

## Part A

**Report to:** Constitution Working Party  
**Date of meeting:** 14 June 2016  
**Report of:** Head of Democracy and Governance  
**Title:** Member Behaviour at Council

### 1.0 **Summary**

1.1 At Council meetings during the last Municipal Year there were incidents of Member behaviour being not as would be desired. The Working Party is asked to consider if there are any changes that could be made to the current procedure rules to ensure appropriate behaviour in maintained in the future

### 2.0 **Recommendations**

2.1 To recommend to Council any changes to the Constitution

**Contact Officer:**

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**Report approved by:** Managing Director

### 3.0 **Detailed Proposal**

- 3.1 During the last Municipal Year there were a couple of Council meetings where there were issues of members not behaving as they should during the meeting. The last meeting of the year was particularly bad with members speaking over each other, interrupting others speaking and not listening to the Chair.
- 3.2 In the Constitution there are a number of procedural rules which deal with member behaviour at meetings these are:
- If a member wishes to speak they must stand. Not more than one member can speak at any one time.
  - If the Chairman stands then any member speaking at the time must stop and sit down. The meeting must be silent.
  - If a member persistently disregards the ruling of the Chairman by behaving improperly, or offensively, or deliberately obstructs business the Chairman may move that the member be not heard further. If seconded the motion will be voted on without discussion. If passed the member will not be entitled to speak any more for the duration of the meeting.
  - If the member persists in behaving improperly after the motion to be not heard further is carried the Chairman may move either that the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded the motion will be voted on without further discussion. If carried then either the Member will have to leave the meeting or it stands adjourned.
- 3.3 In addition the procedure rules allows a member to raise a point of order. This is not a rule that allows a member carte blanche to stand and speak about anything that he/she disagrees with that another member has said, if they have already spoken. It is if a member is of the opinion that another member has breached either one of the procedure rules or the law. The member must be able to demonstrate which procedure rule or what law they think has been breached.
- 3.4 Also a member can make a personal explanation at any time. This must relate to some material part of an earlier speech by a member which may appear to have been misunderstood in the present debate.
- 3.5 Members also need to have regard to the Code of Conduct for councillors. This includes treating others with respect. In the event that a complaint is received regarding the behaviour of a member in breach of the code then this will be considered by the Head of Democracy and Governance as Monitoring Officer and if necessary could lead to a Standards Committee Hearing.

- 3.6 The Chairman is in charge of the conduct of the meeting and has a wide discretion regarding asking a member to behave. However all councillors also have a responsibility for their own behaviour and to ensure that the meeting is conducted efficiently and to have regard for the perception that their behaviour may have on the wider public they have been elected to serve.
- 3.7 Members are asked to consider if there are any other measure the Council could put in place to promote better behaviour at meetings. The issue is particularly frustrating where there is persistent misbehaviour by the same person(s). Options here could include Council determining that the member be not heard for **more than one** meeting if there is persistent poor behaviour; and/or determining that the members own group regulates the behaviour of the individual and makes a public statement at the next meeting as to what action has been taken. Ultimately bringing public attention to the behaviours is most likely to assist with securing improvement. One substantial option in this regard would be to introduce webcasting.
- 4.0 **Implications**
- 4.1 **Financial**
- 4.1.1 The Shared Director of Finance comments that there are no financial implications in this report
- 4.2 **Legal Issues (Monitoring Officer)**
- 4.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the body of the report

## **Background Papers**

No papers were used in the preparation of this report

## **File Reference**

- none