

## LOCAL COUNCILS' POWERS & OPPORTUNITIES AROUND CLIMATE CHANGE

There is a certain amount local councils can do themselves. Beyond that they can still support action by other people at other levels of society and government by encouraging or campaigning.

STATUTE	GENERAL	MITIGATION	ADAPTATION	NATURE RECOVERY
<p><b>Allotments and markets:</b> (Small Holdings and Allotments Act 1908, ss 23, 26 and 42; Food Act 1984, s. 50)</p>	<p>This allows the promotion of local produce and healthy eating</p>	<p>This can help to reduce food-miles</p>	<p>Allotments powers also enable the provision of communal food-growing sites and initiatives, run by associations and cooperatives.</p>	
<p><b>Burials etc:</b> (Open Spaces Act 1906, ss 9 &amp; 10; Local Government Act 1972, s.214; Parish Councils &amp; Burial Authorities (Miscellaneous Provisions) Act 1970 s.1)</p>	<p>This can allow practices such as green burials, eco-friendly management etc</p>			
<p><b>Commons, ponds, open spaces, recreation etc</b> (Open Spaces Act 1906, s.15; Highways Act 1980, ss 47)</p>	<p>Scope to practise good environmental management, accommodate recycling facilities etc on the council's land</p>	<p>Scope to plant trees on, and maintain, highway verges (and ask for tree preservation orders on all existing mature trees)</p>		<p>Scope to plant trees on, and maintain, highway verges (and ask for tree preservation orders on all existing mature trees)</p>

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<p><b>Community centres and other public buildings</b> (Local Government (Miscellaneous Provisions) Act 1970, s.19. (Local Government Act 1972, s. 133)</p>	<p>Work towards being carbon-neutral by reducing the council's carbon emissions and using renewable energy sources</p>	<p>Scope to embrace/ include on-site green energy, energy-conservation, electric car charging-points, recycling points etc</p>		
<p><b>Community energy</b> (s20 of the Climate Change and Sustainable Energy Act 2006)</p>	<p><i>The 's 137 expenditure limit' is a severe constraint on making capital investments in energy schemes</i></p>	<p>Councils can encourage or promote the local production and use of renewable energy, and also energy conservation, subject to the section 137 of the LG Act 1972 annual spending limit</p>	<p><i>Restrictions currently on the ability to 'sell' the energy directly to local consumers.</i></p>	
<p><b>Highways and sustainable transport</b> (Highways Act, ss 43, 50, Parish Councils Act 1957, s.1; Local Government Rating Act, 1997, s.25, 28 &amp; 29; Transport Act, 1985, s.106A)</p>	<p>Scope to promote rights of way routes, walking and cycling</p>	<p>Scope to use 'car park' powers, to provide useful facilities such as on-site electric vehicle-charging points and cycle racks</p>	<p>Scope to make more use of powers to support community bus services, and to run or support car- sharing</p>	

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<b>Litter and environmental crime</b> (Litter Act 1983, ss 5.6, Cleaner Neighbourhoods and Environment Act, 2005)	Scope to provide refuse and waste receptacles and publicity, including recycling.	Scope to discourage and prosecute littering and dumping.	<i>Currently there is no specific power to promote or run waste-recycling or resource re-use activities.</i>	
<b>Neighbourhood planning</b> (Localism Act, 2011; Neighbourhood Planning Act, 2017 and National Planning Policy Framework,)	There is a continuing need to ensure that Neighbourhood Plans have ‘teeth’, and that they can be more than just land-use allocation policies	Scope to include environmentally friendly planning policies re design, routes, landscaping etc.	Encourage climate-friendly activities such as repair cafes, food banks, and recycling	
<b>Newsletters and websites:</b> (Local Government Act 1972, s.142)	Scope to use to promote good environmental practices, resource-sharing etc.			
<b>Community support and engagement</b> (Local Government Act 1972 ss. 111, 140 etc)	Scope to encourage and support volunteers and the wider community with grants, loans, insurance protection, publicity, surveys, good-practice advice etc	Run a yearly schools’ competition for ideas to make the town carbon neutral, establish a forum including businesses, local organisations and residents to develop such ideas	Adopt a “Refill” scheme, making it easier to reuse and refill plastic bottles with free tap water in the town.	Hold open meetings for residents on how to increase biodiversity in their garden, encourage pollination corridors by use of “bee squares”

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<p><b>General powers</b> (Local Government Act 1972, s 137; Localism Act 2011, ss 1–8)</p>	<p><i>S 137 annual spending level is limited, and the General Power of Competence is exercisable by relatively few councils</i></p>	<p>Scope to spend money and/or undertake work on a wide range of beneficial activities which are not prescribed in other legislation</p>	<p>Scope to spend money and/or undertake work on a wide range of beneficial activities which are not prescribed in other legislation</p>	<p>Scope to spend money and/or undertake work on a wide range of beneficial activities which are not prescribed in other legislation</p>
<p><b>Subsidiary powers</b> (Local Government Act 1972, s111):</p>	<p>A very useful enabling power, for a council to do anything (that are not constrained by other legislation) which is calculated to facilitate or is conducive or incidental to the discharge of any of its functions</p>			
<p><b>Permitted development rights</b> (Town and Country Planning (General Permitted Development) (England) Order 2015, part 12)</p>	<p>Councils may erect and operate, without the need to seek planning permission, a wide variety of small buildings, equipment and other structures on their land, for the purposes of any of their functions or public services.</p>			<p>This can include a range of small ‘green’ developments.</p>

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<p><b>Power to comment on planning applications as statutory consultee</b> <i>(Town &amp; Country Planning Act 1990?)</i></p>	<p>Most planning applications in the parish or town will be sent by the planning authority for comment</p>	<p>Ask that any new building is well insulated and produces as much of its own energy as possible</p>	<p>Caution around any development on low-lying land due to flood risk, and encourage tree and food planting on site</p>	<p>Object to any proposal for development on green field land on the basis of no community benefit – such land is required for food production</p>
<p><b>Power to work with higher level councils</b> <i>(Local Government Act 1972, ss. 101 &amp; 136)</i></p>	<p>Section 136 could help with expenditure on a wider range of activities but perhaps more important is to explore Section 101 in detail with districts/ boroughs/ county councils to look at <b>delegated or shared services</b>.</p>			
<p><b>Power to acquire land</b> <i>(Local Government Act 1972, ss 124, 126 &amp; 127)</i></p>	<p>Gives Parish Councils the power to acquire by agreement, to appropriate (to dispose of) <b>land</b> – there is no restriction on the use of that land.</p>			

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<b>Car sharing schemes</b> <i>(Local Government and Rating Act 1997 s.26)</i>	Gives Parishes the power to establish and maintain a <b>car sharing scheme</b> that benefits the council's area or to assist others in doing so. Now that could be limited to electric cars!			
<b>Improve local biodiversity</b> <i>(Public Health Act 1936 s.260)</i>				Gives the power to <b>maintain or improve ditches and ponds</b> – or pay others to do so. Ponds can be important for local biodiversity.
<b>Maintain and enhance biodiversity</b> (Natural Environment and Rural Communities Act 2006 s.40, confirmed by the Environment Act 2021; Environment (Wales) Act 2016 s.6)				Gives a duty to have regard, so far as is consistent with the proper exercise of a council's functions, to the purpose of <b>conserving biodiversity</b>