

Document 1.3

The Council's Powers & Functions

(An Introduction)

Review by January 19

1 Introduction

- 1.1 Hertford Town Council is the first tier of local government in the Town and is the closest to the community it serves. The Town Council came into being on 1st April 1974 when the former Hertford Borough Council was absorbed into East Herts Council. The chairman of the Town Council is known as “The Mayor of Hertford”. Hertford Town Council is one of over 8,500 parish and town councils in England.
- 1.2 As the first tier of local government, the Town Council is the most locally elected body in the town with discretionary powers and rights laid down by Parliament to represent the people of Hertford and provide services for them. It comprises the Mayor and Councillors. Councillors are often referred to as “Members” – for example in the various codes of conduct. The number of councillors is fixed by East Herts Council. Hertford Town Council’s lawful acts, assets and liabilities are its own and not those of its Councillors.

2 Exercising Powers

- 2.1 The Town Council must act within the confines of the General Power of Competence and the law. It can only spend, raise or use money if it has a statutory power to do so; otherwise, it acts *ultra vires* (beyond its powers). The Town Council has a wide range of powers under the General Power of Competence and specific acts of Parliament. Most of these powers are discretionary, i.e. the Council *may* do something, rather than it *must* do something. The exercise of these powers may be subject to various consents, from, for example, the owner of land or another public body such as the highways authority. Almost all the Town Council’s powers are concurrent with those of East Herts Council, i.e. the power may be exercised by either Council.
- 2.2 The Town Council currently has the unfettered right to raise money by precept (a mandatory demand) on East Herts Council. The precept required by the Town Council is then collected by the East Herts Council as part of the council tax levied on council taxpayers in Hertford.
- 2.3 The Town Council acts as a sounding board for local opinion and has important rights of consultation. Hertfordshire County Council and East Herts Council are each obliged by law to consult the Town Council on certain matters affecting the town.
- 2.4 The range of services and amenities provided by the Town Council is a matter entirely within its discretion and although a few functions are a legal requirement (known as a “statutory duty”) the Council still has discretion to determine how it fulfils such requirements. A scan of the latest budget and the medium term financial plan gives a general indication of activities. The Town Council plays an important role in maintaining and improving local services and facilities, supporting local voluntary organisations and activities and influencing and lobbying on local development and other issues.

3 National Influence

- 3.1 The Town Council is represented nationally by the National Association of Local Councils and is a member of the County Branch.

4 Obligations

- 4.1 There are certain obligations that by law Hertford Town Council must fulfil. For example:
- a. It must hold an annual meeting

- b. It must hold at least three other council meetings a year
 - c. It must appoint such officers as it believes necessary for the proper discharge of its functions including a 'Proper Officer' and s151 Finance Officer, who may be the same person.
 - d. It must make Financial Standing Orders for the supply of goods and services to the Council
 - e. It must keep minutes of its meetings in a book kept for that purpose
 - f. It must give adequate public notice of meetings and the meetings must be open to the public apart from when a confidential matter is being considered
- 4.2 The arrangements for meetings and proceedings of Local Councils are set out in Part II of Schedule 12 to the Local Government Act 1972, as supplemented by the Council's Standing Orders.