

AGENDA ITEM No. 2

PEAK DISTRICT NATIONAL PARK AUTHORITY
NATIONAL PARK AUTHORITY SPECIAL MEETING

31 JULY 2009

CORPORATE RESOURCES

URGENT BUSINESS

PART A

1. AMENDMENT TO STANDING ORDERS (SO/ RMM)

This report is urgent because having identified a potential risk which might result in delays in progressing the Authority's business if the Chief Executive and Director of Corporate Resources are away at the same time the issue needs to be addressed prior to the October Authority meeting.

Purpose of the report

1. This report asks Members to agree an addition to Standing Orders to increase the number of staff who can attest the sealing of legal documents.

Recommendations

2. **1. That with effect from 3 August 2009 an amendment is made to paragraph 1.32 of Part 1 of Standing Orders as detailed in the report to allow the Democratic Services Manager to attest the sealing of documents in the absence of the Chief Executive and Director of Corporate Resources**

How does this contribute to our policies and legal obligations?

3. The Common Seal of the Authority is used on some legal documents (e.g. Section 106 agreements, statutory orders, leases, transfers of land) which contribute to achieving a number of the Authority's outcomes and key corporate actions.

Background

4. Paragraph 1.32 of Part 1 of Standing Orders states:

(1) The Common Seal of the Authority shall not be affixed to any document unless the sealing is to give effect to a resolution of the Authority, a Committee or a Sub Committee to which the Authority has delegated its powers. The Common Seal may be affixed without such prior specific authority to documents which are required to be sealed to implement or give effect to any decision made by an officer to whom the Authority, a Committee or a Sub Committee has delegated its powers to make that decision.

(2) The seal shall be attested by one at least of the following persons present at the sealing viz by the Chief Executive or the Director of Corporate Resources and any entry of every sealing shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person or persons who shall have attested the seal.

5. Although it has not been an issue so far, as part of our contingency planning work it has been identified that it would be prudent to have a third person authorised to attest the sealing of some legal documents. The Democratic Services Manager post is a suitable post as it is outside the main legal team and not directly involved in any of the documents which are sealed but at the same time the postholder has a legal background and a corporate understanding of the work as well as being the Deputy Monitoring Officer.

Proposals

6. It is proposed that the Democratic Services Manager should be authorised to attest the sealing of documents in the absence of the Chief Executive and Director of Corporate Resources with effect from 3 August 2009.
7. The amendment proposed to Standing Order Part 1 paragraph 1.32 (2) is:

The seal shall be attested by one at least of the following persons present at the sealing viz by the Chief Executive or the Director of Corporate Resources **(and in their absence the Democratic Services Manager)** and any entry of every sealing shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person or persons who shall have attested the seal.

Are there any corporate implications members should be concerned about?

8. **Financial:**
There are no financial implications.
9. **Risk Management:**
This amendment is proposed as part of reducing the risk to the Authority that those legal documents that have to be sealed cannot be completed as a result of the Chief Executive and Director of Corporate Resources being absent for any significant amount of time during the same period.
10. **Sustainability:**
There are no issues to highlight.
11. **Background papers** (not previously published)
None

Appendices None

Report Author, Job Title and Publication Date

Ruth Marchington, Director of Corporate Resources, 28 July 2009