

11. AMENDMENTS TO STANDING ORDERS (JS)

1. Purpose of the report

The Authority's Standing Orders are periodically reviewed to make sure they incorporate legislative changes, changes to the organisation and to reflect on their operation.

This report proposes a number of amendments identified following a recent review.

Key Issues

- **The Authority's Standing Orders are made up of 7 parts. This report proposes changes to parts 1, 2 and 7.**
- **Part 1 relates to the rules governing meetings and procedures. The proposals here recommend changes to Standing Orders 1.34 (2) to add the Monitoring Officer to the list of officers authorised to attest to the sealing.**
- **Part 2 relates to contract procedure rules. The changes proposed here reflect the obligations on public authorities concerning procurement and publication of tenders and contracts arising from the Public Contract Regulations 2015 and the Local Government Transparency Code, and also to reflect improvements required to meet current operational needs based on practical experience of the procurement process**
- **Part 7 sets out delegations to the Chief Executive. This report proposes including urgency delegations to assist decision making for unforeseen events and business continuity. It also seeks the deletion of a redundant delegation relating to the recording of meetings to reflect legislative changes.**

2. Recommendation(s)

1. To amend Standing Order 1.34(2) as follows:

“(2) The seal shall be attested by one at least of the following persons present at the sealing viz by the Chief Executive (National Park Officer), the Director of Corporate Strategy & Development or the Monitoring Officer, or by the Democratic Services Manager in the absence of the Chief Executive (National Park Officer), the Director of Corporate Strategy & Development and the Monitoring Officer. An entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person or by persons who shall have attested the seal.”

- 2. To approve changes to Part 2 of Standing Orders relating to Contracts set out in Appendix 1**
- 3. To authorise the Chief Finance Officer to make minor changes to Appendix 1 following consultation with the Chair of the Audit, Resources and Performance Committee and the Head of Law.**
- 4. To amend the scheme of delegation to the Chief Executive as set out in Part 7 of Standing Orders as follows:**

a) To add:

7.A-3 Emergency Delegation

1. In the event of any emergency the Chief Executive is authorised to take any necessary action which is deemed essential for the wellbeing of the Authority or its employees where a decision is required on a matter that cannot reasonably be referred to the Authority or the Urgent Business Items Sub-Committee,
 2. In all such cases the Chief Executive should consult with the Chair of the Authority (or in their absence the Deputy Chair) and with the Chief Finance Officer whenever urgent action has a financial consequence for the Authority, and with the Monitoring Officer (or in their absence their Deputy).
 3. Any decisions made under Paragraphs 1 shall be reported to a meeting of the National Park Authority at the earliest opportunity.
- 7. C-5 Variation from Decisions of Authority or Committee Meeting**

b) Where the Authority or a Committee has made a decision which includes a delegation to an officer other than the Chief Executive, and the officer named in the delegation is unable to act, the Chief Executive may authorise the line manager of the named officer to make that decision in their absence (except for matters specifically delegated to the Chief Finance Officer or Monitoring Officer).

b) To delete 7.F-20 Recording of meetings and Proceedings of the Authority.

3. How does this contribute to our policies and legal obligations?

The Authority has a duty to keep its constitutional documents up to date. The Authority has not delegated its ability to update and amend Standing Orders.

4. Background

This report proposes a number of changes to the Authority's Standing Orders. Full details of the proposed changes and the reasons for them are set out in the proposals section below.

5. Proposals

a) Part 1 – Meetings and Procedures – 1.34 Sealing of Documents

Standing Order 1.34 sets out the arrangements for the sealing of documents and names the post holders who are authorised to attest the sealing. This standing order was last reviewed in 2009, since which the post holder appointed as Monitoring Officer and organisational structures have changed. To make sure that there is adequate cover for sealing to take place it is proposed that the Standing Order be amended to add the Monitoring Officer to the named post holders authorised to attest the sealing. The Democratic Services Manager would remain as the deputy in the event that all of the three authorised post holders are unable to act.

The amended standing order 1.34(2) would read:

“(2) The seal shall be attested by one at least of the following persons present at the sealing viz by the Chief Executive (National Park Officer), the Director of Corporate Strategy & Development or the Monitoring Officer, or by the Democratic Services Manager in the absence of the Chief Executive (National Park Officer), the Director of Corporate Strategy & Development and the Monitoring Officer. An entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person or by persons who shall have attested the seal.”

b) Part 2 - Contract Procedure Rules

It is recommended that Part 2 of the Authority's Standing Orders containing the Contract Procedure Rules be replaced by those attached as Appendix 1 to this report.

New regulations which have recently come into force, namely the Public Contract Regulations 2015 and the Local Government Transparency Code, have imposed various obligations on public authorities concerning procurement and publication of tenders and contracts. It is proposed that these requirements be reflected in Standing Orders to seek to ensure compliance.

The Authority's Internal Auditors have also made recommendations regarding the introduction of tighter procedures for allowing waivers of Standing Orders where exemptions from following strict procedural rules are deemed to be necessary.

Finally, the current Standing Orders have sometimes led to confusion, for example as to the method of procurement to be followed for a particular value of contract, and they require clarification and streamlining, with more detailed instruction as to the precise steps to be followed with each procurement, making them more user-friendly.

As part of the review, it was considered that there should be a de minimis limit below which only one written quotation would be required, and the level proposed in the revised Rules is £5,000.

It is proposed that the Authority adopt the attached revised Rules in place of the current Part 2 in order to address all of the above issues. They will be supplemented by a simple table of procurement methods, also attached, to be used as an aide-memoire. The revised Rules have been approved by both the Head of Law and the Chief Finance Officer.

c) Part 7 – Delegation to Chief Executive

The Director of Corporate Strategy & Development is currently in the process of reviewing the Authority's business continuity arrangements in place should the Authority lose short or longer term access to its buildings, infrastructure and other resources. This process has highlighted that unlike many other public bodies there is currently no urgency provision for Officers to make a decision on matters that would usually be reserved to the Authority or one of its Committees, so there is no delegation in place to respond to an urgent event.

It is therefore proposed that Part 7 of the Standing Orders be amended to add the following delegation to the Chief Executive:

7.A-3 Emergency Delegation

1. In the event of any emergency the Chief Executive is authorised to take any

necessary action which is deemed essential for the wellbeing of the Authority or its employees where a decision is required on a matter that cannot reasonably be referred to the Authority or the Urgent Business Items Sub-Committee,

2. In all such cases the Chief Executive should consult with the Chair of the Authority (or in their absence the Deputy Chair) and with the Chief Finance Officer whenever urgent action has a financial consequence for the Authority, and with the Monitoring Officer (or in their absence their Deputy).
3. Any decisions made under Paragraphs 1 shall be reported to a meeting of the National Park Authority at the earliest opportunity.

The Authority is asked to agree this delegation on the understanding that it would be only used in exceptional circumstances, when the Chief Executive is able to satisfy the Chair of the Authority (or their Deputy) that a decision cannot wait until a formal meeting of the Authority or the Urgent Business Items Sub-Committee can be convened.

7.C-5 - Variation from Decisions of Authority or Committee Meetings

Again in order to assist with business continuity in situations where certain officers are unable to act in the short to medium term it is also proposed that the existing delegation which allows the Chief Executive to authorise minor changes to an Authority or Committee decision be amended to clarify that this may include changes to the officer named in the delegation if that officer is unable to act. To achieve this it is proposed that the following paragraph be added to delegation 7.C-5:

- b) Where the Authority or a Committee has made a decision which includes delegation to a specified officer other than the Chief Executive, and the officer named in the delegation is unable to act, the Chief Executive may authorise the line manager of the named officer to make that decision in their absence, (except for actions specifically delegated to the Chief Finance Officer or the Monitoring Officer).

It is also proposed that the following delegation be deleted:

7.F-20 Recording of meetings and Proceedings of the Authority.

This delegation allowed officers to determine requests to record meetings and proceedings of the Authority. As a result of provisions within the Local Audit and Accountability Act 2014, the Authority no longer has any discretion over this matter so this delegation is no longer needed.

Are there any corporate implications members should be concerned about?

6. Financial:

None

7. Risk Management:

There are significant risks if the Authority does not comply with the obligations introduced by the Public Contract Regulations 2015 and the Local Government Transparency Code concerning procurement and publication of tenders and contracts.

The other proposed changes to Standing Orders aim to mitigate against risks relating to business continuity in the event of an unanticipated loss of resources including physical assets and employees.

8. Sustainability:

None

9. Equality:

None

10. Background papers (not previously published)

None

Appendices

Appendix 1 – Standing Orders Part 2 - Contract Procedure Rules.

Report Author, Job Title and Publication Date

Jason Spencer, Democratic Services Manager, 26 November 2015