



Kenilworth Town Council

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Town Clerk: Miss M S Field

COUNCIL – GENERAL ROLES

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MEMBERS OF COUNCIL

- 1.01 The Council shall comprise 17 members, 2 elected from Abbey Ward, 3 from Borrowell Ward, 4 from Dalehouse Ward, 4 from Parkhill Ward and 4 from St. John's Ward. After an ordinary election, the period of office is 4 years, terminating on the fourth day after the next ordinary election, their places being filled by newly elected Councillors who come into office on the same day. After a by-election or co-option of a member (see 1.12 below), the period of office terminates at the next ordinary election.

Members of Kenilworth Town Council are not paid any expenses or allowances in connection with this role.

THE TOWN MAYOR

- 1.02 The Chairman of the Council shall be elected at each ANNUAL MEETING of the Council from among and by the members, and shall be termed 'The Worshipful the Town Mayor of Kenilworth' on all formal occasions, or otherwise as 'Your Worship' or 'Mr. Mayor' or 'Madam Mayor'. The Mayor's Office terminates at the following Annual Meeting as soon as a successor is elected.

CONSORT/MAYORESS

- 1.03 A Mayor may nominate a Consort/Mayoress when they are elected, or may do so later during their office. The Consort/Mayoress acts with the Mayor to represent the Council and the Town. A person who accompanies the Mayor who is not an appointed Consort/Mayoress is referred to as 'the Mayor's Companion'.

THE DEPUTY MAYOR

- 1.04 The Deputy Mayor, who shall also act as Deputy Chairman, shall also be elected from among and by Council Members at the Annual Meeting. The Deputy Mayor also continues in office until a successor is appointed at the next Annual Meeting. The Deputy Mayor shall become the MAYOR ELECT when so decided by a formally convened meeting early in the calendar year to which all Councillors are summoned. The Deputy Mayor may likewise nominate a Deputy Consort/ Mayoress/ Companion.

MAYOR'S ALLOWANCE

- 1.05 The Mayor shall have such personal allowance as the Council shall agree from time to time to cover expenses during their term of office. Expenditure of the allowance is entirely at the Mayor's discretion, but it is administered by the Clerk.

THE PROPER OFFICER

- 1.06 The Council shall have a Clerk termed 'THE TOWN CLERK'. The Clerk shall be appointed by resolution of the Council, or by adopted recommendation of a Committee of the Council as might be authorised so to do. The Clerk is normally a paid officer of the Council, but a Councillor may be appointed to act, in which event, no payment can be made.
- 1.07 Where a Statute, Regulation or Order confers functions or duties on the Proper Officer, in the following cases it shall be the Clerk.
- a. To receive Declarations of Office.
 - b. To receive and record notices disclosing personal/prejudicial interests.
 - c. To receive and retain plans and documents.
 - d. To sign notices or other documents on behalf of the Council.
 - e. To receive copies of the byelaws made by the District Council.
 - f. To certify copies of byelaws made by the Council.
 - g. To sign summonses to attend meetings of Council.

In other cases, the Proper Officer shall be the person nominated by the Council, but in default of nomination, shall be the Clerk.

- 1.08 The Clerk, the Deputy Town Clerk or any agreed deputy, shall record the proceedings of all meetings of the Council and its Committees and Sub-committees, minuting all decisions reached.

DECLARATION OF OFFICE

- 1.09 After an Ordinary Election, Councillors will normally make their Declaration of Office before or not later than at the start of the first Council Meeting, and it may only be made after that date with the specific approval of the Council. The Declaration is normally made in the presence of the Clerk, but may be made in the presence of a Councillor. After a by-election or a co-option, the Declaration shall be made before or at the next Council Meeting, unless specifically approved otherwise, as above. If a declaration is not executed at the proper time, then a vacancy occurs.

DISQUALIFICATION AND ABSENCE

- 1.10 A Councillor may be disqualified for a number of reasons, including imprisonment (with or without suspended sentence), bankruptcy and illegal expenditure. (See Sections 80 & 81, Local Government Act 1972). Disqualification also applies if the member:

a. Fails to make a Declaration of Office within the period approved by the Council.

b. Fails throughout a period of six consecutive months to attend any meetings of the Council, or of its Committees or Sub-Committees of which they are a member, or a joint committee or joint board to which any of the Council's powers have been conferred, unless they have a 'Statutory Excuse' (e.g. active service) or has the specific approval of the Council. The period of six months starts from the last meeting attended (LGA 1972 s.85 (1)).

RESIGNATION

- 1.11 In the case of the Mayor, resignation is made by written notice to the Council, and in the case of a Councillor, to the Mayor. Resignation from a Committee or Sub-Committee is made to the Chairman of that Committee. Resignation takes effect from the receipt of the notice.

CASUAL VACANCY

- 1.12 For the usual cases for which a casual vacancy arises, i.e. disqualification, failure to accept office, resignation or death, the Returning Officer is informed immediately and the Council is normally notified at the first scheduled opportunity e.g. the next Council Meeting. Immediate notification shall then be given to the public by notice on the noticeboards of the Ward concerned.

Within 14 days of the notification of the vacancy (excluding Saturdays, Sundays, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday and a Bank Holiday), and unless the vacancy occurs within six months of the next Ordinary Election, any ten electors of that Ward may claim a public poll (bi-election). If a poll is claimed, then it shall take place within 60 days.

Otherwise, the Council shall fill the vacancy by co-option within the same period. In voting for a candidate to fill a Casual Vacancy, the successful candidate shall receive an absolute majority of those Council Members present and voting. The voting process shall continue eliminating the candidate with the lowest number of votes at each stage.

COUNCILLOR'S DECLARATION OF INTERESTS

- 1.13 If a Councillor or an Officer of the Council has any interest by which he may benefit, directly or indirectly, through any decision under discussion by the Council, then that interest must be declared at or before the start of such discussion, and unless the matter is trivial and the Council or Committee is in agreement for them to remain, the said Councillor shall withdraw from the meeting. In any event, that Councillor may not take part in any of the discussion and may not vote. If the interest is

pecuniary then the Councillor or Officer of the Council must leave the meeting and cannot seek to influence any decisions made.

See also the Code of Conduct.

- 1.14 **The Clerk shall record in the 'Declaration of Interests Book' any such declarations that are made, and this shall be open during reasonable hours of the day for inspection by any Member and member of the public.**