

# **STANDING ORDERS**

**BEAULIEU PARISH COUNCIL**

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**THESE STANDING ORDERS APPLY TO COUNCIL (COMMITTEE AND SUB COMMITTEE) MEETINGS UNLESS OTHERWISE STATED**

**STANDING ORDERS IN BOLD TYPE REFLECT STATUTORY REQUIREMENTS**

## **1. Code of conduct and dispensations**

- a** All councillors shall observe the code of conduct adopted by the Council.
- b** Any member who has a disclosable pecuniary interest, or a non-pecuniary interest in any matter that a meeting is considering, shall disclose the existence and nature of that interest to the meeting. The disclosure shall be at the beginning of the consideration of the matter, or when the interest becomes apparent.  
If the interest is a disclosable pecuniary interest the member shall not speak or vote on the matter unless a dispensation has been granted enabling him or her to do so.  
If the interest is a non-pecuniary interest, the member may speak and vote, unless prohibited from doing so by common law principles relating to bias and predetermination.
- c** Where a member is prohibited from participating in a decision under the common law rules relating to bias and predetermination, the member must move to a designated area of the meeting room set aside for members who do not intend to vote, declare their position and explain that they will not be voting. They may then make a statement and answer any questions, and may remain in the meeting for the duration of the business. As well as not voting, the member must not move or second any recommendation.
- d** **A dispensation may be granted if having regard to all relevant circumstances the following apply:**
  - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great as to impede the transaction of business.**
  - ii. granting the dispensation is in the interest of persons living in the council's area.**
  - iii. It is otherwise appropriate to grant a dispensation.**
- e** **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

## **2. Meetings**

- a** **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- b** **A minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Saturday or Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c** **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting.**
- d** **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e** Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

- f A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- g A person shall raise his hand when requesting to speak. Any person speaking at a meeting shall address his comments to the Chairman. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- h The period of time designated for public participation shall not exceed 15 minutes and a member of the public shall not speak for more than 3 minutes unless directed by the chairman
- i In accordance with standing order 2(e) above, a question shall not require a response at the meeting nor start a debate. The chairman may direct that a written or oral response be given.
- j **Filming, photographing, recording, broadcasting or transmitting the proceedings of any meeting of Council, [or] a committee [sub-committee] should be conducted in accordance with the Council's Protocol for Reporting at Meetings.**
- k **Any person wishing to report on the proceedings of a meeting as in paragraph (j) above, shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- l **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**
- m **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- n **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting.**
- o **The Chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also standing orders 3(h) below.).**
- p **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. Prior to the vote at the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question additionally if two or more councillors request it voting on any given question shall be by secret ballot and only the numbers for, against or abstained will be recorded.**
- q **The minutes of a meeting shall record the names of councillors present and absent.**
- r **A councillor who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his rights to participate and vote on that matter.**
- s **No business may be transacted at a meeting unless at least one third (rounded up) of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.**

- t **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. Where an agenda item becomes inquorate this item only will be adjourned and the meeting will continue. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- u Meetings shall not exceed a period of 3 hours unless a majority of those present at the meeting vote for the business of the meeting to be completed.

### 3. Annual and Ordinary Council meetings

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- c **If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- e **The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.**
- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.**
- g **The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- h **In an election year, if the current Chairman of the Council has been not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the business of the annual meeting shall include:
  - i. **In an election year, delivery by the Chairman (and Vice-Chairman) of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman (and Vice-Chairman) of the Council of his acceptance of office form unless the council resolves for this to be done at a later date.**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council (and

- to receive minutes of and/or to determine recommendations made by committees).
- iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
- iv. Review of the terms of references for committees.
- v. Appointment of members to existing committees.
- vi. Appointment of any new committees, confirmation of the terms of reference, the number of members and appointment of members to them.
- vii. Review and adoption of appropriate standing orders and financial regulations.
- viii. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- ix. Review of representation on or work with external bodies and arrangements for reporting back.
- x. In an elections year, to review and make arrangements for the council to exercise the general power of competence.
- xi. Review of inventory of land and assets including buildings and office equipment.
- xii. Review and confirmation of arrangements for insurance cover
- xiii. Review of Risk Assessment(s) and Management.
- xiv. Review of the Council's and/or employees' memberships of other bodies.
- xv. Review of the Council's complaints procedure.
- xvi. Review of the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- xvii. Reviewing the Council's policy for dealing with the press/media
- xviii. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

## 4. Extraordinary meetings of the Council

- a The Chairman of the Council may convene an extraordinary meeting of the council at any time.
- b If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.

## 5. Proper Officer

- a The Council's Proper Officer shall be either (i) the clerk or (ii) other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence.
- b The Council's Proper Officer shall do the following.
  - i. **Serve on councillors a summons and give public notice confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and a sub-committee at least 3 clear days before the meeting.**
  - ii. Subject to standing orders 6(a)–(e) below, include in the agenda all motions in the order received.
  - iii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.**
  - iv. Make available for inspection the minutes of meetings.

- v. **Receive and retain copies of relevant byelaws made by other local authorities.**
- vi. Receive and retain declarations of acceptance of office from councillors.
- vii. Retain a copy of every councillor's register of interests.
- viii. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- ix. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- x. Arrange for legal deeds to be executed.
- xi. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xii. Record every planning application notified to the Council and the Council's response to the local planning authority;
- xiii. Take action as necessary to facilitate the day to day running of the Council land and premises and action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- xiv. To be the proper officer for the purpose of requests for dispensations.

## 6. Motions for a meeting that require written notice to be given to the Proper Officer

- a A Motion shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 1 clear day before the service of agenda.
- c The Proper Officer may, before including a motion in the agenda received in accordance with standing order 6(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the wording or nature of a proposed motion is considered improper the Proper Officer shall consult with the chairman of the forthcoming meeting, to consider whether the motion shall be included on the agenda or rejected. The decision of the Proper Officer shall be final.
- e Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection, which shall be open to inspection by all councillors.

## 7. Motions at a meeting that do not requiring written notice

- a Motions in respect of the following matters may be moved without written notice.
  - i. To correct an inaccuracy in the minutes of the previous meeting.
  - ii. To move to a vote.
  - iii. To defer consideration of a motion.
  - iv. To refer a matter to an existing committee or to a sub-committee or an employee where the delegated power to act has already been given.
  - v. To appoint a person to preside at a meeting.
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vii. To require a written report.
  - viii. To appoint a committee or sub-committee or working party and its members but not to delegate any decision making powers.
  - ix. To extend the time limit for speaking.

- x. To exclude the press and public for all or part of a meeting.
  - xi. To exclude a councillor or member of the public for disorderly conduct.
  - xii. To temporarily suspend, adjourn or close the meeting.
  - xiii. To approve the absences of councillors.
  - xiv. To approve the accuracy of the minutes of the previous meeting.
  - xv. To dispose of business, if any, remaining from the last meeting.
  - xvi. To authorise the payment of monies up to £500.
  - xvii. **To suspend any standing order except those which are mandatory by law.**
  - xviii. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of those bodies.
- b By direction of the chairman any matter that requires an urgent decision and is within the remit of the meeting may be placed before the meeting.

## 8. Rules of debate

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting
- b A motion (including an amendment) shall not be considered unless it has been moved and seconded.
- c If the proposer of a motion is absent from the meeting the motion may be treated as withdrawn.
- d The proposer will have 3 minutes to put the proposition and the seconder will have 1 minute to talk in support of the proposition.
- e Other councillors may then ask questions through the chair or may request through the chair the opportunity to speak once for up to 2 minutes.
- f Once the chair is satisfied that all councillors wishing to speak have done so the chair will offer the proposer 1 minute to sum up their proposition.
- g The proposal will then be voted upon. The chairman will have an initial vote and in cases of a split decision they will have an additional casting vote.
- h An amendment to a motion may be put by any councillor during the debate and if seconded the council will then debate and vote upon the amendment.
- i An amendment shall not have the effect of rescinding the original motion under consideration and can only propose to leave out words and/or add words.
- j Only one amendment may be debated at a time.
- k If an amendment is carried, that becomes the substantive motion, the Chair must ensure that the new wording is communicated clearly to the meeting.
- l During the debate of a motion, a councillor may interrupt only through the chair on a point of order and the current speaker must stop speaking. The Councillor raising the point of order shall identify the standing order they consider has been breached and the Chairman will decide if the order has been breached and their decision shall be final.
- m A motion or amendment may be withdrawn by the proposer with the consent of the seconder or the meeting.
- n When a motion is under debate no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be silent or for him to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend any standing order, except those which are mandatory.
- o. The Chairman must be satisfied that all Councillors have had a fair opportunity to contribute to the debate before it is put to any vote.



## 9. Minutes

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are to be approved for accuracy, they shall be taken as read. If minutes have not been circulated they shall be read in full.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 7(a)(i) above.
- c Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous notes, draft minutes or recordings of the meeting shall be destroyed.
- e If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which it relates, he shall sign those minutes and include a paragraph in the following terms: – “The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on (date) in respect of ( ) were a correct record but his view was not upheld by the majority of the ( ) and the minute are confirmed as an accurate record of the proceedings.”

## 10. Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, there has been a breach of standing order 10(a) above, any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## 11. Previous resolutions

- a A resolution shall not be reversed within 6 months except either by a special motion, which requires written notice by at least 3 councillors to be given to the Proper Officer, or by a motion moved in pursuance of the report or recommendation of a committee or sub-committee.
- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## 12. Voting on appointments

Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

## 13. Execution and sealing of legal deeds

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b **In accordance with a resolution made under standing order 13(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## 14 Committees

- a The Council may, appoint standing committees and other committees at any time as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. may permit committees to determine the dates of their meetings;
  - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
  - iv. may in accordance with standing orders, dissolve a committee at any time.
- b Committees will comprise of at least 5 councillors but not all councillors.
- c Every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee and agreed by full council.

## 15 Working Parties

- a The Council or a Committee may appoint Working Parties to examine an issue in detail, read reports and related materials, examine options and get advice for the Council or Committee.
- b Working parties shall comprise of at least 3 councillors but not all councillors or committee members, and may also contain non-councillors.
- c Working parties will prepare notes of meetings and inform the Council or Committee of activity and progress.
- d Working parties do not meet in public; therefore Standing Orders are not applicable.

## 16 Accounts and Financial Matters

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b The Council's financial regulations shall be reviewed at least once a year.
- c The Responsible Financial Officer (RFO) shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for each quarter and the balances held at the end of a quarter, as a minimum or as directed by the Council.
- d As soon as possible after the financial year end at 31<sup>st</sup> March, the RFO shall provide the accounting statement for the year. This statement should include a comparison with the budget for the financial year. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

## 17 Estimates/precepts

- a The Council shall agree and approve written estimates and set the precept for the coming financial year at its meeting before the end of December.
- b Any councillor desiring the council to incur expenditure for the coming financial year shall give the Proper Officer a written estimate of the expenditure no later than 31<sup>st</sup> October.
- c Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than 31<sup>st</sup> October.

## 18 Unauthorised activities

Unless authorised by a resolution, no individual councillor shall in the name of or on behalf of the Council, a committee or a sub-committee:

- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
- ii. issue orders, instructions or directions.

## 19 Matters affecting council employees

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the committee or the sub-committee (as the case may be) has decided whether or not the press and public shall be excluded pursuant to standing order 2(d) above.
- b The Council's most senior employee shall notify the Chairman of the Council or, in his absence, the Vice-Chairman of the Council of any absence occasioned by illness or urgency and that person shall report such absence to the Council at its next meeting.
- c The Chairman or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of the Proper Officer and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Council.
- d The council will maintain relevant human resources policies and procedures.

## 20 Handling confidential or sensitive information

- a The agenda, papers that support the agenda and the minutes of the meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## 21 Freedom of Information Act 2000

- a Requests for information held by the Council shall be processed in accordance with the handling of requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

## 22 Relations with the press/media

Requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.

## 23 Liaison with District and County Councillors

An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District and County Council representing its electoral ward.

## 24 Allegations of breaches of the code of conduct

*Please Note: - all matters regarding breaches of code of conduct are dealt with by the District Council's Standards Board*

- a On receipt of a notification that there has been an alleged breach of the Code of Conduct the Proper Officer shall report this to the council.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of this fact and the Chairman shall nominate another member of staff to assume the duties of the proper officer in relation to the complaint.
- c The council may:
  - i. Provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law.
  - ii. Seek information relevant to the complaint from persons or body with statutory responsibility for investigation of the matter.

## 25 Variation, revocation and suspension of standing orders

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

## 26 Standing orders to be given to councillors

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.