

## **CELEBRATIONS AND SIMILAR EVENTS**

### **Introduction**

1. Parish, town and community councils often wish to celebrate some national event (e.g. Royal Jubilee) or a local event (e.g. anniversary of the council). The celebration may be marked by a single event (such as a street party) or by a permanent object (such plaque or sign) or a combination. This advice is of general application in respect of the powers of local councils to organise celebratory events or objects and to incur expenditure for that purpose. This Legal Topic Note sets out the relevant statutory and other legal provisions.

### **The Statutory Provisions**

2. Sections 111 (power to facilitate a function), 138B (power to facilitate a religious or similar event), 142 (power to provide information), 144 (power to encourage visitors) and 145 (power to provide entertainments) of the Local Government Act 1972 (1972 Act) are the principal statutory provisions enabling a local council to arrange and incur expenditure on celebratory events. The powers given by these sections of the 1972 Act are very wide and should provide sufficient statutory authority for any type of celebration a local council might wish to provide.
3. Where a celebration requires a licence under the Licensing Act 2003 further information can be found in NALC Legal Topic Note 88 – Event licensing.
4. If a council intends to commemorate an event by the provision of some permanent memorial, other powers will be available. S.124 of the 1972 Act authorises a council to acquire land for the purposes of a statutory function or for the benefit, improvement or development of its area. Land includes any buildings on the land. S.133 of the 1972 Act empowers a local council to provide a building for parish meetings and assemblies.
5. S.19 of the Local Government (Miscellaneous Provisions) Act 1976 empowers a council to provide recreational facilities, including village halls, community centres and similar premises, and to assist voluntary organisations by way of grant or loan to provide such facilities and premises.

6. Other powers which may be relevant in the context of the commemoration are of an event are:
  - s. 1 of the Parish Councils Act 1957 (power to provide seats and shelters in roads);
  - s. 2 of the Parish Councils Act 1957 (power to provide public clocks);
  - s. 5 of the Litter Act 1983 (power to provide litter bins);
  - s. 72 of the Road Traffic Regulation Act 1984 (power to provide bus stop, signs warning of danger and parish/community name signs); and
  - s. 44 of the Public Health Acts Amendment Act 1890 (power to use parks and pleasure grounds for public purposes).
7. In Wales in the absence of a specific power a community council may be able to incur expenditure under the Power of Well Being or in accordance with s.137 of the 1972 Act (see Legal Topic Note 31 – Section 137 of the Local Government Act 1972).
8. In England an eligible parish council may be able to incur expenditure under the General Power of Competence. For a parish council that is not eligible for the General Power of Competence in the absence of a specific statutory power, it may be able to incur expenditure in accordance with s.137 of the 1972 Act (see Legal Topic Note 31 – Section 137 of the Local Government Act 1972).
9. If the chairman of a council is provided with an allowance under sections 15(5) (England) or 34(5) (Wales) of the 1972 Act, he may spend a reasonable proportion of it on a reception or similar form of entertainment which he holds to mark some celebratory event (see LTN 33 - Councillors' Allowances).
10. There is nothing to prevent a council from organising events without spending council money on them. Councils may collect a local fund raised from house to house collections under sections 1 and 2 of the House to House Collections Act 1939 (1939 Act). Such collections must be for a “charitable purpose” which is defined by s. 11 of the 1939 Act as “any charitable, benevolent or philanthropic purpose, whether or not the purpose is charitable within the meaning of any rule of law”.
11. Also local councils are able to accept gifts of property, including money, for the purpose of their statutory functions or for the benefit of the inhabitants or the area (s. 139 of the 1972 Act).

12. Local councils can under s. 137(3) of the 1972 Act make a donation to a charity working in the UK or a body providing a not for profit public service in the UK.

**Other Statutory Considerations**

13. The Secretary of State has the power to relax some licensing provisions during a “celebration period” which is stated to be “an occasion of exceptional international, national, or local significance.” (s. 172 of the Licensing Act 2003).
14. The Fireworks Regulations 2004 place a number of restrictions on the possession of fireworks and their use at night. Local Authorities are exempted from some of these provisions in respect of a national public celebration or a national commemorative event.

**Other Legal Topic Notes (LTNs) relevant to this subject:**

LTN	Title	Relevance
20	Markets and Other Events	Sets out the powers of local councils to use parks and pleasure grounds for public purposes.
21	Local Council help for Village Halls	Explores ways local councils can facilitate use of village halls
31	S.137 of the Local Government Act 1972	Details the powers of councils to incur expenditure pursuant to s.137.
33	Councillors’ Allowances	Details the provisions in respect of the chairman’s allowance.
88	Event licensing	Details the requirements for licences for certain types of event.

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