

CHAIRPERSON'S PROTOCOL

1. Chair - Role

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, explanations or responses of Officers) are allowed to be expressed and that these contribute to the outcomes of the meeting. Views and opinions should be objective and expressed in temperate and fair terms. 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. It requires a balanced approach to ensure fairness to participants while at the same time dealing fairly with any attempt to disrupt or unnecessarily delay the meeting. Members present share the responsibility for the proper and expeditious discharge of business and the role of the Chair in reaching such judgements requires to be supported and respected.

Whilst there is an obligation on the Chair to permit fair and responsible debate there is an obligation on other Members to adhere to appropriate rulings by the Chair. Behaviour disruptive to a meeting should not be tolerated. Sanctions are available to deal with Members guilty of such behaviour, including exclusion from the meeting if necessary to allow Council business to be completed.

Where disruptive behaviour, individual or otherwise, reaches the stage of preventing Council business from properly and timeously taking place, such issues will be deferred 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. Where a breach of the Code of Conduct for Councillors may have occurred, however, this should be addressed in accordance with the **How to Make a Complaint Against a Moray Councillor** document. It should be recognised that disruptive behaviour will reflect on the reputation of the Council as well as that of individual elected members.

Councillors are accountable for their own individual conduct in the Chamber or Committee at all times in terms of the Councillor's Code of Conduct irrespective of the conduct of others. 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 proportionate action required to allow the meeting to properly proceed.

When the Chairman speaks, any member who is addressing the meeting should stop.

The Chair may make a statement at the start of the meeting on any matter that affects the Council's interest. The Group Leader(s) of the opposition party(ies) have the right of reply.

2. Items of Business - Officers and questions

Written questions submitted by a member for consideration at any council meeting will be reviewed and assessed as to admissibility in terms of the **Protocol on Questions on Council Minutes and other relevant Questions**.

As regards questions posed verbally at council meetings, with a view to both promoting a productive relationship with officers and enhancing the quality of information available at Council meetings, wherever possible members should raise with officers any questions which they may have regarding committee business in advance of the relevant meeting.

The Chair may invite Officers of the Council to speak on an item of business, at any time.

Members may ask the chair relevant questions on each item of business. The Chair may rule that the questions be answered by an Officer of the Council. The Chair may rule that the questions or part of the questions be answered in writing at a later date.

The Chair may rule to limit the time available for putting questions on an item of business, in so far as this is consistent with Standing Orders.

3. Items of business - debate

The Chair should allow those Members who indicate that they want to speak on each item of business to do so in turn. Members should address the Chair and should speak directly to the item of business or on a point of order.

The Chair has the right to move the approval of a report/recommendation of a report or a minute. Approval of a report or a minute is to be considered as a motion (see Standing Orders 48 and 49).

4. Voting Procedure

If a Member immediately challenges the accuracy of a vote the Chair should rule on whether the vote should be repeated and a recount taken.

All questions should be decided by majority of the members voting unless the law or Standing Orders say otherwise.

5. Urgent Motions

Urgent motions not relating to the business in the Agenda for the meeting and not included in the Agenda for the meeting may be dealt with at the meeting if submitted in writing signed and ruled urgent by the Chair. Urgent motions should be given to the Clerk not less than one hour before the start of the meeting and passed to the Chair to enable a ruling to be made.

If the Chair rules that the motion deals with a matter already being dealt with the motion should not be considered.

Only Members of the Committee or Sub-Committee may sign and submit an urgent motion intended for that Committee or Sub-Committee.

6. Motions for inclusion on the Agenda

A motion intended for inclusion on the Agenda for a meeting should be signed by the member or members submitting the motion and if the Chair rules that the motion deals with a matter already being dealt with the motion should not be considered. A notice of motion must be received by the proper officer prior to 4 pm in the afternoon of the 14th day prior to the day fixed for any meeting of the Council.

7. Motions for remit to a Committee

A motion intended for remit to a Committee should be included on the Agenda for the meeting in the order in which they are received.

The motion should be remitted to the Committee without debate unless the motion is ruled out of order.

If the Chair rules that the motion deals with a matter already being dealt with by the Committee the motion should not be considered.

8. Obstructive or Offensive Conduct - Members

If a Member behaves obstructively or offensively or disregards the authority of the Chair, a motion may be moved and seconded to suspend a member for the rest of the meeting. The mover will explain briefly the reasons for so doing, and the motion should be put to a vote without amendment or discussion. If it is carried the Member shall withdraw from the meeting and take no further part in it, and the meeting shall stand adjourned until the Member has withdrawn.

9. Obstructive or Offensive Conduct - Public

If a member of the public interrupts any meeting the Chair may warn that person to stop the interruption. If they continue the interruption the Chair may

order the person to be removed from the meeting. If there is general disturbance at any meeting that is open to the public, the Chair may order that the public be removed from the meeting and the meeting shall stand adjourned until the member of the public has been removed.

10. Public and Media - Access

No form of audio or visual recording, photography or transmission of the proceedings of any meeting by the public or media will be allowed, unless the Chair of the Committee agrees. This is not withstanding that some meetings of the Council will be webcast.

11. Attendance at Hearings

Members may take part in a vote on a hearing only if they have attended the entire proceedings of the hearing where:-

- (i) the decision may affect the interest or rights of any person as an individual; and
- (ii) the person has a right to be heard in person or through a representative.

12. Attendance of Non-Members - Committees

A Councillor can observe the whole proceedings or any meeting of a Committee, Sub-Committee, etc that he or she is not a member of except when

- (i) the meeting is dealing with a matter where the decision may affect the interest of any person as an individual; and
- (ii) the decision is made after the hearing by the Committee where the person has a right to be heard (in person or through a representative).

Such exceptional meetings include the Moray Council Appeals Committee, Social Work Complaints Review Committee, Appointments Committee, School Placings and Exclusions Appeals Committee and the Educational Services Grievance and Disciplinary Appeals Sub Committee.

Any Councillor can make a statement on any item of business being dealt with by a Committee or Sub-Committee of which he or she is not a member if the subject matter relates substantially to the Councillor's own Ward or is otherwise of relevant to the Councillor's interests. The Councillor shall obtain from the Chair his or her permission to do so before the start of the meeting. Permission to make a statement does not include permission to ask questions of officers or fellow members at the meeting.

Where the Councillor observing a meeting of the Committee or intending to make a statement on a particular item or items has a financial or other interest

(as described in the Councillor's Code of Conduct) in any items of business being discussed by that Committee the Councillor shall disclose the interest as soon as possible after the start of the meeting.