

## **THE PARISH CLERK**

The clerk is employed by the parish 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 should be 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 Parish 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 (RFO).

### **Roles and Responsibilities of the Clerk**

The parish council Clerk is the 'engine' of an effective parish council, they need to make sure that the approved minutes are signed by the Chairman and that the minute book is kept in order, even from a time before they became Clerk. He or she is its principal executive and adviser and is often also the officer responsible for the administration of its financial affairs. The Clerk is sometimes a council's only employee.

The Clerk is required to give clear guidance to Councillors, including the Chairman, before decisions are reached, even when that guidance may be unpalatable. The Clerk has a key role in advising the council, and Councillors, on governance, ethical and procedural matters. They must also liaise with the Monitoring Officer at the county/district/unitary council on ethical issues and the Councillors' Register of Interests.

Some larger councils employ a range of administration and support staff and the Clerk is responsible for advising the council on staffing provision and managing the recruitment process.

The Clerk to the Council will be the Proper Officer of the Council and as such is under a statutory duty to carry out all the functions, and in particular to serve or issue all the notifications required by law of a local authority's Proper Officer. The Clerk will be totally responsible for ensuring that the instructions of the Council in connection with its function as a Local Authority are carried out. The Clerk is expected to advise the Council on, and assist in the formation of, overall policies to be followed in respect of the Authority's activities and in particular to produce all the information required for making effective decisions and to implement constructively all decisions. They will be accountable to the Council for the effective management of all its resources. The Clerk may also be the Responsible Financial Officer (RFO) and responsible for all financial records of the Council and the careful administration of its finances.

The post of the Clerk should be seen as analogous to that of the Chief Executive in a County, Unitary or District Council. A local authority operation consists of policy-making and decisions, and administration. The Chief Executive is head of the administration and therefore responsible for all the work that is carried out within that function. Clearly there are

differences in scale; however, the Clerk is also solely responsible for the administration of that Council and, taking into account that he/she is often the sole employee at Officer level, has within his/her sphere a more immediate and arguably much wider responsibility in relation to the organisation than his/her counterpart at County, Unitary or District Council level.

It is the duty of the Clerk as the Proper Officer to assist Members of the Council on matters of fact and law. Councillors (even where it is contrary to their personal wishes or expectations) should take fully into account the advice and guidance given by the Clerk on the existence and applicability of the relevant facts or the law. Councillors should then seek means to make their policy decisions taking into account such guidance. Councillors should also accept as a fact that it is the duty of the Clerk to minute any situation in which the advice given has not been heeded.

Parish Councils should remind themselves that the Clerk's role is wide-ranging. It might well embrace the following, or more:

OFFICE MANAGER

LEGAL OFFICER

FINANCIAL ADMINISTRATOR

ACCOUNTANT

PURCHASING & SUPPLY OFFICER

PUBLIC RELATIONS OFFICER

LIAISON OFFICER WITH OTHER AUTHORITIES & BODIES

RESEARCHER/CREATIVE WRITER

PUBLISHER & EDITOR

IT MANAGER/ WEBMASTER

EMPLOYEE SUPERVISOR/ HR MANAGER

TRAINING OFFICER

PROPERTY MANAGER

PROJECT MANAGER

BURIAL AUTHORITY OFFICER

VENUE MANAGER

COMMITTEE SECRETARY

CONFERENCE/SEMINAR ORGANISER, etc.

A Parish Council should not consider the Clerk to be "simply" secretary/clerk but instead a hands-on multi-skilled manager, so an experienced and qualified clerk is the best asset a Parish Council can have.