

# What is a Town or Parish Council?

Town and Parish Councils are the closest level of democratic government to the community they represent. They raise their money from the local community through the Council Precept and this is used to improve facilities and services for the community.

Their powers and duties cover many things at local level, from the provision and maintenance of allotments through to village greens. They can provide them themselves or by helping others (such as volunteers or a charity) financially.

## **Role**

The council is a body corporate formed to represent the interests of all members of the community it serves. It is the council which is deemed responsible for its actions, not councillors as individuals. It has the power to set the Precept annually. It adopts a Code of Conduct by which its members, the councillors, should abide.

Town and Parish Councils also have access to grants for local projects not available to other levels of local councils, such as District and County Councils.

Town and Parish Councils have the right to comment on planning applications and can be represented at planning inquiries. They also advise the District and County Councils on the views of their communities on a wide variety of issues.

## **Duties**

- Hold an Annual Parish Council Meeting and elect a Chairman at that meeting
- Hold at least three other Parish Council Meetings a year
- Appoint a Proper Officer and Responsible Financial Officer
- Appoint an independent Internal Auditor
- Consider the impact of its decisions on reducing crime and disorder
- Consider the provision of allotments if demand is unsatisfied
- Consider the adoption of a churchyard if it is closed and if asked to do so

## **Responsibilities**

- Ensure Meetings are open to the public
- Provide value for money
- Receive financial reports

- Review financial regulations
- Act as a responsible employer
- Consider and comment on planning applications
- If directed by First Secretary of State, be consulted by principal councils
- Veto applications to the magistrate's court for certain highway issues
- Can not lawfully make decisions on anything not specified on the agenda of a meeting

The following table is a useful guide to which level of council is responsible for which service or facility:

<b>County Council (or unitary authority)</b>	<b>District Council (or unitary authority)</b>	<b>Parish Council</b>
Education	Collection of Council tax and rates	Allotments
Fire	Environmental Health	Burial grounds
Highways – maintenance, traffic management and street lighting.	Housing	Bus shelters
Bus shelters	Bus shelters	Public benches
Libraries	Local Plans	Public Rights of Way (footpaths across fields etc, <b>not</b> street footpaths)
Recreation, Arts and Museums	Planning applications	Markets
Social Services	Public conveniences	Recreation
Strategic Planning	Recreation, Arts, Museums, Tourism	Arts and Museums
Trading Standards	Minor Roads, footpaths, car parks	Village Halls and village greens
Transport	Waste Collection and recycling	War memorials
Waste Disposal		

### **The Law**

Different Acts of Parliament give councils powers that may be exercised if they so chose. However, it is important to note that a local council is empowered only to exercise its statutory powers. Any body which acts beyond its legal powers is said to be *ultra vires* and local councils can be restrained by the courts if they act *ultra vires*.

# What do Town and Parish Councillors do?

## Role

A Town or Parish Councillor is there to represent and listen to their local communities and take decisions on their behalf. They are expected to:

- respond to the needs and views of the local community
- attend the meetings of the town/parish council
- accept the majority view of the council
- act as part of a team
- act within the law
- sign a declaration of acceptance of office
- give a written undertaking to abide by the Code of Conduct adopted by the council

## Responsibilities

- If unable to attend meetings to send the reason for absence  
*(Failure to attend for 6 consecutive months will lead to disqualification, unless the reason for absence is accepted by the council)*
- Complete a Register of Interests
- During council meetings declare personal interests and if interest is deemed prejudicial remove oneself from the meeting for that item
- Maintain proper standards of behaviour as an elected representative of the local community
- Listen to the local electorate and then represent their views
- Act in the public interest
- Be informed on matters to be discussed at meetings
- Engage in constructive debate, take part in the meetings, and vote on proposals
- Ensure that the local council is properly managed

# What does a Parish Clerk do?

## Role

A Parish Council must employ a Proper Officer, usually the Clerk, to carry out its functions and to implement decisions made by the Council. *(Local Government Act 1972 para 112(1))*

That person can also be the Responsible Financial Officer.

## **Duties**

- To receive declarations of acceptance of office
- To record declarations of interest at meetings
- To receive and retain plans and documents
- To sign notices or other documents on behalf of the Council
- To certify copies of bylaws made by the Council
- To issue a signed summons to members to attend Council meetings
- To take accurate minutes of Council meetings (*Local Government Act 1972 sch.12 para. 41*)
- To assist members in matters of fact and law

## **Responsibilities**

- Ensure the Council acts within the law and Code of Conduct is followed
- Ensures documents/information are available for meetings
- Ensure meeting remains quorate
- Carry out decisions of the Council
- Carry out administrative functions of the Council
- Arrange appropriate insurance cover
- Receive goods
- Pay invoices
- Carry out risk assessments
- Ensure Health and Safety procedure are followed
- Manage Council resources
- Have delegated powers in emergencies

- Be a point of contact for electorate
- Act in a manner that does not harm or reflect badly on the council

## **What does a Responsible Financial Officer do?**

### **Duties**

- To present accurate accounts to the council
- Issue the Precept

### **Responsibilities**

- Make VAT, NI, and TAX returns
- Payment of salaries
- Prepare end of year accounts for internal and external auditing