

## **Conduct of Councillors in Meetings**

### **1. AIM**

- 1.1 To consider how elected member behaviour can be improved in Council meetings.

### **2. Summary**

- 2.1. At the Standards Committee meeting on the 15<sup>th</sup> July 2024 some Councillors expressed concerns regarding the content of debate in relation to councillor's speeches in committee meetings. It was asked whether or not the council could adopt a voluntary protocol to regulate how Members treated each other during council debates.
- 2.2 It was acknowledged that the primary standard against which behaviour should be judged was the Councillor Code of Conduct. Councillors are fundamentally responsible for the standards that they set in debate. The role of the chair of meeting is also fundamental to controlling Councillor behaviour in meetings.
- 2.3 Council's constitution at Part Four, Rules of Procedure does provide various rules for dealing with unruly or disruptive member behaviour. There are rules that allow the person presiding (chair) to move that a Member may not be heard further. This would be subject to a vote by the meeting itself. If a Member were to continue to behave improperly after such a motion was carried the person presiding may move that either the Member leaves the meeting or that the meeting stand adjourned for a specified period. This would again be subject to a vote.

### **3. Recommendations**

- 3.1 That the Committee note the report.
- 3.2 That the Committee request the Monitoring Officer to discuss the issue of a voluntary protocol in relation to Councillor behaviour in meetings with the Group Leaders.

### **4. Report Detail - Know**

- 4.1. Councillors will be acting in their official capacity when they attend council meetings and as such they have to abide by the Councillor Code of Conduct whilst in those meetings. The council is obliged to promote and maintain high standards of conduct by Members and must, in particular, adopt a code dealing with the conduct that is expected of Members and co-opted members of the authority when they are acting in that capacity. The Councillor Code of

Conduct is underpinned by the Nolan Principles of selflessness; integrity; objectivity; accountability; openness; honesty; leadership.

- 4.2 The main provisions of the Councillor Code of Conduct relevant to conduct in council meetings by Members are for councillors not to bully any person; not to harass any person; not to unlawfully discriminate against any person; not to conduct themselves in a manner as a Councillor that is likely to bring the Council into disrepute; not to treat other councillors and members of the public with disrespect, nor local authority employees, employees and representatives of partner organisations and those volunteering for the local authority and respecting the role they fulfil.
- 4.3 It has to be remembered that Councillors are very much responsible for their own behaviour in fulfilling their roles. This applies to how they conduct themselves in meetings.
- 4.4 In the first instance if a Councillor were to misbehave in a meeting it would be for the Chair of the meeting to address that behaviour.
- 4.5 It is accepted that at times things may become heated in meetings due to the passionate nature of politics. The Standards Board for England which used to deal with complaints about Member behaviour accepted that “during the course of heated debate, Members can sometimes get carried away and resort to name-calling, abusive, heckling and other disruptive or disrespectful behaviour.” They felt the best way to avoid this was for elected members to concentrate on ideas and arguments rather than attacking individuals. They also recognised the importance of firm chairing of meetings to prevent low-level misconduct recurring, or even escalating into more serious incidents. This is still relevant in today’s politics.
- 4.6 In determining whether or not to investigate allegations regarding behaviour in debate the Standards Board for England said that “Members must expect to encounter occasional ill-considered or rude commentary in the course of their duties. As fellow politicians, they have a public platform on which to defend themselves and their ideas and have the opportunity to respond in the appropriate forums. Allegations of simple name-calling, political point scoring or mild rude and inappropriate language would not be serious enough to refer for investigation by an ethical standards officer. The Standards Board for England believes that such behaviour should be controlled by the chair of the meeting.”
- 4.7 There is also a higher threshold regarding Member behaviour in the course of conducting political debate which has been upheld in the courts and under the Convention on Human Rights. The right to freedom of expression is protected in common law and under Article 10 of the European Convention on Human Rights. There is increased protection afforded to political speech to ensure political speech or debate is not restricted. This means that even offensive statements by politicians may be protected. In the case of *Redmond-Bate v Director of Public Prosecutions* Lord Justice Sedley stated:

*“Free speech includes not only the inoffensive but the irritating, the contentious, the eccentric, the heretical, the unwelcome and the provocative. ... Freedom only to speak inoffensively is not worth having. ...”*

- 4.8 This was also confirmed by the European Court of Human Rights in *Handyside v United Kingdom* who stated:

*“Freedom of expression constitutes one of the essential foundations of such a society, one of the basic conditions for its progress and for the development of every man. ... it is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no ‘democratic society’*

- 4.9 Whilst there is a higher level of latitude in relation to political speech this does not mean that Councillors can say whatever they like and personally abusive or insulting statements may fall short of being protected. So there are occasions where behaviour may be referred for investigation. This is particularly the case where behaviour tips over into malicious abuse, persistent or disruptive behaviour, accompanied by threats of violence, or where a Member abuses council officers or members of the public who do not have the same platform to defend themselves as councillors do. Complaints should also be considered more seriously if there is a clear pattern of misconduct that is damaging to the public reputation of the authority.
- 4.10 Some Councils do have voluntary Codes governing councillor behaviour in meetings but the issue is whether or not this is required over and above the existing Councillor Code of Conduct. An example of one such code is at Appendix 1.

## **5. Financial information**

- 5.1 None contained within this report.

## **6. Legal implications**

- 6.1 The council must promote and maintain high standards of conduct by Members and co-opted members of the authority. In discharging its duty, a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of Members and co-opted members of the authority when they are acting in that capacity.

## **7. Decide**

7.1 The committee is asked to approve the recommendations as set out in Paragraph 3.

## **8. Respond**

8.1 That the Monitoring Officer discusses this issue with the relevant Group Leaders of the council and report back to the Standards Committee.

## **9. Review**

9.1 That this issue is kept under review and considered as part of any wider review of standards of conduct by Councillor at the Council.

## **Background Papers:**

### **Appendix 1**

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## APPENDIX 1

# Informal protocol – Conduct of Members during meeting

Council meetings and committees are formal events, not social occasions. They have a clear purpose – to make decisions – and can be observed by members of the public and the press. Inappropriate or unprofessional behaviour by members, or perceived conflict between individuals or political parties, can damage the council's reputation and all the good work it does.

Members are subject to the following relevant provisions of the Members' Code of Conduct whilst attending meetings and committees of the Council.

***“1.1 I treat other councillors and members of the public with respect.”***

***“2.1 I do not bully any person”***

***“5.1 I do not bring my role or local authority into disrepute”***

This informal protocol has been requested by and agreed between the political parties and covers particular points they believe need addressing. It provides some practical guidance on how councillors engage with each other in order to help them observe the Code of Conduct.

### **1. General behaviour**

- 1.1 Members should conduct themselves in a business-like manner at all times. They should not try and score points off fellow councillors and must never engage in personal attacks.
- 1.2 Members should not need to raise their voices in order to make their point. They should also refrain from interrupting others, making noises or gesticulating, as a way to show their disagreement with what is being said.
- 1.3 Where members of the public have taken the time and trouble to contribute to a meeting, members should be particularly respectful towards them.
- 1.4 In order to avoid disrupting a meeting the Chair will remind members that all electronic devices (such as mobile phones, laptops and iPads) must be switched to silent or vibrate during meetings, and if there are exempt agenda items that the use of social media is not permitted during those items.

## **2. Respecting the Chair (the Mayor)**

- 2.1 The office of Chair is created by legislation, and the person in that role is in charge during council meetings. Chairs have a duty to ensure that council meetings run smoothly, that all business is properly understood and considered, and all councillors who wish to speak can do so. It is good practice for the Chair to refer to the Clerk for advice.
- 2.2 Where councillors, the clerk and Chair work together as a team they can combine knowledge and skills to deliver real benefits to the community they serve. Good working relationships, mutual respect and an understanding of their different roles are vital. Apparent conflict between these key roles, especially during meetings in front of the press or public, rarely goes unnoticed and is unprofessional.

## **3. Member contributions**

- 3.1 Council meetings should be formal and dignified. Councillors wishing to speak should catch the Chair's eye or raise their hand.
- 3.2 The expectation of the public is that members will concentrate on the business in hand at meetings. It is therefore important that Members listen to debates and comments and are not distracted by other non-work-related activities, or by the task of accessing electronic papers. Members may be disrespecting others or considered to be bringing their office or authority into disrepute by their behaviour if they do not pay proper attention. This applies whether or not the meeting is being webcast.
- 3.3 During debate, members should ensure they:
- Keep their contributions short and to the point, and always make them via the Chair.
  - Only raise well thought out questions.
  - Are mindful of the number of questions being raised. If the number of questions being raised generally is considered by any political party to be too high, the Governance & Ethics Committee may consider limiting the number of questions permitted to one per political group.
  - Use closure motions when necessary.
- 3.4 "Substantive" amendments to motions are to be provided 48 hours in advance to each political party. It is for the political parties to determine what they consider to be substantial, and they should keep this under review and raise any concerns with the Monitoring Officer.

## **4.0 Ongoing improvement and monitoring**

- 4.1 The Chair will undertake mandatory training in relation to rules of debate and application of the rules, to help support them in their pivotal role. Training and support to other members will also be available on request.
- 4.2 The behaviour of members is to be a permanent agenda item for political group meetings and any ongoing issues must be reported to the Monitoring Officer.
- 4.3 As respect for fellow councillors extends beyond the duration of meetings, consideration will be given by the Monitoring Officer to keep cameras on after the webcast has ended, for the purpose of local recording.
- 4.4 The need for and content of this protocol will be kept under review by the Monitoring Officer.

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