

# Appendix A

## THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

ADMINISTRATION COMMITTEE – 3 JUNE 2010

REPORT BY THE DIRECTOR OF LEGAL SERVICES

### CHANGES TO THE CONSTITUTION

#### **A. ACCESS TO INFORMATION**

A protocol on member's rights of access to information.

**FOR DECISION**

#### **B. STANDARDS COMMITTEE RECOMMENDATION**

Standards Committee recommend amending Standing Order 30.01 on conduct of members.

**FOR DECISION**

#### **A. MEMBERS ACCESS TO INFORMATION**

##### **1. INTRODUCTION**

- 1.1 It is proposed to add a protocol on members rights of access to Council information to the Access to Information Procedure Rules in Part 4 of the Council's Constitution to aid clear understanding of these rights, the procedure for obtaining information and the resolution of disputes concerning access to information.

##### **2. BACKGROUND**

- 2.1 The Access to Information Procedure Rules apply to all meetings of the Council including committees, scrutiny committees, and public meetings of the Cabinet, Cabinet members and their Advisory Groups.
- 2.2 The proposed protocol is wider than the Access to Information Procedure Rules as it applies to all information held by the Council or which is within its control such as information held on its behalf by agents and contractors.

### **3. FINANCIAL, LEGAL, PERSONNEL, AND EQUALITIES IMPLICATIONS**

3.1 There are none

### **4. RECOMMENDATION**

4.1 The Committee is asked to recommend to Council that the protocol on Members Rights of Access to Information at appendix "A" be added to the Constitution (Access to Information Procedure Rules) at Part 4 C.

## **B. STANDARDS COMMITTEE RECOMMENDATION**

### **1. INTRODUCTION**

1.1 The Standards Committee asked for consideration to be given to amending Standing Order 30 concerning the conduct of members. In its decision following a hearing into an alleged breach of the code of conduct the Standards Committee expressed concern that whilst Council standing order 30.02 provided that members shall not impute motives or make reflections of a personal nature upon any other member or members, the Standing Order said nothing about avoiding inappropriate language in respect of members of the public.

### **2. BACKGROUND**

2.2 Standing Order 30 regulates the conduct of members during debate at meetings of the Council and provides that:

30.01 A member shall stand when speaking, address the Mayor, speak strictly on the question under debate and conform to the orders of the Mayor.

30.02 A member shall not indulge in tedious repetition, irrelevance or unbecoming language, nor shall he or she impute motives to or make reflections of a personal character upon any other member or members.

30.03 No member shall interrupt another member except in accordance with Standing Order 32 or 33.

2.3 The Standards Committee recommends that Standing Order 30.01 be amended so as to require members to avoid personal or inflammatory attacks on members of the public.

**3. FINANCIAL, LEGAL, PERSONNEL, AND EQUALITIES IMPLICATIONS**

3.1 There are none

**4. RECOMMENDATION**

4.1 It is proposed to add the words "and to treat others with respect" to the end of Order 30.01.

**MICHAEL COGHER  
DIRECTOR OF LEGAL SERVICES**

**DEREK MYERS  
TOWN CLERK AND CHIEF EXECUTIVE**

**Background papers used:** None

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