

Roles and responsibilities

This document outlines roles and responsibilities for the council, members and officers. Aspects of the council's constitution and operation are set out in various legal texts and this document is a lay summary and does not represent or override those legal definitions, which may be changed and updated from time to time.

The Staunton-on-Wye Group Parishes consist of Staunton-on-Wye and Brobury with Monnington. The two councils currently operate as a single council although each year there is an annual general meeting for each council separately.

RESPONSIBILITIES

Your Parish Council is responsible for:

- planning – specifically the process of drawing up the local plan and the council is formally consulted by Hereford Council on all planning applications within the parish and on any planning matters outside of the parish that may have a particular impact on the parish
- management and upkeep of the recreation site in Staunton-on-Wye
- liaising with Hereford Council and their contractor for the maintenance and repair of the public road and drain network
- supervision of the footpaths and rights of way in the Parish

The Parish Council is also informed of relevant proposals, policies and actions by Hereford Council that have an impact on the Parish.

The Parish Council is made up of 'members' (councillors) and the Parish Clerk. Each year a chair of the council is elected by the council. The roles and responsibilities are outlined below.

PARISH COUNCILLORS - 'Members of the council'

Parish Councillors are elected by the electors of the parish, under section 16 (2) of the Local Government Act 1972, every four years. A councillor may also be returned by bye-election, co-option, appointment by the district council or by return after a successful election petition. All Councillors are required to accept the Council's Code of Conduct.

All councillors must make a full disclosure of their interests in accordance with the instructions from Herefordshire Council. The Register of Councillor's interests is a public document which is displayed on the Herefordshire Council website.

<http://councillors.herefordshire.gov.uk/mgParishCouncilDetails.aspx?ID=759&LS=3>

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.

The Chair of the council is elected by the members of the Council at the Annual Council meeting and serves for twelve months under Section 15 (1) of the Local Government Act 1972. The Chair of the council's main role is to run council meetings.

The Chair of the council 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 Chair of the council is responsible for involving all councillors in discussion and ensuring that councillors keep to the point. The Chair of the council 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 Chair of the council 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 Chair of the council can have a second, casting vote.

The Chair of the council 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 in such circumstances should only express the agreed views of the council and not his/her personal views. The Chair of the council cannot legally make a decision on behalf of 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 under 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 Chair of the council) 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.

THE CHAIR OF THE COUNCIL:

- Holds a statutory post defined in law
- Is a member of the Council and is elected annually
- Has the authority at meetings and must be obeyed when issuing lawful direction or direction in line with Standing Orders
- Is the interface between the public and Council
- Is the one to welcome speakers and make them 'feel at home'
- Is to make sure decisions of the council are clear for the clerk to act upon.

The Chair of the Council should:

- Know that the agenda was put up in time and be familiar with business to be covered
- Arrive in good time, adequately briefed and with all the necessary papers in correct order.
- Ensure the meeting is quorate
- Start the meeting on time by declaring it open, and end it by clearly stating it closed and the time it ended.
- Know that he/she has no more statutory power than any other Councillor except that of the casting vote.
- Ensure that all points of view have a clear hearing
- Keep the discussion to the point, and that it is relevant and ensure the Council deals with clear issues
- Ensure the Council/committee acts only within its terms of reference and/or legal powers and functions

- Ensure compliance with standing orders, financial regulations, Council policies, etc.
- To ensure that where and when appropriate and allowable the Council takes a vote to exclude the public and press from Council meetings.
- Understand the principles of debate and voting (see Standing Orders and Good Councillor Guide)
- Remain impartial and not 'guide' Councillors to his/her desired decision.
- Ideally not allow the meeting to continue for more than 2 hours without a break (depending on Standing Orders).
- Create an atmosphere which encourages participation
- Be in control of the meeting.
- Know that he/she cannot be a committee of one (Hillingdon Case Law)
- Respect and understand the role of the clerk and other officers, and ensure that employment issues (e.g. performance, disciplinary matters) are only raised in Council meetings when appropriate and in line with Council policy and employment law.
- Co-operate with officers and Councillors
- Act as a representative of the Council at civic or local events

The Chair of the council on his own has no power to make decisions without the Resolution of the Council. The Chair of the council cannot decide which items should appear on the agenda for meetings.

The Clerk is responsible for the agenda, apart from Extraordinary Meetings. Normal practice would be for the Clerk to consult with the Chair of the council when drawing up the agenda to ensure that appropriate and necessary items are added.

The Chair of the council should not involve him or herself in the day to day administration of the Council, but can be a point of reference for officers if agreed by Council.

Handling Public Disturbances at a meeting:

No-one is entitled to interrupt or obstruct the proceedings of the Council or its committees. The Chair of the council should never argue or allow argument with an interrupter. If the public becomes disorderly it may eventually be necessary to close the meeting or the adjourn to a more private place. It is, however illegal to decide to exclude the public from any future meeting. The press is in a privileged position inasmuch as its representatives must so far as possible be given facilities for taking their reports.

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 to Staunton-on-Wye Group Parish Council is also responsible for maintaining all necessary documents and financial records and ensuring publication, via the website, of all required information.

The clerk has a wide range of other responsibilities which are set out in his/her job description. The clerk must recognise that the council is responsible for all decisions and that he/she takes instructions from the

council as a body. The clerk is not answerable to any individual councillor - not even the Chair of the council

The Council must be confident that the clerk is, at all times, independent, objective and professional.

'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.

Roles and Responsibilities of the Clerk

The parish council Clerk is the 'engine' of an effective parish council. He or she is its principal executive and adviser and is often also the officer responsible for the administration of its financial affairs. The Clerk is sometimes a council's only employee.

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. They must also liaise with the Monitoring Officer at the district/unitary council on ethical issues and the Councillors' Register of Interests.

The Clerk to the Council will be the Proper Officer of the Council and as such is 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. The Clerk will be totally responsible for ensuring that the instructions of the Council in connection with its function as a Local Authority are carried out. The Clerk is expected to advise the Council on, and assist in the formation of, overall policies to be followed in respect of the Authority's activities and in particular to produce all the information required for making effective decisions and to implement constructively all decisions. They will be accountable to the Council for the effective management of all its resources. The Clerk may also be the Responsible Financial Officer and responsible for all financial records of the Council and the careful administration of its finances.

The Clerk is solely responsible for the administration of that Council and, taking into account that he/she is often the sole employee at Officer level, has within his/her sphere a more immediate and arguably much wider responsibility in relation to the organisation than his/her counterpart at County or District Council level

It is the duty of the Clerk as the Proper Officer to assist Members of the Council on matters of fact and law. Councillors (even where it is contrary to their personal wishes or expectations) should take fully into account the advice and guidance given by the Clerk on the existence and applicability of the relevant facts or the law. Councillors should then seek means to make their policy decisions taking into account such guidance. Councillors should also accept as a fact that it is the duty of the Clerk to minute any situation in which the advice given has not been heeded.

A Council should not consider the Clerk to be "simply" secretary/clerk but instead a hands-on multi-skilled manager.

THE ANNUAL PARISH MEETING:

To be held at any time between March and May each year to report to the parish electorate on the activities and performance of the Council over the previous year. The current accounts of the Parish must be available at this meeting. The chair of the council or vice chair should if present preside at this meeting.

Only persons recorded on the electoral register for the Parish are allowed to vote at this meeting. The Parish Council pays for the meeting. If a poll is called for then it must be paid for by the Parish Council.

Presiding at the first Annual Meeting of the Parish Council:

The retiring chair of the council, or in his or her absence, the vice chair must preside at the meeting for the first item on the agenda (after apologies and checking previous minutes) ' To Elect Chair of the council'. If it is a meeting after an election then the retiring chair or vice chair presides, even if they are no longer Councillors. If both are absent then the Council may appoint another Councillor to preside. It is illegal for a clerk to take the chair at a meeting.

Election of a Chair:

If the presiding chair is no longer to be a member of the Council then he only has a casting vote. If he is still going to be a member then he has a vote and a casting vote (he can vote for himself if he wants) The chair of the council of the Council should give a report to the APM on the activity of the Council (in this meeting, if he is not an elector in the parish, he only has a casting vote). Once voted in, the new chair signs his declaration of acceptance as the officer of Chair of the council and takes over the meeting immediately.

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