

THE STANDARDS COMMISSION FOR SCOTLAND

OFFICE OF ADMINISTRATION AND HEARINGS

GUIDANCE ON CONDUCT IN CHAMBER OR COMMITTEE

Introduction

1. The Commission considers that high standards in the Chamber or Committee are of fundamental importance to the integrity of Council business and to public perception of local democracy. It is recognised that there are many good examples of rules for the conduct of debate and decision making in Local Authorities. There have, however, been some instances of poor behaviour which have led the Commission to issue this Guidance.
2. The Councillors' Code of Conduct sets out Key Principles at Section 2 which include:

“Respect

You must respect all other councillors and all Council employees and the role they place, treating them with courtesy at all times.”

and at 3.14 states:

“You must respect the chair, your colleagues, Council employees and any members of the public present within the Chamber during Council or Committee meetings or other formal proceedings of the Council. You must comply with rulings from the chair in the conduct of the business of the Council.”

3. The following guidance sets out the Commission's recommendations for compliance with the Code of Conduct in relation to conduct in the Chamber or Committee and is intended to support Chairs, elected Members and Officers alike by supplementing the requirements of the Code.

Guidance

4. The role of the Chair in any Council meeting, which includes a Committee meeting or a meeting of a Working Group or similar forum, is to ensure that the agenda of business is properly dealt with and clear decisions are reached. To do this the Chair has a responsibility to ensure that the views and opinions of other participants (including the advice of Officers) are allowed to be expressed and that these contribute to the outcomes of the meeting. At the same time the Chair has a responsibility for proper and timely conduct of the meeting which can sometimes mean expediting the business on the agenda and reaching a judgement on the fairness and sufficiency of debate. This includes determining

the point at which conclusions should be reached. This requires a balanced approach to ensure fairness to participants while at the same time dealing firmly with any attempt to disrupt or unnecessarily delay the meeting. The role of the Chair in reaching such judgements requires to be supported and respected.

5. The Chair's powers and duties should be articulated to the whole Council by the way of Standing Orders and which should set out the obligation on the Chair to permit fair and responsible debate and the obligation on the other Members to adhere to appropriate rulings by the Chair. Behaviour disruptive to the meeting should not be tolerated. Procedures should allow for Members guilty of such behaviour to be excluded from the meeting if necessary to allow Council business to be completed.
6. The Commission recommends that every Local Authority has a set of Standing Orders in place which include provisions to regulate procedure at Meetings.
7. Where disruptive behaviour reaches the stage of preventing Council business from properly and timeously taking place, it is recommended that such issues, wherever possible, be referred in the first instance to an informal meeting of Senior Elected Members (such as Political Group Leaders), together with appropriate Senior Officers in order to seek a resolution to such issues. Reference should, however, be made to the Standards Commission where it is believed that such a reference to a group of Senior Elected Members would serve no useful purpose or would otherwise be inappropriate and it is considered that a breach of the Code of Conduct has taken place. It should be recognised that disruptive behaviour will reflect on the reputation of the Council as well as that of individual Elected Members.
8. Councillors are accountable for their own individual conduct in the Chamber or Committee at all times in terms of the Councillors' Code of Conduct. Abusive or offensive language should not be tolerated and it is a matter for the Chair to rule on the acceptability of language used during the course of a meeting and to take appropriate action as necessary, including requiring withdrawal of a remark, requiring an apology, or any other action required to allow the meeting to properly proceed.
9. The conduct of the Chair in the process of conducting a meeting can play a major role in ensuring a successful meeting. For that reason, Councillors who are regularly expected to Chair meetings should ensure that they are familiar with the Council's Standing Orders relating to the conduct of debate. Training will often play a major part in establishing the role of a successful Chair including when it is appropriate to obtain the advice of Officers.