

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA**  
**ADMINISTRATION COMMITTEE – 8 JANUARY 2024**  
**FULL COUNCIL – 31 JANUARY 2024**  
**REPORT OF THE CHIEF EXECUTIVE**  
**CHANGES TO THE CONSTITUTION – COUNCIL PROCEDURE RULES**  
**(STANDING ORDERS)**

The Administration Committee is invited to recommend Full Council to adopt the changes to Standing Orders set out in this report.

**FOR DECISION**

**1. BACKGROUND**

- 1.1 The Council's Constitution is a living document that adapts to reflect changes legislation and how the Council works. Minor editorial changes are agreed by the Monitoring Officer throughout the year and any more significant changes are brought, via the Administration Committee, to Full Council for agreement.
- 1.2 The current version of the Constitution remains largely unchanged since it was adopted as a fully revised Constitution on 24 July 2019, but was re-adopted in October 2022. The full current version of the Constitution is published [here on the Council website](#).
- 1.3 By and large the Constitution operates smoothly and remains 'fit for purpose'. Officers don't consider that fundamental changes are needed, however some amendments are now recommended to Standing Orders both to clarify current provisions/practice or to address issues that have arisen over the last few years.

**2. STANDING ORDER 8.03 – PUBLIC SPEAKING**

- 2.1 Public speaking is now an established and widely valued part of ordinary Council meetings. The Standing Order relating to this is set out in italics below, along with some proposed deletions and amendments (with new wording in bold text), the reasons for which are, hopefully, self-evident and based on experience over the last few years.

*A public speaking session will, in normal circumstances, form part of ordinary meetings of the full Council only, and the following rules will apply:*

- (i) *Up to one hour will be set aside at each ordinary meeting of the Council for public speaking;*
- (ii) *The Mayor shall have discretion to allow members of the public who live, work or go to school in the Borough to speak at such meetings, **but no person under the age of 16 will be permitted to address the meeting***

**unless with the consent of a parent or guardian or as a member of the Youth Council;**

- (iii) ~~Speakers will normally be expected to~~ **must** give advance notice that they wish to speak, and to provide the subject matter of their speech **at the point of registration via the Council website. The question or matter to be raised must be primarily local in nature and must not be about individual or personal matters (e.g. personal claims, applications, legal action, neighbour or other disputes etc. - as the Council cannot respond to such issues in a public meeting) and must not relate to current planning or licensing applications;**
- (iv) ~~The Mayor will determine the time limit that will apply to each speech, usually up to five minutes each, and this will be made explicit to all those who have given notice that they wish to speak in advance of the meeting~~ **Each speaker will be able to address the meeting for no more than five minutes;**
- (v) ~~Where an opportunity is given to an executive member to respond, usually for up to two minutes~~ **for no more than two minutes**, to a contribution from a member of the public, an opportunity will also be given to a member of the principal opposition group to comment, **for no more than two minutes;**
- (vi) No external person addressing a Council meeting will be able to participate in any decision making and no formal Council decision will be taken at Council solely on the basis of a discussion initiated at such a public speaking session.
- (vii) **In order to ensure the Council hears from a wide range of speakers, no person who has spoken at a Council meeting public speaking session will be permitted to register to speak at the subsequent meeting at which there is a public speaking session.**

### **3. STANDING ORDER 11 – MATTERS OF LOCAL CONCERN**

3.1 It is proposed that Standing Order 11 be modified slightly to read as follows:

*Councillors may draw to the Council's attention ward or other 'live' issues **that are primarily local in nature** of general/broad principle. Each Councillor raising such an issue under this Standing Order **may** speak for not more than two minutes ~~in addressing the Council.~~, **however they will receive no response at the meeting.** No more than three Majority Group Councillors and one Minority Party **or ungrouped** Councillor may raise issues in this way per meeting. Councillors wishing to raise such matters **must** ~~should~~ register their intent with the Head of Governance & Mayoralty prior to the meeting **and such registration will be on a 'first come, first served' basis.** The relevant Lead Member or Executive Director ~~will be expected to~~ respond to the Councillor raising this issue within six weeks.*

#### 4. STANDING ORDER 22 – QUESTIONS TO LEAD MEMBERS

4.1 SO22 is set out in full, in italics, below with proposed deletions shown, and additions or amendments in bold type. Revisions have been made to address the following issues:

- with three groups on the Council and four ‘ungrouped’ councillors this allows for the possibility of up to 13 questions – which would take over two hours (yet Standing Order 22.02 currently provides that “up to thirty minutes shall be allocated to Standing Order 22 questions”).
- mindful that Council meetings are an important opportunity for Councillors to hold the Council’s executive to account, it’s important to ensure a fair and reasonable opportunity for Majority, opposition and ungrouped councillors to ask questions under this Standing Order under a mechanism that doesn’t strictly follow party group ratios on the Council.

*22.01 Questions on matters that are ~~within the remit of the Council’s executive~~ **primarily local in nature** may be asked by Councillors at any ordinary meeting of the Council, subject to the following conditions:*

- (i) ~~Councillors may only ask one question per meeting;~~ **No Councillor will be permitted to ask more than one question at each meeting;***
- (ii) ~~No more than three questions shall be accepted from the Councillors of any one party group on the Council;~~ **At each ordinary Council Meeting no more than three questions will be accepted from Councillors from the Majority Group; no more than one from the principal opposition group; and no more than one in total from any other minority group and ungrouped Councillors;***
- (iii) ~~No Lead Member will be required to respond to more than two questions per Council meeting and will not be expected to respond to questions outside their executive remit (with and will only be required to respond to matters within their remit and to only one question from each party group (or ungrouped Councillor);~~*
- (iv) **Any Councillor wishing to ask a question must register the full question with the Head of Governance & Mayoralty, providing the wording that will be used in asking the question at the meeting, by no later than 10.00am two clear working days before the day of the meeting (i.e. normally on the Friday before the Wednesday of the Council meeting in question. Notice of any question must be given in writing to the Chief Executive so as to reach them not later than 10.00am two clear working days before the day of the meeting (i.e. normally on the Friday before the Wednesday Council meeting in question). The Head of Governance & Mayoralty will log, register and allocate questions to relevant Lead Members in the order they have been submitted and, in accepting questions, will apply the criteria at (i)-(iii) above in this Standing Order and may, in liaison with the Mayor as at (vii) below, edit or amend the***

*wording of such questions if and as appropriate before circulating the questions;*

- (v) *Where a question falls within, or relates to the remit of, more than one Lead Member, a combined reply may be given by one of the relevant Lead Members;*
- (vi) *Where a Lead Member is unable to give their reply at the meeting in question (for example where they are unable to attend the meeting), that reply may be given by another Lead Member acting on their behalf (in which circumstances (iii) above will apply as amended to cover these circumstances);*
- (vii) *The Mayor may:*
  - (a) *rule at any time that a question is frivolous, inconsistent with the Twelve Principles of Good Governance (Part 1 of this Constitution) or **does not clearly relate to matters that are primarily local in nature** and rule not to permit it to be asked at the meeting or;*
  - (b) *determine the order in which questions (that have been accepted by the Head of Governance & Mayoralty under the provisions above) are taken at the meeting, with questions to the Leader of the Council normally dealt with first, and the Leader of the main Opposition Group having the right to ask the first of these.*
- (viii) *The form of a reply to a question shall be within the discretion of the Leader or Lead Member giving the reply, or by the Lead Member delivering the reply on their behalf. In determining the form of his/her reply, that Councillor may take into special consideration whether a full reply would involve excessive resources, in which case he/she may decline to answer the question in whole or part;*
- (ix) *Following an oral reply to a question given in pursuance of this Standing Order the Mayor may permit one supplementary question, from the Councillor who asked the original question, which should relate to the subject of the question but need not be restricted to elucidation of the reply;*
- (x) *Questions relating to the receipt of letters, reports, circulars or other documents by the Council, and to any action proposed thereon, will not normally be accepted until a fortnight has elapsed from the date of receipt of the document by the Council;*
- (xi) *Where the answer to a question cannot conveniently be given orally it shall be, at the discretion of the Lead Member giving it, replied to by subsequently issuing a written statement; and*
- (xii) *Any Councillor giving notice of a question pursuant to this Standing Order may, at the same time, indicate that they do not intend to ask it orally, in which case it shall not be asked or answered orally; and*

*unless withdrawn pursuant to paragraph 22.04 below it shall at the conclusion of question time be deemed to have been asked and shall be answered in writing.*

22.02 *Every question asked, and the reply given thereto, shall be recorded briefly in the minutes.*

22.03 ***A Councillor who has registered to ask a question must read the initial question as printed in the Council agenda papers. No more than two minutes will be allowed for any question, any supplementary question or any response under this Standing Order and in normal circumstances no more than up to thirty minutes shall be allocated to Standing Order 22 questions at any meeting with questions. Any questions which cannot be asked because of the time limit, shall be deemed to have been asked and shall be answered in writing; and every such question and answer thereto shall also be recorded in the minutes.***

22.04 *A Councillor may at any time withdraw a question provided that they notify the Director to that effect at any time before the start of the meeting of the Council at which the question is due to be asked.*

## **5. ADDRESS FROM THE LEADER OF THE COUNCIL AND OPPOSITION RESPONSE**

5.1 Standing Order 3.04(f) permits a speech by the Leader of the Council and response by the Leader of the principal minority party at the Annual Council Meeting. This practice has become a common feature at ordinary Council meetings too, although there is no provision in Standing Orders. In addition, it is also the Council's practice to permit one person from each Party Group to speak on the budget, usually the Group Leader, the Lead Member responsible for finance, or the Group spokesperson.

5.2 The Administration Committee is invited to recommend that Council authorise the necessary amendment to Standing Order 3.05 to reflect current practice of both the Leader's speech and response and the budget debate.

## **6. DEFINITIONS**

6.1 The current Constitution is written on the basis that there are only two party groups. Since May 2023, there have been three groups, which can cause problems with questions to Lead Members and rights to speak. To avoid having to make changes at short notice, the Administration Committee is invited to recommend full Council to authorise the addition of the following definitions as at the start of Standing Orders:

(i) *'The Opposition Group' will mean the largest Minority Group.*

(ii) *The right of response to the Leader's speech at each Council meeting will be reserved to the Opposition Group; however, the leaders or finance lead of each party group would be expected to speak on the Council's annual budget debate and to be granted equal time.*

- (iii) ***In normal circumstances, along with the Lead Member, only an Opposition Group member may respond to each question at Public Speaking, albeit the Opposition Group can give way to another minority party or ungrouped Councillor should they see fit to do so.***

## **7. STANDING ORDER 36 – CHAIR AND VICE-CHAIR**

- 7.1 Currently this Standing Order states: '36.01 Chairs and Vice-Chairs of Committees for the forthcoming Municipal Year shall be appointed at the Annual Council Meeting.' However, the practice is only to appoint the Chair and Vice-Chair of Overview and Scrutiny; all others are appointed at concurrent committee meetings held immediately after the Annual Council. The Administration Committee is invited to recommend that full Council amends this Standing Order, for the sake of accuracy, to read:

*36.01 Chairs and Vice-Chairs of Committees for the forthcoming Municipal Year shall be appointed at the Annual Council Meeting, where provided for elsewhere in the Constitution, or otherwise at the first meeting of each committee following the Council meeting.*

## **8. RECOMMENDATIONS**

- 8.1 The Administration Committee is invited to recommend full Council to adopt the changes to the Constitution set out in the body of this report as follows:
- (i) Public speaking at Council meetings (Standing Order 8.03)
  - (ii) Matters of local concern (Standing Order 11)
  - (iii) Questions to Lead Members (Standing Order 22)
  - (iv) Leaders' speeches and budget debate (Standing Orders 3.04-3.05)
  - (v) Definitions
  - (vi) Appointment of Chairs and Vice-Chairs (Standing Order 36)

**FOR DECISION**

Maxine Holdsworth  
**Chief Executive**

**Background papers used in the preparation of this report:** None

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