

BOROUGH OF KETTERING

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Report Originator	Helen Edwards Head of Democratic and Legal Services	Fwd Plan Ref No: N/A	
Wards Affected	All	18 th July 2018	
Title	CHANGING THE CONSTITUTION		

1. PURPOSE OF REPORT

To consider a number of amendments to the Council's Constitution in respect of:-

- Summary document
- Articles Parts 3, 12 and 15
- Responsibility for Functions
- Council Procedure Rules
- Budget & policy Framework Rules
- Staff Employment Procedure Rules
- The Whistleblowing Policy
- The Monitoring Officer Protocol

2. BACKGROUND

- 2.1 The Constitution explains the powers and duties that Kettering Borough Council has and how it exercises them. It also details how the Council works, how decisions are made and the procedures that are followed to make sure that its decisions are efficient, open and accountable to local people. Some of these processes are required by law and others are for the Council to decide upon.
- 2.2 The Council's Constitution was last reviewed in 2013. Since then a number of legislative changes have come into effect, necessitating amendments to various parts of our Constitution. In addition, amendments have recently been made to the Council's Whistleblowing Policy and the Monitoring Officer Protocol.
- 2.3 In accordance with Article 4 of the Council's Constitution, amendments to the Council's Constitution must be adopted by Full Council.
- 2.3 The proposed amendments were reported to the Research & Development Committee at its meeting on 11th June 2018. The majority of amendments are administrative or to bring the Constitution in line with current legislation. R&D resolved to recommend the proposals to the executive and to Council, except for the proposed reduction in speaking time, which they considered might restrict debate.
- 2.4 To clarify the proposal in respect of speaking time, at present, all councillors may speak for 8 minutes. The proposal is to reduce this to 5 minutes for the mover of

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a motion, and 3 minutes for all other councillors, except with the consent of the Mayor (Council procedure rules 16.4).

- 2.5 The Executive will be considering a report detailing the changes at its meeting on 11th July 2018. This is the day after Council papers must be issued, and the comments of Executive, if any, will therefore be reported to Council at the meeting.
- 2.6 The suggested constitutional changes listed above are set out in **Appendix A** of this report.

2. **CONSULTATION AND CUSTOMER IMPACT**

The proposed amendments have no significant customer impact. The amended Whistleblowing Policy will provide clarity to customers and others about the whistleblowing policy and the process for raising concerns. The current policy is too narrowly focused, relating mainly to issues raised by employees. No consultation is required. None

3. **POLICY IMPLICATIONS**

None

4. **FINANCIAL RESOURCE IMPLICATIONS**

There are no financial implications associated with the Constitutional changes.

5. **HUMAN RESOURCE IMPLICATIONS**

The proposed amendments to the Staff Employment Procedure Rules record the reduced protections for statutory officers (Head of Paid Service, Monitoring Officer and responsible Finance Officer). This is not proposed as a result of a council decision, the Constitution is being amended to reflect the changes in the law that removed the requirement for a designated independent person (DIP) to be appointed to deal with disciplinary issues/ dismissal of statutory officers. The relevant provision is the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881).

6. **LEGAL IMPLICATIONS**

Section 37 of the Local Government Act 2000 requires the Council to adopt and maintain a Constitution. Agreeing the amendments/ updates to the Constitution will enable the Council to meet its legal obligation.

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7. RECOMMENDATIONS

That Council adopts the amendments to the Constitution as set out in Appendix A of the report.

Contact Officer: Anne Ireson

Previous Reports/Minutes: