Act 1906, ss.9 and 10
Property and documents	Powers to direct as to their custody	Local Government Act 1972, s.226
Public buildings and village halls	Power to provide buildings for public meetings and assemblies	Local Government Act 1972, s.133
Public conveniences	Power to provide public conveniences	Public Health Act 1936, s.87 and Public Health (Wales) Act 2017 s.116
Public participation in meetings	Duty to provide members of the public with an opportunity to make representations about any business to be transacted at the meeting	Local Government and Elections (Wales) Act 2021, Section 48
Public spaces protection orders	Right to be notified of proposal for an order	Anti-social Behaviour, Crime and Policing Act 2014, s.72

Activity	Powers and Duties	Statutory Provisions
Publication	Duty to publish documents relating to the business of the meeting Duty to have a publication scheme	Paragraph 26(1)(aa), (b), Schedule 12, Local Government Act 1972 Freedom of Information Act 2000
Parks, pleasure grounds	Power to acquire land 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 1890, s.44 Open Spaces Act 1906, ss.9 and 10
Recreation	Power to provide a wide range of recreational facilities	Local Government (Miscellaneous Provisions) Act 1976, s.19
Staff	Power to appoint staff	Local Government Act 1972, s.112
Standing orders	Power to make standing orders Duty to have a standing order with respect to contracts for the supply of goods and materials	Local Government Act 1972, Sch 12, para 42 Local Government Act 1972, s. 135 (2)
Status	Power for a community council to resolve that the community shall have the status of a town	Local Government Act 1972, s.245B
Town and Country Planning	Right to request the local planning authority for notification of	Town and Country Planning Act 1990, Schedule 1A, paragraph 2
Tourism	Power to contribute to certain organisations encouraging tourism	Local Government Act 1972, s.144 (2)
Training	Duty to publish a training plan setting out the training need of councillors and council staff	Local Government and Elections (Wales) Act 2021, Section 67.

Activity	Powers and Duties	Statutory Provisions
Transport	<p>Power to establish car-sharing schemes</p> <p>Power to make arrangements for taxi fare concessions</p> <p>Power to investigate provision of public transport services and to publicise information on such services</p> <p>Power to make grants to for bus services</p>	<p>Local Government and Rating Act 1997, s.26</p> <p>Local Government and Rating Act 1997, s.28</p> <p>Local Government and Rating Act 1997, s.29</p> <p>Transport Act 1985, s.106A</p>
War memorials	Power to maintain, repair, protect and alter war memorials	War Memorials (Local Authorities' Powers) Act 1923 s.1; as extended by Local Government Act 1948, s.133
Website	Duty to make specified information available electronically	Local Government (Democracy) (Wales) Act 2013, s.55
Well-being of future generations	Duty to take all reasonable steps towards meeting local objectives in the local well-being plan (and to report annually) if the council's gross income or expenditure was at least £200k in each of the 3	Well-being of Future Generations (Wales) Act 2015, s. 40
	years prior to publication of the local well-being plan	
Welsh language	Duty to comply with Welsh language standards	Welsh Language (Wales) Measure 2011, s. 25
Youth representatives	Power to appoint youth representatives	Local Government (Wales) Measure 2011 ss.118-119