

# WINDLESTONE PARISH COUNCIL STANDING ORDERS

## Introduction

Standing Orders are the written Rules of Windlestone Parish Council. They are used to confirm the Council's internal organisational, administrative and procurement Procedures, and procedural matters for Meetings. They are not the same as the Policies of the Council, but they may refer to them.

The Parish Council must have Standing Orders for the procurement of Contracts. Meetings of the Council, Parish Councillors, the Responsible Financial Officer and Proper Officer are subject to many Statutory Requirements, which are confirmed in these Standing Orders.

Any Standing Orders shown in **bold** type contain Statutory Requirements, which should not be changed unless modified or superseded by Acts of Parliament.

These Standing Orders have been prepared on the basis of the latest version of the Model Council Standing Orders, prepared by the National Association of Local Councils (NALC). These Model Standing Orders are applicable to large Councils, and hence contain some Standing Orders which are not applicable to a small Council such as Windlestone Parish Council; these have therefore been modified or omitted as appropriate. Note that these Standing Orders do not include Financial Regulations. Financial Regulations are the Standing Orders which regulate and control the Financial Affairs and Accounting Procedures of Windlestone Parish Council and are specified in a separate Policy Document.

These Standing Orders were adopted at a Meeting of Windlestone Parish Council held in May, 2024.

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### **1. Proper Officer**

The Proper Officer shall normally be the Clerk. Should the Clerk be unavailable due to prolonged absence or illness, or if there is a Vacancy for the Office of Clerk, the Chair of the Council, or in their absence the Vice-Chair, shall take appropriate measures to ensure that a suitable Person is appointed to act as Proper Officer until the Clerk becomes available, or a new Clerk is appointed.

The Proper Officer shall:-

1. **at least three clear days before a Meeting of the Council, serve on Councillors, by delivery or post at their residences, a signed summons confirming the time, place, and the Agenda for the Meeting**, and also normally the Minutes of the previous Meeting, and any relevant Papers i.e. Accounts for Payment.
2. **convene a meeting of full Council for the election of a new Chair of the Council, occasioned by a casual vacancy in this Office.**
3. facilitate inspection of the Minute records by Parish Council Electors.
4. **receive and retain copies of Byelaws made by other Local Authorities.**
5. retain Acceptance of Office Forms from Councillors.
6. retain a copy of every Councillor's Register of Interests.
7. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with, and subject to, the Council's Publications Scheme.
8. receive and send general Correspondence and Notices on behalf of the Council except where there is a Resolution to the contrary.
9. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form.
10. arrange for Legal Deeds to be executed; See also Standing Order 18 below.
11. arrange or manage the prompt authorisation, approval, and instruction regarding any Payments to be made by the Council in accordance with the Council's Financial Regulations.
12. circulate Planning Applications notified to the Council to all Councillors and record the Council's response to the Local Planning Authority where appropriate.
13. refer a Planning Application received by the Council to the Chair, or in their absence the Vice-Chair, of the Council within two working days of receipt to facilitate an extraordinary Meeting if the nature of a Planning Application requires consideration before the next Ordinary Meeting of the Council.

## **2. Council Meetings generally**

1. **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.**
2. **The minimum three clear days for Notice of a Council Meeting does not include the day on which Notice was issued, the day of the Meeting, a 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.**

- 3. No business may be transacted at a Council Meeting where the Quorum of the Meeting is less than three Councillors.**
- 4. If a Council Meeting is, or becomes, inquorate no (further) business shall be transacted** and the Meeting shall be closed. Any Item of business not discussed as a result of the application of this Standing order will normally be adjourned to another Meeting.
- 5. Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council.**
- 6. The Chair of the Council, if present, shall preside at a Council Meeting. If the Chair of the Council is absent from a Council Meeting, the Vice-Chair of the Council, if present, shall preside. If both the Chair and the Vice-Chair of the Council are absent from a Meeting, a Councillor as chosen by the Councillors present at the Meeting shall preside at the Meeting.** The Person presiding at a Council Meeting is referred to in these Standing Orders as the 'Chair of the Meeting'.
- 7. 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.**
8. Members of the Public may make representations, and answer questions at a Council Meeting, at the discretion of the Chair of the Meeting.
9. The period of Time permitted for Members of the Public to participate in a Council Meeting is at the discretion of the Chair of the Meeting.
10. Any question raised in the course of discussion in a Council Meeting shall not require a response at that Meeting, nor start a discussion about the question. The Chair of the Meeting may direct that a written or oral response be given.
11. Any person who speaks at a Council Meeting shall direct their comments to the Chair of the Meeting.
12. Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the Meeting shall direct the order of speaking.
- 13. Subject to a Meeting being quorate, all questions at a Meeting shall be decided by a majority of the Councillors present and voting.**
- 14. The Chair 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 their casting vote whether or not they gave an original vote.**
- 15. Unless Standing Orders provide otherwise, voting on a question shall be by a show of hands. 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 their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

16. **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 their right to participate and vote on that matter.**
17. Minutes of a Council Meeting shall be taken by the Clerk, and include an accurate record of the following: -
  - a) the time and place of the Council Meeting.
  - b) the names of Councillors present and absent.
  - c) Interests that have been declared by Councillors.
  - d) whether a Councillor left the Meeting when matters that they held
  - e) Interests being considered.
  - f) if Members of the Public participated; and
  - g) the Council Resolutions made at the meeting.

### **3. Annual and Ordinary Meetings of the Council**

1. **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.**
2. **In a year which is not an election year, the Annual Meeting of the Council shall be held on such day in May as the Council may direct.**
3. **If no other time is fixed, the Annual Meeting of the Council shall take place at 6pm. The Meeting is not permitted to take place before this time.**
4. **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. The Parish Council normally meets every two - three months at 6.00pm.**
5. **The first business conducted at the Annual Meeting of the Council shall be the election of the Chair and Vice-Chair of the Council.**
6. **The Chair of the Council, unless they have resigned or become disqualified, shall continue in office, and preside at the Annual Meeting, until their successor is elected at the next Annual Meeting of the Council.**
7. **The Vice-Chair of the Council, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next Annual Meeting of the Council.**
8. **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the Meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council, but must give a casting vote in the case of an equality of votes.**
9. **In an election year, if the current Chair of the Council has been re-elected as a Member of the Council, they shall preside at the Annual Meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.**

10. Following the election of the Chair of the Council and Vice-Chair of the Council at the Annual Meeting of the Council, the business of the Annual Meeting shall include:-

**11. In an election year, delivery by the Chair 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 Chair of the Council of their 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.

iii. Review and adoption of appropriate Standing Orders and Financial Regulations.

iv. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future.

v. Review of Inventory of Land and Assets including office equipment.

vi. Confirmation of arrangements for Insurance cover in respect of all insured risks.

vii. Review of the Council's and/or Staff subscriptions to other bodies.

viii. Review of the Council's Complaints Procedure.

ix. Review of the Council's Publication Scheme for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.

x. Determining the time and place of Ordinary Meetings of the Council up to and including the next Annual Meeting of the Council.

#### **4. Extraordinary Meetings of the Council**

**The Chair of the Council may convene an Extraordinary Meeting of the Council at any time.**

**If the Chair 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. Agenda & Minutes**

1. Drawing up and issuing the Agenda for a Council Meeting, is the responsibility of the Clerk. Any Councillor may request that an Item be added to the agenda, either verbally or in writing, to the Clerk. Whether such a request is accepted or not is at the discretion of the Clerk,
2. The Draft Minutes of the preceding Council Meeting are served by the Clerk with the Notice to Councillors to attend the next Council Meeting. Such Draft Minutes shall be clearly labelled as Draft, and for the purposes of the next Council Meeting may be taken as read.

3. There shall be no discussion about the Draft Minutes of a preceding Council Meeting except in relation to their accuracy. A Motion to correct an inaccuracy in the Draft Minutes may only be moved under the Agenda Item 'Minutes'. The accuracy of Draft Minutes, including any Amendment(s) made to them, shall be confirmed by Resolution of the Council.
4. If the Chair of the Council Meeting does not consider the Minutes to be an accurate record of the Meeting to which they relate, they may add a paragraph in the following terms or to the same effect: -
5. "The Chair of this Meeting does not believe that the Minutes of the Council Meeting held on [date] in respect of XXXXX were a correct record, but their views were not upheld by the Meeting, and the Minutes are therefore confirmed as an accurate record of the proceedings."
6. Once the Minutes have been approved by Resolution of the Council, a copy of the Minutes, together with any agreed hand-written Amendments, shall be signed by the Chair of the Meeting, and all pages of the Approved Minutes, and any Amendments, initialled by the Chair of the Meeting. The Clerk may prepare a corrected electronic version of the Approved Minutes for the Council's records. However, in all cases the signed and initialled Approved Minutes shall stand as the accurate record of the Meeting to which the Minutes relate.
7. Once the Minutes of a Meeting have been formally Approved, all versions of Minutes of this Meeting labelled Draft are then superseded.

## **6. Rules of Discussion at Meetings**

1. The Parish Council has only five Councillors, and consequently the discussion at Council Meetings is often conducted fairly informally. However, if necessary, the following Standing Orders shall apply: -
2. Items of business on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the Meeting.
3. Any Councillor may propose any Motion which is related to that Item of business on the Agenda. Such a Motion shall not be progressed unless it is seconded.
4. If a Motion has been seconded, it may be withdrawn by the Proposer only with the consent of the Secunder and the Meeting.
5. Amendments to a Motion are not permitted (an Amendment is defined as a proposal to remove or add words to a Motion, which does not negate the Motion.) However, an alternative to an already accepted Motion may be proposed.
6. During the course of discussion on an Item of business on the agenda, apart from Motions permitted, no other Motion shall be moved except: -
  - i. to proceed to the next Item of business.
  - ii. to adjourn the discussion.
  - iii. to put any accepted Motion to a vote.
  - iv. to exclude the Public and Press.
  - v. to not hear further from a Councillor or a Member of the Public.
  - vi. to exclude a Councillor or Member of the Public for Disorderly Conduct.

- vii. to temporarily suspend the Meeting.
  - viii. suspend particular Standing Order(s) excepting those which reflect mandatory. Statutory Requirements: i.e. to adjourn the Meeting; or to close the Meeting.
7. Any such Motions, provided that they are seconded, shall be voted on immediately before any further discussion on the current Item of business is permitted.
  8. During the discussion of an Item of business, a Councillor may interrupt only on a Point of Order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a Point of Order shall identify the Standing Order which they consider has been breached or specify the other irregularity in the proceedings of the Meeting they are concerned by.
  9. A Point of Order raised shall be decided immediately by the Chair of the Meeting, and their decision shall be final.
  10. Before any accepted Motion is put to the vote, the Chair of the Meeting shall be satisfied that the Item of business has been sufficiently discussed.
  11. When alternative accepted Motions are to be put to the vote, the Chair of the Meeting shall determine: -
    - i. the order in which such alternative accepted Motions shall be voted upon. and
    - ii. depending on the result of the vote on any alternative accepted Motion, whether it is necessary to proceed to a vote on any other alternative accepted Motion(s), and the basis that the matter in question has already been decided.

## **7. Disorderly Conduct at Meetings**

1. No Person shall obstruct the transaction of business at a Meeting or behave offensively or improperly. If this Standing Order is ignored, the Chair of the Meeting shall request such Person(s) to moderate or improve their conduct. If Person(s) disregard the request of the Chair of the Meeting to moderate or improve their conduct, any Councillor or the Chair of the Meeting may move that the Person be no longer heard or excluded from the Meeting. The Motion, if seconded, shall be put to the vote without discussion. If a Resolution to remove is ignored, the Chair of the Meeting may take further reasonable steps to restore order or to progress the Meeting. This may include temporarily suspending or closing the Meeting.

## **8. Public Filming, Recording and Reporting**

1. **A Person (whether a Member of the Public or Press) may not orally report or comment about a Council Meeting at which they are present as the Meeting takes place, but otherwise may: -**
  - i. **Film, photograph, or make an audio recording of a Meeting.**
  - ii. **Use any other means for enabling persons not present to see or hear proceedings at a Meeting as it takes place or later.**



- a) Report or comment on the proceedings in writing during or after a Meeting or orally report or comment after the Meeting.**
- b) The Council acknowledges that no prior permission is required for a Person to undertake these activities however,** the Council asks that any Person wishing to do so at a Council Meeting inform the Clerk in advance, in order that they may: -
1. inform them of any restrictions imposed on their activities by the Council's Standing Orders.
  2. ensure that "reasonable facilities" such as a space to view and hear the Meeting, seats, and a separate table, can be provided.
  3. Any Person present at a Council Meeting in order to undertake the activities permitted must not act in a disruptive manner. This could be any action or activity which disrupts the conduct of the Meeting or impedes other Members of the Public being able to see, hear or film etc. the proceedings. In particular, the following are not permitted: -
    - i. provide a running verbal commentary.
    - ii. to move to areas outside the areas designated for the Public without the consent of the Chair of the Meeting.
    - iii. to make excessive noise in recording or setting up or re-siting equipment during the debate / discussion.
    - iv. to use Intrusive lighting.
    - v. to use flash photography.
    - vi. asking people to repeat statements for the purpose of recording.
  4. Any such Person considered to be acting in a disruptive manner may, under The Council's Standing Orders, be excluded from the Meeting.
  5. Any Recording equipment must be removed from the room being used for a Meeting if at any stage the Meeting becomes a private Meeting.
  6. No trailing cables or plugging in to sockets of electrical equipment will be permitted.
  7. Children and vulnerable adults are not to be filmed, recorded, or photographed or
  8. otherwise reported about where the relevant responsible adult has not given consent. (which in the case of a vulnerable adult is a medical professional, their carer or legal guardian, and in the case of a child, their parent, legal guardian, or teacher).
  9. Any other Members of the Public present at a Council Meeting, other than those excluded above, may be filmed, recorded, or photographed or otherwise reported on.

10. Persons filming Meetings etc. are likely to record personal data of individuals. These Persons must take care to ensure that personal data is used in Accordance with the Data Protection Act 1998.

## **9. Confidential or Sensitive Information**

1. The agenda, papers that support the Agenda and the Minutes of a Meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the Public Interest.
2. Councillors and the Clerk shall not disclose confidential or sensitive information which for special reasons would not be in the Public Interest.

## **10. Code of Conduct and Dispensations**

1. All Councillors shall observe the Code of Conduct adopted by the Council.
2. Unless they have been granted a Dispensation, a Councillor shall withdraw from a Meeting when it is considering a matter in which they have a Disclosable Pecuniary Interest. They may return to the Meeting after it has considered the matter in which they had the Interest.
3. Unless they have been granted a Dispensation, a Councillor shall withdraw from a Meeting when it is considering a matter in which they have another Interest, if so required by the Council's Code of Conduct. They may return to the Meeting after it has considered the matter in which they had the Interest.
4. **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.

A decision as to whether to grant a Dispensation shall be made by a Meeting of the Council, and that decision is final.

5. A Dispensation request shall confirm: -
  - a. the description and the nature of the Disclosable Pecuniary Interest or other Interest to which the request for the Dispensation relates.
  - b. whether the Dispensation is required to participate at a Meeting in a discussion only or a discussion and a vote.
  - c. the date of the Meeting or the period (not exceeding four years) for which the Dispensation is sought; and
  - d. an explanation as to why the Dispensation is sought.
6. Subject to Standing Orders Dispensation requests shall be considered at the beginning of the Meeting of the Council for which the Dispensation is required.
7. **A Dispensation may be granted in accordance with Standing Orders above if having regard to all relevant circumstances the following applies: -**

- a) **without the Dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the Meeting transacting the business as to impede the transaction of the business or**
- b) **granting the Dispensation is in the interests of persons living in the Council's area or**
- c) **it is otherwise appropriate to grant a Dispensation.**

## **11. Code of Conduct Complaints**

1. Upon notification by Durham County Council that it is dealing with a complaint that a Councillor has breached the Council's Code of Conduct, the Proper Officer shall, subject to Standing Orders above, report this to the Council.
2. Where the notification in Standing Orders relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall assume the duties of the Proper Officer in relation to the complaint until it has been determined, and the Council has agreed what action, if any, to take in accordance with Standing Orders below:

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 the person or body with statutory responsibility for investigation of the matter.
3. **Upon notification by Durham County Council that a Councillor has breached the Council's Code of Conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

## **12. Committees, Sub-Committees & Working Parties**

1. The Council does not appoint any formal Committees or Sub-Committees.
2. The Council may appoint an informal Working Party to consider any matter as may be necessary, and to produce a Report with recommendations for the Council.
3. A Working Party must have at least one Councillor as Chair, and may have as many other Councillors or Members of the Public as is considered necessary.
4. A Working Party may meet in any suitable location, subject to Standing Orders
5. A Working Party may meet as, and when, it considers necessary.
6. It is not necessary for a Working Party to take formal Minutes, but the taking of informal Notes for the guidance of Working Party Members would normally be good practice.
7. The Council may dissolve a Working Party whenever it considers necessary.

### **13. Responsible Financial Officer**

The Responsible Financial Officer shall normally be the Clerk. Should the Clerk be unavailable due to prolonged absence or illness, or if there is a Vacancy for the Office of Clerk, the Chair, or in their absence the Vice-Chair, shall take appropriate measures to ensure that some suitable Person is appointed to act as Responsible Financial Officer until the Clerk becomes available, or a new Clerk is appointed.

### **14. Accounts and Accounting Statements**

1. "Proper Practices" in Standing Orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).
2. All Payments by the Council shall be authorised, approved, and paid in accordance with the Law, Proper Practices and the Council's Financial Regulations.
3. The Responsible Financial Officer shall supply to each Councillor prior to the Annual Council Meeting, a Statement for Approval, to summarise: -
  - i. the Balances held at the time of the Statement.
  - ii. a Statement summarising the Council's Receipts and Payments for the Financial Year to date.
  - iii. The year end Accounting Statements shall be prepared in accordance with Proper Practices and applying the form of Accounts determined by the Council
  - iv. (Receipts and Payments, or Income and Expenditure) for a year to 31 March.
  - v. A completed draft Annual Return, which has been approved by an Internal Auditor,

### **15. Financial Controls and Management**

The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following: -

1. the keeping of Accounting Records and Systems of internal controls.
2. the Assessment and Management of Financial Risks faced by the Council.
3. the work of the independent Internal Auditor in accordance with Proper Practices, and the receipt of an Annual Report from the Internal Auditor.
4. the inspection and copying by Councillors and local Electors of the Council's

Accounts and/or orders of Payments; and Procurement Policies, including the setting of values for different Procedures where a Contract has an estimated value of less than £20,000.

5. Financial Regulations shall be reviewed regularly, and at least every three years, for fitness of purpose.

**NOTE** – the Council does not undertake Contracts of such a value that they must be put out to Tender, nor that the Public Contracts Regulations 2006 (SI No. 5, as amended), the Utilities Contracts Regulations 2006 (SI No. 6, as amended), and/or EU Procurement Rules apply.

## **16. Requests for Information**

1. Requests for information held by the Council shall be handled in accordance with the Freedom of Information Act 2000 and the Data Protection Act 1998.
2. Any Correspondence from, and Notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chair of the Council, who will do everything necessary to facilitate compliance with the Freedom of Information Act 2000.

## **17. Relations with the Press/Media**

1. Requests from the Press or other Media for an oral comment from the Council, its Councillors or the Clerk, shall be referred to the Chair of the Council.
2. Except in exceptional circumstances, the Chair of the Council will consult with all available Councillors, and obtain majority agreement for any oral or written Comment or Statement to be made on behalf of the Council.
3. The Clerk may transmit any Written Comment or Statement authorised by the Chair of the Council, but may not make any authorised Oral Comment or Statement.

## **18. Execution and Sealing of Legal Deeds**

1. A Legal Deed shall not be executed on behalf of the Council unless authorised by a Resolution.
2. **Any two Councillors may sign on behalf of the Council, any Deed required by Law, and the Proper Officer shall witness their signatures.**

## **19. Communicating with County Councillors**

1. An invitation to attend a Meeting of the Council shall be sent, together with the Agenda and the Minutes of the previous Council Meeting, to the Durham County Council Ward Councillor(s) representing the area of the Council by the Clerk
2. Unless the Council determines otherwise, a copy of each Letter sent to Durham

County Council shall be sent to the Durham County Council Ward Councillor(s) representing the area of the Council.

## **20. Standing Orders generally**

1. All or part of a Standing Order, except one that incorporates mandatory Statutory Requirements, may be suspended by Resolution in relation to the consideration of an Item on the Agenda for a Council Meeting.
2. Any addition to, variation of, or revoking of one or more of the Council's Standing Orders, except one that incorporates mandatory Statutory Requirements, may only be authorised by a Resolution of the Council.
3. The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible after they have delivered their Acceptance of Office Form.
4. The decision of the Chair of a Meeting as to the application of Standing Orders at the Meeting shall be final.