THE ESSENTIAL CLERK

AN INTRODUCTION TO THE ROLE OF LOCAL COUNCILS

SLCC
Society of Local Council Clerks
Professional Supportive Innovative

www.slcc.co.uk

FOREWORD

Welcome to the world of the "parish clerk". You need not feel that you are working on your own. You have just become part of a countrywide community of similar like-minded people who are managing, just like you, the administration and aspirations of their local communities. Firstly the Society (SLCC) provides a county network of support by way of neighbouring clerks and a branch mentoring scheme and of course this very useful booklet. Secondly the Society and the National Association of Local Councils and its County Associations provides a wide range of training opportunities and advisory services.

'The Essential Clerk' was introduced in 2007 as the idea of my predecessor Bryan Metcalf. Bryan is owed a great debt of gratitude for originally promoting the County Mentoring Programme. The booklet now revised still offers to new clerks a handy easy-to-read guide packed with things you might need to know in the first months of being appointed as a clerk. As you might expect, it will not provide all the answers, but it points you in the right direction so you know where information might be found.

I am sure you will find the work of the parish clerk satisfying and rewarding and I wish you every success for the journey you are about to embark upon.

Bruce Poole BA (Hons) FILCM MMC
SLCC Mentoring Officer
2013

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- Elisabeth Skinner (Academic Leader, Society of Local Council Clerks and formerly of the University of Gloucestershire) played a major part in the writing of this booklet. Elisabeth also wrote the SLCC's course, Working With Your Council. This might be your next step once you have read this booklet and have settled into your job.
- Joy Sheppard and the Essex Association of Local Councils provided additional ideas taken from their welcome pack for new clerks.
- Clerks and the SLCC's advisory team contributed material and Sheena Spence (Chief Officer of the Yorkshire Local Councils' Associations) checked style and content at the final stage of writing the 1st edition.
- National Training Strategy partners and DEFRA provided funding for the original booklet which is part of a project to support new clerks as they set out in the job.
- Bryan Metcalf (formerly Mentoring Officer of the SLCC) masterminded the original project.

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1 INTRODUCING 'THE ESSENTIAL CLERK'

A good clerk is an essential asset to every council. Over time you will discover the variety of activities that contribute to your work as a clerk. You will build up knowledge and develop a range of skills of value to your council and its local community. This booklet is just a taster, a brief introduction to the work of the council including roles and responsibilities, law, procedures and finance, planning and community action.

Clerks in the Society's e-groups were asked to reflect on their early days in the role to provide a flavour of the work and any extra information that they felt you might really need to know. So in boxes throughout the booklet and in Section 9, the clerks' profession speaks directly to you.

Although this booklet will provide you with guidance, as you progress you will probably ask more questions about your work. The booklet points you in the right direction in your search for answers.

As a new clerk you are not alone. There are several organisations whose job is to assist you and your council. Your council should be a member of your county's Association of Local Councils (CALC), or similar, to benefit from its advice and updating information. The lead officer at the CALC (often called the County Secretary) is the first port of call for advice on matters of concern to the council as a corporate body. Your CALC is served by the National Association of Local Councils (NALC), which works for parish councils at a national level. It helps to keep County Associations and

their member councils informed of new legislation, policy and training opportunities.

The Society of Local Council Clerks (SLCC) represents clerks and other officers. It offers support through county branches and e-mail forums; and it provides information and advice in a variety of ways including the Clerks' Manual and The Clerk magazine, a website (www.slcc.co.uk) and a team of specialist and regional advisors. Fellow clerks in the SLCC will be around to help you from the outset. Your county's mentoring officer (CMO) will get in touch (or you can make contact). You can always talk in confidence to your CMO about your role and the work of a clerk. Your CMO will be your first point of contact and will help you to find out who is the best source of information, help or support.

We hope you enjoy reading this booklet. It is worth remembering, as you read about law, procedure, planning and financial management, that the health and well-being of the local community is at the heart of everything you do. You serve as an officer of the council but the council serves the community, taking action in the best interests of everyone who lives and works on its patch. It is your job to offer the council advice and support as they go about their business. Perhaps this is the beginning of a lasting relationship.

FROM THE SLCC'S MENTORING OFFICER

As you get accustomed to the challenges and tribulations of clerking a local council, and, as you make steady progress, the work will become more interesting by the day. The tips and suggestions contained in this booklet will certainly go some way to helping you achieve that position of knowledge and self-confidence.

2 ROLES AND RESPONSIBILITIES

THE COUNCIL

You have joined a team whose job is to represent the interests of the community. The chairman, councillors, the clerk and other staff are individual members of the council team, each equally valued and working together as a unit.

THE CLERK

As clerk, you make a significant contribution to the team. You are a professional officer employed by the council to manage its activities and provide administrative assistance and professional advice. You support the council before, during and after meetings, preparing councillors for their decision making role and putting their decisions into practice. As its chief officer, you protect the council as a corporate body. Many clerks enjoy their work because it is endlessly varied. Check your job description, but your work might include:

- writing letters, reports, memos;
- organising meetings and events;
- advising on making lawful decisions and policy;
- researching topics of concern to the council;
- keeping up to date;
- managing projects, sites, facilities and finance;
- managing records, teams and staff;
- negotiating, marketing and public relations;
- purchasing equipment.

The clerk is normally the 'proper officer'. This is a legal term meaning the appropriate officer for a particular function. The council must appoint the officers it needs to discharge its functions. The council must also appoint a Responsible Financial Officer (RFO) to manage its finances. Usually, but not always, the RFO and the clerk are the same person. If you are not the RFO, as clerk you will need to have an overview of the council's finances.

COUNCILLORS

Other members of the team are the councillors and their elected chairman. Each individual will interpret their role in different ways and you will need to get to know them all. In general, councillors contribute to the work of the whole council by:

- suggesting ideas;
- engaging in constructive debate;
- responding to the needs and views of the community;
- representing their constituents;

- behaving in an ethical way and being open about interests;
- commenting on proposals to ensure the best outcome;
- voting – to enable the council to make decisions.

An individual councillor (including the chairman) cannot make a decision on behalf of the council. It helps to remember that you are answerable to the council as a whole and not to any individual councillor, not even the chairman.

THE CHAIRMAN

Your most important working relationship is with the chairman. You are partners in guiding the council. You should be able to talk openly to each other and should recognise each other's strengths and understand your roles.

For example, it is best practice to discuss the agenda with the chairman before it is sent to councillors. Together you can agree its format and ensure that it will not lead to unlawful decisions. But note, the clerk must sign the agenda and therefore can have the final say on its style and content.

The council must have a chairman, responsible for ensuring that proper decisions are taken at council meetings. Note that the election of the chairman must be the first item of business on the agenda of the Annual Meeting of the Council held in May each year. This also applies at any meeting where the chairman and vice chairman are absent. This item comes before the apologies.

The chairman manages discussion, summarises debate and uses the agenda to help the meeting to run smoothly and on time. To make sure that decisions are taken, the chairman has a second vote, known as a casting vote, if a vote is tied. The chairman can choose whether or not to use the casting vote but in the election of a chairman the casting vote must be used.

Some councils have a leader as well as a chairman; the leader is head of the main political party represented on the council and is not appointed at a council meeting. A leader has no greater responsibility than any other councillor.

The chairman is often the public face of the council, representing the council in a civic capacity and sometimes speaking on behalf of the council.

Advice for chairmen is explained in the booklet Good Councillors Guide published by the National Association of Local Councils and available from your County Association. Training for chairmen is available through your County Training Partnership using a national training package in chairmanship skills.

WORKING WITH YOUR EMPLOYER

You are employed by the council as a body and not by each individual councillor. However, as clerk you

are the line manager of any other staff employed by the council. In time you need to find out about how employment law affects your council.

- Staff have the right to expect the council to discuss matters related to employment in a confidential session, after a resolution to exclude press and public;
- The responsibilities of all employees should be clearly laid out in a job description attached to a proper contract of employment;
- The clerk's contract should make sure that the council complies with the agreement on 'terms and conditions' drawn up by the National Association of Local Councils and the Society of Local Council Clerks. A contract and payment of at least the minimum wage are legal requirements for all employees;
- The council must have formal disciplinary and grievance procedures in case anything goes wrong between staff and employer. There are model contracts and procedures available from SLCC and your CALC;
- The law protects you from discrimination, bullying and harassment and from threats to your health and safety;
- If staff problems arise the CALC will advise the council and the SLCC advisory team will advise the clerk, provided that both memberships are in place;
- It is good practice to ask for a review meeting after six months and then annually. This is an opportunity to reflect on expectations (yours and the council's), your achievements, your training needs and changes to working conditions. The council should be fully committed to your training and development;
- Your line manager is the council and therefore they can appoint two or three members to undertake this appraisal.

You are of particular value to the team because you are the professional officer, an independent and objective employee of the council acting only on the instructions of the council as a whole. This means that the council can delegate to you the power to make decisions on its behalf, especially in an urgent situation. Remember, you are not then acting personally but as a representative of the council as a corporate body.

INTERACTING WITH PRESS AND PUBLIC

You are often responsible for presenting the council to the community and therefore the way you express yourself in public reflects on the council. It helps if all communications are smart and well designed. Information technology (IT) will help the council to present a modern impression. If you are speaking on behalf of the council, you will find it easier if you keep

to the facts, and express only the council's view without discussing your own opinions. In time you can develop a good relationship with local media – radio, newspapers and TV – so that they help to promote the council. If you are struggling to respond to questions from the press try not to say "no comment"; it is better to say that you will respond to them later when you have fuller information.

The community benefits if you (or your staff) are accessible to the public. If you work from an office, you can provide clear opening times. If you work from home, then consider using a regular surgery at a public location, an answer-phone, website and an e-mail system.

You will work in partnership with many other organisations, but especially other authorities in local government. The parish council is the tier of local government nearest to the people it serves. The community is also served by other, tiers of local government known as principal authorities. Some areas have a single principal authority called a unitary council. Others have two principal authorities: the county council and a district council, or its equivalent (such as a city or borough council). Your local network will make it clear to you how the principal authority or authorities are organised in your area.

All tiers are independent of each other although they do seek to work in partnership. Principal authorities have many services that they must provide by law (for example, county or unitary councils must provide schools and social services).

SHARED COMMUNITY POLICING IN RURAL NORTHANTS
Kilsby PC in Northants has joined forces with neighbouring parishes and a large industrial estate near the M1 motorway to jointly fund 2 community police officers offering the village a regular police presence which the parish council alone could not have afforded.

Parish councils have much greater freedom to choose which services (if any) they wish to provide.

If you are unfamiliar with local government you will need to find out who does what in which tier; indeed, if you work with a unitary council you are fortunate! As clerk you need to know how to get in touch with people across your principal authorities. Your local network will be able to help.

Many clerks are surprised to find that they are expected to do much more than simple preparation of agendas and taking minutes.

We cannot stress enough the importance of a written contract of employment for both full and part- time clerks. Your contract must identify your duties as well as a list of the conditions under which you are employed. These include your starting salary, pension or gratuity, sick pay provisions, annual leave, discipline and grievance procedures and the process of appeals against decisions affecting your work. If you do not have a contract you can obtain a copy of a model contract from the SLCC or your CALC. Complete a copy of this contract and ask your council to agree and approve it or amend it by agreement.

You will find a lot of published advice on the duties of a clerk. A key point to remember is that you must ensure that the council (and not individual councillors) decides only that which it has a legal power to do. (Now you will begin to see the importance of training and other sources of advice!)

3 LAW

STATUTORY POWERS

Parish councils are creatures of statute. This means that they are set up and controlled by Acts of Parliament. Knowledge of law empowers the council. Law determines what the council must do (its duties), what it can choose to do (its powers), and what it cannot do.

English parish councils should become eligible to use the general power of competence. This gives the council extensive freedom to do "anything that an individual may generally do" (Localism Act 2011 s1). A council determines that it is eligible at a full council meeting if it meets two criteria: it must have a qualified

clerk and two thirds of the councillors must have stood for election rather than being co-opted. You will learn more about the restrictions and possibilities of the general power of competence when you train for your qualification as a clerk. In Wales councils use the power of well-being instead but spending under this power is limited.

You will also find out more about the wide range of powers that permit the council to act on behalf of the local community. So for example, a parish council is permitted by specific laws to spend money on:

- A PUBLIC CLOCK
- A FESTIVAL
- A CAMP SITE FOOTPATHS CYCLE RACKS
- CEMETERIES OR BURIAL GROUNDS
- FOOTPATHS
- MARKETS
- AN ARTS CENTRE
- THE VILLAGE GREEN
- ALLOTMENTS

S111 of the Local Government Act 1972 is also very useful. It allows the council to undertake activities that help it to carry out other specific functions. The expenditure permitted under this power is not limited. So s111 gives the council the power to spend on reference books, conferences and training.

Most importantly parish councils have the power to raise money through the council tax (the precept) to spend on their activities. A council can raise as much money as it needs through the precept but it should have regard for the impact on the council tax paid by the people who live in the parish.

If the council can't use the general power of competence and there is no specific power permitting it to act, then it might be able to use section 137 (s137) of the Local Government Act 1972. This allows the council to spend money on anything that benefits all or some of its inhabitants (or all or part of the area) provided that there is no other specific power for that activity. For example, there is no statute giving a parish council the power to spend on health matters but the council can fund a chiropodist or an air ambulance, for example, by using s137. The money spent under s137 must be in proportion to the benefit gained. There is a limit to the amount of money the council can spend under this power in any one year. This restriction means that you must keep an account of all s137 expenditure, normally using a column in your accounts for this purpose. Ask your mentoring officer (CMO) or your County Association (CALC) officer to bring you up-to- date with the current limit.

In time, you will find out which statute gives the parish council the power to act on these and many other issues. Take a look at The Good Councillor's Guide, which has a table of powers. Remember that parish councils can do only what they have been given a specific power to do by statute.

DUTIES (MUST DO)

The council also has some duties; these indicate what it must do, it has no choice. There are a few duties related to services that the council might provide. The council must provide allotments if at least six electors ask for them. The duty to provide allotments is not straightforward. You will learn more about this in your training session. Similarly the council must consider adopting a churchyard closed by the Parochial Church Council if asked by them to do so; the parish council can say no, in which case the principal authority must take it on. The council also has a duty to consider the impact on biodiversity and crime and disorder of any of the activities it undertakes. It must comply with statutes designed to protect individual people, such as equality legislation, employment law and the rules for data protection and freedom of information.

However, most of the council's duties are procedural or financial rules such as those that follow. You will gradually get to know the rules over time.

- The council must hold at least three meetings a year plus the Annual Meeting of the Council in May. On rare occasions after elections the Annual Meeting of the Council might not be held in May. Your local contacts will help you to check this out;
- The council must elect a chairman. Remember this is the first item on the annual council meeting agenda. The council is advised to have a vice-chairman but this is not a legal requirement;
- Meetings cannot be held on licensed premises when alcohol is being served unless no other suitable venue is available free or at reasonable cost;
- At least three clear days beforehand a public notice of the time and place of a meeting must be displayed and a summons to attend must be issued to members of the council;
- One third of the members (but no fewer than 3) must be present to provide a quorum for transacting the business of the council;
- Voting is by show of hands, with rare exceptions. Councillors can ask for the votes to be recorded;
- The council has a duty to keep a record of its meetings known as the minutes;
- The council must appoint an independent and competent internal auditor;
- At least two councillors must sign all cheques.

DELEGATING POWERS (OR FUNCTIONS)

The council is responsible as a body for all its decisions but it can allow another party to make a decision on its behalf. This is a legal issue written into the Local Government Act 1972 (section 101). A committee, a sub-committee, an officer or another local authority can be given the power

to make a decision on behalf of the council. On the other hand, a single councillor, the chairman, a working party or a group of councillors cannot.

Notice that an officer (usually the clerk as proper officer) is the only individual who can act on behalf of the council. This is because you are independent, objective and professional.

There are exceptions to delegation. The council cannot delegate its decisions about the precept (how much council tax to raise); this must be agreed by the full council. Nor can it delegate confirmation of the annual return, a document created as part of the annual audit. Delegation must be agreed formally by the council. Temporary delegation is recorded in minutes.

If delegation is routine, it is authorised in the council's standing orders (see the Procedures section). Most clerks have the power to act in an emergency written into standing orders.

CLERK AS LEGAL ADVISOR

Part of your work is to advise the council on matters of law. It is important to find out what the legislation means and to use your different sources of training and advice to make sure that you develop a good awareness of legal issues.

The statutes and related guidance do keep on changing. Keep up-to-date by reading The Clerk from the SLCC and

TADLEY FLOOD PREVENTION

Tadley TC in Hants has used the General Power of Competence to take on the maintenance of a key watercourse in uncertain ownerships and so prevent a recurring problem with flooding.

LCR or the Direct Information Service from the National Association of Local Councils. It also helps to follow the SLCC's e-forum. For advice on legal matters, your directory of useful contacts should include the SLCC's Legal Advisor and your CALC's lead officer. A few larger councils have negotiated 'direct access' to NALC for legal advice. The Monitoring Officer at the district council is your first port of call for issues related to the standards framework and Code of Conduct. Useful reference books are listed in Section 7.

You get help with the law if you are a member of SLCC and if your council is a member of the Local Councils Association. In time you will become familiar with Local Council Administration by Arnold-Baker, the SLCC Clerks' Manual and NALC's Standing Orders for Local Councils. A good list of powers can be found in The Good Councillor's Guide.

4 PROCEDURES

Somewhere Community Council

COMMUNITY COUNCIL MEETING

The next meeting will be at 7.30pm
on Tuesday April 8th 2014
in the Village Hall

An agenda will appear here on or before the 3rd April.
Signed Albert Battleaxe (Clerk to the Council)
2 The Cribbins, High Street, Somewhere

Tel 01234 567890

An example of a notice of meeting

LAWFUL DECISION MAKING

Parish councils have powers to act in a variety of different ways and these actions require sound decision making. Many decisions involve spending public money, which must be protected. The law provides a range of procedures for ensuring that decisions are properly made. Decisions must be

transparent and inspire confidence. It is part of the clerk's job to advise the council on matters of procedure. Some procedures are good practice without being set in stone by law. Proper procedures protect the council from legal challenges and help clerks to remain impartial and professional. Procedures provide the rules of the game and, as in sport, the team works best when everyone understands the rules.

AGENDAS

All meetings must be properly convened. This means that the clerk must, by law, send a signed summons to each councillor at least three clear days before the meeting. A summons (rather than an invitation) reminds councillors of their duty to attend. By law the summons must specify the business to be discussed and therefore the council cannot make a decision on any matter that hasn't been specified unless it is within the clerk's delegated powers. In law, "three clear days" does not include the day of the meeting, the day the summons is sent out, Sundays, bank holidays and a few other occasions. It is good practice also to exclude Saturdays. The clerk signs the summons and therefore takes responsibility for its format and content even though it is best practice to discuss it with the chairman first. The clerk also puts a public notice in a conspicuous place advertising the date, time and place of the meeting. Again, this must be done at least three clear days beforehand. It is good practice to make the agenda public. There are many acceptable variations of style and content for agendas which you can design to suit your council. You are advised to study agendas produced by others and take up offers of training in order to find out what makes for best practice. For example, we suggest you consider the following:

- Use distinctive headed notepaper and provide contact details;
- Include a standard item near the beginning to remind councillors to declare an interest in an item to be discussed if this is required by your council's standing orders;
- Express items so that councillors know what they are expected to do, e.g. to accept, confirm, discuss, agree. And tell councillors as precisely as possible what they need to consider.

MEETINGS

A good agenda, with clear supporting documentation, helps the chairman to conduct an effective meeting that is no longer than it should be. The main purpose of a meeting is to decide on council action and it is the chairman's job to see that decisions are properly made. Councillors also like to use meetings to share information but this should be managed carefully, not least because long drawn out reports can be extremely dull!

A quorum must be present to make a legal meeting. The quorum is at least a third of the total number of members, or three, whichever is greater.

The public can speak at a designated time under the chairman's control. The council's code of conduct will set out whether councillors can speak during the public session on matters where they have an interest. Principal authority officers, other guests and the clerk can be invited to speak during the meeting. The public and press must be welcome at council meetings but the council can vote to exclude them when items such as staff details, contracts and legal cases are discussed. But take care, your council must not exclude the press and public just because an item is controversial.

In some circumstances a chairman or any two members can call an extraordinary meeting.

The Annual Parish Meeting is a meeting of the parish electorate held between March 1st and June 1st. This meeting is compulsory in England but not in Wales. It is not a parish council meeting although the parish council chairman will call the meeting and chair it if he/she is present at the meeting. There is no prescribed format for this meeting but ideas include a presentation of the council's annual report, discussions of ideas for future action, public comment and questions on council performance or a celebration of village organisations.

STANDING ORDERS

A parish council devises its own rule book for the routine conduct of its business. These rules, called standing orders, include procedures required by law. The National Association of Local Councils suggests appropriate standing orders (many of which can be adapted) and are available from your Local County Association.

Standing orders represent agreement among councillors and help the chairman to manage the meeting. For example they can establish:

- regular agenda items;
- the order of business;
- the length of time a councillor can speak on an issue;
- terms of reference and delegated powers for committees ;
- the delegation of powers to the clerk;
- the length of a meeting or its finishing time.

MINUTES

The parish council has a legal duty to keep records of its meetings which can then be used as evidence in a court of law. Minutes become legal when they are approved by the council and they are signed by the chairman as an accurate record. This normally occurs at the next meeting. Loose leaf minutes should be numbered consecutively and initialled by the chairman on every page. Minutes need a clear numbering system for easy reference. Most councils use a system related to the council year. Minutes should be kept secure for ever, retained by the council or sent to the county archive.

The record of decisions must be absolutely clear. You are required to

record a councillor's vote only if specifically requested to do so. It is good practice to use the following phrase and to write it in bold. **It was resolved ...**

Minutes should be as concise as possible but there is little agreement on the appropriate style for minutes. As a minimum the minutes must record the resolution or the decision but can also include a short summary of important points where this adds value. A detailed account of who said what is neither necessary nor advisable.

It is good practice for the clerk to make the minutes available for public inspection as soon as possible after the meeting. Prior to signing they can be labelled 'draft minutes'. The availability of the minutes should be explained in the council's publication scheme according to the Freedom of Information Act 2000. This Act ensures that documentation for which the council is responsible is accessible.

COMMITTEES

You might be asked to advise on committee structures. A council can arrange for a committee to make decisions or spend money on its behalf except when setting the precept, approving the annual return or agreeing to take out a loan. Alternatively the council can simply advise. A committee can appoint a sub-committee for specific tasks. Councils frequently set up temporary working parties to investigate or work on special topics; these are advisory groups only.

Standing orders should set out the terms of reference for committees. The chairman of a committee is elected at the first meeting of the committee and must be a councillor. People who are not councillors can be co-opted onto other committees in an advisory capacity but are not normally permitted to vote. A finance committee must consist of councillors only. The public must be given notice and have access to committee meetings in the same way as for council meetings.

COUNCILLORS

There are rules about who can become a councillor, holding elections and what happens if there is a vacant seat on the council. The best source of advice is the Elections Officer or Returning Officer at the district council.

The whole parish council is put up for election every four years. An election can be contested (more candidates than seats) or uncontested. If the seats are contested then a poll must be held. If there are not enough candidates for seats then, after the date of the elections, the council can co-opt people to fill the vacant seats within a specific time. If the council wants to use the general power of competence or hold status as a Quality Council then it should make sure that sufficient candidates stand

for election. The election does not have to be contested.

In between elections councillors may leave for a variety of reasons. If a councillor decides to resign, they must write to the chairman while the chairman resigns by writing to the council. This creates a 'casual vacancy'. You should contact the Returning Officer for guidance. First you follow proper procedures to find out if the electors want to offer a candidate for election (which may be contested or uncontested). If not, after the proper time has elapsed, the seat can be filled by co-option (provided that the four-year elections are more than six months away).

When councillors take their seat for the first time they make a formal declaration accepting the office of councillor. They might also undertake to observe the council's Code of Conduct. A special form for the purpose is available from your County Association's lead officer or the Monitoring Officer.

Councillors are disqualified from office if they do not attend at least one meeting of the council during a period of six consecutive months; all meetings count, including working parties, site meetings or meetings representing the council. As the end of the six months approaches, a councillor can ask the council to approve a reason (such as illness) for not attending. If the council approves, then the period of non-attendance can be extended. Councillors give apologies if they can't attend a meeting so that a proper attendance record can be kept.

THE STANDARDS FRAMEWORK

There are rules to ensure that councillors maintain high standards of behaviour in public life. Councillors are expected to pay attention to the seven Nolan Principles of conduct in public life: honesty, openness, objectivity, integrity, selflessness, accountability and leadership. Note that the framework is different in England and Wales since the rules were changed in England by the Localism Act 2011.

Each councillor completes and signs a register of their interests deposited with the Monitoring Officer. In England, councillors break the law if they fail to maintain their register. English councillors also commit a criminal offence if they discuss or vote on a matter in which they have a 'disclosable pecuniary interest'. Pecuniary interests involve money and are fully explained in law. No-one can tell a councillor to admit that they have an interest in a matter on the agenda or require them to leave the room during the discussion. This is for the councillor with the potential interest to decide. In all cases, the council's standing orders and its mandatory code of conduct will specify agreed procedures for managing standards of behaviour.

Your CMO (mentoring officer) will help you to find training on this issue.

A good detailed agenda typed on a computer can easily be used as the basis of the minutes but don't be tempted to write the agenda as if it were the minutes!

It's very important to get the procedures correct, especially as many of them are based in law. The agenda and minutes (your responsibility) demonstrate that decisions are lawfully made. You should be able to find examples of both agendas and minutes on the files when you take up the post. Remember some documents have to be kept for specific minimum periods while minutes are kept forever, either by the clerk or in archives. Initially you will follow the same style as your predecessor but if you find changes are needed introduce them tactfully and at the right pace for your council. No council likes to know that it has been getting it wrong but will soon learn to take note of a tactful and well informed clerk. Further training will help you make improvements where they are required.

5 FINANCE

PUBLIC MONEY

The council's money is public money and the council is responsible for it but the management of its finances might be a vital part of your work. If you are the Responsible Financial Officer (RFO) as well as the clerk, you should check that your job description includes your work as the RFO. The parish council aims to give value for money as it raises and spends money for the benefit of the local community. Electors should be confident that their money is being properly managed. They have a right to expect that the council will minimise risk, especially avoiding bad debts and loss through fraud.

The council must be confident that whenever it spends any money

- it has legal power (it is not acting beyond its powers);
- it follows lawful procedures;
- it does not take unnecessary risks;
- transactions are transparent;
- councillors conform to standards in public decision making.

Sound financial management is so important that it is governed by Acts of Parliament and statutory regulations. These regulations provide a detailed framework that

councils must follow. You find them in the legislation called the Accounts and Audit Regulations which are frequently updated.

These Regulations say that the council is responsible for

- appointing an appropriate officer to manage its finances;
- following lawful and proper financial procedures;
- deciding how much precept to ask for from the council tax;
- establishing sound internal control and audit systems;
- setting up its own financial regulations in standing orders;
- formally accepting the end-of-year accounts;
- submitting what is required to the external auditor;
- publishing the accounts and the results of audit.

The council is also responsible for setting a budget and regularly monitoring the council's income and spending against the budget. Financial management must be completely transparent to both councillors and members of the public.

You will find it useful to have the latest edition of the Practitioners' Guide with details on financial management, jointly produced by the Audit Commission, NALC and the SLCC - its full title is Governance and Accountability for Local Councils: A Practitioners' Guide (England). It is available on the Society's website.

SAXILBY COMMUNITY LIBRARY
Saxilby with Ingleby PC in Lincs has relocated the village library to the council's community centre with council staff and volunteers ensuring its continued presence despite county council budget cuts and, at the same time, substantially extending opening hours.

BUDGETS AND POLICIES

The budget shows how council policies for providing services and responding to local needs are financed. It includes an agreed plan of income and expenditure for the financial year from April 1st to March 31st. You will need to be very familiar with the budget.

The precept is part of the budget; it fills the gap between planned expenditure and planned income. The precept is the council tax which the district council (or equivalent) collects on behalf of the parish council. Note that the precept is not often a council's only source of income; there are lots of other ways of raising money for use in the local community.

You may need further advice on how to draw up a budget for presenting to the council for their discussion and

ultimate approval. These discussions usually take place in the autumn.

The agreed budget then provides a guide to activity throughout the year. The council should monitor income and spending against the plan so it is useful if you present the council with a statement of the situation either monthly or quarterly as appropriate.

KEEPING ACCOUNTS

The rules are slightly different depending on the amount of money passing through the council's books. For example, (and you will need to investigate this further) the biggest councils (with over £6,500,000) will employ a professional accountant to handle their complex needs.

Councils with a budget between £200,000 but under £6,500,000 keep income and expenditure accounts but councils with smaller budgets can choose to keep simple receipts and payments account through the year.

A receipts and payment account records the movement of money in and out of the council's coffers at the moment when it moves, whereas an income and expenditure account records a transaction on the date to which it relates. Entries in the account are made under headings for analysis including separate headings for VAT and s137. The account will be balanced regularly, say once a month. So each column and line is totalled and the totals balance. You will also check the balanced account against the bank statement when it comes in; this is called a bank reconciliation.

All transactions, whether money is coming in or going out, must be recorded including invoices and cheque stubs. It should be possible to track all aspects of a transaction through the paperwork. You should have someone who is responsible for checking the trail from time to time.

YEAR-END AND AUDITS

The system includes internal audit (organised by the council) and external audit (organised by an auditor appointed nationally to represent the Government). Your council's internal auditor must be competent to do the job.

After March 31st, you (if you are the RFO) draw up and balance the end-of-year accounts and prepare for audit. You need to find out which documents are needed for your size of council budget. You also need to know whether your council requires a basic, intermediate or full audit. Naturally the paperwork and the audit becomes more complicated the bigger the council's budget. Most councils (with budgets of less than £6.5 million) must complete an annual return for sending to the

external auditor. Instructions on the annual return form make it very clear what you and the council need to do. So, once you have drawn up the end-of-year documents, you complete the statements on the annual return as required and get them approved and signed. The independent internal auditor carries out required checks, making sure that the council has proper procedures in place for managing its finances. This is not necessarily a check of your maths! The independent internal auditor completes and signs the report that is required as part of the annual return.

The accounts must be available for electors to examine if they wish. There are rules governing time limits for advertising and arranging inspection opportunities that must be followed. The annual return must also be put on public display. The council will hope that the external auditor responds by giving 'a limited assurance'; this means that nothing has given cause for concern.

FINANCIAL PROCEDURES (OR FINANCIAL REGULATIONS)

The parish council must have its own tailor-made standing orders for financial management. For example, two councillors must sign all cheques and orders for payment (including orders for Internet payments), but provided this minimum is met, variations can be used.

Remember, the council must not agree to spend money on the spur of the moment (they need three clear days' notice) and individual councillors must never commit the council to spending money on the council's behalf. Officers and some committees can be given delegated powers to spend, usually up to an agreed limit.

VAT is a complex area for parish councils who can charge VAT, pay VAT and then reclaim it. The council must also be properly insured and conform to rules on PAYE and national Insurance. You are almost certain to need further advice on these topics.

You are advised to seek specialist help on financial matters from (say) your principal authority finance officer, a VAT officer, income tax officer, your council's insurance advisor, your independent internal auditor, the SLCC's financial advisor and the county association of local councils.

As the Responsible Financial Officer you will be responsible for the book-keeping, the budget, the preparation of the accounts for audit and for paying wages. If you are not accustomed to book- keeping and budget setting this can be a daunting task but there are plenty of people that you can ask for help.

6 PLANNING

This sometimes turns out to be the liveliest aspect of the council's work. The planning system helps protect and create communities and environments for the twenty first century. The council does need to understand the planning system if its views are to be heard and councillors will benefit from your advice and support. The system is constantly changing (and at different rates in different places) so you will need to keep track of what is happening in your area.

A parish council can't grant or refuse planning permission (usually), but it can offer its opinion and try to influence specific decisions and planning policy. Its strength lies in local knowledge. The real decision makers are generally found in the planning authority, normally your district council (or equivalent).

DEVELOPMENT CONTROL

Development is defined in legislation and involves changes (including change of use) on, over or under land. Sometimes it isn't easy to decide what 'development' is. Planning and development control is subject to law and government guidance.

Planning authorities control development by responding to applications for permission to carry out development. Some developments (like small extensions) are automatically permitted while even tiny changes to other buildings have extra protection. Specially protected buildings are known as listed buildings; if you have some in your area, you need to find out what rules apply. Sometimes whole areas are protected by special status such as Conservation Areas, Green Belts, Areas of Outstanding Natural Beauty and National Parks. If these affect your area, you will need to find out more.

Most planning applications are dealt with by the planning authority's planning officers as required by the Government. Some are decided by a committee of the planning authority's councillors and occasionally the Government

WOLVEY WETLAND RESERVE
Wolvey PC in Warwicks has converted a disused and often flooded cricket field into a wetland nature reserve of regional significance. Substantial external funding has helped the parish create pools, reed beds, grassland, a stream, boardwalks and a bridge leading to a woodland walk. These are now home to a wide range of plants and a diversity of mammals, birds, amphibians and insects.

calls in an application and sets up a public inquiry. Sometimes a developer appeals against a decision and if developers don't comply with planning decisions then the enforcement process can be used to sort it out.

MAKING OBSERVATIONS

You will help the parish council to comment on planning applications as part of its regular work. You need

to be able to advise the council on what makes an acceptable comment on a planning application. The council's comments should relate to planning issues, rules and policies. Permission will usually be granted if the development complies with the policies of central or local government. Observations should not refer to characteristics of the applicant or the value of property, for example.

These examples of planning matters could be material to an application therefore the parish council can object on any of these grounds.

- The site's planning history;
- The size of the development;
- The development envelope of the settlement;
- Landscape adjoining the site;
- Infrastructure (services, utilities, roads, parking);
- Traffic impact;
- The accessibility of the site;
- Rights of way.

MANAGING PLANNING

You will benefit from getting to know the planning officers at your planning authority who are working on planning applications or planning policies for your patch.

Planning authorities require quick replies, so the parish council must decide how to make decisions in the time available. The best way is for a small committee with the power to decide to meet once a fortnight.

All printed planning applications should be filed in an accessible place with a note of the parish council's recommendation and the planning authority's decision. Most applications are now published online by the planning authority.

THE DEVELOPMENT PLAN

The planning authority's policies for development are crucial to decisions about planning applications. Relevant local policies are in the local plan or core strategy which must comply with national legislation and guidance.

Your council should try to influence the local plan especially where it relates to your own specific area. This is extremely important. If an area is designated for a purpose under the local plan, it will be impossible to change it later when the council wants to object to a planning application.

The Localism Act 2011 gave English parish councils the power to create neighbourhood plans or development orders with real potential to influence development. A neighbourhood plan replaces the local plan as the key development plan for an area although it must

be aligned with it. It carries real weight because it has been created in partnership with the planning authority and approved by an independent examiner. It is also given the thumbs up by the community in a referendum. A neighbourhood development order goes through a similar process and effectively enables the community to give planning permission for a specific site. Neighbourhood plans and development orders should be well-researched before a council embarks on them.

COMMUNITY VIEWS

Parish council involvement in the planning system always works best if it is based on a proper understanding of community views and needs. There are lots of ideas for finding out what people think but surveys, workshops and modelling activities can inform your council's planning policies. Active parish councils will take the lead in producing a parish plan or design statement containing proposals for the long term future of the parish – although these work best if they are seen to be led by the wider community.

Parish plans and design statements will carry extra weight if they are adopted by the planning authority as part of their planning policy. It's sensible to involve the planning authority in the process of devising these documents.

A parish plan covers the whole range of social, environmental, economic and cultural issues. A design statement relates much more closely to the use of space in the community. It is a guide to physical characteristics that make the parish distinctive and new developments can then be designed to blend in with these features. Developers like to use a design statement; it means they know where they stand. You can obtain information on developing a Parish Plan from your local Rural Community Council.

Your best source of information on planning is the planning authority itself. Your County Association or Society branch might also arrange training sessions on this popular topic.

Many of us didn't know that a council can only delegate planning to the clerk, a committee or sub -committee. We didn't realise that you couldn't pass round an envelope containing plans or leave decisions to the chairman. In the early days it would have helped enormously to understand the concept that a planning authority was obliged to produce, agree and work to its own development plan.

7 COMMUNITY ACTION

BEING ACTIVE

Parish councils come in all shapes and forms. Many are very active while others keep a low profile. Some busily deliver services while others monitor actions taken by others. All councils work hard to represent local interests but do this in a wide range of different ways. You should know, even before you apply for your post, what sort of council you might be working for.

Your job is to advise the council on the activities it might undertake and to help the council to implement its decisions. You might encourage the council to be active, even if it doesn't have a great deal of money. The council can be very effective if it helps other organisations to achieve their goals by, for example, providing support in kind, pump-priming grants or low cost facilities. The council will need your help if it works in partnership with others.

The community will benefit if the council pools resources and shares activities with community groups, voluntary organisations, business interests and government agencies. A council might even consider joining forces with other parish councils in the area so that they can all make the best of the resources available.

FOREST ROW CINEMA
Forest Row PC in Sussex operate drive in movies in a car park at various times during the year, including summer holidays, Halloween and Christmas to extend the community spirit engendered by their monthly markets into the evenings.

Most importantly, the council should be working closely with its principal authority (or authorities). Some principal authorities have drawn up charter agreements with their parish councils. You need to find out if there is a charter in your area. A series of community rights were introduced by the Localism
Act 2011 to encourage local communities to be innovative in acting for themselves.

The community right to bid enables local people to put assets of value to a community (such as a pub or shop) on a register. They then have time to bid for the asset if it is put up for sale. The community right to challenge encourages local people to find more cost effective ways of delivering services. The community right to build allows local people to create their own plans for development and manage the planning permission process. Community budgets pool resources from a range of service delivery agencies and ask local people to decide how those budgets are spent. In all cases, the parish council is in an excellent position to lead on such projects. It represents the whole community; it has access to funding and is accountable to the electorate.Furthermore, it can make the most of its resources by working in partnership with other councils, agencies and community groups.

An active council has plans and projects for the future. How does your council decide what it wants to do for the community? And does the council tell the electorate what it intends to do and what it has done? The council should do everything it can to raise its profile in the community.

> It's so helpful to have a list of community groups in those early days so you know who to contact. It saves a lot of time and effort!

LISTENING

Parish councils are closest to the people they serve and should therefore be aware of local needs. How does your council find out what people think, what they need and what they will pay for? It might listen to the electorate in all kinds of ways. Your council needs to be well-informed if it is to represent local views.

Traditional ways of listening include public meetings,

encouraging electors to ask questions in a public forum before a council meeting and conducting a parish poll. However, there are many other ways of reaching more people in the community, especially people who lack the confidence, skills or awareness of the system and are nervous about speaking out. You might be asked to advise on surveys leading to a parish plan, focus groups, a parish map, a citizen's panel, community conferences; these are all ways of engaging the community which you might explore in time.

The best councils recognise that people will often express a view if you chat to them one-to-one, but they remain unheard when the community is asked to speak out. The council needs to find ways of helping everyone, even the quiet ones, to influence decisions if they wish to do so. Nobody should feel disadvantaged or excluded from either the community or the political system.

If the council encourages people to get involved, then maybe they will truly understand that the council is theirs. They might even become interested in serving on the council in time. At the very least, people will feel a greater sense of belonging to the local community.

QUALITY COUNCILS

The government set up this scheme in England so that councils could show they have the qualities required for serving the local community. How does the council engage with its local community? Is the council aware of all its legal requirements? Does the council promote improvement and development for all councillors, staff and the council itself?

The Quality Councils Scheme offers three levels of award. The best councils will aim for Level 3. To gain an award the council has to demonstrate that it meets certain criteria proving that it is worthy of respect.

Once the council has a Quality award it should be in a better position to negotiate with principal authorities on service delivery (for example) and gain respect for partnership working. Sometimes quality councils find it easier to gain funding.

You can find out more about the Quality Scheme from your CALC's lead officer or from the NALC website. If your council is already a Quality Council, you may need information on seeking a fresh accreditation in due course.

8 WHAT NEXT?

Whether or not you are working alone, you might feel quite isolated from time to time, but the clerks' network makes sure that there is no need to feel alone for long. It is highly recommended that you join the SLCC. A membership application form can be obtained from the office at Taunton (01823 253646) or from the website (www.slcc.co.uk). Membership will give you access to:

- The SLCC website with lots of good information
- The SLCC national e-forum
- Copies of The Clerk magazine
- Training
- Regional and national conferences
- The Clerks' Manual
- Access to experienced clerks and branch officers who will help you
- The advisory service providing advice on human resources and legal or financial issues over the phone and email
- A CMO who is a friendly clerk allocated to you by the SLCC
- Branch meetings and local 'get-togethers'

Do contact other clerks in your area. Clerks are usually a friendly bunch and all too ready to help. There are many ways of finding out the contact details of the clerks in your locality. The SLCC or your principal authority will have a list.

Your County Association's lead officer is an important source of advice for your council. The CALC is kept up-to-date by regular bulletins and briefings from the National Association of Local Councils. You can find your county's association listed at www.nalc.gov.uk together with more information and useful links.

Your county or local district will have organisations supporting the voluntary sector - the Rural Community Council and the Council for Voluntary Service. The RCC, or equivalent, works closely with parish councils on a variety of rural issues including service delivery, village halls and parish plans.

Your CMO, supported by the local network, will help you find your way around by pointing out who can help and advise appropriate to the subject. For example, they will help you find the Elections Officer at the district council or the Monitoring Officer who is your first port of call for issues related to the standards framework. You simply need to ask. Your CMO can also help especially if you need to discuss the intricacies of your job and will point you in the direction of training appropriate to your needs.

TRAINING

Several local stakeholders such as your County Association (CALC), the Society branch and your principal authorities, may offer training. They

A recent Society of Local Council Clerks networking event.

might work together in partnership to plan and implement a strategy for training and developing parish councils in your area.

The SLCC offers an induction course for new clerks. It's available as an e-learning version designed to be flexible for you to learn around both home and work commitments. The Society also arranges one day Continuous Professional Development (CPD) courses dedicated to specific topics which can support the clerk in serving their community.

We encourage all clerks to continue with training, and some may wish to take the first level qualification, the Certificate in Local Council Administration (CiLCA). Some local trainers provide courses to help with your CiLCA portfolio. Research shows that delegates that have also taken the Society's induction course are three times more likely to pass CiLCA first time. It is essential that the clerk has CiLCA to help the council to achieve and maintain Quality Council Status. Building on CiLCA qualification, the Society offers a range of higher education CPD modules designed at Levels 4 and 5 of the national qualifications framework. For more information on this and the courses and conferences that the SLCC provide, refer to our website www.slcc.co.uk.

There are many training opportunities available. Some clerks find their councils are supportive of training and others less so. Research what is available from the SLCC, your CALC, your County Training Partnership, your local authority and from your local college – particularly useful for IT skills. It is good practice for your council to ensure that there is money in the budget to cover the costs of both your training and training for councillors.

You really should start with the Society's online induction course.

INFORMATION SOURCES

As legislation and guidance for parish councils is frequently changing, it is essential to keep up to date by referring to the SLCC magazine, The Clerk and regular news bulletins on the SLCC website. The NALC website provides information on your county association or CALC.

You will find it useful to have the latest edition of the Practitioners' Guide with details on financial management; its full title is Governance and Accountability for

Local Councils: A Practitioners' Guide England (or Wales). It is available online from the SLCC website.

The clerk's bible is Arnold-Baker on Local Council Administration by Paul Clayden. Make sure your council has the latest edition. You can usually get a good deal on this book from the SLCC bookshop on www.slcc.co.uk.

NALC and your local County Association can provide guidance and model (but adaptable) standing orders. A similar set of financial regulations (standing orders) for the council is also available and both models can be obtained electronically.

The Good Councillor's Guide is a useful booklet written for councillors that provides another easy-to-read introduction to the work of a council. It includes a list of many of the powers available to local councils. Copies are available from your CALC or alternatively can be downloaded from the NALC or SLCC websites. The Clerks' Manual published by the SLCC covers similar ground to Arnold-Baker on Local Council Administration but it is easier to use and is updated regularly.

Most reference books can be purchased from the SLCC bookshop, which is on www.slcc.co.uk.

PROGRESSING GENTLY

As you learn more about the job, you may find that you need to make changes to council practices. We advise you to take it gently; you can't change everything at once and you might make yourself unpopular. However, it is part of your role to ensure that the council acts lawfully, so a degree of assertiveness may be inevitable once you have discovered the top priorities. You may need more guidance on what is so important it should be changed before too long. We suggest you make a list of changes you think you might need to make and then check them with an expert such as your CALC's lead officer or an advisor from the SLCC. Prioritise unlawful procedures and easy amendments first and then take a look at bad practice and the most difficult tasks.

It helps if you have the chairman's support so once you are well-informed about what is needed you can talk it through together.

Meanwhile we are sure that you will find the job exceedingly interesting in its variety. Do always remember that you are not alone. There are many people ready and willing to help you, In the next section, many clerks practising at the time we were updating this booklet, speak directly to you about their work. They suggest what they would like to have known when they were in your position, early in the journey as a local council clerk.

9 A FINAL WORD FROM CLERKS

LOCAL KNOWLEDGE

Your councillors will probably be happy to fill you in on the local knowledge but, if possible, make contact with the previous clerk. In particular ask for:

- A list of contacts at district, county (or unitary) authorities and what they do, and other key contacts such as your internal auditor;
- A calendar of tasks and meetings (what to do and when to do it!);
- An explanation of how the filing system works;
- Pointers to the archives and storage of important documents;
- A note of particular local issues of which you should be aware.

SOME TIPS FOR THE EARLY DAYS

These thoughts might help you in the first few weeks:

- Read the minutes of the last few council meetings to get an idea of what has happened recently;
- Find and get a feel of the council's standing orders so that you can refer to them when the council needs them;
- Find out if the council has a strategy and read it;
- Don't be aggressive but do be assertive! You are the legal advisor and proper officer to the council and you have a duty to ensure that your council acts within the law. Again check with your CALC or CMO that you are on the right lines;
- Be amicable with councillors but keep things on a professional level. Treat all councillors equally;
- Ensure you have adequate storage room for all the paper that you will receive especially if you are working from home;

- Sometimes it is best to telephone a principal council officer or similar professional before sending a letter, this is to ease its path and maintain good relationships. This is especially true if the letter is expected to create difficulties e.g. one beginning "My council has resolved that I write to you....";
- An extra telephone line with an answering machine is useful. Even if your council thinks everything is urgent remember that most things will wait. You are not on duty 24 hours a day, seven days a week;
- This is a post where you can say you don't know everything. You continue to learn through your career. This is what makes the job of clerking so interesting!

Finally here are a few striking memories of amusing moments early in the job.

- Finding the burial books under a councillor's bed (no explanation here as to what the clerk was doing in the councillor's bedroom);
- Finding the Chardonnay after a difficult meeting;
- Finding the council's filing cabinet (maybe that's where the Chardonnay was);
- Feeling exasperated with the decisions of the meeting. (A quiet reflection on improvements you can introduce might help);
- Finding that you have a truly understanding partner;
- Whatever the ups and downs in store for you, do remember that you are not alone!;
- The SLCC's Mentoring Officer, with help and assistance from many clerks and the SLCC advisory team, has provided material for this booklet. The SLCC and its partners will always be available to offer support. Just ask.

www.slcc.co.uk