

CONTENTS

Preface.....	v
CHAPTER 1 – INTRODUCTION	1
Explanation of terms	1
Explanation of footnotes	2
Abbreviations	2
CHAPTER 2 – THE ROLE OF THE CLERK	3
1. Introduction	3
2. Agendas	4
General	5
Standard items.....	6
Non-standard items.....	13
Annual meeting.....	14
Publicity.....	15
3. Meetings	16
Calling of meetings	17
Action before a meeting	17
Place of meeting	18
Conduct of meetings.....	19
The role of the clerk at meetings	19
4. Minutes	21
5. Administration	24
Introduction	24
Computers and associated equipment	25
Photocopiers.....	25
Telephone, fax and email.....	25
The Internet and websites	26
Files and filing systems	26
Correspondence	27
Emails.....	28
6. Supervision of staff	29
7. Finance	30
Statutory requirements	30
Investments.....	33
General responsibilities	34
8. Management of land and buildings	35
A. Collection of rents and hiring charges.....	35
B. Payment of rents and other charges	36

Contents

C. Maintenance and repair	36
D. Inspection of property	37
E. Insurance.....	37
<i>Compulsory insurance</i>	37
<i>Other types of insurance</i>	38
<i>Insurance conditions and the avoidance of claims</i> ...	40
F. Documentation	41
9. Management of goods and chattels	41
10. The clerk's relationship with councillors and others	42
The role of the councillor	42
The role of the chairman	44
The relationship between the clerk and councillors....	44
The relationship between the clerk and the chairman .	45
The clerk's relationships with other people	46
11. Initiatives and guidance	47
 CHAPTER 3 – EMPLOYMENT CONTRACT AND JOB DESCRIPTION	 49
Introduction	49
Employed or self-employed?	50
The legal position of the clerk	51
The proper officer	51
The legal relationship between the clerk and the council	51
The obligations of the clerk.....	52
The terms of the clerk's contract of employment	53
Standard contractual terms.....	53
<i>The names and addresses of the council and the clerk</i>	53
<i>Commencement of employment</i>	53
<i>Period of continuous employment</i>	53
<i>Fixed-term employment</i>	54
<i>Job title</i>	55
<i>Job description</i>	55
<i>Salary</i>	55
<i>Hours of work</i>	58
<i>Place of work</i>	59
<i>Holidays and holiday pay</i>	59
<i>Absence from work through sickness or injury</i>	60
<i>Pension and pension schemes</i>	61
<i>Recognition of qualifications</i>	62

Contents

<i>Grievance procedure</i>	63
<i>Disciplinary procedure</i>	63
<i>Termination</i>	64
<i>General conditions of employment</i>	65
<i>Maternity benefits, paternity, adoption, parental and dependants' leave</i>	65
Expenses and allowances	70
Expenses.....	70
Allowances	71
Fair and unfair dismissal	72
The right not to be unfairly dismissed.....	72
Exclusions.....	73
Fairness	73
Redundancy	74
Remedies for unfair dismissal.....	75
Pensions and gratuities	76
Pensions.....	76
Gratuities.....	78
<i>Death-in-service</i>	78
<i>Retirement</i>	80
<i>Redundancy</i>	81
<i>Approval by HM Revenue & Customs</i>	82
“Old” gratuities.....	82
Health and safety	82
 CHAPTER 4 – QUALIFICATIONS, TRAINING AND SKILLS .	85
Qualifications	85
National Training Strategy	85
Community Engagement & Governance courses	86
The Courses	86
Finance	88
Training	88
Bursaries	88
Institute of Local Council Management	90
Continuous Professional Development	91
Skills	92
Management and office skills.....	92
Personal qualities and relationships with councillors and others	92

Contents

CHAPTER 5 – THE LEGAL STATUS OF LOCAL COUNCILS	95
The constitutional and legal position of local councils	95
The constitutional position	95
The legal position	98
The powers of local councils	100
The procedures of local councils	101
The role of local councils	102
Representation, consultation and service delivery.....	103
Employment of officers by local councils	104
Employment of councillor as clerk	105
 APPENDIX 1 – SPECIMEN CONTRACT AND STATEMENT OF PARTICULARS OF EMPLOYMENT ...	 109
 APPENDIX 2 – SPECIMEN JOB DESCRIPTION FOR THE CLERK OF THE COUNCIL	 115
 APPENDIX 3 – DOCUMENTS AND RECORDS.....	 119
 APPENDIX 4 – POWERS OF LOCAL COUNCILS	 125
 APPENDIX 5 – USEFUL ADDRESSES	 131
 APPENDIX 6 – FURTHER READING	 135
 APPENDIX 7 – THE QUALITY PARISH COUNCILS SCHEME	 137
 APPENDIX 8 – CODE OF CONDUCT FOR QUALIFYING EMPLOYEES OF RELEVANT AUTHORITIES IN WALES	 151
 APPENDIX 9 – LOCAL AUTHORITIES (MODEL CODE OF CONDUCT) ORDER 2007	 155