



THE ROLE OF THE TOWN CLERK

The title “Clerk” developed from the Latin clericus. During the Middle Ages, when scholarship and writing were limited to the clergy, “clerk” came to mean a scholar, especially one who could read, write, and thus serve as secretary, accountant and recorder. In 1439, Symkyn Birches was awarded the office of “Toun Clerk” of Coventry for the rest of his life and the position became commonplace as local government developed throughout England and Wales. In 1835 the Municipal Corporations Act required every borough council to appoint a salaried Town Clerk. The position of Clerk was further consolidated by the Local Government Acts of 1888 and 1894 which granted, respectively, County Councils and then Urban and Rural Districts and the newly created civil parish councils the specific power to appoint a “Clerk of the Council”. The importance of the Clerk’s position was underlined by Lord Justice Caldecote ruling in *Hurle-Hobbs ex parte Riley* and another (1944) observed: “The office of town clerk is an important part of the machinery of local government. He may be said to stand between the local Council and the ratepayers. He is there to assist by his advice and action the conduct of public affairs in the borough and, if there is a disposition on the part of the council, still more on the part of any member of the council, to ride roughshod over his opinions, the question must at once arise as to whether it is not his duty forthwith to resign his office or, at any rate, to do what he thinks right and await the consequences.”

The Chief Executive

By the early 1970s there was a significant change in the theory of local government’s managerial leadership. While the Clerk’s role had included the statutory duties of the maintaining of records and registrations and the drafting of Council and committee minutes and they were also concerned with overall policy and management, few had powers of control or direction over other Directors or Chief Officers. The role of the Clerk at the time was regarded as “primus inter pares” or “the first among equals”. Following recommendations of the Maud Commission on Local Government in 1967 many larger councils were replacing their Clerk with a “Chief Executive” as a head of paid service. At the time of the major reorganisation of local government in 1974, all remaining principal councils were issued with a copy of the report of the Bains Committee on the Management and Structure of Local Government which recommended specific managerial appointments who would serve under in a management team under the leadership of a Chief Executive. At the same time, whilst parish councils were strengthened under the 1972 Act, they continued to mainly have one salaried officer who continued to be known as “The Clerk”.

Towns and Parishes today

Since the 1970s the role and functions of parish, community and town councils have increased immeasurably and many such local councils have budgets running into millions and employ many staff. The chief officers of such councils often feel the title Clerk does not properly reflect their important managerial role. Even in the smallest parish council, it is often thought “clerk” suggests a secretary with some admin skills and does not reflect the many other roles the modern parish council officer must fulfil including legal and financial advisor, publicity officer, events organiser, staff supervisor etc. As a result there is a growing use of other titles such as Council Manager and Executive Officer. In 2011 the Society of Local Council Clerks (SLCC) surveyed its members on the subject and their views were very mixed. 51% of respondents wanted a change in title and just under half of them wanted it to be “Council Manager”. However 32% of replies felt the title was an historic and honourable one and should be left alone, some referring to titles such as “Clerk of the Court” or “Clerk of the House of Commons”. A further 17% wanted to keep the title but felt that more work should be done to improve the image it portrays. Faced with this response, SLCC has concluded that there was insufficient mandate to effect a change at the present time. We are, however, publicising in regional and local media the many skills of parish clerks and the excellent work they are performing for their communities.

The Clerk’s job is to ensure that the Town Council operates legally and oversees the council’s administration and staff.

The Town Clerk ensures that the decisions of the Council are carried out and is responsible for advising the Council to assist the Council in making informed decisions.

A local council is required by S112 of the Local Government Act 1972 to appoint such officers as it considers necessary for the proper discharge of its functions. The number of officers depends on the size of the council. The 1972 Act and other legislation entrust a number of responsibilities and duties to the Proper Officer of the Council (another title of the Clerk). The Standing Orders of the Council designate the Clerk to be the Proper Officer of the Council so that that the public is aware of the extent of the Clerk’s authority. Section 151 of the 1972 Act also requires local councils to ensure that one of its officers has overall responsibility for the administration of its financial affairs. Again, this role commonly falls upon the Clerk of the Council, but some councils have a separate Responsible Financial Officer.

The Clerk can only be appointed and removed from appointment by the Council, and he/she is accountable to the Council as Corporate Body. The Clerk cannot be line-managed by any one councillor.

Together, with the Chairman of the Council, the Clerk is the face of officialdom in the community. The Clerk is often called the 2nd Citizen in view of the advisory and ceremonial role played alongside the 1st Citizen (Mayor/Chairman).

The role is important, both for the Chairman to be supported by a very senior officer and for the dignity of the Office of Town Clerk. The Chairman meets important people, and the Town Clerk should have access to such people as well as being able to advise

the Chairman and Council on the public front which the council wishes to promote on a range of issues. Although the Town Clerk is not entitled to precedence as such (except for Royal visits), he/she should be very close to the Chairman, both as the Council's senior officer and as the main officer support for the Chairman. Custom and practice give the Town Clerk a very high billing ("Civic Ceremonial" Guidance for Councils by Paul Millward).

A constructive partnership between the Clerk, Chairman and Elected Members is essential for the proper and efficient functioning of the Council.

As Head of the Administration the Clerk advises the Council on new developments in procedures, law, and local council work and covers all areas such as Employment, Health & Safety, Legal and all other matters relating to employment and council work. The Clerk should be supported by all Members of the Council and great care should be given to respect the role of the Clerk and fully understand the sometimes-lonely position the Clerk has in standing between the Council, its Members and the Public when he/she has to Encourage, Guide and sometimes Warn the Council on certain matters and decisions it wishes to take.

The Clerk, not individual councillors, is responsible for all Council staff and it is the Clerk that should be approached if a Councillors has any concerns over staffing or individual staff members.

There are many responsibilities of the Clerk, and the Town Clerk has the ear of all Councillors regardless of political persuasion.

The Clerk is Independent and serves the Council as a Corporate Body.