

CRESWELL PARISH COUNCIL

CLERK AND PROPER OFFICER

Role and Duties

1. Purpose of the role

The Clerk is the principal administrative officer of Creswell Parish Council and acts as the Council's Proper Officer for those functions assigned to that office by legislation, the Council's Standing Orders, Financial Regulations, policies and Scheme of Delegation.

The Clerk is employed by, and accountable to, the Parish Council as a corporate body.

The Clerk provides professional advice and administrative support to enable the Council to conduct its business lawfully, transparently and effectively and implements lawful decisions of the Council.

The Clerk is not the personal secretary or administrative assistant of individual councillors and is not responsible for undertaking tasks on behalf of individual members unless those tasks form part of the Clerk's duties or have been properly authorised by the Council or under an appropriate delegation.

Individual councillors do not have authority to instruct or direct the Clerk unless specific authority to do so has been granted by the Council.

2. Proper Officer and governance duties

The Clerk shall:

1. Act as the Proper Officer of the Council for those statutory functions for which the Clerk has been appointed or designated.
2. Advise the Council on the requirements of relevant legislation, Standing Orders, Financial Regulations, policies and proper governance procedures.
3. Assist the Council in ensuring that its decisions and activities are within its statutory powers and are made using appropriate procedures.
4. Implement lawful decisions and instructions of the Council and exercise functions specifically delegated to the Clerk.
5. Maintain appropriate records of decisions taken under delegated authority and report such decisions to the Council where required.
6. Receive and retain declarations, notices and other documents required to be delivered to the Proper Officer.
7. Maintain the Council's official records and governance documents in accordance with legal requirements and the Council's policies.

8. Keep the Council's Standing Orders, policies and governance arrangements under review and bring necessary or desirable amendments to the Council for consideration.
9. Identify the need for new policies or procedures and prepare drafts and recommendations for consideration and adoption by the Council.

3. Council meetings

The Clerk shall:

1. Prepare agendas for meetings of the Council in consultation with the Chair where appropriate.
2. Issue summonses and agendas and arrange publication of notices within the statutory timescales.
3. Ensure that matters requiring a Council decision are appropriately presented for consideration.
4. Attend Council meetings as required and provide procedural and professional advice.
5. Prepare the formal minutes of meetings and maintain the Council's minute records.
6. Record resolutions and decisions of the Council and communicate or implement actions arising from those decisions.
7. Advise the Chair and members on meeting procedure and the application of Standing Orders.
8. Administer arrangements for public participation in accordance with the Council's Standing Orders.

The Clerk supports and advises meetings but does not determine the Council's political or policy decisions. Decisions reserved to the Council are made collectively by councillors.

4. Councillors and vacancies

The Clerk shall:

1. Maintain appropriate records relating to councillors and their terms of office.
2. Receive declarations of acceptance of office and other documents where the Proper Officer is required to receive them.
3. Administer the Council's responsibilities relating to casual vacancies and co-option, liaising with the relevant electoral authority where necessary.
4. Provide appropriate procedural information to prospective co-option candidates.
5. Advise members regarding relevant governance requirements, including interests, conduct and Council procedures, while recognising that responsibility for individual compliance remains with each councillor.
6. Facilitate access to appropriate training and guidance where authorised by the Council.

5. Correspondence and public enquiries

The Clerk shall:

1. Act as the principal point of contact for official correspondence addressed to the Parish Council.
2. Receive, assess and respond to routine correspondence falling within the Clerk's responsibilities and delegated authority.
3. Refer matters requiring a decision to the Council or appropriate meeting.
4. Refer residents and correspondents to the responsible authority where a matter falls outside the powers or responsibilities of the Parish Council.
5. Provide reasonable information about the Council's services, decisions, meetings and procedures.
6. Administer complaints and other correspondence in accordance with adopted Council policies.

The Clerk is not required to act as an intermediary for matters which residents or councillors can appropriately report directly to another public authority or organisation.

The Clerk is not responsible for providing unlimited research, analysis, advice or bespoke administrative assistance in response to general enquiries.

Correspondence will be managed proportionately having regard to statutory obligations, Council priorities, available resources and the Clerk's contracted working hours.

6. Freedom of Information, Environmental Information and records

The Clerk shall:

1. Administer requests for recorded information in accordance with the Freedom of Information Act 2000 and Environmental Information Regulations 2004, as applicable.
2. Distinguish, where appropriate, between ordinary correspondence, requests for explanations or opinions, and statutory requests for access to recorded information.
3. Maintain the Council's publication arrangements and make information available where required by law.
4. Maintain appropriate records-management arrangements in accordance with Council policy and applicable legislation.
5. Apply any relevant exemptions, exceptions, statutory time limits and review procedures where appropriate.
6. Provide advice to the Council on information governance and recommend appropriate policies and procedures.

7. Data protection

The Clerk shall administer the Council's data-protection arrangements in accordance with applicable legislation and Council policy, including:

- appropriate handling of personal information;
- responding to data-subject requests where applicable;
- maintaining appropriate privacy information and records;
- identifying and managing potential personal-data breaches; and
- advising the Council on appropriate administrative practices.

Responsibility for compliance with data-protection requirements applies to the Council as an organisation and, where applicable, to individual members in their handling of Council information.

8. Council administration

The Clerk shall:

1. Maintain the Council's administrative records and filing systems.
2. Arrange and maintain appropriate Council insurance in accordance with Council decisions.
3. Maintain records relating to Council assets, contracts and agreements, working with the Responsible Financial Officer where financial records are involved.
4. Obtain quotations or other information where authorised or necessary to enable the Council to make informed decisions.
5. Liaise with contractors and service providers in accordance with contracts, Council decisions and delegated authority.
6. Maintain or arrange maintenance of the Council's website and statutory publications.
7. Prepare reports, correspondence, policies and other documentation necessary for the administration of Council business.
8. Liaise with Stafford Borough Council, Staffordshire County Council and other public authorities and organisations on matters relating to Parish Council business.

9. Planning, licensing and consultations

Where relevant to Council business, the Clerk shall:

1. Bring consultations and applications received by or identified as relevant to the Council to members' attention.
2. Provide members with sufficient administrative information to enable the Council to consider its response.
3. Submit representations or consultation responses which have been authorised by the Council or under an appropriate delegation.
4. Ensure that the distinction between the Parish Council's role and that of the relevant decision-making authority is maintained.

The Clerk does not determine planning applications, licensing applications, highways matters or other matters which legally fall to another authority.

10. Delegated authority

The Clerk may exercise only those powers which:

- legislation places upon the Proper Officer;
- have been lawfully delegated by the Council;
- are authorised by the Council's Standing Orders, Financial Regulations or Scheme of Delegation; or
- otherwise fall within the proper administration of the Clerk's role.

The Clerk shall not make decisions reserved by law to the Council.

11. Professional advice

The Clerk shall:

1. Keep reasonably informed of legislative and regulatory developments relevant to the Council.
2. Provide impartial professional advice to councillors.
3. Identify governance, legal or procedural risks and bring them to the Council's attention.
4. Seek specialist advice where appropriate and authorised.

The Clerk's professional advice does not prevent the Council from making a different lawful decision. Responsibility for decisions made by the Council rests with the Council.

12. Matters which are not the Clerk's responsibility

Unless specifically included within the Clerk's contractual duties or lawfully authorised by the Council, the Clerk is not responsible for:

- acting as a personal secretary or administrative assistant to individual councillors or members of the public;
- carrying out tasks solely at the request of an individual councillor where that councillor has no delegated authority to instruct the Clerk;
- making routine reports to other authorities which councillors or residents can reasonably make themselves;
- resolving matters which fall within the statutory responsibility of another authority;
- monitoring email, social media or other communication channels continuously or outside contracted working arrangements;
- providing immediate responses to all correspondence;
- conducting unlimited research or producing information which the Council does not hold merely because it has been requested;
- providing legal advice to individual residents or councillors;
- undertaking work outside the Clerk's contracted hours without appropriate authorisation or contractual arrangements; or
- exercising decisions which legislation reserves to the Council.

13. Accountability

The Clerk is accountable to Creswell Parish Council as the employing authority.

The Council determines its policies and priorities and makes decisions which have not been delegated.

The Clerk is responsible for providing impartial professional advice, administering the Council's business and implementing its lawful decisions within the authority and resources available to the post.

Creswell Parish Council

This document describes the principal functions and responsibilities of the Clerk and Proper Officer. It should be read alongside the Council's Standing Orders, Financial Regulations, Scheme of Delegation and other adopted policies.