

## **WHAT MUST THE PARISH COUNCIL DO?**

**‘Modern’ local councils were created by the local government act of 1894. They are the lowest tier of local government and there are around 8,500 town and parish councils in England. There is no legal difference between a Town and a Parish Council, essentially they only differ in size.**

**The tier above a Parish Council is known as the principal authority, in our case the unitary authority of Bath and North East Somerset, B&NES. However, the Parish Council is independent from the unitary authority and is not answerable to B&NES. Also, the council is not a voluntary organisation, even though its councillors are unpaid volunteers.**

**Duties are those things that councils and councillors must do, whereas powers are those things that councils may do. All duties and powers are defined by statute. Individual councillors do not have powers, only duties.**

**A council must do what the law requires it to do, and it cannot do anything unless it is specifically permitted to do so by legislation. A council must hold at least four meetings each year, one of which must be the annual general meeting of the council (as opposed to the annual parish meeting). Council meetings must normally be open to the public unless there is a matter of sensitivity to be discussed between the councillors themselves. The council must publish (on parish notice boards) an agenda for all council meetings three clear days in advance of the meeting, and must produce minutes of the meeting. The council must elect a chairman annually at the annual meeting, but the elected Chairman essentially has no more powers or rights than any other councillor other than having the casting vote in a tied decision and being able to call a meeting of the parish by himself.**

**A council must appoint a clerk and must perform the statutory requirements of an employer. It must also appoint a Responsible Financial Officer, who in the case of Englishcombe is also the clerk. The local council must set a budget, must appoint an internal auditor, and must produce annual audited accounts.**

**In terms of miscellaneous duties, councils must adhere to the relevant provisions of the Data Protection Act of 1998, section 18; the Freedom of Information Act 2000, section 19; and the NERC Act of 2006, section 40. It also must consider:**

- providing allotments if at least six electors want them**
- the impact of their decisions on reducing crime and disorder in the parish**
- adopting a churchyard when it is closed if asked to do so by the Parochial Church Council, as is the case in Englishcombe**

**In terms of financial governance, all payments and disbursements must be authorised by a statute and must be formally agreed by the councillors, with two authorised signatories signing the cheques.**

**Each year a meeting of the electors of the parish must be held between 1 March and 1 June inclusive, and that the council must pay the costs of such a meeting. This meeting is usually called the parish meeting, and is not a council meeting. The purpose of the meeting is to discuss any matter that is of significance to the parish, and is open to all electors. The meeting elects its own chair and the council is not bound by any proposals made.**