

CABINET MEMBER FOR COMMUNICATIONS, COMMUNITIES, LEISURE AND LIBRARIES

LEGAL SERVICES

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REFERENCE: DL2-19

CONFERRAL OF PARISH COUNCIL FUNCTIONS ON CHOLDERTON PARISH MEETING

Purpose of Report

1. To consider a request from Cholderton Parish Meeting that Wiltshire Council confers on it certain functions that are otherwise only available to a parish council.

Relevance to the Council's Business Plan

2. The [Business Plan 2017-2027](#) sets out Wiltshire Council's priorities for the next ten years:
 - Growing the local economy
 - Protecting the vulnerable
 - Creating strong communities

This proposal helps to support the creation of strong communities in the county.

Background

3. The majority of parishes within the County have a parish council and a separate parish meeting. The parish meeting comprises all of the electors in the parish and is required to hold at least one meeting each year. The parish meeting has very limited powers compared to those of a parish council. A parish council can exercise a range of specific statutory functions, and in addition has the power is s.137 Local Government Act 1972 to incur a limited amount of expenditure on anything that is considered by it to be for the benefit of its area or inhabitants.
4. There are a number of smaller parishes in the County where there is no parish council, only a parish meeting. Cholderton is one such parish. The Parish Meeting in Cholderton wish to carry out a number of activities for the benefit of the parish, including providing support to the village hall, assisting with traffic calming measures in the village and providing litter bins. These are all functions that could be undertaken by a parish council, if there were one for the parish, but which do not fall within the powers of a parish meeting, so cannot lawfully be carried out by the Cholderton Parish Meeting at this time.
5. However, in cases where there is no separate parish council for a parish, Section 109 Local Government Act 1972 allows a district council to confer on a parish meeting any of the functions of a parish council, where such a request is made by the parish meeting concerned. Wiltshire Council has received such a request from Cholderton Parish Meeting, which is attached as an Appendix to this report. The request seeks the conferral on Cholderton Parish Meeting of the following powers that are available to a parish council, for the reasons stated:-

a. **Section 133 Local Government Act 1972 – Provision of Parish and Community Buildings.**

This power allows a parish council to provide and furnish public buildings in the parish or to contribute to the expenses of other persons in so doing. There is a Village Meeting Hall in Cholderton and, as set out in their letter, the Parish Meeting wish to contribute to the maintenance and running of this hall.

b. **Section 247 Highways Act 1980 – Contributions to Traffic Calming**

This Section allows a parish council to contribute to the costs of traffic calming measures. As stated in the letter, the main A338 road runs through the parish and the Parish Meeting wish to consider, with Wiltshire Council as Highways Authority, the possibility of traffic calming measures. This availability of the powers in this Section would enable the Parish Meeting to contribute to the costs of schemes that may be considered appropriate.

c. **Sections 5 & 6 Litter Act 1983 – Provision of Litter Bins**

This Section allows parish councils to provide and maintain litter bins in their parishes. Cholderton Parish Meeting wish to provide their own litter bins.

d. **Section 137 Local Government Act 1972 – Additional Expenditure**

Section 137 LGA 1972 allows a parish council to incur expenditure on anything which, in their opinion, is in the interests of their area or its inhabitants, where there is no other specific powers authorising such expenditure. The amount that a parish council can spend under this provision is limited by reference to the number of electors in the parish (currently £8.12 per elector). As set out in their letter, there are a number of activities that the Cholderton Parish Meeting wish to undertake for which there is no specific statutory power, including the provision of a defibrillator and additional traffic calming and litter collection activities (beyond those covered by the specific powers mentioned above). The Parish Meeting therefore wish to be able to make use of the general expenditure powers provided in Section 137.

Main Considerations for the Council

6. The are no specific considerations that Wiltshire Council has to take into account when determining a request from a parish meeting for additional functions to be conferred on it. The main issue is whether it is appropriate for the Parish Meeting to be able to make use of these additional functions and to precept for the costs of those functions. In this case the Parish Meeting has identified a number of specific activities that it considers would be of benefit to the local community and which it would wish to undertake and fund.
7. The local member is aware of this request from the Parish Meeting and is fully supportive of it, as it would enable the community to have greater powers to improve the Parish and provide facilities for their parishioners.

Safeguarding Implications

8. Not applicable.

Public Health Implications

9. Not applicable.

Corporate Procurement Implications

10. Not applicable.

Environmental and Climate Change Considerations

11. Some of the functions that the Parish Meeting wish to undertake are ones which would benefit the environment, in particular traffic calming and litter collection.

Equalities Impact of the Proposal

12. Not applicable.

Risk Assessment

13. Not applicable.

Financial Implications

14. A Parish Meeting has precept-raising powers and it would be for Cholderton Parish Meeting to ensure that it had precepted for the necessary funds to enable it to carry out the activities for which it is seeking the additional powers.
15. There are no costs for Wiltshire Council arising from this request, other than minor administrative costs in making the necessary Order.

Legal Implications

16. These are set out in the report above.

Options Considered

17. To:
- (i) Confer all or some of the functions as requested.
 - (ii) Not to confer any of the functions requested

Reason for Proposal

18. The conferral of the functions set out above on Cholderton Parish Meeting would enable it to carry out a number of activities for the benefit of the local community, which it is not currently able to do. There is no separate parish council in the parish that would otherwise be able to undertake these functions.

Proposal

19. That the functions of a parish council as set out above be conferred on Cholderton Parish Meeting and that the Director Legal, Electoral and Registration Services be authorised to draw up the necessary Order.

The following unpublished documents have been relied on in the preparation of this Report:

None