

Risinghurst and Sandhills Parish Council

Summary of the Main Roles in a Parish Council, and the Duties and Responsibilities Involved.

The Council

Duties: The Council is a corporate body¹ and is responsible for raising the precept². The Council has a duty to elect a Chairperson³, set the precept, use statutory powers as appropriate⁴, employ an Responsible Finance Officer (RFO),⁵ publish annual accounts⁶, and to hold at least 3 meetings plus an annual meeting each year⁷. These meetings should have minutes that are published⁸.

Role and Responsibilities: The Council is responsible to spend public money lawfully and for the community. The Parish or Town Council is the first tier of local government with a limited range of powers and duties, which will relate to a larger local authority that may be either a District, Borough, County or Unitary authority depending on the location. The Council as a whole represents, serves and makes decisions for the local community. It is responsible for services to the community and should have policies in place. This includes policies relating to legislation e.g. the Freedom of Information Act 2000 as well as agreeing and following Standing Orders⁹, a Code of Conduct¹⁰ and Financial Regulations¹¹. The General Power of Competence entitles a Council to do what an individual can unless specifically prohibited by legislation¹². Otherwise, a Council can only do what is permitted or implied in law.

The Parish Clerk

Duties: The Parish Clerk (also called the “proper officer”) has the duty to write, sign and send out the agenda¹³ and summons to Councillors, record the minutes of meetings¹⁴ and will witness the signing of the declarations of office and pecuniary interests¹⁵.

Role and Responsibilities: The role¹⁶ includes managing the staff, liaising with other authorities, implementing and putting in place the resolutions that the Council has made, advising the Chairperson and the Council on legislation and good practice. The Parish Clerk will deal with public contact and emails, manage the website and information, records, publish notices of meetings, deal with complaints and Freedom of Information requests. The Parish Clerk is accountable to the Council as a corporate body, and no individual Councillors can give them orders or instructions. The Parish Clerk may also be appointed as the Responsible Finance Officer¹⁷ (RFO) in a combined role in smaller Parish Councils.

¹ Local Government Act 1072 section 14 (amended by Local Government and Public Involvement in Health Act 20017) and 33

² Local Government Finance Act 1992 section 41 (1) and (4)

³ Local Government Act 1972 sections 14(1), 15(2) and 33(1) and 34(2)

⁴ Tharmarajah M. *Local Councils Explained* 2013 pages 18-27 for the range of discretionary powers

⁵ Local Government Act 1972 section 151

⁶ Local Audit and Accountability Act 2014, Local Audit (Smaller Authorities) Regulations 2015 (SI2015/184, 234)

⁷ Local Government Act 1972 Schedule 12 para 8(1)

⁸ Local Government Act 1972 schedule 12 para 41(1)

⁹ Local Government Act 1972 schedule 12 para 42

¹⁰ Localism Act 2011 section 27 (1&2)

¹¹ Local Audit and Accountability Act 2014, Local Audit (Smaller Authorities) Regulations 2015 (SI2015/184, 234)

¹² Localism Act 2011 sections 1-8

¹³ Local Government Act 1972 schedule 12 paras 10 (2)(b)

¹⁴ Local Government Act 1972 schedule 12 para 41

¹⁵ Local Government act 1972 section 83 (4)

¹⁶ Local Government Act 1972 section 112

¹⁷ Local Government Act 1972 section 151

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The Chairperson

Duties: The Chairperson (Chair) has a duty to use a casting vote¹⁸ if needed, in addition to their original vote, and to preside at meetings if they are there¹⁹. The Chair has a duty to call extra-ordinary meetings if requested to²⁰, as well as the Annual Council and Parish meetings. The Chair will sign the minutes as an accurate record, once they have been agreed in a Council meeting.²¹ The annual return is also signed by the Chair once approved by the Council²².

Role and Responsibilities: The Chair has the same core duties and responsibilities as a Councillor. In addition, the Chair is elected by the full Council at the beginning of each Council year²³ and signs a declaration of office²⁴. The Chair cannot make decisions alone but is part of the corporate decision-making Council. They manage the formal Council meetings and have the responsibility to manage any disruptions, they ensure the meetings comply with the Standing Orders²⁵ and liaise with the Parish Clerk. The Chair is the public face of the Council in the community. The Chair will usually line manage the Parish Clerk as part of the Staffing Committee, but does not have individual authority over the Parish Clerk, rather, they work in partnership.

Councillors

Duties: Councillors have a duty to disclose any personal or pecuniary interest²⁶ within 28 days of election and to sign an acceptance of office²⁷. They have a duty to promote and uphold the Code of Conduct²⁸ for high standards in public life.

Role and Responsibilities: Councillors are elected for 4 years²⁹ to represent the community and respond to its needs. Their eligibility for election is subject to criteria³⁰, for example, they must be over 18 years old, an elector in the parish, not bankrupt, not been in prison within the last 5 years or found in breach of the code of conduct, Councillors must not take paid employment from the Council within 12 months of stopping being a Councillor³¹. They should engage in debate, attend and vote at the formal meetings of the Council. Councillors cannot make decisions alone but are part of the corporate body of the Council, which makes decisions together at Council meetings. They will make decisions about budget, policy, services etc Councillors have a duty to attend meetings and to ensure that the Councils finances are properly managed.

¹⁸ Local Government Act 1972 schedule 12 para 11(1), 18(3) and 27(1) and 39(2)

¹⁹ Local Government Act 1972 schedule 12 paras 11, 17 and 27(1)

²⁰ Local Government Act 1972 schedule 12 para 9 & 25

²¹ Local Government Act 1972 schedule 12 para 41 (2)

²² Accounts and Audit Regulations 2015 2015/234 reg 12 (2) (a-c)

²³ Local Government Act 1972 sections 14(1), 15(2) and 33(1) and 34(2)

²⁴ Local Government Act 1972 section 83(4)

²⁵ Local Government Act 1972 Schedule 12 Section 42

²⁶ Localism Act 2011 section 28(2) and relevant authorities (disclosable pecuniary interests) regulations 2012/1464

²⁷ Local Government Act 1972 section 83(4)

²⁸ Local Government Act 2000 section 52 (1) & (2)

²⁹ Local Government Act para 16(3)

³⁰ Local Government Act 1972 section 79, 80

³¹ Local Government Act section 80 (1 (a) to (e)

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The Responsible Finance Officer (RFO)

Duties: The RFO supports the internal ³²and external audit process and drafts the budget. The RFO will publish a notice for the exercise of public rights and make the annual accounts available for inspection³³. They produce the end of year accounts, complete the Annual Governance and Accountability Return (AGAR)³⁴ and publish the Conclusion of Audit notice³⁵. These actions demonstrate the Council's accountability and transparency in the handling of public money.

The RFO has a duty to report on decisions incurring unlawful expenditure, to manage borrowing and investment, to maintain the Council accounts and provide the internal audit and annual statement of accounts.

Roles and Responsibilities: The role of the RFO is to manage the Councils' finances³⁶. The RFO signs the annual accounts, supports the internal controls ³⁷and maintains the set standards (using the Councils' adopted Financial Regulations) which are in line with legislation³⁸. This includes ensuring adequate financial risk management and provision of insurance. The RFO manages receipts and payments and prepares regular financial statements and information and reports to the Council advising them on the budgetary control and expenditure³⁹.

Bibliography

Source material obtained from:

- Arnold-Baker C and Paul Claydon P. *Arnold -Baker on Local Council Administration* (10th edition) (LexisNexis 2016, Hampshire)
- Tharmarajah M. *Local Councils Explained* (NALC 2013, London)
- www.legislation.gov.uk
- ILCA course by SLCC

³² Accounts and Audit Regulations 2015 2015/234 reg 5 (1) & (2)

³³ Accounts and Audit Regulations 2015 2015/234 reg 14&15

³⁴ Accounts and Audit Regulations 2015 2015 2015/234 reg 6 (b) and 12 (1) (a & b)

³⁵ Accounts and Audit Regulations 2015 2015/234 reg 16

³⁶ Local Government Act 1972 section 151

³⁷ Accounts and Audit Regulations 2015 2015/234 reg 3(1)

³⁸ Accounts and Audit (England) Regulations 2015/817(2), Local Audit (Smaller Authorities) Regulations 2015

³⁹ Accounts and Audit Regulations 2015/234 reg 4 (1-4)