

Roles & Responsibilities of the Parish Council

THE COUNCIL (CORPORATE BODY)

(Local Government Act (LGA) 1972, s.14 Constitution and powers of parish council)

Role

The Council is a Corporate Body, which is a legal entity separate from that of its members (councillors) and is accountable to their electorate (residents), the auditors and ultimately the courts. It can own land, enter into contracts and be subject to court proceedings.

Responsibilities

The Council has responsibility for setting policy and a range of decisions on issues that affect the local community.

It has the power to support, provide, maintain and create some facilities, or it can contribute towards their provision by others. This includes but is not limited to: neighbourhood plans, guardianship of common land, public toilets, allotments, litter, community centres, seats and shelters, safety, planning, playing fields, cemeteries, war memorials. The full range of powers and duties is set out in the [List of Parish Council Powers](#).

Standing orders may be made relating to the conduct of meetings and making decisions.

The Council may appoint committees or working groups to assist in its work.

Duties

The Council must appoint a Chairman.

The Council must hold an annual meeting in every year and hold at least three other (also known as ordinary) meetings during the year.

It must appoint such officers as it considers necessary for proper discharge of its functions, including a Responsible Financial Officer to manage the Council's financial affairs.

It must comply with employment law.

It must appoint an independent and competent internal auditor.

It must set the precept, which forms part of households' Council Tax and funds the majority of its activities.

It must exercise effective financial controls in respect of its finances and accounts, approve and submit an Annual Governance and Accountability Return and if its income or expenditure is over the prescribed threshold (currently £25k), submit yearly accounts to be audited by an external auditor appointed by the Audit Commission.

It must ensure that it complies with the obligations of the Freedom of Information Act 2000, the Data Protection Act 2018 and the Equality Act 2010.

It must consider the impact of its decision and services on Crime and disorder in the area and on biodiversity.

COUNCILLORS (also known as Members)

(LGA 1972, s.16 Parish councillors)

Role:

Councillors must be over 18 and a qualifying citizen of the Commonwealth, the European Union or the Republic of Ireland. They are elected once every four years or can be co-opted to a vacancy if one arises and an election is not requested in accordance with the legislation.

Councillors represent the views and concerns of the residents of the parish to the parish council itself and, through it, to the unitary authority. Individual Councillors do not have and cannot be given the power to make decisions on behalf of the Parish Council.

Responsibilities

To contribute to the development of council policy and provide community leadership.

To attend meetings of the Council and Committees of which they are a member and participate in discussions and decision making.

To respect decisions made by the Council as a whole.

To monitor and review council performance in delivering services.

To represent the council externally.

Duties

Councillors must sign a declaration of acceptance of office once elected or co-opted.

Under the Localism Act 2011, and the Relevant Authorities (Disclosable Pecuniary Interests) Regulation 2012, all Councillors are required to register Disclosable Pecuniary interests. Register of Interests is held by the Monitoring Officer of Easington Riding of Yorkshire Council but are also reported under the members section of this website.

Councillors must act in accordance with the Code of Conduct agreed by the Parish Council.

CHAIRMAN (LGA 1972, s.15 Chairman and vice-chairman of parish council)

Role

The Chair or Member presiding over a meeting of a council is required to regulate the conduct of a meeting and preserve its order. Orderly conduct and keeping good order are key to ensuring that business is completed.

Responsibilities

To determine that the meeting is properly constituted and that a quorum is present.

To preserve order in the conduct of those present.

To confine discussion within the scope of the meeting and reasonable limits to time.

To formulate for discussion and decision questions which have been moved for the consideration of the meeting.

To decide points of order and other incidental questions which require decision at the time.

To sign the minutes or other record of proceedings (with the consent of the meeting).

To adjourn the meeting when circumstances justify or require that course.

To declare the meeting closed when its business has been completed.

Duty

If present at a meeting, the Chairman must preside and ensure that the proceedings are conducted in a proper manner.

Council Officers

THE CLERK

(LGA 1972, s112 Appointment of staff)

Role

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 decisions. The Clerk implements policies and decisions determined by the Council. They are usually the Proper Officer of the Council and as such are 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.

Responsibilities

Advises council, and Councillors, on governance, ethical and procedural matters and can make suggestions or put forward objective views to council as part of its decision-making process.

Ensures that the Council, as a whole, conducts its business in accordance with the law.

Ensures that the Council's obligations for Health and Safety and Risk Assessment are properly met.

Prepares agendas for meetings of Council and Committees.

Implements decisions of the Council and deals with day-to-day management of the local authority.

Duties

The Clerk to the Council is the Proper Officer of the Council and as such is under a statutory duty to carry out all the functions of a council's Proper Officer, and in particular to serve or issue all the notifications required by law.

Has a statutory duty to sign the summons of a council's meetings, stating the proposed business to be transacted.

RESPONSIBLE FINANCIAL OFFICER (RFO)

(LGA 1972, s 151 Financial administration)

Role

To ensure that the accounts and records are maintained in accordance with proper practices referred to in statute and are kept up to date.

Responsibilities

To carry out all the statutory functions, ensuring the implementation of, and compliance with the Council's financial regulations.

To determine the form and content of the accounts and supporting records, subject to any directions from the council and in compliance with regulations.

To advise the Council on the adequacy of, and changes to, its Financial Regulations, including all internal controls and procedures to manage financial risk.

To ensure that all VAT returns and other HMRC deductions are submitted correctly and on time.

Duties

The Responsible Financial Officer must ensure that the accounts are completed and ready for audit as soon as practicable after 31 March of each year.

They must prepare an annual governance statement in accordance with proper practices in relation to accounts.

They must provide proper opportunity during the year for the exercise of electors' rights in accordance with the law.

In many Councils, including Skidby Parish Council, the roles of Clerk and Responsible Financial Officer are combined and undertaken by one person.