



Hampshire ALC Guidance Note – Roles of Clerk & Responsible Finance Officer

Parish and town councils are required under the [Local Government Act 1972 s.112](#) to appoint such officers as they consider necessary to carry out the proper discharge of their functions.

Parish and town councils will employ one or more members of staff depending on the size of their council and the functions they carry out. The two key roles in any council are that of Clerk and Responsible Finance Officer (RFO). In many small councils one person will carry out the combined role of Clerk and RFO whereas in larger councils these roles will be split. The council may also employ other administration and support staff and perhaps manual workers to carry out roles such as groundsman if the council owns and/or manages land.

The guidance below separate out the responsibilities of the two key roles of Clerk and RFO but this may vary from council to council on an individual basis.

Role of the Clerk

The clerk, also sometimes referred to as the Executive Officer, is the most senior employee of the council and usually the Proper Officer of the council in law ([Local Government Act 1972, Schedule 112\(1\)](#)).

The clerk is an employee of the council as a whole and, as head of the administration function, is responsible for all management and organisation of the councils' functions. This includes managing other staff and being the external face of the council, along with the chairman.

The clerk is advisor to the council on matters of policy and law and will carry out the decisions of the council. The clerk is not expected to be an expert in all matters, however, and may need to seek advice appropriately before presenting recommendations to the council.

The clerk has statutory duties such as:

- convening meetings and issuing summons and agendas ([Local Government Act 1972, Schedule 12, s.10 \(2\)\(b\)](#));
- the receipt and retention of documents such as declarations of acceptance of office ([Local Government Act 1972, s.83 \(3\)](#)); and,
- holding copies of any byelaws ([Local Government Act 1972, s.236\(9\)](#)).

The Clerk takes no part in the decision making of the council except to provide independent and unbiased advice to support the council in its decision making. The clerk is not prohibited from putting forward suggestions and recommendations to enable the council to make its'

decisions effectively. The clerk is answerable to the full council because the council, as a whole, is the clerk's employer. The clerk is not answerable to individual council members.

The clerk will also manage any land or buildings owned by the council, deal with all correspondence, manage all requests received under the [Freedom of Information Act 2000](#) and the [Data Protection Act 2018](#), follow up all actions from meetings, manage all health and safety issues, handle any complaints against the council in accordance with the council's policies and be responsible for all documents held by the council.

The council can agree to delegate decisions to the clerk using the [Local Government Act 1972 s.101](#) (delegation can also be made to a committee or sub committee). Council policies such as Standing Orders and Financial Regulations will include some delegation to the clerk or RFO but additional arrangements can be resolved by the council either by adoption of a scheme of delegation or on a one off basis relating to a particular decision.

Role of the Responsible Finance Officer

By law, every parish and town “*must make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs*” ([Local Government Act 1972, s.151](#))

The Responsible Financial Officer (RFO) is responsible for the council's financial administration. It is usual for the clerk and the RFO roles to be carried out by the same employee, particularly in smaller parishes. The RFO supports the council in relation to internal controls, account auditing and budgetary preparation along with the day-to-day financial administration and statutory obligations.

The RFO has as number of key responsibilities as follows:

- ensures that records and accounts are prepared in accordance with proper practices and are up to date ([Local Audit & Accountability Act 2014, Part 2, Section 3 \(2\)](#));
- financial record keeping;
- prepare accounting statements annually which are subject to external audit ([Local Audit & Accountability Act 2014, part 2, Section 4\(1\)](#));
- sign the annual accounts by 30th June each year presenting receipts and payments to the previous 31st March ([Local Audit & Accountability Act 2014, part 2, Section 3 \(3\)](#) and [Accounts & Audit Regulations 2015](#));
- designs and implements accounting arrangements;
- usually is the person responsible for making salary payments in accordance with HMRC rules;
- ensures that all bills and payments are correctly authorised by council and paid;
- ensures that all finance related information is published in accordance with the [Local Government Transparency Code 2015](#);
- provides general advice to the council on financial matters; and,
- prepares a draft budget with comparisons to previous years' accounts

Councils in England should use the publication 'Governance & Accountability in Local Councils – A Practitioners Guide' (available from NALC) which sets out the responsibilities of the RFO. Responsibility for the handling of financial transactions is for the council as a whole but it must identify the individual with responsibility for such matters which would usually be the RFO.

Essential Resources

NALC LTN 1: Councils Powers to Discharge their Functions
NALC Model Financial Regulations

NALC Model Standing Orders
Governance & Accountability in Local Councils – A Practitioners Guide

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