

Councillor/Clerk Relationship: An Overview

General Notes

- Council is a corporate body which has a personality independent of its members.
- A Council must act within the law and its statutory powers.
- Council makes decisions based on the view of the majority of voting members.
- Council can delegate powers to an individual officer or to a committee, or subcommittee of members, or to a working party.
- Council must employ a Clerk as the Proper Officer and a Responsible Finance Officer.

The Role of the Clerk

The Clerk:

- Is the council's legal¹ Proper Officer, (Chief Executive)
- Works for Council as a corporate body – not individuals,
- Is responsible for the day-to-day administration of the Council, leading staff, and carrying out the Council's decisions.
- Is responsible for advising Council and warning against unlawful actions.

The Role of the Councillor

Councillors form a corporate body to represent the community and must:

- Attend meetings and participate in the decision-making process.
- Act as part of the corporate body²
- Abide by the Code of Conduct³
- Work in the interest of the whole community.
- Properly implement the decisions taken by Council and its committees⁴
- As guided by HR Cttee, ensure the Council acts as responsible employer.

The Relationship between the Clerk and Councillors

Relies on:

- A harmonious relationship between councillors, clerk, and staff.
- Clerk remaining neutral but offering advice and recommendations on policy/legal issues⁵.
- Clerk remaining loyal, consistent and impartial to the council as a whole and not to individuals.

¹Provides professional advice, recommendations, and administrative assistance so Council can operate business properly within legally binding statutory duties and relevant legislation.

²Councillors (inc. Chairman) cannot give instructions to the Clerk/staff members, act as individuals, or make decisions on behalf of the Council.

³Treat others with respect, not disclose confidential information, use their position or Council resources for improper purposes.

⁴ Note: The responsibility for policy implementation rests primarily with the Clerk.

⁵ Should Council make decisions against the Clerk's advice, the Clerk should record the advice given and attempt to implement the decision taken.