



Bungay Town Council

Standing Orders

Revised May 2014

Bungay Town Council

Standing Orders: Table of Contents

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Bungay Town Council

Standing orders

Where appropriate, Town Mayor and deputy Town Mayor may be read in place of Chairman and Vice Chairman.

Meetings

1. Meetings of the Council shall be held at the Council Chamber at 7.45pm unless the Council otherwise decides at a previous meeting.
- 2. The Statutory Annual Meeting in an election year shall be held on the next third Monday of the month following the election day. In a year which is not an election year this meeting shall be held on the third Monday in May.**
- 3. The three other statutory meetings shall normally be held on the third Monday in the months of July, October and January.**
4. Monthly additional meetings shall be held on the third Monday in all other months apart from August.

Chairman of Meeting

5. The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.

Proper Officer

6. Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, they shall be the Clerk:-
 - (a) To receive declarations of acceptance of office.
 - (b) To receive and record notices disclosing personal and prejudicial interests.
 - (c) To receive and retain plans and documents.
 - (d) To sign notices or other documents on behalf of the Council.
 - (e) To receive copies of bylaws made by a District Council.
 - (f) To certify copies of bye-laws made by the Council.
 - (g) To sign and issue the summons to attend meetings of the Council.

In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

Quorum of the Council

7. Five members shall constitute a quorum.

Voting

8. Members shall vote by show of hands or, if at least two members so request, by signed ballot.

9. If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.

10. Voting on the Annual Budget and Precept setting shall be, without exception be by recorded ballot

11. Subject to (a) and (b) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.

(a) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.

(b) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

Order of Business

12. In an election year, but subject to 12(c) below, councillors should execute Declaration of Acceptance of Office in the presence of a proper officer previously authorised by the Council to take such declarations or by default the Clerk before the Annual Meeting commences.

13. At each Annual Meeting the first business shall be:-

(a) To receive apologies

(b) To elect a Chairman

(c) To receive the Chairman's declaration of office or, if not received, to decide when it shall be received.

(d) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.

(e) To Elect a Vice-Chairman

(f) To appoint committees

(g) To make annual appointments and thereafter follow the order set out in Standing Order 15 (a) – (n).

14. At every meeting other than the Annual Town Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as required by law to be made or, if not then received, to decide when they shall be received.

15. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-

(a) To receive declarations of interests and to receive dispensation claims relating to Pecuniary Interests under the Suffolk Code of Conduct

(b) To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.

After consideration, to approve the signature of the Minutes by the person presiding as a correct record.

(c) To deal with business expressly required by statute to be done.

(d) To allow members of the public to ask questions or make comments on agenda items or other matters with which the Council are able to deal in accordance with Schedule 2 of these Standing Orders.

(e) To receive a report on local policing matters

(f) To receive reports from County and District Councillors

(g) To receive correspondence

(h) To receive and consider reports of committees.

(i) To receive and consider reports from officers of the Council.

(j) To authorise the sealing of documents (if appropriate)

(k) To consider resolutions or recommendations in the order in which they have been notified.

(l) Any other business specified in the summons.

(m) To receive reports from Council representatives

(n) To authorise the signing of orders for payment.

Reports will usually be required in written form and should be distributed to members in advance of a meeting.

Urgent Business

16. A motion to vary the order of business on the ground of urgency:-

(a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and

(b) Shall be put to the vote without discussion.

Resolutions Moved On Notice

17. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 9 clear days before the next meeting of the Council.

18. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and retain the notices at least until the end of the Council's year. The Clerk shall make notices available to the inspection of every member of the Council should such a request be made.

19. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.

20. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

21. If the subject matter of a resolution comes within the province of a Committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such Committee or to such other Committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

22. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties which affects its area.

Resolutions Moved Without Notice

23. Resolutions dealing with the following matters may be moved without notice:-

- (a) To appoint a Chairman of the meeting.
- (b) To correct the Minutes.
- (c) To approve the Minutes.
- (d) To alter the order of business.
- (e) To proceed to the next business.
- (f) To close or adjourn the debate.
- (g) To refer a matter to a committee.
- (h) To appoint a committee or any members thereof.
- (i) To adopt a report.
- (j) To authorise the sealing of documents.
- (k) To amend a motion.
- (l) To give leave to withdraw a resolution or amendment.
- (m) To extend the time limit for speeches.
- (n) To exclude the public – under appropriate legal grounds.
- (o) To silence or eject from the meeting a member named for misconduct.
- (p) To give the consent of the Council where such consent is required by these Standing Orders.
- (q) To suspend any Standing Order.
- (r) To adjourn the meeting.

Questions

24. A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.

25. Every question shall be put and answered without discussion.

26. A person to whom a question has been put may decline to answer.

Rules of Debate

27. No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

28. (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.

(b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

(c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.

(d) No speech shall exceed 3 minutes except by consent of the Council.

(e) An amendment shall be either:-

(i) To leave out words.

(ii) To leave out words and insert others

(iii) To insert or add words.

(f) An amendment shall not have the effect of negating the resolution before the Council.

(g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.

(h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

- (i) The mover of a resolution or of an amendment shall have a right of reply.
- (j) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- (k) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- (l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- (m) When a resolution is under debate no other resolution shall be moved except the following:-
- (i) To amend the resolution.
 - (ii) To proceed to the next business.
 - (iii) To adjourn the debate.
 - (iv) That the question be now put.
 - (v) That a member named be not further heard.
 - (vi) That a member named leave the meeting.
 - (vii) That the resolution be referred to a committee.
 - (viii) To exclude the public and press.
 - (ix) To adjourn the meeting.
29. A member shall stand when speaking unless permitted by the Chairman to sit on account of infirmity.
30. (a) the ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (b) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide whom to call upon.
- (c) Whenever the Chairman speaks during a debate all other members shall be seated and silent.

Closure

31. At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

Disorderly Conduct

32. All members must observe The Local Authorities Model Code of Conduct 2012 which was adopted by the Council on 16 July 2012.

33. No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.

34. If, in the opinion of the Chairman, a member has broken the provisions of paragraphs 32 or 33 of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board for England.

35. If either of the motions mentioned in Order 34 is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

Right of Reply

36. The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

Alteration of Resolution

37. A member may, with the consent of his seconder, move amendments to his own resolution.

Rescission of Previous Resolution

38. A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least 5 members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.

39. When a special resolution or any other resolution moved under the provisions of paragraph 38 of this Order has been disposed of, no similar resolution may be moved within a further six months.

Voting On Appointments

40. Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

Discussions and Resolutions Affecting Employees of the Council

41. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or Committee (as the case may be) has decided whether or not the public shall be excluded.

Sealing of Documents

42. A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

43. The Council's Common Seal shall alone be used for sealing documents. It shall be applied by the proper officer in the presence of two members of the Council who shall sign the document as witnesses.

Committees and Sub Committees

44. The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary. In general, committees will recommend a resolution to full Council, other than where specific terms of reference give leave to make decisions, but subject to any statutory provision in that behalf and:-

(a) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.

(b) May subject to the provisions of Order 39 above at any time dissolve or alter the membership of committee.

(c) Standing Committees shall comprise 7 members, noting 45 below.

45. The Chairman and Vice-Chairman shall be members of every committee – but please see para 50

46. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the council, and shall settle its programme of meetings for the year.

47. The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

48. Schedule 1 will apply to matters to be considered by the Committees of the Council.

49. Every committee may appoint sub-committees for purposes to be specified by the committee.

50. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve – or results in a conflict of interest

51. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members.

52. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

Advisory Committees

53. The Council may create advisory committees, whose name, and number of members will be decided from time to time by vote of the Council.

(a) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.

(b) An advisory committee may make recommendations and give notice thereof to the Council

Voting in Committees

54. Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.

55. Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.

Presence of Non-Members of Committees at Committee Meetings

56. A Council member who has proposed a resolution which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

Interests

57. If a member has a Local Non Pecuniary Interest and/or a Disclosable Pecuniary Interest as defined by the Suffolk Code of Conduct adopted by the Council on 16th July 2012, he / she shall declare such interests to a meeting (the relevant meeting) where the business is relevant to those interests including those interests that are already registered with the relevant Monitoring Officer or where registration is pending.

58. A member who has declared a Disclosable Pecuniary interest in accordance with 57 above and has not been granted a dispensation in accordance with 60 below must withdraw from the room or chamber during consideration of the item to which the interest relates and must not return until the item has been disposed of.

59. All interests declared shall be noted in the minutes of the Council.

60. A member with a Disclosable Pecuniary Interest may in accordance with the Suffolk Code of Conduct apply to the Council for a dispensation in relation to that Interest. Such application must be made in writing and delivered to the Clerk not less than 2 clear days before the relevant meeting excluding for this purpose the day of the relevant meeting. The Council may delegate the review of dispensation applications to the Clerk who will consult with the Chairman and make a recommendation to the relevant meeting.

61. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such

disclosure. Where a relationship to a member is disclosable in accordance with the Suffolk Code of Conduct, Standing Orders 57, 58 and 60 shall apply.

62. The Clerk shall make known the purport of Standing Order 61 to every candidate.

Canvassing of and recommendations by members

63. Canvassing of members of the Council or of any committee, directly or indirectly, for any remunerative appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this Standing Order to every candidate.

64. A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

65. Standing Order Nos. 63 and 64 shall apply to tenders as if the person making the tender were a candidate for an appointment.

Inspection of Documents

66. A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

67. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

|68. Please refer to the Model Publication Scheme for information regarding applications for copies of Council documents

Unauthorised Activities

69. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:-

(a) Inspect any lands or premises which the Council has a right or duty to inspect; or

(b) Issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee or sub-committee.

Admission of The Public and Press to Meetings

70. The public shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public during the discussion of matters relating to employees or potential employees of the Council and other matters which the Council (by vote if necessary) deem to be of a commercially sensitive or confidential nature.

Where the public are excluded under this Order the minutes of the Council will reflect the sensitive or confidential nature of the matter discussed.

71. The Clerk shall afford to the press reasonable facilities for taking of their report of any proceedings at which they are entitled to be present.

72. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting.

Confidential Business

73. No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be. Any member in breach of this Standing Order shall be removed from any committee or sub-committee of the Council.

Liaison with County and District Councillors

74. A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the division and to the District Councillor for the |ward. Where the Council determines that it should write to the County |Council or District Council, that letter should also be copied to the County |and District Councillors as appropriate.

Planning Applications

75. Planning applications received will be considered by the next meeting of the Council or the Planning Committee which ever is the sooner. Planning application to be considered will be entered on the notice of the meeting at which they are to be considered.

76. Current plans will be available for public and other inspection at the Waveney District Council Local Office during office hours and on the evening of the meeting at which they are to be discussed.

Financial Matters

78. The Council shall consider and approve Financial Regulations drawn up in conjunction with the Responsible Financial Officer and these Regulations shall govern all financial matters relating to the Council.

Code of Conduct on Complaints

79. Please refer to the Complaints Policy

Variation, Revocation and Suspension of Standing Orders

80. Any or every part of the Standing Orders except those printed in bold type may be suspended by resolution in relation to any specific item of business.

81. A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

Distribution of essential information to members

82. Copies of agenda for full and committee meetings of the Council will be supplied to all members in electronic and paper form. They will also be posted on the Council's web site. Minutes, committee reports and other written reports to be considered at full and committee meetings will be supplied to all members in electronic form. Exceptionally the Council may upon request agree for a specified period to supply copies of minutes and the above reports to a member in paper form. A request will only be approved if in the opinion of the Council access to home/office e mail is temporarily unavailable and alternative (including public) provision cannot reasonably be accessed by the member making the request. When approved, minutes and committee reports will be posted on the Council's web site.

83. A copy of these Standing Orders shall be given to each member by the Clerk upon their election /co-option as a Councillor They will also be given a copy of the Suffolk Code of |Conduct.

Schedule 1

1. Electors of Bungay Parish Area, including members and officers of the Council subject to 4 below, and non electors who are the applicant or agent for planning applications within the Bungay Parish Area, will be permitted to comment on planning applications and other business specified on the agenda of the meeting. In the case of the class of non-electors referred to above they may only speak on a planning application where they are either the applicant or the agent for the applicant. For the purpose of 2 – 4 below all those qualified to speak in accordance with this clause are referred to as speakers.

2. The right to speak shall be subject to the following conditions:-

(i) All those speakers wishing to speak must notify the Clerk of their intention on the evening of the meeting, but not less than 15 minutes before the meeting commences, giving their name, address and the business on which they wish to comment and, if appropriate, the name of the person they wish to nominate to speak for them.

(ii) This agenda item will last for a maximum of 20 minutes.

(iii) Speakers as in 1 above may speak for a maximum of 3 minutes on any plan or agenda item. A representative, duly nominated in accordance with (i) above, and representing the views of 3 or more electors all who have indicated in accordance with (i) above that they wish to comment and have authorised the representative to speak on their behalf, may speak for a maximum of 6 minutes.

The Chairman of the meeting may limit the time allowed to an individual speaker to take account of the number of persons wishing and entitled to speak.

(iv) Speakers will be called to speak by the Chairman of the meeting and must cease speaking when called upon by the Chairman to do so.

3. The order of comment will be as follows:-

(i) Comments in support of planning applications received.

(ii) Comments against planning applications received.

(iii) Comments on other agenda items.

4. In relation to planning applications being considered by the Planning Committee and the business of other Committees members may not speak under this agenda item if a member of the Committee concerned. This does not preclude members, at the discretion of the Chairman, seeking clarification from speakers participating in this agenda item.

A member who not being a member of a Committee but who would, if a member, be required to declare a Disposable Pecuniary Interest in a planning application or other business to be dealt with by a Committee may only speak under this agenda item if a dispensation has been granted.

Schedule 2

Council members may not speak under this agenda item. This does not preclude members, at the discretion of the Chairman, seeking clarification from speakers participating in this agenda item.

A maximum of 15 minutes will be allowed for this item. Members of the public will usually be allowed up to 3 minutes to raise issues, ask questions or make comments on agenda items or other matters with which the Council is able to deal. At the discretion of the Town Mayor/Chairman the time per speaker may be reduced depending on the number of those wishing to speak. Although notice is not required, those wishing to speak are asked to make this known to the Town Mayor/Chairman or Clerk before the meeting commences.

Schedule 3

Guide lines for use of Bungay Town Council e mail addresses:-

1. Use will be restricted to serving town council members and those acting directly on a serving member's instructions in accordance with these guide lines. In the latter case the member will remain responsible for the content of e mails originating from their Town Council e mail address.
2. Former Town Councillor's use of a Council e mail address will be blocked as soon as practical on their ceasing to be an active member of the Council. Notwithstanding this, use by members is to cease immediately on their resignation, suspension, removal from office or on ceasing to be an elected or co-opted member.
3. Use is permitted only in connection with a member's duties as a member of Bungay Town Council. Use is not permitted for private purposes or for use in connection with any other office, employment or activity.
4. Subject to 9 below, when members will use their Council e mail address for all Bungay Town Council purposes and will cease to use for this purpose any e mail address previously used notwithstanding that there may be an initial transition period when incoming relevant e mails will continue to be received at the former e mail address.
5. Use is not permitted for electioneering, campaigning or lobbying other than for lobbying on behalf of the Town Council and then only on the direct instructions of the Town Council.

6. Unless directly instructed by the Town Council, Council e mail addresses are not to be used to access or contribute to social media web sites.
7. Unless directly instructed by the Town Council, official correspondence of the Council including that relating to the purchase of goods and services will be sent only via the e mail address of the Town Clerk or other duly authorised officer.
8. Before the Council e mail addresses come into use the Town Council will consult with WDC and formulate a disclaimer suitable for inclusion on Town Councillor's e mails.*
9. Use of Council e mail addresses must be compatible with the currently adopted Code of Conduct.
10. By a vote of the full Council, use of a Council e mail address may be denied to a member who is found to be in breach of these guide lines. Should a member challenge a decision to deny access the Town Council agree to be bound by the adjudication of the WDC monitoring officer. Any challenge is to be made in writing to the Town Clerk who will refer the matter to the monitoring officer within 5 working days of receipt. To protect the Council's position access will be denied pending the result of adjudication.
11. Where appropriate these guidelines will apply to all members and officers