



Roles & Responsibilities of Bayston Hill Parish Council Personnel

The Parish Clerk

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 recognize that the Council is responsible for *all* decisions and that he/she takes their 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, effective, objective and professional and have procedures in place to ensure the Clerk fulfils these essential objectives.

Proper Officer

The 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. The council must ensure that one of its officers has responsibility for financial matters; that officer is legally known as the Responsible Financial Officer (RFO). The RFO is usually the clerk in smaller councils, whilst in larger councils it can be a separate post and officer. The RFO ensures that the records and accounts of the council are prepared in accordance with specified "proper practices" and kept up to date. Councillors continue to be accountable for ensuring that the council does not spend beyond its means, but the RFO designs and implements the accounting arrangements to assure members that finances are being properly managed. The RFO must ensure that all salary and associated payments for council employees comply with HMRC PAYE rules. The council should ensure that the RFO acts properly and efficiently to avoid the risk of loss, fraud or bad debt, whether through deliberate or careless actions, by monitoring processes and procedures and asking relevant questions of the RFO.

Throughout the year the council needs to satisfy itself that expenditure is both lawful and in line with council decisions, and that proper controls are in place to prevent any possibility of fraud. No council wants to risk being the subject of adverse local media coverage relating to financial mismanagement, lack of control or poor budgeting. The Clerk/RFO will be able to provide general advice on finance and should have access to advice from the sector membership organisations.

Parish Councillors

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 by-election, co-option, appointment by the principal 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.

Role of a Councillor

- Effectively represents the interests of their parish.
- Fulfils and enacts any statutory requirements of an elected member of the council, ie attending meetings of the Council in response to the legal summons
- Actively and constructively contributes to good governance.
- Actively encourages community participation and citizen involvement in the work of the council, acting as a responsible community leader.
- 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 parish and ensures constituents are informed of services available; decisions that affect them and the reasons for those decisions, on issues delegated by full council to individual councillors.
- 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.

- Acting as a community leader in deciding on the correct policies and actions for the council.
- 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.
- To make themselves familiar with The Code of Conduct, Standing Orders, Financial Regulations and the Current Practitioners Handbook.

Code of Conduct

Under the Localism Act 2011, and the relevant authorities (Disclosable Pecuniary Interests) Regulation 2012, all Councillors are required to register DPI. Councillors DPI are registered with the Parish Council and the monitoring officer of Shropshire Council.

The Chairman

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.

Both parish and town councils have the same powers and can provide the same services. The only difference is that a town council has decided that it should be known as a 'Town Council' instead of a parish council, and may have a mayor. Bayston Hill Parish Council has resolved to use the 'Parish Council' status and they have resolved therefore not to appoint a Town Mayor who has the same powers as a parish council Chairman. Therefore, Bayston Hill Parish Council operates with a Chairman.

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, not themselves as individuals.