



ACASTER MALBIS PARISH COUNCIL

SO/2016/05

Under the Local Government Act 1972 (the act) the council has the power to make grants under section 133 and section 137 of the act. In both instances strict rules and limits are established and it is important to understand the statutory interpretation of the words 'power' and 'duty' when determining the scope of council grants.

A power is something that the parish council can choose to do but it is not compulsory to do whereas a duty is something that the council must provide. Both section 133 and 137 of the act cover powers and not duties therefore it is entirely within the will of the council when deciding whether or not any grants are made.

Section 133 of the act relates to the provision of community buildings and encompasses the power of the council to spend money to provide buildings for public meetings and assemblies. The section also encompasses the power to spend money on the maintenance, repair, protection and adaption of war memorials.

Section 137 of the act relates to a council's power to incur expenditure which in the council's opinion is in the interests of their area or their inhabitants. If a council is considering expenditure for which there is no statutory power councillors may use section 137 of the act. However, when deciding on expenditure under section 137, the minute of the decision must state explicitly that it is section 137 expenditure. A separate account of all section 137 expenditure within the financial year should also be kept. The reason for this is that the **total** amount spent under section 137 in 2016/2017 financial year must not exceed £7.42 multiplied by the number of electors in the parish on 1 April of the financial year in question. The amount per elector is fixed every year but is not index linked. YLCA will provide the yearly per elector amount via its newsletter when the change is implemented.

The Local Government and Housing Act 1989 Section 36 made two further changes relevant to section 137. The first concerns financial assistance to voluntary bodies, charities and disaster appeal funds whether made under Section 137 or any other power. Where the total assistance to any of these purposes exceeds £2000 in any one financial year the council must insist that the recipient provides a written report on the use of the assistance within twelve months. An annual report or set of accounts from which the use of the assistance can be seen is sufficient. The report must be deposited with the clerk of the council and will therefore be open to public inspection.

The second extended the power of local councils to help voluntary organisations which provide people with advice and assistance. Local councils now have an unrestricted power to help voluntary organisations to provide information about individual's rights and obligations and to provide certain assistance in asserting those rights or fulfilling those obligations. This covers grants to Citizens Advice Bureaux which no longer come under section 137.