

Roles and Responsibilities of the Clerk

This guidance sheet explains the roles and responsibilities of Proper Officer or Clerk to a local council, based on legal obligations and best practice. For the purposes of this document, the term shall be “clerk”.

Under the section 112 of the Local Government Act (LGA) 1972, a parish or town (local) council shall appoint such officers as necessary for the proper discharge of their functions. In short, it shall appoint a “**proper officer**”. The proper officer is very often referred to as “**the clerk** (to the council)” but can be known by other terms such as chief executive.

Under the same section of the same act, an officer appointed under this section (i.e. a proper officer), shall:

“Hold office on such reasonable terms and conditions, including conditions as to remuneration, as the authority appointing... think fit.”

Duties of a clerk

Duties of a clerk are understood generally and are not listed in law. Rather procedures of the council are listed and the clerk ensures they are followed to guarantee proper discharge of functions. Similarly, actions are carried out by the clerk with the same result.

Duties are set out in a job description and the role is covered by a **contract of employment***. These should be in place for all local council clerks. There may have been a bygone era where a clerk to a parish council was seen as carrying out a service to the community in the way a councillor might by putting themselves forward for election. This is no longer the case. The clerk is the professional, independent officer to a statutory body which spends public money and the role should be treated as such and paid accordingly. There are salary scale recommendations for local council clerks with a National Agreement between the National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC) to help councils calculate the correct salary for their clerk.

The clerk is adviser to the council. Part of their role is to provide information and guidance as to the law to aid council members in the decision making process. The clerk carries out the actions arising from council meetings and implements decisions. They are the point of contact and both send out and receive correspondence. The clerk is the independent officer, s/he puts forward the view of the council and writes and responds to all correspondence with this in mind.

Looking Further

*See guidance sheet 7 on employment

The clerk is not “one of the council” and not expected to join in discussion at meetings or steer views or opinions.

Their role is to advise on the practical, legal and procedural nature of the discussion and decision, and the issues that may arise.

In some circumstances, a local council may appoint one of its members to be officer of the council without pay. These circumstances are outlined in the LGA 1972, section 112. It is not usual practice however and if this is to be the case then an unpaid office must be created for a councillor to be appointed to it. A member may not be paid as an officer of the council whilst a member or for twelve months after s/he ceases to be a member. Whilst the law permits a council member to be an officer, if it is required, it is usually better to restrict this to a temporary situation (perhaps between appointments of a clerk). Having to act as independent officer has the potential to interfere with a councillor's contribution at meetings and role in the decision making process.

The clerk is not a secretary, or the personal assistant of the chairman or any individual council members. The clerk is employed by, and therefore answerable to, the council as a whole and is instructed to carry out actions by full council or by committees with delegated powers.

The clerk provides administrative support to the council and is responsible for meeting agendas and minutes. The agenda is the clerk's responsibility; s/he must sign the agenda and send it to members. S/he is also responsible for writing the minutes of full council and committee meetings (sometimes done by committee clerks in larger councils). Minutes are intended to be an unbiased, legal record of the decisions taken at a meeting. They are done by the clerk to ensure this independence although they are agreed as a true record by the council (or committee) and signed by the chairman.

Under s151 of the LGA 1972, a local council must:

“Make arrangements for their proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.”

This officer is known as either the **Responsible Financial Officer (RFO)** or in some cases the “151 officer” (in reference to the section of the Act). In many councils the RFO is the clerk. The RFO compiles budgets and precept requests and ensures that proper practices are undertaken in financial administration. Ultimately, however, financial propriety and decisions lie with the council.

In some (particularly larger) councils, the clerk is line manager to other staff. This may be office staff or outside grounds or maintenance staff or those working with the council's facilities or service provision.

Looking Further

*See guidance sheet 4 on meetings and procedures for more detail

Under section 101 of the LGA 1972, a local council may delegate its functions to the clerk. It is common practice for councils to do this under certain circumstances, such as:

- Making a decision in an emergency
- Making decisions relating to health and safety – for example, if something is reported as damaged in a play area, it should not be left until a council meeting to agree to get this fixed
- Being allocated an agreed sum of money to spend on items to assist them in their work, this may include computer sundries, stationery and other office supplies
- Responding to planning applications which meet certain criteria – there can often be too many planning applications for a council to deal with in the time allotted by the principal authority, delegating the unambiguous applications which are not likely to raise controversy may be a way of expediting the process

The clerk can often be expected to be an expert in many fields. Each issue that arises in a council, whether that focuses on planning, land, leases, contracts or any number of the possible functions of a council, can bring its own issues, questions and pitfalls. Being a clerk can be an isolating job and it is important that councils enable their employees to be equipped with the tools for the job. This may include joining one or all of the associations out there which support councils and clerks, encouraging clerks to engage with neighbouring clerks, sending clerks to meetings and conferences and enrolling them on training courses.

Training for Clerks

There are a number of qualifications tailored to clerks. The SLCC correspondence course Working with Your Council (WWYC) provides a foundation for the less experienced clerk, whereas the Certificate in Local Council Administration (CiLCA) is a recognised sector qualification which acts as criteria for schemes such as Quality Status, and the General Power of Competence. Over the years Gloucestershire University has provided local government and policy related qualification in Higher Education (up to degree level). This has changed over recent years so is worth researching at the time if there is interest in enrolling.

The SLCC provides a Continuous Professional Development (CPD) Programme for Clerks and there are many locally based training courses (led by principal authorities, Rural Community Councils (RCAN members) and CALCs*. With the above in mind it is important that councils allow their clerks enough hours to do the job. Correspondence and research can take up a large amount of time as well as attendance at outside meetings and training. A clerk should not be expected to work in their own time or with their own funds. Councils should be considering the necessary investment in their clerk's development, as this will support them in their decision making process and ensure they meet the requirements of a professional local authority.

Looking Further

Rural Community Councils are part of RCAN (Rural Community Action Network) the collective name for 38 county based organisations which are networked through their national umbrella body, ACRE (Action for Communities in Rural England). CALCs are County Associations of Local Councils, memberships associations for local councils.