

BOROUGH OF KETTERING

Committee	EXECUTIVE	Item 15	Page 1 of 3
Report Originator	Helen Edwards Head of Democratic & Legal Services	<i>Fwd Plan Ref No:</i> A17/061	
Wards Affected	ALL	11 th July 2018	
Title	CONSTITUTION AMENDMENTS		

1. PURPOSE OF REPORT

To consult on the proposed amendments prior to recommendations to Council.

2. INFORMATION

2.1 The Council is required to adopt and maintain a Constitution. Changes to the Constitution need to be approved by full Council. The recommendations in this report have already been reviewed by Research & Development Committee (R&D) on 11th June, and this report is being brought before Executive to consider the recommendations, and the views of R&D, and to make its own recommendations, before the amendments are taken to Council for decision.

2.2 R&D considered the recommendations at its meeting on 11th June, and resolved that the proposed amendments be recommended to Executive and Council, except for the proposed reduction in speaking time which they considered might restrict debate. The Executive is asked to consider the recommendations of R&D in formulating its own recommendations to Council.

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

2.4 There are a number of sections of the Constitution which require updating, as follows:

Part	Title	Change proposed
Part 1	Summary document	Change to update the date of next expected elections
Part 2	Articles 3 & 12	Minor tidying of document / correction of job titles (no substantive change)
Part 2	Article 15	Delegation to Head of Democratic & Legal Services to effect minor changes such as job titles, etc. without Council decision
C1-C20	Responsibility for functions	Updating delegations to reflect

BOROUGH OF KETTERING

Committee	EXECUTIVE	Item 15	Page 2 of 3
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C21		current Council officer structure
D1 – D21	Council procedure rules	Amendment to 16.4 to reduce current speaking time of 8 minutes to 5 minutes for the mover of a motion, and 3 minutes for all other speeches. This is to improve democratic process to allow time for more councillors to speak, in a meeting restricted to 2 hours.
G1 – G8	Budget & Policy Framework Rules	Minor tidying of document / correction of job titles (no substantive change)
R1 - R14	Staff Employment Procedure Rules	Updated to reflect legislation relating to statutory officers
S1 – S9	Whistleblowing Policy	Update to provide for concerns being raised by a wider group than employees
U1 – U3	Monitoring Officer Protocol	Amendments to reflect current process of handling complaints (no substantive change)

3. CONSULTATION AND CUSTOMER IMPACT

3.1 These 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 focussed, relating mainly to issues raised by employees. No consultation is required.

4. POLICY IMPLICATIONS

4.1 None

5. FINANCIAL RESOURCE IMPLICATIONS

5.1 None

6. HUMAN RESOURCE IMPLICATIONS

6.1 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

BOROUGH OF KETTERING

Committee	EXECUTIVE	Item 15	Page 3 of 3
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law that removed the requirement for a designated independent person (DIP) to be appointed to deal with disciplinary issues / dismissals of statutory officers. The relevant provision is the Local Authorities (Standing Orders) (England) (Amendment) regulations 2015 (SI 2015/881).

7. 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 to Council to meet this legal obligation.

8. RECOMMENDATION

8.1 To recommend to Council that it approves the proposed amendments to the Constitution.

Background Papers: None

Title

Date

Contact Officer

Previous Minutes/Reports: Report to Research & Development Committee

Ref:

Date: 12/06/18