

Roles and Responsibilities of councils, clerks, chairman and councillors – LO 1

A council:

- plays a vital part in representing the interests of the communities it serves.
- improves the quality of life of local people and the local environment.
- influences other decision makers, for example, in planning matters.
- delivers services to meet local needs.
- is aware of the Government's intention to give more powers to parish and town councils.
- has Quality Status.
- works with other groups in the community to develop the community and provide better services to the electors.
- is not afraid to precept.

A parish councillor

- Effectively represents the interests of their ward or parish.
- Does not make decisions/promises on their own
- Fulfils and enacts any statutory requirements of an elected member of the council.
- Actively and constructively contributes to good governance.
- Actively encourages community participation and citizen involvement in the work of the council.
- Encourages people to take up their roles of active and engaged citizenship.
- Knows and has contact with key local stakeholders.
- Represents the council to the community, and the community to the council, using all appropriate means.
- Is a channel of communication for the ward or parish and ensures constituents are informed of services available; decisions that affect them and the reasons for those decisions.
- Develops and maintains a working knowledge of organisations (including principal councils) operating within the area which have an impact on the wellbeing of both the community and the council as a whole.
- Deals with constituents' enquiries and representations fairly and without prejudice.
- Carries out case work for constituents and represents their interests, or enables the constituents to take action to deal with the matter themselves.
- Identifies and works with local 'hard to reach' and under-represented groups to ensure their views can be identified.
- Contributes to the formation of the council's policies and plans by active involvement in council meetings, committees and working parties.
- Undertakes appropriate training and development to help fulfil the requirements of the councillor role.
- Acts as the council's representative on outside bodies, and reports back on their activities.
- Champions the causes which relate to the interests and sustainability of the council's area and campaigns for improvement in the quality of life of those living in, working in, or visiting the area.

A Chairman

- Welcome members, the public and any visiting speakers as they arrive.
- Plan the meeting with the clerk and ensure that everything on the agenda is legal.
- Brief themselves and prepare fully.
- Check there is a quorum (minimum number of members needed to make the meeting legal).
- Call the meeting to order and declare it open.
- Formally welcome members, the public and visiting speakers to the meeting.
- Introduce the standard items on the agenda – apologies; declarations of interest; confirmation of minutes of previous meeting.
- Introduce the agenda items and ensure that all members know what they have to achieve and how they might do it.
- Ensure that decisions are clear and made in a lawful manner.
- Exercise an original (optional) and casting (mandatory) vote
- Encourage participation.
- Stimulate an exchange of ideas and experience.
- Ensure that all have a chance to express their views freely.
- Keep the members aware of objectives.
- Maintain focus.
- Guide and progress discussion towards achieving the objectives.
- Manage conflict.
- Be fair and balanced.
- Preserve order.
- Enforce rules of procedure.
- Rule on disputed matters.
- Participate, but do not dominate!
- Ask questions.
- Clarify misunderstandings.
- Correct mistakes.
- Reject irrelevancies and stop the meeting going off on a tangent.
- Co-ordinate the views of members.
- Give information if needed.
- Summarise the meeting's views and conclusions and confirm what has been decided/voted on.
- Listen and analyse the meaning and relevance of members' contributions.
- Consult the clerk for clarification, information, and advice where necessary.
- Plan, organise and control discussion.
- Develop harmonious relationships.
- Motivate individuals by encouraging and rewarding their efforts and supporting them in difficulties.

The Clerk

- The clerk is the proper officer of the council in law.
- The clerk is a vital team member providing legal and financial advice and information to support the council's decisions.
- The agenda is the clerk's responsibility. The clerk must sign the agenda and can decide how it will be set out. This process is often undertaken in consultation with the chairman..

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ROLE OF THE CLERK

Introduction

1. The council has power under s. 112 of the Local Government Act 1972 to appoint such officers as it thinks necessary to carry out its functions. Officers so appointed hold office on such reasonable terms as the council decides.

The Clerk's prime role

1. The clerk is invariably the "proper officer" of the council and is thus the person to whom official communications to the council are sent. In many cases, the clerk is the council's only employee. The terms and conditions of the clerk's service should be comprised in a written contract of employment (a model contract is available from NALC and SLCC).
2. The clerk is responsible for ensuring that council business runs smoothly and efficiently and according to law. He or she is there to advise the council on legal and procedural matters and can obtain specialized advice on such matters from bodies such as NALC and SLCC.
3. The clerk will need office skills, such as familiarity with computers and electronic communications.

Agendas and minutes

4. The clerk has to prepare the agendas for meetings, any reports etc. attached to agendas and the minutes recording the decisions at meetings. The agenda for a meeting must specify the business to be transacted, so it is important that any councillor who wishes a specific matter to be discussed informs the clerk in good time before a meeting. The agenda must be sent or delivered to councillors at least three clear days before the meeting (excluding Sundays and the Christmas, Easter and bank holiday breaks).
5. The minutes are the official record of the council's decisions and need to be accurate. It is good practice for the clerk to circulate the minutes in draft form to councillors in advance so that they can check them for accuracy.

Attendance at council and committee meetings

6. The clerk normally attends all council and committee meetings, but where the council has a large number of committees a minute clerk may be appointed to take the minutes in some cases.
7. The clerk is present both to take the notes from which the minutes will be prepared, but also to give advice and can be allowed to express a view on any matter on the agenda.
8. If the council makes a lawful decision with which the clerk disagrees, it is his or her duty nevertheless to implement that decision fully and faithfully.

Responsible financial officer, including preparation of accounts

9. The clerk is usually the responsible financial officer of the council although a large council may employ a separate finance officer to carry out this role. As RFO, the clerk has the duty of determining the form and contents of the council's accounts and supporting records, subject to any directions from the council and compliance with the Accounts and Audit Regulations 2011.
10. The clerk must ensure that the financial records are maintained in accordance with "proper practices"; these are set out in the joint NALC/SLCC publication *Governance and Accountability in Local Councils in England: A Practitioner's Guide*.
11. The clerk is responsible for seeing that financial and other records of the council are in order for the annual audit carried out by accountancy firms appointed by the Audit Commission. (It should be noted that the Commission is to be abolished, but the legislation has not been published.)

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ADVICE NOTE: The Role of the Clerk And Proper Officer

The clerk is employed by the council (under section 112 (1) of the Local Government Act 1972) to provide administrative support for the council's activities. Any other staff, although employed by the council, answer to the clerk who is their manager and is responsible for their performance.

The clerk's primary responsibility is to advise the council on whether its decisions are lawful and to recommend ways in which decisions can be implemented. To help with this, the Clerk may be asked to research topics of concern to the council and provide unbiased information to help the council to make appropriate choices. The clerk has a wide range of other responsibilities which are set out in his / her job description.

The clerk must recognise that the council is responsible for all decisions and that he / she takes instructions from the council as a body. The clerk is not answerable to any individual councillor - not even the Chairman. The Council must be confident that the clerk is, at all times, independent, objective and professional.

'Proper officer' is a title used in statute. It refers to the appropriate officer for the relevant function. In town, parish and community councils, the proper officer is normally the clerk. In financial matters, the proper officer is known as the Responsible Financial Officer.

