

The Role of the (Proper Officer to the Council) Clerk/Responsible Financial Officer

(Taken from section 112 of the Local Government Act (LGA) 1972, section 101 of the 1972 and section 151 of the LGA 1972)

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.

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.

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

Legally councils can delegate decisions to clerks because they are trusted professional officers, whose objectivity allows them to act for them.

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

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 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.

A few examples are:

- * 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 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 is often 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.

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.

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

An officer to administer their finances and ensure all legislation to meet the Transparency and Accountability regulations.

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.