

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

MEETING OF THE COUNCIL – 20 APRIL 2011

REPORT OF THE ADMINISTRATION COMMITTEE 30 MARCH 2011

The Council is asked to approve amendments to the Constitution concerning Motions at Council Meetings.

FOR DECISION

1. MOTIONS AT COUNCIL MEETINGS

1.1 Currently Standing Orders make provision for three different types of motions:

- **Motions for Main Debate**, which have to be submitted five clear working days before the Council meeting in question (i.e. on agenda despatch day). These are motions that **do not** typically relate to matters featuring elsewhere on the agenda and they are a common item of business, often with lively debate, at Council meetings.
- **Motions for General Debate**, which are motions that **do** relate to business already on the Council agenda, and these have to be submitted before the item to which the motion relates (unless it relates to the budgetary or strategic framework). No motion of this sort has been submitted in the last 10 years - presumably because the Mayor tends to prioritise debate on Council business where Members have points they wish to make - especially where these are flagged-up with him in advance. Standing Order 21, which deals with the 'Reception of Submissions and Reports' also provides for debate on submissions from the Cabinet or reports from Committees.
- **Motions for Limited Debate on a Formal Amendment to the Budgetary and Strategic Framework**, which have to be submitted two working days in advance of the meeting in question. This mechanism was used once recently but caused concern when the mover of a Labour Group motion realised after submitting it that she could only speak for two minutes rather than the usual five or ten minutes for movers of motions.

1.2 At the Council meeting on 13 October 2010 procedural issues arose in relation to one of the Motions for Main Debate. Members may recall that, in summary:

- the Liberal Democrats tabled a motion on housing benefit. The Conservative Group and the Labour Group both moved amendments which effectively re-wrote the original motion. The Conservative amendment was received first and was therefore taken first. It was carried.
- At this point therefore the Labour amendment, which related to the original rather than the amended motion, would have fallen without debate. There is currently no provision in Standing Orders to move amendments on the night after a vote - amendments must be received by noon on the day of the meeting (SO24.02(c)).
- A further issue was the amount of time the proposer of the original (in this case Liberal Democrat) motion could speak under Standing Orders. Arguably, on one interpretation of Standing Orders, she could have spoken for ten minutes in moving the original motion, five minutes in replying to the Conservative amendment, five minutes in replying to the Labour amendment and five minutes summing up on the original motion - making 25 minutes in total. Furthermore the relevant Cabinet Member, on a motion with two amendments, will have three separate opportunities to speak for up to 10 minutes. With much to discuss on the agenda, Members may consider that this is an excessive amount of time for one member to be able to speak on one issue.

1.3 It is proposed, following consultation with all three Party Groups, that the Standing Orders relating to motions need to be simplified and 'refreshed' so that they are clearer and easier to understand, as follows:

- (i) **Standing Orders to provide for just one type of motion** - Motions for Main Debate which must be submitted by **noon** on agenda despatch day for inclusion in the agenda papers.
- (ii) The proposer of a motion or amendment and the Member responding to that motion or amendment can currently speak for up to ten minutes. It is suggested that **all speeches on motions be restricted to a maximum of five minutes** (subject of course, to the ability of Council to suspend or vary this limitation). The Mayor will otherwise have broad discretion as to the length of debate and, indeed, whether any further speeches are allowed other than those of the proposer

(when moving the motion and exercising the right of reply), the seconder and the relevant Cabinet Member.

- (iii) **Amendments will be permitted**, as now, as long as they are submitted by no later than noon on the day of the Council meeting. The Mayor should allow some time on the original motion to allow the proposer and seconder to make their speeches and for others to contribute. Then the amendment(s) should be moved and priority given to those who have not yet spoken.
- (iv) **Amendments will be taken in the order they are submitted** - and where an amendment is carried thus making any second amendment to the motion nonsensical, the proposer of the second amendment will be given the opportunity to withdraw or vary their amendment (i.e. redraft it 'then and there' if it is still relevant to the, now amended, motion), otherwise it will fall.
- (v) **The Mayor will have broad discretion** in relation to debates on motions and accompanying amendments*. In particular he/she will determine the stage at which amendments are taken and the length of time allocated to debate on an amendment and debate on the substantive motion. The proposer of a substantive motion or of an amendment, plus the relevant Cabinet Member will speak for no more than five minutes though the Mayor will encourage brevity where these individuals have already spoken at length in the preceding debate. The Mayor will determine the appropriate point at which the matter is put to the vote, unless a motion to that effect is requested by another Member first.
- (vi) **Standing Orders will list the types of motions which may be moved without prior notice**, e.g.
 - Election of a Chairman (if the Mayor and Deputy Mayor are absent)
 - Accuracy of the Minutes
 - Order of business
 - Withdrawal of a motion
 - Extension of the time limit on speeches
 - That the question now be put, or to proceed to the next item of business
 - Point of order
 - Point of personal explanation
 - Suspension of Standing Orders
 - Exclusion of the Press and Public (S.100A of the Local Government Act 1972)

1.4 **Recommendation**

The Administration Committee recommends the Council to adopt the revised version of Standing Orders as attached at **Appendix 1**, which shows the proposed amendments/additions highlighted.

FOR DECISION

Sir Merrick Cockell
Chairman, Administration Committee