

## The Parish Council

Parish Councils are the first tier of local democracy. Our Parish Council was formed in England under the Local Government Act 1894. Before this date a variety of groups based around Ecclesiastical Parishes, Poor Law Guardians, Burial Boards and charities had responsibility for these matters, in a system of local government that originated in the feudal system of the 8th century.

Parish Councils have the power to precept (tax through rates) their residents to support their operations and to carry out local projects. Although there is no limit to the amount that can be precepted, the money can only be raised for a limited number of purposes, defined in the 1894 Act and subsequent legislation. **The precept for 2010/ 2011 is £5105 for Slingsby and £257.50 for South Holme and £257.50 for Fryton.** This is the total amount of money the Parish has available to spend in a year. No funding is provided by Central Government from general taxation.

The powers which have been vested in the Parish Councils by Acts of Parliament are summarised below. Like all powers given to public bodies the powers of local councils are defined and limited in detail in legislation. The Parish Council cannot carry out any function unless it is permitted by legislation and it can only raise money or spend money within its statutory power or it could be accused of acting '*ultra vires*' (beyond its powers).

If the Council was deemed to be ultra vires, for any reason, it can be legally challenged by a judicial review claim in the High Court.

However, most importantly, the Parish Council acts as a sounding board for local opinion and has important rights of consultation. Ryedale District Council and the County Council are obliged by law to consult with the Parish Council on changes, developments and other issues affecting the Parish.

Parish Councils currently have a number of possible duties that all impact directly on the community. The following are all under the remit of Parish Councils: (note Slingsby, South Holme and Fryton carry out the functions starred \*)

<b><i>FUNCTION</i></b>	<b><i>POWERS AND DUTIES</i></b>	<b><i>STATUTORY POWERS</i></b>
<b>Agency Arrangements</b>	Power to arrange for the discharge of functions by another local authority	Local Government Act 1972 s.101
<b>Allotments</b>	Powers to provide allotments Duty to provide allotment gardens if demand unsatisfied	Small Holdings Allotments Act 1908 ss 23, 26 and 42
<b>Archives</b>	Power to make records held available to the public and support local archives	Local Government (Records) Act 1962, ss1 and 4
<b>Baths and Washhouses</b>	Power to provide public baths and washhouses	Public Health Act 1936 ss 221, 222,223 and 227
<b>Borrowing</b>	Power to borrow money for statutory functions	Local Government Act 1972 Sch. 13

<b>Burial Cemeteries and crematoria</b>  *	Power to acquire and maintain	Open Spaces Act 1906, ss 9 and 10: Local Government Act 1972, s 214
	Power to provide	Local Government Act 1972, s.214
	Power to agree to maintain monuments and memorials	Parish Council and Burial Authorities (Miscellaneous Provisions) Act 1997, s. 1
	Power to contribute towards expenses of cemeteries	Local Government Act 1972
<b>Bus Shelters</b>	Power to provide and maintain	Local Government (Miscellaneous) Act 1953 s.4
<b>Bye Laws</b>	Power to make byelaws for public walks and pleasure ground	Public Health Act 1875, s 164
	Cycle Parks	Road Traffic Regulation Act 1984 s.57 (7)
	Swimming pools, bathing places, baths and washhouses	Public Health Act 1936, s 223
	Open Spaces and Burial Grounds	Open Spaces Act 1906 ss 12 and 15
	Mortuaries and post-mortem rooms	Public Health Act 1936 s. 198
	Public Bathing	Public Health Act 1936 s. 231
	Hiring of pleasure boats in parks and pleasure grounds	Public Health Amendments Act 1907, s 44(2): Public Health Act 1961, s54
<b>Charities</b>  *	Duty to receive accounts of parochial charities	Charities Act 1960, s 32
	Power to appoint trustees of parochial charities	Charities Act 1993, s 79
<b>Clocks</b>	Power to provide public clocks	Parish Councils Act 1957, s 2
<b>Closed Churchyards</b>	Powers (and sometimes duty) as to maintain	Local Government Act 1972, s.215
<b>Commons Land and Common Pastures</b>	Powers in relation to enclosure as to regulation and management and as to providing common pasture	Enclosure Act 1845; Local Government Act 1984, s 8(4); Smallholding and Allotments Act 1908, s.34
	Power to protect unclaimed common land from unlawful	Commons Registration Act 1965, s.9

	interference	
	Power to manage commons and village greens under a district council scheme	Commons Act 1899, ss 4 & 5
<b>Conference facilities</b>	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
<b>Consultation</b> *	Right to be consulted by principal councils if directed by Secretary of State (England) or by Welsh Assembly (Wales)	Local Government and Rating Act 1997, s21; Local Government Act 1972, s 33A
<b>Community Centres and Village Halls</b>	Power to provide and equip premises for use of clubs having athletic, social or educational objectives	Local Government (Miscellaneous Provisions) Act 1976, s.19
<b>Crime Prevention</b>	Powers to spend money on various crime prevention measures	Local Government and Rating Act 1997, s 31
	Power to (a) install equipment, (b) establish schemes and (c) assist others in so doing for the prevention of crime	Local Government and Rating Act 1997, s 31
<b>Delegated Functions</b> *	Power to assume a function delegated by another authority  Power to ensure effective discharge of Council functions  Power to employ someone to carry out Council functions	Local Government Act 1972ss. 101, 111 and 112
<b>Drainage</b> *	Power to deal with ponds/ditches	Public Health Act 1936, s. 260
<b>Entertainment and the Arts</b>	Provision of entertainment and support of the arts	Local Government Act 1972,s145
<b>Environment</b>	Power to act for the benefit of the community by tackling and promoting awareness of environmental issues	Local Government Act 1972,ss 111 and 137
<b>Flagpoles/Maypoles</b> *	Power to erect flagpoles in highways	Highways Act 1980, s 144

<p><b>" Free Resource"</b></p> <p>*</p>	<p>Power to incur expenditure not otherwise authorised on anything which in the council's opinion is in the interests of the area or part of it or all or some of the inhabitants</p>	<p>Local Government Act 1972,s139</p>
<p><b>Gifts/Grants</b></p> <p>*</p>	<p>Power to accept</p>	<p>Local Government Act 1972 s139</p>
<p><b>Highways</b></p> <p>*</p>	<p>Power to repair and maintain footpaths and bridleways</p>	<p>Highways Act 1980, ss 43 and 50</p>
	<p>Power to light roads and public places</p>	<p>Parish Councils Act 1957 s 3: Highways Act 1980, s 301: Local Government Act 1972,Sched. 14 Para 27</p>
	<p>Provision of litter bins</p>	<p>Litter Act 1983, 5 and 6</p>
	<p>Power to provide parking places for vehicles, bicycles and motorcycles</p>	<p>Road Traffic Regulation Act 1984, ss 57 and 63</p>
	<p>Power to enter into an agreement as to dedication and widening</p>	<p>Highways Act 1980. ss 30 and 72</p>
	<p>Power to provide roadside shelters, and omnibus shelters</p>	<p>Parish Councils Act 1957, s 1</p>
	<p>Consent of Parish Council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway</p>	<p>Highways Act, 1980 ss 47 and 116</p>
	<p>Power to complain to District Council as to protection of rights of way and roadside waste</p>	
	<p>Power to provide traffic signs and other notices</p>	<p>Highways Act 1980, s 130</p>
	<p>Power to plant trees, etc., and to maintain roadside verges</p>	<p>Road Traffic Regulation Act 1984, s 72; Countryside Act 1968</p>
	<p>Power to complain to local highway authority that a highway is unlawfully stopped up or obstructed</p>	<p>Highways Act 1980, s 96</p>
	<p>Power to prosecute for unlawful ploughing of a footpath or bridleway</p>	<p>Highways Act 1980, s 130 Highways Act 1980, s 134</p>

<b>Investments</b> *	Power to participate in schemes of collective investment	Trustee Investments Act 1962,s11
<b>Land</b> *	Power to acquire land by agreement, to appropriate land and to dispose of	Local Government Act 1972, ss 124, 126 and 127
	Power to accept gifts of land	Local Government Act 1972s139
	Power to acquire land by compulsory purchase	Local Government Act 1972, s 125
	Power to obtain particulars of persons interested in land	Local Government (Miscellaneous Provisions) Act 1976,s 16
	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	Public Health Act 1875, s 16; Local Government Act 1972, Sched. 14, Para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19
<b>Lighting</b> *	Power to light roads and public places	Parish Councils Act 1957, s Highways Act 1980, s 301
<b>Litter and dog fouling</b>	Provision of receptacles Obligated to keep own land free of litter and dog faces	Litter Act 1983, ss 5 and Environmental Protection Act 1990; Litter (Animal Droppings) Order 1991
<b>Lotteries</b>	Power to promote	Lotteries and Amusements Act 1976, s 7
<b>Mortuaries and post-mortem rooms</b>	Powers to provide mortuaries and post-mortem rooms	Public Health Act 1936, s 198
<b>Nature Reserves</b>	Power to designate statutory to the nature reserves and marine nature reserves - English Nature can designate sites of specific scientific interest	National Parks and Access Countryside Act 1949, ss 15, 16 and 21; The Wildlife and Countryside Act 1982, ss 36 and 39 and Sched.12
	Powers to make management agreements with landowners and the English Nature to manage council-owned reserve land as a nature reserve	
<b>Nuisances</b>	Power to deal with offensive	Public Health Act 1936, s 260

	ditches, ponds and gutters	
<b>Open Spaces</b>	Power to acquire land and maintain	Public Health Act 1875, s 164; Open Spaces Act 1906, ss 9 and 10; Commons Act 1899
	Power to acquire land for 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 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19.
<b>Parish Property and Records *</b>	Powers to direct as to their custody	Local Government Act 1972, s226
<b>Parking Facilities</b>	Power to provide parking places for motor vehicles, motorcycles and bicycles	Road Traffic Regulation Act 1984, ss 57 and 63
<b>Planning *</b>	Right to be notified of and power to respond to planning applications	Town and Country Planning Act 1990, Sched. 1 Para 8; Local Government Act 1972, Sched. 15 Para 20.
<b>Postal and telecommunications facilities</b>	Power to pay the Post Office, British Telecommunications or any other public telecommunications operator any loss sustained in providing post or telegraph office or telecommunications facilities	Post Office Act 1954, s 51; Telecommunications Act 1984,s97
<b>Public Buildings and Village Halls</b>	Power to provide buildings for offices and for public meetings and assemblies	Local Government Act 1972 s 133
<b>Public Conveniences</b>	Power to provide	Public Health Act 19336, s 87
<b>Public Enquiries *</b>	Power to make representations at public enquiries	Local Government Act 1982, s222
<b>Publicise functions *</b>	Power to publicise council and local authority functions	Local Government Act 1982, s. 142
<b>Raising of Finances *</b>	Power to raise money through them precept	Local Government Act 1982, s150
<b>Records</b>	Power to collect, exhibit and purchase local records	Local Government Act Records) Act 1962 ss 1 and 2

<b>Recreation</b>	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds, and open spaces and to manage and control them.  Power to provide gymnasiums, playing fields, holiday camps	Public Health Act 1875, s 164; Local Government Act 1972, Sched 14 para 27; Public Health Acts Amendment Acts 1890, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19; Commons Act 1899
	Provision of boating pools	Public Health Act 1962, s 54
<b>Seats and Shelters*</b>	Power to provide roadside seats and shelters	Parish Councils Act 1957, s 1
<b>Tourism</b>	Power to contribute to the encouragement of tourism	Local Government Act 1972, s. 144
<b>Town and Country Planning</b> *	Right to be notified of planning applications	Town & Country Planning Act 1990, Sched. 1 Para 8
<b>Town Status</b>	Power to adopt town status	Local Government Act 1972, ss 245 and 245B
<b>Traffic Calming</b>	Power to contribute financially to traffic calming schemes	Local Government and Rating Act 1997, s 26
<b>Training</b> *	Power to train Councillors	Local Government Act 1972. s175.
<b>Transport</b>	Power to (a) establish car sharing schemes (b) make grants for bus services, (c) provide taxi-fare concessions; (d) investigate public transport, road use and needs; (e) provide information about public transport services  Community Transport Schemes	Local Government and Rating Act 1997, s 26-29
<b>Village greens</b> *	Power to maintain, to make bylaws for and to prosecute for interference with village greens	Open Spaces Act 1906, s 15 Enclosure Act 1857, s 12, Commons Act 1876, s 29
<b>War Memorials</b>	Power to maintain,, repair, protect and adapt war memorials	War Memorials (Local Authorities Powers) Act 1923, s 1 as extended by Local Government Act 1948, s 133
<b>Water Supply</b>	Power to utilise well, spring or	Public Health Act 1936, s 125

	stream and to provide facilities for obtaining water there from.	
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This list is intended as a summary of the principle functions of a Parish Council. It is not intended to be a definitive list of such functions.

The Parish Council is managed by seven Councillors, who are all unpaid volunteers and have never claimed any expenses; even though they would be entitled to do so. The present Councillors sit as independents with no political affiliation. All Parish Councils are required to have a Code of Conduct for Members and Co-opted Members of the Council, and the Code has to include provisions included in a Model approved by the Government. Slingsby South Holme and Fryton Parish Council adopted a revised Code with effect from 1st June 2007, and all members and co-opted Members of the Council have given a written undertaking that they will observe the Code.

Councillors are elected for four years at a time in the same way as for other Councils and by-elections may be held to fill vacancies occurring between elections. The Council is the Corporation of the Parish and each year at the AGM in May the Councillors choose a Chair and Deputy Chair from amongst their number. Parish Council meetings are held five times a year in the Village Hall and everyone is welcome to attend. There is always a chance for members of the public to ask questions or raise matters of concern. Any resident who cannot get to a meeting can contact any of the Councillors, or the Clerk, who can raise the issue on their behalf.

The elected Chair controls the business of a Parish Council full meeting and the Council operates as a Body Corporate; no one individual Councillor has the power to decide what the Council does or to speak on behalf of the Council. The full Parish Council has to resolve, by majority vote, to spend money and/ or take any action.

The Parish Clerk, who is the Council's Chief Executive, prepares the meeting agenda and related paperwork, keeps councillors informed of correspondence, issues the summons to attend, ensures meeting are quorum, records the minutes, makes recommendations for the solution to problems and carries out the approved policies of the Council. The Clerk has to ensure Councillor's needs are met for training and that they are kept informed of issues arising including changes in Council powers or Codes of Conduct. The Clerk is also the contract and operational supervisor for any work, cemetery manager and responsible financial and legal officer. He prepares annual budgets and precept recommendations, and ensures that accounts are strictly kept and audited by both an internal auditor and an external Government auditor every year. He arranges supplier payments and claims VAT refunds, completes annual tax returns and undertakes governance management, including risk assessments and insurance arrangements.

The Parish Clerk has no voting rights however has the legal responsibility to inform the Council if their actions are outside permitted legislation and duties. He also has a responsibility to ensure the Code of Conduct is kept to by all Councillors and liaises with the Monitoring Officer at the District Council on ethical issues and the Councillors' Register of Interests.

Parish notices are at present displayed as appropriate on the Village Notice Board which is situated near the Village Green next to the telephone box.