

SOLICITOR TO THE COUNCIL'S COMMENTS ON THE PROPOSED CHANGES TO THE CONSTITUTION 2013

1. This year there has been a substantial review of the Constitution which should result in a more user friendly document being available for Members' use. In particular there is now @ page 123 Committee rules of procedure (Schedule 1).

2. A new paragraph has been added to the 2.4.2 (e) Functions of the Full Council (page 8)

"agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them (except where the appointment to a committee is required to give effect to the wishes of a political group); and ensuring that **with the exception of the Mayor** members are appointed to **at least** two committees (one of which shall not include the Budget Review Joint Scrutiny Committee; except for executive members who are appointed to one committee"

I recommend the insertions as highlighted to take account as discussed at the training session (1) the exceptional position of the Mayor and (2) the words "at least" before two given that some members are on more than two Committees.

3. Article 10 Nominations Committee (page 18-19) does not include nominations for Freedom of the Borough.

4. Part 4 Rules of Procedure (pages 108-109) extends the business to be conducted by Ordinary Council Meetings to include:

4.2.17 receive any communications which the Mayor, the Leader, or the Head of Paid Service consider should be laid before the Council; with the permission of the Mayor members of the Council shall be given the opportunity to ask questions of the Leader and Portfolio Holders, following receipt of communications, if these specifically relate to portfolio areas

4.2.18 The leader will inform Council of any changes in the membership of the Executive and champions "**and both the leader and the Leader of the Opposition will inform Council of any changes in the membership of Committees**" needs to be inserted.

4.2.20 Consider items of business referred by the Chief Executive or another officer

4.2.22 Consider matters referred by overview and scrutiny and any referrals from committees or sub committees

5. On checking the draft Constitution available on the link provided to Members it has come to light that the following section has been omitted in error and must be reinserted at page 112 following Paragraph 4.10.5 and before 4.10.06 which should be renumbered 4.11.1 and consequently

renumber existing paragraphs. Page 112-113 of the draft copy produced for Council 16 May 2013 – Questions by the Public:

1.1 QUESTIONS BY THE PUBLIC

1.1.1 General

Members of the public may ask questions of members of the executive at every other ordinary meeting of the Council.

1.1.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions and may give preference to questions from members of the public who have asked the least number of questions previously.

1.1.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than 5pm two clear working days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

1.1.4 Number of questions

At any one meeting no person may submit more than two questions and no more than one such question may be asked on behalf of one organisation.

1.1.5 Scope of questions

The Chief Executive may reject a question if it:

- (a) is not about a matter for which the local authority has a responsibility or which affects the borough;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (d) requires the disclosure of confidential or exempt information.

1.1.6 Record of questions

The Chief Executive will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

1.1.7 Asking the question at the meeting

The Mayor will invite the questioner to put the question to the Executive member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

1.1.8 Response by Questioner

Following the answer by the Executive member, the questioner will be given the opportunity to respond to the answer given. The Mayor may require the questioner to cease such response if it appears to the Mayor that the response is defamatory, frivolous or offensive, or is likely to result in the disclosure of confidential or exempt information.

1.1.9 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

These answers will:

- (a) as soon as practicable after the meeting, such answers, whether given orally at the meeting or in writing after the meeting, shall be published on the Council website; and
- (b) any written answers provided after the meeting shall be attached to the minutes of that meeting.

6. State of Tamworth Debate Paragraph 4.16.1 (page 118) reads:

The Leader will call a State of Tamworth debate annually to be held during the latter part of September and in a form to be agreed with the Mayor.

A more accurate paragraph can be obtained by deletion of the words "to be held during the latter part of September"

7. The Notice of and Summons to Meetings (page 124), in order to allow for Licensing Sub-Committees to be convened at short notice requires the following insertion in line 2 between the words “days” and “before” – (three days in the case of a Licensing Sub-Committee).
8. Schedule 4, The Executive, now includes questions from members of the public as a standing item on the agenda for each meeting (page 149 Paragraph 10.3 and Page 150-151 paragraph 13). The only comment I have is that the word “other” be removed from paragraph 13.1 so that it coincides with the content of paragraph 10.
9. Schedule 10, Officers’ Code of Conduct has been inserted at pages 169-178. It should be noted that this code is currently under review.
10. Job descriptions have been inserted for all Members (pages 228-234).