ROTHERHAM BOROUGH COUNCIL

EXECUTIVE PROCEDURE RULES

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EXECUTIVE PROCEDURE RULES

PART I THE OPERATION OF THE EXECUTIVE, ETC.

1 The operation of the executive

Who may make executive decisions?

- (1) The arrangements for the discharge of executive functions are set out in Article 7 of the constitution, these Executive Procedure Rules and the Scheme of Delegation for Members and Officers.
- (2) The Leader of the Council may decide how executive functions that are not set out in the above executive arrangements are to be exercised.
- (3) The Leader may discharge any executive function and shall approve the Scheme of Delegation for Members and Officers as regards executive functions, which may provide for such functions to be discharged by -
- the Cabinet as a whole;
- a committee of the Cabinet;
- an individual member of the Cabinet;
- an officer;
- an area assembly co-ordinating group;
- joint arrangements with another local authority; or
- another local authority.

Sub-delegation of executive functions

- (4) Subject to any statutory provisions and except where the Leader specifies otherwise, where executive functions have been delegated to the Cabinet, they may be delegated further to any of the individuals or other bodies described in paragraph (3).
- (5) Unless the Leader specifies otherwise, where executive functions have been delegated to a committee of the Cabinet or to an individual Cabinet Member, they may be delegated further to an officer.
- (6) The fact that executive functions have been delegated does not prevent the discharge of those functions by the delegator.

2 Scheme of Delegation for Members and Officers

- (1) The Scheme of Delegation for Members and Officers may only be amended by the Leader as regards executive functions and will contain the details required in Article 5 of the Constitution.
- (2) Amendments to the Scheme as regards executive functions will be reported to all members of the Council in accordance with Standing Orders.

3 Conflicts of Interest

- (1) If a Member of the Cabinet has a conflict of interest in relation to a matter for his or her consideration, the Leader of the Council will substitute or in his absence the Deputy Leader.
- (2) If both the Leader or Deputy Leader are absent or if they themselves have a conflict of interest then the Cabinet Member with responsibility for resources is authorised to substitute.
- (3) Where all of the above have a conflict of interest then the matter will be referred to the full Cabinet.

PART II

EXECUTIVE MEETINGS AND RECORDS OF EXECUTIVE DECISIONS

4 Cabinet meetings

Frequency of meetings

(1) The Cabinet will ordinarily meet at the Town Hall, Moorgate Street, Rotherham S60 2TH approximately every 2 weeks but there will be a recess during the month of August

Quorum

(2) The quorum for a meeting of the Cabinet shall be 5. The quorum for a meeting of a committee of the Cabinet shall be one-third of the committee's membership.

Executive decisions

- (3) Cabinet decisions which have been delegated to the Cabinet as a whole or a committee of the Cabinet will be taken at a meeting convened in accordance with the Access to Information Rules.
- (4) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by the committee will be the same as those applying to those taken by the Cabinet as a whole.

5 The conduct of executive meetings

Chairing meetings

(1) Meetings of the Cabinet will be chaired by the Leader, or in his or her absence, by the Deputy Leader. In the absence of both the Leader and Deputy Leader, the Cabinet shall choose another Cabinet Member to preside.

Others' attendance at executive meetings

- (2) The Chairman of the Performance and Scrutiny Overview Committee may attend Cabinet meetings, and at the invitation of the chair, may speak but not vote.
- (3) The Access to Information Rules govern who may attend meetings of the Cabinet held in public.
- (4) For the first twenty minutes of each meeting of the Cabinet held in public, members of the public may attend and ask questions in accordance with the procedure appended to these Rules.

Consultation

- (5) All reports to the Cabinet, from any member of the Cabinet or an officer, on proposals relating to the budget and policy framework, must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and details of the outcome of that consultation.
- (6) Reports about other matters must set out the details and outcome of consultation as appropriate.
- (7) The level of consultation required will be appropriate to the nature of the matter under consideration.

Adding items to the Cabinet's agenda

- (8) The Leader may put on the agenda of any Cabinet meeting any matter which he or she wishes (whether or not authority has been delegated to the Cabinet, a committee of the Cabinet or any member or officer in respect of that matter) and the Democratic Services Manager will comply with the Leader's instructions in that respect.
- (9) The Democratic Services Manager will comply with a Cabinet member's request to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for its consideration.
- (10) Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet.
- (11) The Assistant Chief Executive (Legal and Democratic Services) or the Strategic Director of Finance (or both) may include an item for consideration on the agenda of a Cabinet meeting, and may require the Democratic Services Manager to call such a meeting in pursuance of their statutory duties.
- (12) Notwithstanding subparagraph (11), where any two of the Chief Executive, the Assistant Chief Executive (Legal and Democratic Services) and the Strategic Director of Finance are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may instruct the Democratic Services Manager to include the matter as an item on the agenda of the next scheduled meeting of the Cabinet.
- (13) If a decision on the matter is required before the Cabinet is next scheduled to meet, the officers entitled to include an item on the agenda under subparagraph(12) may also require the Democratic Services Manager to convene an extraordinary meeting of the Cabinet to consider the matter.

6 Recording executive decisions

Executive decisions made at meetings

- (1) As soon as reasonably practicable following a Cabinet meeting held in public or in private, the Democratic Services Manager (or in his absence an Officer designated by him will prepare a minute in respect of every executive decision made at the meeting.
- (2) A minute prepared under subparagraph (1) will record -

- the decision;
- the reasons for the decision;
- details of any alternative options considered and rejected when the decision was made;
- any personal interest declared by a member of the Cabinet participating in the making of the decision; and
- any dispensation granted by the Council's Standards Committee to a member who declared a personal and prejudicial interest.

Executive decisions made by individual executive members

- (3) As soon as reasonably practicable following the making of an executive decision by an individual member of the Cabinet, the member concerned will instruct the Democratic Services Manager to prepare a statement (or in his absence prepare the statement himself or herself) in respect of that decision.
- (4) A statement prepared under subparagraph (3) will record -
- the decision;
- the reasons for the decision;
- details of any alternative options considered and rejected by the member when he or she made the decision;
- any personal interest declared by the Cabinet Member or a member who was consulted by the Cabinet member in relation to the decision; and
- any dispensation granted by the Council's Standards Committee to a member who was consulted by the Cabinet Member in respect of a personal and prejudicial interest.

PART III

THE FORWARD PLAN

7 Publicising preparation of forward plan

Document publicising preparation of forward plan

(1) In accordance with the Leader's instructions, the Assistant Chief Executive (Legal and Democratic Services) will arrange for the annual publication, in at least one newspaper circulating in the borough, of a document containing the details specified in subparagraph (3).

Notice period

(2) The document must be published at least 14 but not more than 21 days before the commencement date of the first forward plan for that particular year.

Contents of document

- (3) The document must state -
- that the Cabinet will be making key decisions on behalf of the Council;
- that each month the Cabinet will prepare a plan ("the forward plan"), which will contain details of the matters upon which key decisions are likely to be made by the Cabinet during the four months' period following publication of the plan;
- where each current forward plan may be inspected during office hours and free of charge;
- that each forward plan will contain a list of the documents submitted to the Cabinet for consideration in relation to particular matters upon which key decisions are likely to be made;
- the address from which (subject to any constraints on disclosure on the ground that the document contains confidential or exempt information) copies of, or extracts from, any document listed in the current forward plan can be obtained;
- that other documents relevant to the matters listed in the current forward plan may be submitted to the Cabinet;
- the procedure for requesting details of any other documents submitted to the Cabinet in accordance with the previous paragraph as they become available; and
- the monthly publication dates during the following twelve months on which each forward plan will be published and available to the public.

8 The forward plan

Preparation of forward plan

(1) The Leader will prepare the Cabinet's forward plan containing details of the matters that are likely to be the subject of key decisions.

- (2) The forward plan will be for a period of four months commencing on the first working day of the month.
- (3) The forward plan will be updated monthly and a new forward plan produced, incorporating any outstanding matters from the previous plan, at least 14 days prior to the date on which the new plan will commence.
- (4) The most recent forward plan will supersede any earlier plan or plans.

Meaning of "key decision"

(5) A key decision means -

- any recommendation to Council to approve or vary the revenue or capital budget, being outside approved virement limits.
- any decisions that will result in income, expenditure or savings with a gross effect of £500,000 or greater (whether or not the item has been included in the relevant approved budget and including the provision by the Council of cashflow funding to third parties), with the exception of:-
 - (i) Decisions which are a direct consequence of implementing a previous key decision and were contemplated by the decision maker when the original key decision was made.
 - (ii) Bids by the Council for funding of £500,000 or more where, if the bid should be successful, a further report seeking approval of the scheme will be submitted to Cabinet.
 - (iii) Expenditure for the day to day provision of services that was in the contemplation of the Council when the revenue budget was approved and is in the opinion of the Strategic Director of Finance inevitable.
 - (iv) Expenditure that must be incurred to comply with the terms of contracts won by the Council in competition.
- Any decision relating to the approval or variation of policies which are reserved to the full Council.
- Any decision that is likely to have a significant positive or negative impact on the people living or working in an area comprising two or more wards (or one ward if the effects are sufficiently significant) but not if the decision will apply throughout the whole borough."

9 Content of the forward plan

(1) Subject to Rule 10(1), each forward plan prepared by the Leader will contain the details specified in subparagraph (2), in so far as they are available or might reasonably have been expected to be obtained at that time the plan is prepared.

Details in forward plan

- (2) The details referred to in subparagraph (1) are -
- the matter in respect of which the key decision is to be made;
- the name and a list of its members, if the decision-maker is a decision-making body that will make the key decision;
- the date on which, or the period within which, the key decision is to be made;

- the identity of the principal groups or organisations whom the it is proposed to consult before making the key decision;
- the means by which the proposed consultation is to be undertaken;
- the steps that may be taken by anyone who wishes to make representations to the Cabinet about the matter in respect of which the key decision is to be made, and the date by which those steps must be taken; and
- a list of the documents submitted to the decision-maker for consideration in relation to the matter in respect of which the decision is to be made.

Meaning of "decision-maker"

- (3) In these Rules the "decision-maker" means -
 - in the case of an individual, the Leader, the member of the Cabinet or officer who is authorised to discharge the executive function in accordance with the Council's *Delegation Scheme for Members and Officers* or
 - in the case of a decision-making body,
 - the Cabinet or a committee of the Cabinet, or
 - the joint committee or a sub-committee of the joint committee (where all the members of the joint committee or sub-committee are members of a local authority executive),
 - an area assembly co-ordinating group

which is authorised to discharge the executive function in accordance with the Council's *Delegation Scheme for Members and Officers*.

Excluded information or advice

(4) The forward plan will contain particulars of the matters that will be the subject of key decisions but, in accordance with the *Access to Information Rules*, it will not contain confidential or exempt information.

10 Exceptions to requirement for details of key decisions to feature in forward plan

General exception

- (1) Where it has been impracticable to include a matter on the executive's forward plan and the matter would be a key decision, the Cabinet must only make the decision if the Democratic Services Manager has –
- notified in writing the chairman of the Performance and Scrutiny Overview Committee or, if there is no chairman, each member of the committee of the matter about which the decision is to be made; and
- placed a copy of the notice at the Town Hall or the place of the meeting, and

5 clear days have elapsed since the notice was given and made available at the Town Hall or the place of the meeting.

Special urgency

- (2) If the date by which a key decision must be made makes it impracticable to comply with subparagraph (1), the key decision can only be made if the Cabinet has obtained the agreement of –
- the chairman of the Performance and Scrutiny Overview Committee, or
- the Mayor if the chairman of that committee is absent or unable to act, or
- the Deputy Mayor if both the Mayor and chairman of that committee are absent or unable to act,

that the making of the key decision is urgent and it cannot reasonably be deferred.

PART IV REPORTS TO THE COUNCIL

11 Reports to the Council

Executive decision not treated as key decision

- (1) The Performance and Scrutiny Overview Committee may require the decision-maker responsible for an executive decision to submit a report for consideration by the full Council, if the committee considers that the decision-maker should have treated the decision as a key decision but did not do so.
- (2) The decision-maker must submit the report to the full Council within such reasonable period as is specified by the committee.

Contents of report to full Council

- (3) The report must contain details of -
- the decision-maker;
- the decision and the reasons for the decision; and
- if the Cabinet share the opinion of the decision-maker that the decision was not a key decision, the reasons for that opinion,

Quarterly reports on urgent key decisions

- (4) At quarterly intervals, the Leader will submit to the full Council a report containing details of urgent decisions taken in compliance with rule 10 (2) (special urgency) during the preceding three months.
- (5) A report submitted under subparagraph (4) will include -
- particulars of each urgent decision made; and
- summary of the matters in respect of which each decision was made.

PART V THE POLICY FRAMEWORK

12 The policy framework and the executive

Development and implementation of plans and strategies

- (1) The Cabinet is responsible for developing the plans and strategies that are adopted or approved by the Council and comprise the policy framework.
- (2) Once the Council has adopted or approved a plan or strategy, the executive is responsible for implementing it.

Alteration or modification of plans and strategies

- (3) Subject to subparagraph (4) and (5), the executive may not alter or modify any plans or strategies that comprise the policy framework, and must take executive decisions in accordance with them.
- (4) Without the prior consent of the full Council, the executive may not take a decision that will have the effect of changing any plan or strategy comprised in the policy framework unless –
- the decision is necessary to ensure compliance with the law, ministerial direction or government guidance;
- the particular plan or strategy permits minor changes; or
- the decision is necessary to meet a budgetary constraint (an overspend).
- (5) Without the prior consent of the full Council, the executive may not take a decision that falls outside the policy framework unless –
- the decision may reasonably be regarded as urgent; and
- the decision-maker has obtained from the chairman of the Performance and Scrutiny Overview Committee or, in his or her absence the Mayor or in his or her absence the Deputy Mayor a statement in writing that the decision needs to be made as a matter of urgency.
- (6) The executive shall note the chairman or Mayor's consent on the record of a decision made under subparagraph (5).

Reporting decisions falling outside policy framework

- (7) As soon as practicable after making a decision that falls outside the policy framework, the executive shall submit a report to the full Council, which includes details of –
- the decision;
- the emergency or other circumstances in which the decision was made; and
- the reasons for the decision.

13 Development of plans and strategies

Timetable for preparation of plans and strategies

- (1) In respect of any plan or strategy comprised in the policy framework, the Cabinet will determine the timetable for –
- (a) consulting as appropriate local stakeholders;
- (b) preparing its initial proposals;
- (c) consulting overview and scrutiny committees; and
- (d) submitting the draft plan or strategy for the Council's adoption or approval.
- (2) Details of consultation with local stakeholders will be included in the relevant forward plan or plans that are available for inspection at the Town Hall.

Preparation of initial proposals

- (3) In preparing its initial proposals for a particular plan or strategy, the Cabinet will consider the outcome of any review of policy carried out by an overview and scrutiny committee in respect of the plan or strategy.
- (4) The Cabinet's initial proposals for the particular plan or strategy will be referred for the consideration of relevant overview and scrutiny committees, who may consult with local stakeholders in so far as the executive has not already consulted them.
- (5) The Cabinet's initial proposals will be forwarded to the Statutory Scrutiny Officer, who will forward them to the chairmen of the Performance and Scrutiny Overview Committee and the relevant overview and scrutiny committees.
- (6) Within such period specified by the Cabinet, the overview and scrutiny committees consulted by the Cabinet will report the outcome of their deliberations to the executive.

Recommendation of adoption or approval of firm proposals

(7) Having considered the views of local stakeholders and any overview and scrutiny committees' reports, the Cabinet may amend its initial proposals then recommend to the Council the adoption of its firm proposals for the particular plan or strategy.

14 Adoption or approval of plans and strategies

Adoption or approval

(1) Having regard to the views of local stakeholders (where sought) and any overview and scrutiny committee reports, the Council will consider the Cabinet's firm proposals for the particular plan or strategy and may adopt them, propose amendments to them or refer them back to the executive for further consideration,

- (2) The Council's decision under subparagraph (1) will be publicised at the Town Hall and a copy given to the Leader.
- (3) The Council's decision to adopt the Cabinet's firm proposals for a particular plan or strategy will take immediate effect.
- (4) If the Council has objections to the plan or strategy it must inform the Leader of them and request the reconsideration of the plan or strategy in the light of these objections.
- (5) The Leader must be given at least 5 working days to arrange for the plan or strategy with any proposed amendments to be resubmitted to the Council or notify the Council of any disagreement with the Council's objections together with reasons for any such amendments or disagreements.
- (6) The Council must when reconsidering the plan or strategy take into account any amendments made and the reasons for them and any disagreements with the Council's objections and the reasons for them
- (7) The Council's final decision on the adoption or approval of a particular plan or strategy will be of immediate effect and will be publicised at the Town Hall and on the Council's website.

Schedule 1

CABINET PORTFOLIOS

The portfolios of individual Cabinet members are as follows -

1. The Leader of the Council

Responsible for overall leadership and for the strategic policies of the Council including the Sustainable Communities Strategy and the Council's Corporate Plan. Political leadership and responsibility for the Year Ahead Statement and Outcomes.

Responsible for external relations and representation of the Council's interests at European, national, regional and sub-regional levels. Leadership of key local partnerships on a bi-lateral and multi-lateral basis, including serving as the Council's principal member representative on the Rotherham Partnership.

Responsible, together with the Deputy Leader or one other cabinet member for urgent decisions during recess or other periods when it is not possible to convene a cabinet meeting.

2. The Deputy Leader

Responsible for all functions exercised by the Leader, when the Leader is absent and unavailable.

Responsible for working with the Leader to provide overall political leadership within the Council, carrying out such specific duties or project leadership as determined by the Leader to help ensure the effective and efficient discharge of the Council's functions. [Given that the Leader has extensive external duties outside of Rotherham, the Deputy Leader is likely to be asked to take day-today responsibilities for some internal leadership duties, supporting the Leader in this].

Responsible for the Council's performance management and quality assurance programmes, performance clinics and political leadership of the Council's performance outcomes under the CAA framework.

Responsible for member development and training and for any other matters relating to member support and welfare.

Responsible for Legal and Democratic Services including maintaining a sound democratic process and meeting arrangements.

3. The Cabinet Member for Resources

Responsible for all aspects of:-

- Finance and Value for Money.
- Human Resources Strategy and Services.
- Developing the Capital Strategy.
- ICT Strategy and Services.
- Procurement Strategy.
- Risk Management and related Governance issues.
- Customer Access Strategy.

Responsible for political management of the Council's Medium Term Financial Strategy, overall charging/fees policies and the development of shared services with external bodies.

Responsible for liaison with and oversight of the strategic contract with BT (RBT) and for assuring effective outcomes from this joint venture.

Responsible politically for performance outcomes within the Use of Resources block of the CAA framework, and for liaison with Board members of other key organisations also involved in the performance assessment (eg NHS Rotherham, Police).

4. The Cabinet Member for Children and Young People

Responsibility for all functions relating to Children, Young People and Families as set out in statutory guidance. This includes championing children's issues and political leadership on:-

- Education and Lifelong Learning.
- Children's Social Care Services.
- Safeguarding of Children.
- Youth Services.
- Children's Voice and Influence Activity.
- Careers Guidance.
- Children's Health and Wellbeing.
- Young People's Employment and training.
- Influencing all services allied to these issues, from the children's perspective.

Responsible politically for performance outcomes within the Children & Young People's service assessments under the CAA framework and relevant inspection regimes.

5. The Cabinet Member for Health & Social Care

Responsible for all functions relating to Adult Social Care, Disability Services and Mental Health Services, including all responsibilities set out in statutory guidance and relating to these issues. This includes championing older people's services disability issues and mental health issues locally and externally.

Responsible for the Council's involvement in health promotion and improvement, public health strategy and liaison with NHS Rotherham, Rotherham Foundation Trust, Rotherham and Doncaster Mental Health Trust and any other health bodies that impact on health services in Rotherham. Responsible politically for performance outcomes within the Adult, Older Peoples, Mental Health and Health Service assessments under the CAA framework and relevant inspection regimes.

6. The Cabinet Member for Housing & Neighbourhoods

Responsible for all aspects of housing strategy, including Housing Market Renewal and affordable housing programmes.

Responsible for liaison and political management of the relationships and contracts with Rotherham 2010 Ltd and with other social housing landlords.

Responsible, jointly with the Cabinet Member for Planning, Transportation and Economic Development, for liaison with the Homes and Communities Agency and for the development of effective joint working with that body.

Responsible for the development and implementation of Neighbourhoods Strategy and Neighbourhood renewal policy, including initiatives to tackle social exclusion and inequalities in prosperity in deprived areas [working closely with the Cabinet Member for Community Development and Engagement on this].

Responsible for the continuing development of Area Assemblies and neighbourhood management initiatives.

Responsible politically for performance outcomes in all these themes under the CAA framework and relevant inspection regimes.

Responsible for Community Safety (and liaison with the Police).

7. <u>The Cabinet Member for Economic Development, Planning and Transportation</u>

Responsible for all aspects of planning, transportation, asset management and economic development policy (including tourism) services and delivery, including liaison on a city-region/sub-regional basis with other authorities.

Responsible for the Rotherham Renaissance programme and plan and for all business development initiatives undertaken by the Council or in association with other key agencies such as Yorkshire Forward and the HCA (in liaison with the Cabinet Member for Housing and Neighbourhoods).

Responsible for developing and championing the Council's policies on sustainability and sustainable development.

Responsible politically for performance outcomes in all these themes under the CAA framework and relevant inspection regimes.

Responsible for taking the lead on matters relating to the Integrated Transport Authority.

8. The Cabinet Member for Streetpride Services

Responsible for all aspects of Streetpride services including:-

- Litter and waste management.
- Parking management services.
- Grounds maintenance.
- Other street services/maintenance activity.
- Public realm improvement.

Responsible politically for performance outcomes in these service areas under the CAA regime and relevant inspections.

9. The Cabinet Member for Cultural Services and Sport

Responsible for all aspects of culture, leisure and sports policy and services including:-

- Sporting facilities and sports promotion.
- Leisure facilities and recreational areas.
- Libraries and Museums.
- Parks and open spaces.
- Children's play areas.
- Events planning and management including the Rotherham Show.

Responsible for championing increased participation in sport and recreation and liaison with NHS Rotherham on this.

Responsible for the co-ordination of events and activity for the 2012 Olympic Games.

Responsible politically for performance outcomes in these service areas under the CAA regime and relevant inspections.

(This Member to work closely with the Cabinet Member for Health and Social Care on developing health opportunities through sport and leisure.)

10. The Cabinet Member for Community Development and Engagement

Responsible for promoting cohesive and inclusive communities and for all aspects of engagement and communications with local residents, businesses and groups to maximise participation in local civic and community affairs and to drive up satisfaction with local services and performance.

Responsible specifically for:-

- Community cohesion.
- Prevent Strategy.
- Voluntary sector liaison.
- Corporate communications.
- Equalities in the community.
- Consultation strategy.
- Asylum/migration services.
- Parish Council liaison.

(This member will need to work closely with the Cabinet Member for Housing and Neighbourhoods on many of these issues, including close liaison on Area Assemblies and Community Safety.)

Responsible politically for performance outcomes in these service areas under the CAA framework and relevant inspections.

Appendix

Questions from the Public at Cabinet Meetings – Recommended Procedure

- 1. At the start of each meeting of the Cabinet, 20 minutes be allocated for members of the public (other than Members of the Council) to put questions.
- 2. Subject to 3 below, an individual shall be permitted to ask one question only.
- 3. Following the answer to the original question, a questioner may ask one supplementary question. This may not introduce any new issue and shall only be by way of seeking further or clearer information regarding the original question and the answer given.
- 4. Questions should only concern matters which are within the Council's area of responsibility or influence.
- 5. Questions:-
 - (a) Must be reasonable and fair.
 - (b) Must not be defamatory, offensive or abusive.
 - (c) Must not seek personal information regarding individual employees or users of Council services.
 - (d) Must not relate to individual employment issues.
 - (e) Must not relate to matters on which there is a pending right of appeal.
 - (f) Must not relate to matters subject to litigation.
- 6. The Chairman may decline to answer any question, whether for non-compliance with the above guidance or otherwise. The Chairman may curtail any debate which is considered to be inappropriate or not constructive.
- 7. Subject to compliance with the above guidance, all individuals shall be treated equally and have fair access to the meeting.