#### Summary and Explanation

1. This 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.

#### Why have a Constitution?

2 The Constitution:

1. enables the Council to provide clear leadership to the community in partnership with groups or individuals, businesses and other organisations;

2. supports the active involvement of groups or individuals in the process of council decision-making;

3. helps councillors represent their constituents effectively;

4. ensures that the Council acts with integrity;

5. enables decisions to be taken openly, quickly and well;

6. creates a powerful and effective means of holding decision-makers to public account;

7. ensures that no one will review or check a decision in which they were directly involved;

8. ensures that those responsible for decision making are clearly identifiable to local people and groups and that the reasons for decisions are given;

9. provides a framework for improving the delivery of services to the community;

10. clearly defines the respective roles of councillors and staff; and

1. ensures that the Council values the diversity of its people.

**What is in the Constitution?**

3 The Constitution includes rules about how all Council meetings are run and what happens at them and how and who takes decisions. It also details rules about how members and staff should behave.

4 The Constitution also includes financial rules, including rules on how the Council procures goods and services.

#### How the Council works?

#### Councillors and Elections

1. There are 36 councillors representing electors in 17 areas or wards. The membership of the Council and the wards they represent are detailed on the Council’s web-site and details are available from the Council’s customer service centres located around the Borough.
2. All councillors are elected for 4 years. The regular election of Councillors is held on the first Thursday in May every four years. The next elections are in May 2011.
3. The terms of office of Councillors start on the fourth day after being elected and finish on the fourth day after the date of the next regular election. If it is more than 6 months until the next regular election, a by-election is held if a Councillor resigns, becomes disqualified or dies and two electors from their ward request an election. Councillors can be removed from office if they don’t attend any meetings for 6 months.

###### Responsibilities of Councillors

1. The overriding duty of Councillors is to the whole community of the Borough, but they have a special duty to their constituents, including those who did not vote for them. Councillors have a responsibility to uphold the Constitution and always to act in accordance with it. Above all Councillors must put the interests of local people first.

###### Allowances

1. Councillors are entitled to receive allowances in accordance with the Members’ Allowances Scheme. (Part \*\* of this Constitution).

#### How decisions are made (Council, the Executive, other Committees and the role of officers)

#### Council Meetings

1. All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council’s overall policies and set the budget each year. Local people have the right to attend meetings of the Council and ask questions about Council business and other issues of importance to the area. (For more information look at the Council Procedure Rules in Part \* of the Constitution).

## The Executive

1. The Executive is the committee of the Council that is responsible for making key policy decisions, within the framework and the budget set by the full Council. The Executive is made up of the Leader and Deputy Leader of the of the Council, who are selected by the Council, and up to 8 other Councillors appointed by the Leader. The Executive publishes a forward plan of the decisions it will be taking so that other councillors and local people know what will be decided and when. The forward plan also explains who to contact so that your views can be taken into account before the decision is taken. The Executive has to ask full Council to approve decisions if they are outside the budget or policy framework it has set. (For more information look at the Executive Procedure Rules in Part \* of the Constitution).

###### Other decision-making committees

1. There are 2 main types of other decisions that the Council has to make. There are regulatory decisions whereby committees and their sub-committees take decisions on applications by people or organisations where the Council has to give permission or a licence or must otherwise give its approval. They also take decisions on enforcement where people or organisations have done things without permission, or have not done things they should have done.
2. The Regulatory Committee and its sub-committees have the following specific functions:
   1. Town and country planning and development control. For example, determining applications for planning permission, consent to display advertisements, listed building consents and conservation area consents
   2. Licensing and registration. For example, hackney carriage and private hire drivers licences and public entertainment licences
3. There are other committees established by the Council, for example the Joint Planning Committee, the Planning Policy Committee and the Employment Committee have specific functions that either cannot be dealt with by the Executive or this Council has chosen to deal with by committee rather than by the Council’s Executive
4. There are special rules about how these committees conduct their proceedings included separately in this Constitution but in summary they:-

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| Employment Committee | takes decisions for the Council about staff employment policies. |
| Licensing Committee | Deals with all licensing matters including alcohol and entertainment, gambling and taxi licensing. |
| North Northants Joint Planning Committee | working with members from Northamptonshire County Council, Corby Borough Council, East Northants Borough Council and the Borough Council of Wellingborough on important strategic planning policy issues to make sure that future growth is planned on a more regional basis |
| Planning Committee | takes decisions about individual planning applications and the enforcement of planning law, (the majority of planning applications are determined by officers working for the Council). The Committee meets every 4 weeks. |
| Planning Policy Committee | takes decisions about the strategic planning for the Kettering area. |

16 Meetings of the Council’s Council, Executive and all other committees are all open to the public except where personal or confidential matters are being discussed.

#### The role of Officers

17 A lot of the decisions required in the running of the Council are taken by Council staff. What the members in Council or committee decides and what officers decide is detailed in Part \* of this Constitution.

#### How decisions are checked (Scrutiny Committees)

18 There are 2 scrutiny committees that support the work of the Executive, decision-making committees and the Council as a whole. They allow local people to have a greater say in Council matters by holding public inquiries into matters of local concern. These can lead to reports and recommendations that advise the Executive and the Council as a whole on its policies, priorities, budget and service delivery. Scrutiny committees also monitor the decisions of the Executive. In certain circumstances they can ‘call-in’ a decision that has been made but not yet implemented by the Executive. This enables them to consider whether the decision is appropriate. They may recommend that the Executive or full Council reconsider the decision. They may also be consulted by the Executive on future decisions and policy development. These committees also monitor performance to ensure the Council is achieving the targets it has set and is continuously improving. (For more information look at the Scrutiny Procedure Rules in Part \* of the Constitution).

###### Conduct

19 Councillors and officers each have codes of conduct governing how they will behave. These are the Members’ Code of Conduct, the Officers Code of Conduct and the Protocol on Member/Officer Relations. (Part \*\* of this Constitution). There is a Standards Committee that has a majority of independent (non councillor members) that makes sure that Councillors receive training and advice on the Code of Conduct and which has an important role in judging their behaviour should councillors ever breach the Code of Conduct. (For more information look at the Standards Committee Procedure Rules in Part \* of the Constitution).

#### Public involvement

20 Local people have the right to know what decisions are to be taken and who will take them, to attend meetings and to tell the Executive and committees what they think before decisions are taken or to know why they can’t attend and speak on items that are discussed in private. For help in making your views known you can contact your local councillor either directly or through the Council’s Customer Services Centre.

## Partnership Working

21 The Council works with the Northamptonshire County Council, other Boroughs and Districts in Northamptonshire, Town and Parish Councils and other organisations to jointly promote the economic, environmental and social well-being of the Borough. It also supports other groups for consultation and partnership work on particular issues, or in particular areas.

The Council also works with other Councils and public bodies in the county to promote the interests of Northamptonshire as a whole, in the region to promote the interests of the East Midlands, and and nationally to promote local democracy

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| **Geographic forums** | The Council has area forums to improve service delivery in the context of best value and more efficient, transparent and accountable decision making  The Council supports Forums for the A6 Towns (Burton Latimer, Desborough, Rothwell and Barton Seagrave), the town of Kettering and the Rural Area. |
| **Local Strategic Partnership and the Local Area Agreement** | The Council also works with the Northamptonshire County Council and other public, private and voluntary organisations that have an interest in promoting the economic, social and environmental well-being of the Borough. |
| **Tenant’s Forum** | The Council has a Tenants’ Forum that operates to help improve service delivery and the well-being of the Borough. The Council (and the Executive in relation to executive functions) will establish other consultation and partnership forums if it considers that these will help improve Council services. |

(For more information look at the Partnership and Consultation Forum Rules in Part \* of the Constitution).

22 Details of any joint arrangements including any delegated to joint committees will be found in the Council’s scheme of delegations in Part 3 of this Constitution.

#### The Council’s Staff

23 The Council has people working for it to give advice, implement decisions and manage the day-to-day delivery of its services. Some have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between staff and members of the council. Staff are bound by a code of conduct to ensure high standards in the way they undertake their duties.

#### Local People’s Rights

24 Local people have rights in their dealings with the Council. These include to:-

* vote at local elections if they are registered;
* contact their local councillor about any matters of concern to them;
* obtain a copy of this Constitution, for which a fee may be payable;
* attend meetings of the Council, the Executive and committees except where, for example, personal or confidential matters are being discussed;
* petition to request a referendum on a Mayoral form of Executive;
* speak at Council, Executive and Committee meetings, participate and contribute to investigations by the scrutiny committees;
* find out what decisions are to be discussed and when;
* know which councillors deal with what;
* see the paperwork on decisions, unless they contain private information. (where decisions are made in private there is a right to know why);
* know what decisions have been made;
* comment or complain to the Council about anything it has done, or it has failed to do;
* complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council’s own complaints process;
* complain to the Standards Board for England if they have evidence which they think shows that a councillor has not followed the Council’s Code of Conduct; and
* inspect the Council’s accounts and object to them or make their views known to the external auditor
* obtain documents from the Council, subject to certain exemptions and a public interest test.

25 Where members of the public use specific council services, for example as a council tenant, they have additional rights. These are not covered in this Constitution, but details are available from the Council.

26 The Council welcomes participation in its work by any interested individual or group. For further information on your rights or any other part of the constitution, please visit the Council’s customer services centre or telephone (01536) 534377 or email [customerservices@kettering.gov.uk](mailto:customerservices@kettering.gov.uk).