

## **Respective Roles and Responsibilities**

**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 can 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 and parish councils, the Proper Officer is normally the Clerk. In financial matters, the Proper Officer is known as the Responsible Financial Officer.

**Parish Councillors** are elected by the electors of the Parish (section 16 (2) of the Local Government Act 1972) every four years. A Councillor may also be returned by bye-election, co-option, appointment by the district council or by return after a successful election petition. All Councillors are required to complete a declaration of Acceptance of Office and to provide a written undertaking that they accept the Council's Code of Conduct. Individual Councillors work together to serve the community and to help the Council to make decisions on behalf of the local community. Councillors contribute to the work of the council by suggesting ideas, engaging in constructive debate and by responding to the needs and views of the community representing their constituents. Councillors comment on proposals to ensure the best outcome and vote to enable the Council to make decisions. Councillors must accept the decisions of the Council as a whole even if they do not agree with it. In such circumstances a Councillor may ask for a vote against a Resolution to be recorded. Councillors are required to behave in an ethical way and to declare an interest when necessary.

**The Chairman** is elected by the members of the Council at the Annual Council Meeting and serves for twelve months (Section 15 (1) of the Local Government Act 1972). The Chairman's main role is to run Council meetings. He/she can suggest the content and design of the agenda, but as legal signatory, the Clerk has the final say. The Chairman is responsible for ensuring that effective and lawful decisions are taken at meetings of the Council and, assisted by the Clerk, guides activities by managing the meetings of the Council. The Chairman is responsible for involving all Councillors in discussion and ensuring that Councillors keep to the point. The Chairman summarises the debate and facilitates the making of clear Resolutions and is responsible for keeping discussions moving so that the meeting is not too long. The Chairman has a casting vote. His/her first vote is a personal vote as a member of the Council. If there is a tied vote, the Chairman can have a second, casting vote. The Chairman will often be the public face of the Council and will represent the Council at official events. He/she may be asked to speak on behalf of the Council and, in such circumstances, should only express the agreed views of the Council and not his/her personal views. The Chairman cannot legally make a decision on behalf of the Council.

**The Council.** The Local Government Act of 1894 created civil parish councils effectively excluding the church from local government. Local government was further reformed in 1974 following the Local Government Act of 1972 with the result that parish councils had more freedom to operate without consents from central government. A parish council is a body corporate (section 14 (3) of the Local Government Act 1972), which means that it is an "it" in law and that the decisions it takes are the responsibility of the Council as a whole. The Council represents and serves the whole community. The Council is responsible for the services it provides. It establishes policies for action and decides how money will be raised and spent on behalf of the community. It is responsible for spending public money lawfully and achieving the best value for money. Except in certain circumstances (Public Bodies (Admission to Meetings) Act 1960) Council meetings are open to the public. The Council as a body decides whether to work in partnership with other organisations and it often serves (through representatives) on other bodies. An individual Councillor (including the Chairman) cannot make a decision on behalf of the Council so when working in partnership,

Councillors must always remember that they represent the Council as a corporate body.