Part One - Summary and Explanation

SECTION 1: INTRODUCTION

1.01 The Council

The Royal Borough of Kensington and Chelsea is situated in central west London. It was created in 1965 by the merger of the Metropolitan Borough of Chelsea and the Royal Borough of Kensington. The Royal Borough’s motto is ‘QUAM BONUM IN UNUM HABITARE’ - ‘What a good thing it is to dwell together in unity’. It is bordered in the north by the London Borough of Brent, in the west by the London Borough of Hammersmith and Fulham, in the east by the City of Westminster and in the south, across the River Thames, by the London Borough of Wandsworth. The Royal Borough is divided into eighteen wards.
1.02 **What is the Constitution**

The Royal Borough of Kensington and Chelsea has a Constitution, which sets out how the Council operates, how decisions are made, and the procedures that are followed to ensure that they are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The Constitution is divided into seven Parts. This summary and explanation is Part 1. Part 2 is divided into 15 Articles which set out the basic rules governing the Council’s business. Part 3 sets out who is responsible for carrying out the Council’s functions. Part 4 contains procedural rules for conducting Council business, public hearings and access to information, financial procedure rules, audit procedure rules, procurement and contract regulations, legal procedure rules and officer employment procedure rules. Part 5 is codes and protocols governing Member and officer conduct. Part 6 deals with Members' allowances and Part 7 sets out management structures.

1.03 **What is in the Constitution?**

Article 1 of the Constitution commits the Council to making decisions in an efficient and effective way, giving leadership within the community, working in partnership with others and taking into account local views. Articles 2-15 explain the rights of local people and how the key parts of the Council operate. These are:

(a) Members of the Council (Article 2).

(b) Local People and the Council (Article 3).

(c) The full Council (Article 4).

(d) Role and Functions of the Mayor (Article 5).

(e) Scrutiny of Decisions (Article 6).

(f) The Cabinet (Executive) (Article 7).

(g) Council Committees (Article 8).

(h) Councillors’ conduct and ethical standards (Article 9).

(i) Joint Arrangements (Article 10).

(j) Officers (Article 11).

(k) Decision-making (Article 12).

(l) Finance, Contracts and Legal Matters (Article 13).

(m) Review and Revision of the Constitution (Article 14).
(n) Suspension, Interpretation and Publication of the Constitution (Article 15).

1.03 **How the Council Operates**

The Council is composed of 50 Councillors, elected every four years. Councillors (who are also referred to as Members) are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

All Councillors meet together as the Council. Each year Councillors elect one of their number to be Mayor. The Mayor has a ceremonial function as well as acting as Chairman of Council meetings. Meetings of the Council are normally open to the public. Here Councillors decide the Council’s overall policies and set the budget each year. The Council debates issues of current interest, considers and approves proposals from the Executive, discusses matters arising from the work of scrutiny committees, and appoints Councillors to sit on the various Council and scrutiny committees, and on outside bodies.

1.04 **The Council’s Structure**

The Council has decided that the Leader and a group of Councillors appointed by him or her will carry out its executive functions. These Councillors have the power to make decisions either individually or collectively as a cabinet. In addition, there are committees of the Council set up to make decisions that, by law, the Executive cannot make. Articles 7 and 8 explain and define what happens.

1.05 **The Leader and Cabinet**

The Executive is the part of the Council that is responsible for most day-to-day decisions. The Executive is made up of the Leader (appointed by the Council) and a cabinet of up to nine other Councillors, appointed by the Leader. When major decisions (known as 'key decisions') are to be discussed or made, these are published in the Executive’s Forward Plan in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this is generally open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions that are in line with the Council’s overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Decisions by committees dealing with non-executive matters are made at meetings. They, too, are open to the public.

A structure chart of the Royal Borough’s Council and its committees and advisory groups is set out at Appendix B.

1.06 **The Council as Regulator**

The Council is required by law to perform certain regulatory functions. The Council delegates some of these functions to its officers, others are performed
by committees of councillors. The functions performed by committees are set out in Part 3 B of this Constitution.

1.07 **Maintaining High Standards of Conduct**

The standards of conduct which all Councillors and co-opted committee members must comply with are set out in the codes of conduct in Part 5 of this constitution.

1.08 **Monitoring the Council’s performance**

There are five scrutiny committees which support the work of the Executive and the Council as a whole. These committees are able to inquire into matters of local concern. This could lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Scrutiny committees also monitor the decisions of the Executive. They can ‘call-in’ a decision that has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

1.09 **The Council’s Staff**

The Council has people working for it (called ‘officers’) to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the Council. Officers have authority delegated to them either by the Executive or Council committees to make decisions on routine matters. The limits of these delegations are set out in Part 3C.

1.10 **Local People’s Rights**

People have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council’s own processes. Local advice agencies, such as the Citizens’ Advice Bureau, can advise on an individual’s legal rights.

Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights and responsibilities. These are not covered in this Constitution.