

Report to: Council



Date of Meeting 16 July 2025

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Request for powers – Combe Raleigh Parish Meeting

Report summary:

Section 109 of the Local Government Act 1972 provides that, on the application of the parish meeting of a parish not having a separate parish council, the district council may by order confer on the parish meeting any functions of a parish council.

East Devon District Council ('the Council') has received a request from the Combe Raleigh Parish Meeting for the Council to make an order conferring on it powers of a parish council.

This report sets out the specific powers that the Combe Raleigh Parish Meeting have requested, and the background to their request.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

The Council is asked to:

1. Make an order under Section 109 (1) of The Local Government Act 1972 Act (1972 Act) to confer on the Combe Raleigh Parish Meeting such of the following powers that the Council consider necessary and appropriate:
 - a. Clock maintenance - **Parish Councils Act 1957 s.2**
 - b. Road widening - **Highways Act 1980 s.s.30,72**
 - c. Roadside seats and shelters - **Parish Councils Act 1957, s.1**
 - d. Certain traffic signs and other notices - **Road Traffic Regulation Act 1984, s.72**
 - e. Plant trees and shrubs and to maintain roadside verges - **Highways Act 1980, s.96**
 - f. Newsletter to provide information in relation to matters affecting local government - **Local Government Act 1972 (LGA 1972), s.142**
 - g. Acquire and provide buildings for public meetings and assemblies - **LGA 1972, s.133**
 - h. Allowing a contribution by way of a grant or loan towards the expenses incurred by a voluntary organisation in providing any recreational facilities - **Local Government (Miscellaneous Provisions) Act 1976 s.19**
 - i. The power of last resort to incur expenditure, not otherwise authorised, which is in the interest of, and will bring direct benefit to, the parish or any part of it or all or some of its inhabitants - **LGA 1972, s.137 ('the power of last resort')**
 - j. Subsidiary powers to do anything (including incurring expenditure) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions - **LGA 1972, s.111**
2. Agree, that if Council so resolve, the order has immediate effect.

3. Request that the Monitoring Officer provide two copies of any order to the Secretary of State.

Reason for recommendation:

Section 109 of the Local Government Act 1972 provides the district council with the power by order to confer on the parish meeting any functions of a parish council. It is for this Council to decide what, if any, additional powers it is willing to grant.

Officer: Katie Webb, Lawyer katie.webb@east.devon.gov.uk

Portfolio(s) (check which apply):

- ☐ Assets and Economy
- ☒ Communications and Democracy
- ☒ Council, Corporate and External Engagement
- ☐ Culture, Leisure, Sport and Tourism
- ☐ Environment - Nature and Climate
- ☐ Environment - Operational
- ☐ Finance
- ☐ Place, Infrastructure and Strategic Planning
- ☐ Sustainable Homes and Communities

Equalities impact Low Impact

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form using the [equalities form template](#).

Climate change Low Impact

Risk: Medium Risk; It is important that the Parish Meeting has sufficient powers for it to perform the activities required by the electorate but that the number of powers is not so significant that it is acting more akin to a parish council without the same checks and balances.

In addition, it should be noted that the officers of the Council are not confirming in any way that the Parish Meeting has requested the correct legal powers for what it wishes to do, nor that the Parish Meeting is legally able to exercise those powers (should the Council grant the requested order). The Parish Meeting must satisfy itself that it has the necessary ability to do so and that it has complied with all relevant legal requirements.

Links to background information

Appendix 1 – Requested powers and reasoning
Appendix 2 – Parish Meeting minutes
Appendix 3 – List of original powers requested
Appendix 4 – Parish Meeting financial position

Link to [Council Plan](#)

Priorities (check which apply)

- ☐ A supported and engaged community
- ☐ Carbon neutrality and ecological recovery
- ☐ Resilient economy that supports local business
- ☐ Financially secure and improving quality of services

Report in full

Background

The Council has received an application made on behalf of Combe Raleigh Parish Meeting for an Order under s.109(1) of the Local Government Act 1972 conferring upon it a number of powers of a parish council. These are detailed in full at Appendix 1.

The Combe Raleigh Parish Meeting has a build up of finances that currently it is legally unable to expend as a Parish Meeting does not have the same powers of expenditure as a parish council does.

On 17 July 2024 the Combe Raleigh Parish Meeting approved the proposal to seek a range of additional powers. Further approval to proceed was given at the Parish Meeting in October 2024. A copy of the reports and minutes to the Parish Meetings are attached at Appendix 2.

Initially the Combe Raleigh Parish Meeting requested a significant list of powers which is attached at Appendix 3, be conferred on it. Officers had concerns that by granting such a significant number of powers to the Combe Raleigh Parish Meeting, it could result in the Parish Meeting being able to act in a way more akin to a parish council without it having the relevant and necessary legislative framework, controls and democratic process to govern such powers.

The Combe Raleigh Parish Meeting has therefore reviewed its list of requested powers and reduced these, providing specific reasons and evidence for each of the powers it is requesting.

Legislation and governance of a Parish Meeting

A parish council is a formal local government body that represents the interests of a particular parish. Parish councils have legal powers and duties under the Local Government Act 1972 and other legislation.

In contrast, a parish meeting is an informal gathering of all the electors in a parish. A parish meeting has no legal powers or duties and cannot make legally binding decisions or take actions on behalf of the parish.

A Parish Meeting has no elected members and therefore it is also not able to adopt a Member Code of Conduct in the same way that a parish council must do.

To establish a parish council, a community governance review must be undertaken, following which the Council is required to make one of the recommendations set out in section 94 of the Local Government and Public Involvement in Health Act 2007. These are:

- (a) If the parish has 1,000 or more local government electors, the review must recommend that the parish should have a council.
- (b) If the parish has 150 or fewer local government electors, the review must recommend that the parish should not have a council.

The option of becoming a Parish Council has been discussed previously by Combe Raleigh Parish Meeting and rejected as being overly bureaucratic for a parish the size of Combe Raleigh. There are currently 210 electors, and therefore whilst the electorate is large enough for the creation of a parish council, it is not over the number where creation of a parish council is a requirement.

Finances of the Parish Meeting

Parish meetings have limited legal powers compared to parish councils although, in many cases, they can be very active in representing their local communities. They can ask the residents of the parish to contribute to expenditure as part of the council tax setting process, but they can only do so where they have the power to carry out the function in the first place.

A parish meeting may precept the billing authority for the expenditure incurred in the performance of its functions (s.39(2) of the Local Government Finance Act 1992). The Chairman of a parish meeting is responsible for the issue of the precept to the billing authority. A parish meeting may only precept for expenditure relating to specific functions, powers and rights which have been conferred on it by legislation.

A parish meeting that wishes to carry out and, where relevant, incur expenditure on parish functions for which it currently has no power, can make a request to the district council for the rights and powers to be conferred on the Parish Meeting. The district council can consider and confer powers on the Parish Meeting under section 109 of the Local Government Act 1972.

The accounts of a parish meeting are subject to audit in the same way as those of a parish council. The Chair of the parish meeting is responsible for the accounts and financial management of the parish meeting.

The Combe Raleigh Parish Meeting finances

Combe Raleigh Parish Meeting has raised a precept over many years, but expenditure was very limited. The current financial situation is shown at Appendix 4. As the precept has continued to be raised despite expenditure being limited, a significant amount of money has built up in the Combe Raleigh Parish Meeting finances.

Combe Raleigh Parish Meeting have explained that “With the exception of the precept for FY25/26 (£100), the precept for the last 7 years (£2222) made provision for the employment of a Clerk. Multiple attempts to fill this role were unsuccessful leading to an accumulation of funds. The financial and clerical duties were undertaken on a voluntary basis by a parishioner. The precept also included provision for expenditure under powers now known not to be held. The precept was always discussed and approved by a well-attended parish meeting but no-one there present was aware of the (lack of) powers situation that is now being discussed. In 2024, the new Chair, Vice Chair and Clerk became aware of the situation, and parishioners were kept informed of ongoing discussions with DALC and EDDC. The reduced precept (£100) for FY25/26 reflected this situation.”

In addition to the precept build up, Combe Raleigh Parish Meeting was incorrectly paid CIL monies by the Council in the sum of £3820.42. The Community Infrastructure Levy Regulations 2010 are clear that where there is “no parish or town council, the charging authority will retain the levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding”. As the Combe Raleigh Parish Meeting does not have any legal power to spend the CIL monies, they have agreed to re-pay the monies to the Council who will liaise with the community to agree a suitable project for the Council to expend the relevant monies on.

Powers of a Parish Meeting

Parish meetings have limited powers of expenditure. These include:

1. **Allotments:** a parish meeting may hold and administer allotments for cultivation (s.33(3) Small Holdings and Allotments Act 1908);
2. **Burials:** a parish meeting is a burial authority, and may therefore provide burial grounds and contribute towards the cost of burial facilities provided by others (paragraph 1(c) of Appendix 26 to the 1972 Act);
3. **Land:** a parish meeting may be registered as the owner of land (e.g. common land) if it has inherited ownership. A parish meeting has no general power of acquisition but may acquire land to exercise its allotments or burial powers.
4. **Lighting:** a parish meeting may light roads and other public places in the parish (s.3 of the Parish Councils Act 1957);
5. **War memorials:** a parish meeting may maintain, repair or protect any war memorial in the area (ss.1 and 4 of the War Memorials (Local Authorities' Powers Act 1923).

Acquisition of additional powers by Combe Raleigh Parish Meeting

Under section 109 of the Local Government Act 1972, on the application of the parish meeting of a parish not having a separate parish council, the district (or unitary) council may by order confer on the parish meeting any functions of a parish council. This would allow the parish meeting to do any of those things that a parish council can do as specified in the Order.

The district (or unitary) council must send two copies of any order made under s.109 to the Secretary of State.

The Combe Raleigh Parish Meeting have requested that the Council confer the following additional powers on them:

- Clock maintenance (on the church) – Parish Councils Act 1957 s.2;
- Highways:
 - Road Widening (Highways Act 1980 s.s.30,72)
 - Roadside seats and shelters (Parish Councils Act 1957, s.1)
 - Certain traffic signs and other notices (Road Traffic Regulation Act 1984, s.72)
 - Plant trees and shrubs and to maintain roadside verges (Highways Act 1980, s.96)
- Newsletter to provide information in relation to matters affecting local government (Local Government Act 1972 (LGA 1972), s.142). A popular bi-monthly magazine is published online and in hard copy.
- Acquire and provide buildings for public meetings and assemblies (LGA 1972, s.133). Also relevant here is the Local Government (Miscellaneous Provisions) Act 1976 s.19 allowing a contribution by way of a grant or loan towards the expenses incurred by a voluntary organisation in providing any recreational facilities.
- LGA 1972, s.137 ('the power of last resort') – to incur expenditure, not otherwise authorised, which is in the interest of, and will bring direct benefit to, the parish or any part of it or all or some of its inhabitants. The benefit obtained must be commensurate with the expenditure incurred. The annual expenditure must not exceed the total electorate multiplied by the annual statutory limit per elector.
- LGA 1972, s.111 – subsidiary powers to do anything (including incurring expenditure) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions. This would include administrative items such as room hire, insurance, the website, printed parish communications, and the Clerk's salary.

Further details and reasoning for the requested powers is attached at Appendix 1.

There are some limited examples of other parish meetings in the UK who have requested additional powers including:

- Stutson Parish Meeting <https://stutson.onesuffolk.net/assets/Stutson-Parish-Meeting---Standing-Orders--Financial-Regulations/MSDC-Confirmation-for-Stutson-Powers-of-a-Parish-Meeting.pdf>
- Barningham Parish Meeting [Item 8 Cabinet report Barningham Parish.pdf](#)
- Kelston Parish Meeting <https://democracy.bathnes.gov.uk/mgConvert2PDF.aspx?ID=43498>
- Hampton Gay and Poyle Parish Meeting [Item No](#)

Other Parish Meetings in East Devon

There are 5 Parish Meetings in East Devon. These include Clyst St Lawrence, Combe Raleigh, Huxham, Netherexe and Sheldon. We are not aware of any additional powers having been granted to any of the other Parish Meetings however we are investigating whether any of the others have also incorrectly received CIL monies so that this can also be rectified.

Financial implications:

The financial implication are detailed within the report but the report contains no direct budgetary implications.

Legal implications:

The legal issues are dealt with in the body of the report. It is entirely a matter for this Council as to which, if any, powers it wishes to confer on the Parish Meeting.

Appendix 1 – Powers requested by the Combe Raleigh Parish Meeting

*Please note that the powers and relevant section of legislation listed below have not been checked by EDDC officers to confirm whether or not the Parish Meeting has requested the correct power for the use that it seeks or whether other legal requirements have/will be complied with in respect of exercising any such power.

Power	Relevant Legislation	Background/Reason for request
Clock maintenance (on the church)	Parish Councils Act 1957 s.2	A maintenance contract (c£200) is required for the clock on the Grade 2 listed church.
Highways:		
1.Road Widening	1. Highways Act 1980 s.s.30,72	1. Urgent requirement to improve the passing width at the top of Village by infilling roadside verges with hardstanding material. Permission from landowners already agreed. Actual metalled road surface width not affected. No costs available yet.
2.Roadside seats and shelters	2. Parish Councils Act 1957, s.1	2. Requests from parishioners to improve the bus-stop safety and comfort on the Taunton-Honiton road. No costs available yet.
3. Certain traffic signs and other notices	3. Road Traffic Regulation Act 1984, s.72	3. Ongoing safety concerns about speeding traffic through the village. Liaising with Police on possible options – no costs available yet.
4. Plant trees and shrubs and to maintain roadside verges	4. Highways Act 1980, s.96	4. Roadside verge maintenance is required late summer to improve safety for pedestrians and all road users between Clapper Lane and the village – no costs available yet.
Newsletter	Local Government Act 1972 (LGA 1972), s.142	To provide information in relation to matters affecting local government. A popular bi-monthly magazine is published online and in hard copy.
Acquire and provide buildings for public meetings and assemblies	LGA 1972, s.133	Combe Raleigh has a long-established village hall, administered by an active committee with charitable status. Over the years the building has been progressively improved, and the committee pursue an active programme of fundraising to cover maintenance and improvement. Nevertheless, the future financial is unpredictable and it would be prudent and beneficial to residents if the Parish Meeting had the power to provide financial assistance.

		<p>Combe Raleigh also has a Grade II Listed Church. Over the years the building has been maintained, and the PCC pursue an active programme of fundraising to cover maintenance and improvement. Following a nine-year fundraising and building project in 2017, work was completed on refurbishing the original three bells and adding a further three. All six bells were mounted in a free-standing frame within the existing tower. The £110,000 cost of the project was raised within the community. Nevertheless, the future financial situation for maintenance is becoming onerous and unpredictable.</p>
<p>Allowing a contribution by way of a grant or loan towards the expenses incurred by a voluntary organisation in providing any recreational facilities</p>	<p>Local Government (Miscellaneous Provisions) Act 1976 s.19</p>	<p>As above.</p>
<p>The power of last resort</p>	<p>LGA 1972, s.137</p>	<p>To incur expenditure, not otherwise authorised, which is in the interest of, and will bring direct benefit to, the parish or any part of it or all or some of its inhabitants. The benefit obtained must be commensurate with the expenditure incurred. The annual expenditure must not exceed the total electorate multiplied by the annual statutory limit per elector.</p>
<p>Subsidiary powers to do anything (including incurring expenditure) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions</p>	<p>LGA 1972, s.111</p>	<p>This would include administrative items such as room hire, insurance, the website, printed parish communications, and the Clerk's salary.</p>

Appendix- 2 – Combe Raleigh Parish Meeting reports and minutes

[Minutes-of-the-Parish-Meeting-held-on-17-July-2024-Draft-for-Approval.pdf](#)

[PMM-2024-10-03-Minutes-of-the-Parish-Meeting.pdf](#)

Appendix 3 – Full list of powers initially requested by Combe Raleigh

Additional Parish Council Powers requested by Combe Raleigh Parish Meeting

Note: the list includes some items that may be beneficial in the future

Clocks	Power to provide public clocks
Crime Prevention	Power to spend money on crime detection and prevention measures
Ditches and ponds	Power to drain and maintain ponds and ditches to prevent harm to public health
Environment	Power to issue fixed penalty notices for litter, graffiti and offences under dog control orders
Highways	Power to enter into agreements as to dedication and widening
Neighbourhood Planning	Power to complain to district council about the protection of rights of way and roadside waste
Newsletter	Power to provide certain traffic signs and other notices
Parish property and documents	Power to plant trees and shrubs and to maintain roadside verges
Public buildings and village hall	Powers to act as lead body for a neighbourhood development plan or a neighbourhood development order
Right to nominate and bid for assets of community value	Power to provide information relating to matters affecting local government
Town and Country Planning	Power to receive and retain
Traffic Calming	Duty to deposit certain published works in specific deposit libraries
Transport	Powers to acquire and provide buildings for public meetings and assemblies
Water	The right to nominate assets to be added to a list of assets of community value and the right to bid to buy a listed asset when it comes up for sale
Websites	Right to be notified of planning applications if right has requested

Appendix 4 – Combe Raleigh Parish Meeting financial position

FY2023/2024		FY2024/2025
£	Receipts	£
2,222.00	EDDC Precept	2,222.00
0	Locality Budget Grant	150.00
0	Lloyds Bank Complaint Payment	25.00
13.92	Bank Interest	75.41
<u>2,235.92</u>		<u>2,472.41</u>
	Payments	
39.54	Annual Meeting Refreshments	65.29
26.72	Devon Association of Local Councils Subscription	26.71
122.76	Insurance	122.76
250.00	Combe Raleigh Newsletter	600.00
0	Flower Troughs (Locality Budget)	142.19
26.00	Village Hall Room Hire	180.00
13.19	Parish Website	0
926.28	Marquee and Storage Box	0
239.80	Grants to local organisations	0
<u>1,644.29</u>		<u>1,136.95</u>
Total Receipts and Payments Summary		
		£
Balance brought forward 1 April 2024		18,837.40
Add: total receipts		2,472.41
		<u>21,309.81</u>
Less: total payments		1,136.95
Balance carried forward 31 March 2025 ¹		<u>20,172.86</u>
These cumulative funds are represented by:		
		£
Lloyds Bank		15,172.86
Skipton Building Society		5,000.00
		<u>20,172.86</u>

¹ Note: the balance carried forward includes £3,820.42 Community Infrastructure Levy funds.