

BOROUGH OF KETTERING

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Report Originator	Martin Hammond	<i>Fwd Plan Ref No:</i>	
Wards Affected	N/A	25 th September 2019	
Title	AMENDMENTS TO THE CONSTITUTION		

1. PURPOSE OF REPORT

To seek approval for changes to the Council's constitution, to reflect changes in regulations and best practice recommendations from the Committee for Standards in Public Life

2. INFORMATION

- 2.1 There have been two separate developments which require the Council to change parts of its constitution. The first of these relates to changes in regulations which describe a new procedure in the event that disciplinary action needs to be taken against a statutory officer, and the second relates to recommendations from the Committee for Standards in Public Life around the member code of conduct.
- 2.2. The disciplinary procedure rules have been considered by both the Employment Committee and the Standards Advisory Committee, and the changes to the member code of conduct have been considered by the Standards Advisory Committee.
- 2.3. Attached are the relevant sections of the constitution, with the new provisions shown as track changes. These are:-
- Part 4(K) Staff Employment Rules (**Appendix 1**)
 - Part 5 – Member Code of Conduct, paragraphs 3, 6 and 13 (**Appendix 2**)

3. STAFF EMPLOYMENT RULES

- 3.1 In 2015, the government brought in new regulations (the Local Authorities Standing Orders (England) (Amendment) Regulations) which amended an earlier set of rules governing statutory disciplinary and dismissal procedures for the three statutory officers – the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer. These officers have statutory protection because their role can be to challenge decisions made by elected members if they do not comply with the law.
- 3.2 At the time, these regulations lacked any precise details but local authorities were required to amend their constitutions to reflect the new rules. Council

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agreed, at its meeting on 15th July 2015, to delegate authority to the Head of Paid Service, in consultation with the Chair of the Employment Committee, to make any changes to the constitution that were required, once more detail had been published on the precise requirements of the new regime.

- 3.3. In essence the new rules changed the way in which disciplinary action should be instigated and conducted against a statutory officer and abolished the previous role of having a Designated Independent Person who would consider and advise on disciplinary matters.
- 3.4. The missing detail has since been supplied as a consequence of dialogue, since 2015, between the government, national employers and trade unions. This essentially requires Councils to appoint
- An Investigating and Disciplinary Committee
 - An Appeals Committee
 - An Independent Investigator
 - An Independent Panel
 - An elected member with the power to suspend the Chief Executive (Head of Paid Service) immediately in an emergency.
- 3.5 The revised arrangements are now reflected in the track changes shown in **Appendix 1**.

4. MEMBER CODE OF CONDUCT

- 4.1. The Committee for Standards in Public Life published a report in January 2019 which made a series of recommendations on changes to the standards regime as it applied to local government. Most of the recommendations are for government to implement through regulations, which they have largely not yet done, but the report also set out some changes to the best practice advice, which local authorities can implement at will. Most of the best practice proposals were already reflected in the Council's Constitution and its existing codes of conduct, but two were not and the Standards Advisory Committee asked that the code be amended to reflect them. The revised wording was agreed by the Standards Advisory Committee at their July meeting.
- 4.2 Best Practice recommendation BV1 recommends that local authorities should include prohibitions on bullying and harassment in their member codes of conduct. This should include a definition of bullying and harassment supplemented with a list of examples of the sort of behaviour covered by such a definition.
- 4.3 Best Practice recommendation BV2 recommends including provision in the member code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillor against others.

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4.4 The member code of conduct is reproduced in full in **Appendix 2**, with track changes to the relevant parts of it to reflect these two recommendations

5. **CLIMATE CHANGE IMPLICATIONS**

5.1 None

6. **RECOMMENDATION**

Council is recommended to approve the changes to the constitution as set out in both Appendix 1 and Appendix 2

Background Papers:

Previous Reports/Minutes:

Council 15th July 2015
Standards Advisory Cttee 7th
May 2019 and 24th July 2019
Employment Committee 25th
July 2019
Executive Committee 18th
September 2019.

Date: 1st August 2019
Contact Officers: Martin Hammond.