

## Guidance on the Nature and Scope of Councillor Portfolios

To assist in the efficient management of Council business, it is common practice for a parish council to assign specific "portfolios" or lead areas of responsibility to individual councillors. This note clarifies what these portfolios entail and, crucially, the legal limitations of such roles.

### 1. Definition and Purpose

A portfolio is a designated subject area—such as Allotments, Finance, Planning, or Highways—assigned to a councillor to ensure that a specific member remains well-informed on that topic. The primary purpose is to share the workload and provide a clear point of contact for the Clerk when researching specific projects or drafting reports for the full Council.

### 2. Responsibilities of a Portfolio Holder

The role of a portfolio holder is primarily advisory and focused on "due diligence".

Responsibilities typically include:

- Research and Liaison: Keeping abreast of developments in their lead area and acting as a conduit for information between the community and the Council.
- Policy Development: Working with the Clerk to help formulate draft policies or project proposals for the Council's consideration.
- Reporting: Providing verbal or written updates at Council meetings to enable fellow members to make informed collective decisions.

### 3. Legal Limitations and Boundaries

It is a fundamental principle of local government law that individual councillors, including those with a portfolio, have no authority to act or make decisions on their own.

- No Individual Decision-Making: A resolution can only be made by the Council as a corporate body at a properly summoned meeting. No single member can resolve to take action or commit the Council to a course of action.
- No Executive Authority over Staff: Portfolio holders cannot manage or issue instructions to the Clerk or other staff. The Clerk is the head of paid service and answers only to the Council as a corporate entity.
- No Spending Power: Authority to spend public money cannot be delegated to an individual councillor. All expenditure must be authorised by the full Council, a delegated committee, or the Clerk under specific Financial Regulations.

### 4. Relationship with the Clerk

The portfolio holder should work "hand in glove" with the Clerk, respecting the distinction between the councillor's role in setting strategic direction and the Clerk's role in day-to-day administration. The Clerk remains the Council's principal legal and financial adviser, and portfolio holders should seek the Clerk's advice before engaging with external bodies to ensure all actions remain within the Council's statutory powers.

In summary, a portfolio is a tool for information-gathering and community leadership; it does not grant the holder any personal power to direct the Council's resources or personnel.

As previously noted, these roles are established to share the Council's workload and ensure members are well-informed, but they do not grant any individual decision-making authority or the power to instruct staff.

If the council are agreeable to implementing Councillor Portfolios, I recommend the following portfolios and remits for resolution at our next meeting:

### **1. Finance and HR**

Remit: To work alongside the Responsible Financial Officer (RFO) during the annual budget-setting process.

- Responsibilities: Reviewing monthly bank reconciliations and monitoring actual spending against the agreed budget to identify variances.
- Audit Liaison: Assisting the RFO in ensuring the Council meets its requirements for the Annual Governance and Accountability Return (AGAR) and internal audit.
- First point of call for clerk's HR requirements, appraisal etc.

### **2. Governance and Policies**

Remit: Working with the Clerk to draft or review policies related to the management of Rowde Parish Council.

### **3. Recreation and Playgrounds**

Remit: To work alongside the Clerk to ensure the council's public spaces are legally compliant and safe for all to use.

- Working with the Clerk to draft or review policies related to the management of recreation grounds and the use of Council-owned facilities.
- To be a contact when groups wish to use the facilities.

### **4. Allotments Portfolio**

Remit: To act as the lead contact for the Allotment Working Group.

- Responsibilities: Conducting regular site inspections to ensure compliance with tenancy agreements and identifying necessary repairs or maintenance for the Clerk to action.

### **5. Highways and Rights of Way**

Remit: To work alongside the clerk to help keep Rowde Parish Council's highways and rights of way clear and safe to use.

- To attend Wiltshire Council group meetings when invited on behalf of RPC.
- Highways Liaison: Reporting highway defects, such as potholes or damaged signage, to the Principal Authority (Wiltshire Council).

### **6. Grounds Maintenance and Parish Steward**

Remit: To work alongside the clerk with ensuring grounds work is kept up to date and compliant.

- Helping when meeting with contractors.
- Liaising with the clerk regarding Parish Steward actions.

### **7. Planning and Development Portfolio**

- Remit: To review incoming planning applications from the local planning authority.
- Responsibilities: Researching material considerations (e.g., impact on heritage assets or housing need) and drafting proposed responses for the full Council to debate and resolve.
- Policy Support: Monitoring the implementation of the Neighbourhood Plan where applicable.

## **8. Speeding and SID**

Remit: To ensure Rowde's roads are as safe as possible.

- To advise the council and ensure SID is kept and moved legally and safely and used to its best capacity.
- To keep up to date with speeding data in the village.

**9. Tree Wardens** – Remit to be confirmed by Wiltshire Council training.

**10. Flood Wardens** – Remit to be confirmed by Wiltshire Council Operational Flood Group

Remit: To attend Wiltshire Council group meetings when invited on behalf of RPC.

## **11. Waste Management**

Remit: to carry out checks for winter preparedness and bin audits to ensure bins are meeting Rowde requirements and best value for money.

Legal Governance Notice For the avoidance of doubt, all Portfolio Leads must remember:

- No Individual Decisions: Decisions can only be made by the Council as a corporate body at a properly summoned meeting.
- No Staff Management: Councillors cannot directly manage or issue instructions to staff members; the Clerk remains the head of paid service.
- Correspondence: All formal correspondence with external bodies or contractors must be conducted through the Proper Officer.
- Public Representation: When using social media or attending community events, the lead must ensure they do not give the impression they have individual authority to resolve issues