

REPORT TO: Standards Committee
DATE: 13th February 2013
REPORTING OFFICER: Monitoring Officer
PORTFOLIO HOLDER: The Leader
SUBJECT: The Role of the Parish Council Clerk
WARDS: All

1.0 PURPOSE OF THE REPORT

1.1 The Report is in response to a request from Members, and seeks to provide further information about the role of the Parish Clerk.

2.0 RECOMMENDATION: That the report be noted.

3.0 SUPPORTING INFORMATION

3.1 Members will recall that at the last meeting, a request was made for a report on the role of the Parish Clerk.

3.2 The purpose of the Parish Council Clerk is to ensure that the parish council as a whole conducts its business properly, and to provide independent, objective and professional advice and support.

3.3 In brief, a summary of the duties of a Parish Council Clerk would be:

- Insures that the Council conducts its business lawfully
- Administers all the Council's paper work
- Ensures that Meeting papers are properly prepared and the public is aware of meeting times
- Implements the Council's decisions
- Oversees the implementation of projects
- Supervises staff (if any)
- Keeps property registers and all legal documents
- Keeps up to date by training/qualification.

3.4 A legal requirement exists for a Parish Council to appoint such officers as it believes necessary for the proper discharge of its functions. This must include an officer responsible for the proper administration of financial affairs. In practice, this is frequently the Parish Clerk in smaller parish councils, where that person is sometimes the council's only employee. He or she is the principal executive and advisor.

- 3.5 The Clerk is required to give clear guidance to Councillors, including the Chair, 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. He or she must also liaise with the Monitoring Officer at the Unitary Council on Ethical Issues and the Councillors register of interests. The Clerk is an independent and objective servant of the Council who takes instructions from the Corporate Body and must recognise that the Council is responsible for all its decisions.
- 3.6 The Governance Tool Kit for Parish and Town Councils devised by the Association of Council Secretaries and Solicitors, the Society of Local Council Clerks, the old Standards Board for England, the National Association of Local Councils, and the LGA contains some useful information about employment issues in so far as they relate to Parish Councils.
- 3.7 The Parish Clerk must be an employee of the Parish Council and not an independent contractor or self-employed person. His or her duties and terms of conditions of employment should be set out in writing as soon as possible after appointment and within thirteen weeks after commencement. All officers who are paid by Parish Councils must be appointed on merit. Parish Councillors can be officers of the parish council but they cannot be paid. Giving Councillors such a role should be considered only in an emergency. A former Councillor cannot be appointed to a paid office until twelve months have passed since being a Councillor of that Parish Council.
- 3.8 The National Association of Local Councils and the Society of Local Council Clerks negotiated a national agreement on salaries and conditions of service for local council clerks in England and Wales, and negotiate annually on a salary award. A model Contract of Employment and Job Description have also been agreed. These are comprehensive, and freely available. They can be supplied to Members on request.

4.0 POLICY IMPLICATIONS

4.1 None

5.0 OTHER IMPLICATIONS

5.1 None

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 **Children and Young People in Halton –**

None

6.2 **Employment, Learning and Skills in Halton –**

None

6.3 A Healthy Halton -

None

6.4 A Safer Halton –

None

6.5 Halton’s Urban Renewal –

None

7.0 RISK ANALYSIS

7.1 No key issues have been identified which would require control measures.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The Report of itself does not contain specific equality and diversity issues.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Governance Toolkit for Parish and Town Councils which is available for inspection from Mark Reaney on 4th Floor Municipal Building, Kingsway, Widnes.