YORKSHIRE DALES NATIONAL PARK AUTHORITY **ITEM 7**

Date: **26 March 2024**

Report: **Review of Standing Orders and adoption of Statutory Officers' Disciplinary Procedure**

Purpose of the report

1. To present Members with proposed changes to the Authority's Standing Orders and a Statutory Officers' Disciplinary Procedure for adoption, which will require minor amendments to the Scheme of Delegation to Committees and Officers.

RECOMMENDATION

2. That Members:

   (i) Agree the proposed changes to Standing Orders; and
   (ii) Adopt a Statutory Officers' Disciplinary Procedure; and
   (iii) Authorise the Monitoring Officer to make consequential amendments to the Scheme of Delegation to Committee and Officers.

Strategic Planning Framework

3. The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework:

   - ***Corporate Plan objectives***

   Objective 31: Operate governance arrangements that are fit for purpose as reported through the Annual Governance Statement and the Annual Governance Report.

Background

4. The Authority's Standing Orders were last reviewed in September 2021, after a return to business as usual following the introduction of temporary Standing Orders in May 2020 that were in force during Covid (to enable remote meetings to take place).

5. The Director of Corporate Services has conducted a light touch review of Standing Orders to ensure that they remain fit for purpose and some changes are proposed which are highlighted in **Appendix 1**. These include:

   i) Change of word "Chairman" to the neutral alternative of "Chair";
   ii) The inclusion of the retention period for ballot papers;
   iii) Removal of the reference to the Members' extranet which is no longer in existence;

iv) An update to wording at Standing Order 3.4 following the adoption of revisions to the Code of Conduct for Members by Authority in December; and

v) A revision to Standing Order 5.1 to reflect the proposal to adopt a new Statutory Officers' Disciplinary Procedure.

Statutory Officers Disciplinary Procedure

6. The Authority (like other local authorities) has three statutory officers (the Head of the Authority's Paid Service, the Chief Finance Officer and the Monitoring Officer), each of whom has personal responsibility for making reports to the Authority in certain circumstances. In carrying out their duties, they may at times be required to provide advice to Members that is not welcome or popular, or take such action in connection with that advice in order to fulfil their statutory responsibilities. Accordingly, the three statutory posts are protected by law under specific regulations from unwarranted political interference in carrying out their proper duties.

7. These regulatory requirements were incorporated into Standing Orders in 2015. As part of the recent review of Standing Orders, the Director of Corporate Services has concluded that the disciplinary procedure for statutory officers would present better in a separate Statutory Officers' Disciplinary Procedure ("Procedure"). A new Procedure document has been drafted which is attached at **Appendix 2**. This expands on the provisions previously included in Standing Orders to ensure that the Authority has an appropriate Procedure in place that provides clarity in the process to be followed in the event that a formal written complaint is made against one of the Authority's Statutory Officers.

8. The Procedure is consistent with the provisions mandated in the Local Authorities (Standing Orders) England Regulations as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 ("Schedule 3 Provisions"). The Procedure is based on the Model Procedure set out in the JNC Conditions of Service for Chief Executives (September 2022 edition) ("Model Procedure") which is consistent with the Schedule 3 Provisions. The Model Procedure must be used in the case of Chief Executives and the JNC Conditions of Service for Chief Officers states that they can be used in the case of all statutory officers to ensure the process complies with the Schedule 3 Provisions. Therefore, none of the proposals in the Procedure undermine, contradict or are of a 'lesser nature' than those set out in the Model Procedure.

9. The adoption of the Procedure will require amendments to the delegation of powers to the Finance and Resources Committees in the Scheme of Delegation to Committees and Officers. Proposed revisions are highlighted at **Appendix 3**.

Conclusion

10. The proposed changes to Standing Orders and the Scheme of Delegation to Committees and Officers together with the adoption of a Statutory Officers' Disciplinary Procedure will strengthen the Authority's governance arrangements.

Clare Burrows
Director of Corporate Services
7 March 2024

Appendix 1

STANDING ORDERS FOR THE REGULATION OF THE BUSINESS OF THE YORKSHIRE DALES NATIONAL PARK AUTHORITY

(March 2024)

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SECTION 1: OFFICE HOLDERS

1.1 Chair and Deputy Chair of the Authority

(a) Other than reporting on the membership of the Authority, the first and second items of business on the agenda for the annual meeting shall be the election of a Chair and Deputy Chair respectively for the ensuing year.

(b) The Chair of the Authority shall be a member of the Finance and Resources Committee and the Deputy Chair shall normally be a member of the Audit and Review Committee.

1.2 Chairs of Committees and Sub-Committees

(a) The Chair and Deputy Chair of a Committee, or of any Sub-Committee or Group, shall be appointed by the Committee, Sub-Committee or Group, unless otherwise decided by the Authority, at the first meeting of the Committee, Sub-Committee or Group following the annual meeting of the Authority. The appointment of a Chair shall be obligatory; a Deputy Chair discretionary.

(b) The appointment of the Chair and Deputy Chair of a Committee, Sub-Committee or Group shall be conducted in the same way as an appointment is required to be made by the Authority.

(c) The Chair and Deputy Chair of a Committee, Sub-Committee or Group shall hold office until the first meeting of the Committee, Sub-Committee or Group following the next annual meeting of the Authority after their appointment.

(d) No Chair or Deputy Chair of a Committee or Sub-Committee shall hold the same office for more than four consecutive years.

(e) If the Chair and Deputy Chair of a Committee, Sub-Committee or Group are absent from a meeting of the Committee, Sub-Committee or Group, the Members present shall choose one of their number who is a Member of the Authority to preside over the meeting.

(f) If the Chair of a Committee or Sub-Committee arrives at a meeting of the Committee or Sub-Committee after the time for which the meeting has been summoned, they shall preside over the meeting after any question under discussion on their arrival has been disposed of but not before then.

1.3 Voting for Chairs and Deputy Chairs

(a) Candidates for the positions of Chairs and Deputy Chairs of the Authority, its Committees and Sub-Committees shall be openly nominated, and recorded in the minutes. In the event of there being more than one nomination for any position of Chair or Deputy Chair, the election shall be by paper ballot.

(b) Any candidate for the position of Chair or Deputy Chair of the Authority, or any of its Committees or Sub-Committees shall be entitled to present an election address

prior to the election process, the address to be either in writing (no more than one side of A4 paper) or verbal (to last no more than five minutes). If verbal, the address will be given immediately after nominations are received and preceding the vote; if in writing, following nominations, preceding the vote and with Members allowed sufficient time to read the address.

(c) After a candidate has made their election address, Members may ask questions of the candidate for up to a maximum of five minutes.

(d) The election procedure will be as follows: -

I. all Members present and eligible to vote will be provided with a voting slip on which they will indicate the candidate of their choice;

II. the completed voting papers will be collected, the votes cast for each candidate will be counted and the result announced;

III. in the event of no candidate having an absolute majority, the candidate with the least number of votes will be removed from the list and a further vote taken until such time as one candidate receives a majority of the votes cast.

(e) On completion of the voting process, all ballot papers will be retained for a period of one year, but will not be available for inspection by Members of the Authority or by the general public.

SECTION 2: CONDUCT OF MEETINGS

2.1 Meetings of the Authority

The Authority shall:

(a) meet four times per annum, the first meeting held after 31 May in each year being the annual meeting;

(b) hold additional or special meetings as the Authority shall decide;

(c) hold other meetings as may be required by legislation or other provisions of these Standing Orders.

2.2 Special Meetings of the Authority, Committees and Sub-Committees

(a) The Chair of the Authority or the Chair of a Committee or Sub-Committee may cause a special meeting of the Authority, the Committee or a Sub-Committee respectively to be called at any time to comply with statutory provisions.

(b) A special meeting of the Authority, a Committee or Sub-Committee shall be called on the request of at least one quarter of the whole number of the Members of the Authority, Committee or Sub-Committee by notice in writing signed by them and given to the Chief Executive (for the purposes of these standing orders any reference in legislation to the National Park Officer shall mean the Chief Executive who has been appointed by the Authority in accordance with paragraph 14 of Schedule 7 to the Environment Act 1995) and specifying the business for which the meeting is to be called.

2.3 Minutes of the Authority

(a) At a meeting of the Authority or a Committee or Sub-Committee at which minutes of a previous meeting are submitted for approval as a correct record, the Chair shall move that those minutes be so approved. Except as may otherwise be provided for on the agenda for the meeting, no discussion shall take place upon the minutes except upon their accuracy. If no such question is raised, or as soon as all questions raised have been disposed of, the Chair shall sign the minutes.

(b) Any Member of the Authority can ask the Chair of a Committee of the Authority any question of clarification or explanation about the work of the Committee. To do so the following procedure shall operate:

I. a Member wishing to ask a question must give prior written notice of two clear working days, i.e. by 9 a.m. on the Friday preceding a Tuesday Authority meeting, the question to be sent to the Committees Officer;

II. during the Authority meeting, the Member will put their question and the appropriate Chair will answer. The Member may put one supplementary question. If the Chair is unable to answer the question in full or in part, they will write to the Member concerned and provide a copy by e-mail to Members;

III. this procedure cannot be used to change National Park Authority policy, nor to undo a decision taken by a Committee under the Scheme of Delegation;

IV. the Chair of the meeting will not allow a debate on the minutes to take place.

2.4 Proceedings of Committees and Sub-Committees

(a) Any Authority Member may attend as an observer at meetings of Committees and Sub-Committees or Groups (except those Committees and Sub-Committees and Groups which the Authority may from time to time determine for the purposes of this Standing Order) to which he/she has not been appointed a Member, including meetings or items of business from which the public has been excluded. If given permission by the Chair of the meeting, a Member attending as an observer may speak (but not vote) on any matter, subject to Standing Order 2.6(f).

(b) Subject to the provision of Part VA of the Local Government Act 1972, all Committee and Sub-Committee reports and all documents marked as "confidential", "exempt" or "not for publication" shall be treated as confidential until they become public in the ordinary course of the Authority's business.

(c) No act of a Sub-Committee shall have effect until approved by the appointing Committee except to the extent that the Committee has itself power to act without the approval of the Authority and the power so to act has been conferred upon the Sub-Committee.

(d) In addition to those Standing Orders that expressly relate to Committees or Sub-Committees, Standing Orders 2.3, 2.6, 2.7, 2.8, 2.9, 2.11, 2.12, 2.13, 2.14, 3.1, 3.3 and 4.3 shall apply with any necessary modification to Committees and Sub-Committees and Groups.

2.5 Quorum

(a) The Quorum of the Authority shall be nine members, provided always that of those present, at least one Member is a Local Authority Member, and at least one a Secretary of State Member.

(b) The Authority shall set the quorum for all Committees provided always that:

- in no case shall a quorum be less than 3;
- of those present, at least one member must be a Local Authority Member
- and at least one member must be a Secretary of State 'National' Member
- if the Authority fails to set a quorum for any Committee, the quorum shall
- be one third of the total membership of the Committee

(c) If, during any meeting of the Authority or its Committees and Sub-Committees, the Chair, after counting the number of Members present, declares that there is not a Quorum or that either the rider to Standing Order 2.5(a) or Standing Order 2.5(b) (ii) is not met, the meeting shall stand adjourned to a date and time to be determined by the Chief Executive.

(d) The Authority has decided on the following quorums for its Committees*:*
Audit and Review Committee – 6
Finance and Resources Committee – 6
Planning Committee – 7
Standards Committee – 3

2.6 Rules of Debate

(a) All Members shall address the Chair. If two or more Members indicate, the Chair shall call on one of them to speak.

(b) Whenever the Chair rises during a debate, all Members shall be silent.

(c) The ruling of the Chair on points of procedure or order, and their interpretation of the Standing Orders, shall be conclusive and no debate upon their ruling shall be allowed.

(d) Every motion or amendment shall be moved and seconded.

(e) A Member when seconding a motion or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate.

(f) A Member shall direct their speech to the question under discussion, or to an explanation, or to a point of order. Except with the consent of the Chair, a Member shall not speak for more than five minutes, except that on all bodies other than the Planning Committee the mover of a motion may speak for not more than ten minutes. There shall be no limit on the length of time the Chair may speak. When a Member has moved a motion, then immediately before the vote is taken on that motion the Chair shall allow the mover a right of reply to any points which have been made in the debate, such right of reply to be limited to three minutes.

(g) Every amendment shall be relevant to the motion to which it is moved and shall either: -

- leave out words;
- leave out words and insert or add others;
- insert or add words;

but such omission, insertion or addition of words shall not have the effect of introducing a new proposal into, or of negating, the motion before the Authority.

(h) Any number of amendments may be moved, but when an amendment to an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment has been disposed of. If an amendment is rejected, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion to which any further amendment may be moved.

(i) The proposer or seconder of a motion or amendment may at any time in the debate withdraw their support for that motion or amendment. However, another Member may take over as proposer or seconder and the debate continue.

(j) A Member shall not speak more than once on any motion or amendment, except in the exercise of the right of reply, or on a point of order, or by way of personal explanation.

(k) A Member may rise and speak on a point of order or personal explanation, but a personal explanation shall be confined to some material part of a speech by them that may have been misunderstood.

(l) A Member may move without comment at the conclusion of a speech of another Member, "That the Authority proceed to the next business", "That the question be now put", "That the debate be now adjourned" or "That the Authority do now adjourn", on the seconding of which the Chair shall proceed as follows:

(i) on a motion to proceed to next business:
unless in his opinion the matter before the meeting has been insufficiently discussed they shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;

(ii) on a motion that the question be now put:
unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion their right of reply before putting their motion to the vote;

(iii) on a motion to adjourn the debate or the meeting:
if in their opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover of the original motion their right of reply on that occasion.

2.7 Motions and Amendments

(a) Any Member of the Authority may give notice to the Chief Executive of a notice of motion to appear on the agenda and, subject to such motion being in writing or by email signed by the mover and seconder, and delivered to the Chief Executive not

later than nine clear working days before the meeting, the motion shall be included on the agenda for the next meeting of the Authority.

(b) Every motion or amendment shall be moved and seconded and, if the Chair so rules, shall be handed in writing to the Chair, and shall be read aloud before it is put to the meeting.

(c) A Member may not propose or second a motion or amendment on which he/she is disqualified from voting.

(d) No motion to rescind a resolution which has been passed by the Authority within the preceding six months or which would have the effect of rescinding such resolution or a material part thereof, and no motion to the same effect as a motion which has been rejected within the preceding six months, shall be in order unless the notice thereof as set out in the agenda of the meeting bears, in addition to the name of the Member proposing the motion, the names of two-thirds plus one of the membership of the Authority at the time; and, when any such motion has been disposed of by the Authority, it shall not be competent for any Member to propose a similar motion within a further period of twelve months.

(e) Standing Order 2.7(d) applies to notices of motion from any Member of the Authority and therefore shall not apply to motions that are moved on the recommendation(s*)* of a Committee by the Chair or some other Member of the Committee.

2.8 Motions affecting persons employed by the Authority

If any question arises at a meeting of the Authority, or a Committee or Sub-Committee as to the appointment, promotion, dismissal, salary, superannuation, conditions of service or the conduct of any Officer or any person employed or appointed by the Authority, such question shall not be the subject of discussion until the Authority, Committee or Sub-Committee, as the case may be, has decided whether or not the power of exclusion of the public, under Section 100A of the Local Government Act 1972, shall be exercised.

2.9 Points of Order or Explanation

(a) A point of order shall relate only to an alleged breach of a Standing Order or statutory provision, and the Member shall specify the Standing Order or statutory provision and the way in which he/she considers it has been breached; a personal explanation shall be confined to some material part of a former speech by them which may appear to have been misunderstood in the present debate.

(b) The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.

2.10 Questions by Members

(a) Subject to Standing Order 2.10(b), at a meeting of the Authority, a Member may ask the Chair of the Authority any question relating to the business of the Authority. At ordinary meetings of a Committee or Sub-Committee, any Member of the

Authority who is present may ask the Chair of that Committee or Sub-Committee any question on any matter in relation to which that Committee or Sub-Committee has delegated or referred functions.

(b) The text of any question shall be submitted in writing to the Chief Executive not less than five clear working days before the meeting at which the Member proposes to ask the question, subject to paragraph (c) of this Standing Order (urgent business).

(c) The Chair of the meeting may allow the asking of a question that has not been submitted as required by paragraph (b) above, if they consider that it relates to urgent business. The text of any such question shall, if possible, be delivered to the Chief Executive not later than 10.00 am on the working day immediately before the day of the meeting at which the question is to be asked.

(d) After a question has been replied to, the Member who asked it may ask one supplementary question for the purpose of clarifying the reply which has been given. A Member asking such a supplementary question shall confine themself to the substance of the original question, and shall not introduce any new matter that did not fall within the scope of the original question. In paragraphs (e) - (h) of this Standing Order, the word "question" shall include a supplementary question.

(e) Every question shall be put and answered without discussion.

(f) No motion shall be moved with reference to any question or reply to a question, other than to call for reports to be brought to the next meeting of the Authority or a named Committee.

(g) If the Chair of a meeting is of the opinion that the question is out of order, or of a personal nature, or is undesirable in the interests of the Authority, they shall inform the Member and shall not allow the question to be put.

(h) Questions asked in pursuance of the above paragraphs of this Standing Order shall be recorded in the minutes of the meeting, and the Chief Executive shall, if requested, supply the questioner with a copy of the replies to the questions within seven working days after the meeting.

2.11 Voting

(a) Except as otherwise provided by these Standing Orders, or as shall be required by legislation, the vote shall be by show of hands.

(b) Immediately after a vote is taken at a meeting, any Member may require that there shall be recorded in the minutes of the proceedings whether that Member cast their vote for the question or against the question or whether they abstained from voting.

(c) Where a motion is put to a meeting of Planning Committee that, if successful, would result in the determination of a planning application contrary to policy and/or the advice of the Head of Development Management, the names of Members voting for, against and abstaining in respect of that motion shall be recorded in the minutes.

(d) While the minutes will record the decision of the meeting, the names of the Members for, against or abstaining will not be recorded unless either Standing Order 2.11 (b) or 2.11 (c) applies.

2.12 Voting on Appointments

(a) To fill a Single Vacancy

Where more than two persons are nominated for a position to be filled by the Authority, and the first voting does not produce an absolute majority of votes in favour of any one of them, the person having the least number of votes shall be removed from the election process and a fresh voting shall take place, and so on until a voting produces an absolute majority of votes in favour of one of the persons in question. Thereupon the appointment of that person shall be proposed by motion.

(b) To fill Two or More Vacancies

Where persons are nominated for positions to be filled by the Authority and the number of persons nominated exceeds the number of positions to be filled the following procedure shall be adopted:

(i) each Member may vote for any number of persons but not exceeding the number of vacancies to be filled, by signing and delivering to the person presiding at the meeting a voting paper containing the names of the persons for whom he/she votes;

(ii) the person presiding at the meeting, as soon as all the voting papers have been delivered to them, shall ascertain the number of votes cast for each nominee and cause them to be read. In the case of equality of votes, the person presiding at the meeting shall have a casting vote. As many persons as there are vacancies to be filled, being the persons who have the greatest number of votes, shall be declared by the person presiding at the meeting to be appointed.

(c) The procedures contained in this Standing Order shall, so far as possible, be followed when appointments of Officers are made by the Authority, a Committee or Sub-Committee, or by a panel of Members.

2.13 Confidential Business

Except where required to do so by law, a Member or Officer of the Authority shall not: -

(a) disclose any information which has been reported to the Authority or a Committee or Sub-Committee and which is confidential information as defined by the provisions of Section 100A of the Local Government Act 1972; or

(b) without the permission of the Authority or the relevant Committee or Sub-Committee disclose any information which is identified as exempt information in a resolution of the Authority or a Committee or Sub-Committee to exclude the public in accordance with the provisions of Section 100A of the Local Government Act 1972.

2.14 General Disturbance

(a) If a Member of the public interrupts the proceedings at any meeting, the Chair shall warn them. If he/she continues the interruption, the Chair shall order their removal from the room. In case of general disturbance in any part of the room open to the public, the Chair shall order that part to be cleared.

(b) If, in the opinion of the Chair, the filming or recording of meetings causes general disturbance, misconduct or obstruction, or renders the due and orderly dispatch of business impossible, the Chair, in addition to any other power vested in them, may, without the question being put, suspend the meeting for a period not exceeding 60 minutes.

SECTION 3: CONDUCT OF MEMBERS

3.1 Conduct of Members

(a) A Member shall direct their speech to the question under discussion or to a personal explanation or to a point of order and shall treat others with respect.

(b) If any Member in the opinion of the Chair uses any abusive or insulting language or makes any personal or insulting remarks about another Member during the discussion or debate the Chair may require that Member to withdraw their comments or remarks.

(c) If any Member in the opinion of the Chair misconducts themself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Authority, or by tedious repetition or unbecoming language, the Chair or any other Member may move "that the Member named be not further heard", and such motion if seconded shall be put and determined without discussion.

(d) If the Member named continues such misconduct after a motion under the last previous paragraph has been carried, the Chair shall either:
   (i) move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or
   (ii) adjourn the meeting for a period not exceeding 60 minutes as they in their discretion shall consider expedient.

3.2 Attendance at Meetings

(a) Every Member attending a formal or informal meeting of the Authority, or of any of its Committees, Sub-Committees or Groups of which he/she is a Member, shall sign their name in the attendance book or on the sheet provided for that purpose.

(b) Notwithstanding the statutory requirements regarding attendance, if a Member is absent from meetings of the Authority, or a Committee or Sub-Committee of the Authority for three consecutive meetings of the Authority or the particular Committee or Sub-Committee, the Chief Executive shall bring the failure to attend those meetings to the attention of the Member and to the person or body which appointed the Member unless the Authority is satisfied that circumstances do not warrant that course of action.

3.3 Member Training

Notes: applicable to all 'mandatory' Member training: -

(a) Any Member who misses 20% of a mandatory training session will be considered to have missed that training and will be barred from participating in any debate and/or in decision making by the Committee to which that training related, until such time as the necessary training has been undertaken.

(b) If any Member misses a mandatory training event, that "missed" training shall be provided as soon as reasonably practicable so that the Member(s) concerned may resume their duties as soon as possible.

(c) Planning Committee:

(i) Any new Member of the Authority (a new Member being any Member appointed to the Authority who has not been a Member of the Authority in the preceding six months) shall, within three months of joining the Authority, attend a Planning Committee training session. Failure to do so will automatically disbar the Member from taking any part in the decision-making process of the Committee after the three-month introductory period, and until the Member has attended the required training.

(ii) Continued membership of the Authority's Planning Committee will require refresher training to be undertaken by all Members of that Committee. This will cover new developments in development control practice, procedure, guidance and case law; and is provided on a six monthly basis, with Members invited to all sessions, but only obliged to attend one session in a twelve month period. Any Member may seek an exemption from such training for any particular year, if they have received relevant training elsewhere. An application for exemption must be in writing, addressed to the Head of Development Management, and specify what training was received and when. Failure to attend the refresher training will disbar the Member from participating in any debate and/or in decisions by the Planning Committee until the required refresher training has been undertaken.

3.4 Declarations of Interest

Members must comply with the requirements in the Authority's Code of Conduct with regard to the declaration of interests at meetings of the Authority or a Committee or Sub-Committee.

3.5 Canvassing of and Recommendations by Members

(a) Canvassing of Members of the Authority, directly or indirectly, for any paid or unpaid appointment under the Authority shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this Standing Order shall be included in any form of application.

(b) A Member of the Authority shall not solicit for any person any appointment under the Authority, but this shall not preclude a Member from giving a written testimonial of a

candidate's ability, experience, or character for submission to the Authority with an application for appointment.

SECTION 4: STANDING ORDER ISSUES

4.1 Interpretation of Standing Orders

The ruling of the Chair as to the interpretation or application of any of these Standing Orders, or as to any proceedings of the Authority, shall be final and shall not be challenged at any meeting of the Authority, any Committee, Sub-Committee or Group.

4.2 Variation and Revocation of Standing Orders

Any motion to add to, vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion and shall be referred to the Audit and Review Committee which shall report to the Authority thereon no later than three months from the date of the adjournment.

4.3 Suspension of Standing Orders

(a) Subject to paragraph (b) of this Standing Order, any of the preceding Standing Orders may be suspended with regard to any business at the meeting where its suspension is moved.

(b) A motion to suspend any of the preceding Standing Orders cannot be moved unless at least one-half of the whole number of the Members of the Authority is present.

(c) No motion on any matter that is being debated only as a direct result of a decision to suspend Standing Orders in accordance with (b) above may be approved unless:

I. at least 70% of the membership of the Authority or of the Committee are present and voting; and

II. the motion has the support of at least 70% of those members.

SECTION 5: MISCELLANEOUS

5.1 Disciplinary action

(a) General

"Disciplinary action" shall have the meaning as set out in the Local Authorities (Standing Orders) (England) Regulations 2001 ("2001 Regulations").

Disciplinary action in respect of any member of staff shall be subject to the provisions of the 2001 Regulations.

(b) Disciplinary action against the Head of the Authority's Paid Service (Chief Executive Officer), the Monitoring Officer and the Chief Finance Officer

Disciplinary action in respect of any "relevant officer" (also referred to as "Statutory Officers", being the Head of the Authority's Paid Service (Chief Executive Officer), the

Monitoring Officer and the Chief Finance Officer) will be in accordance with the 2001 Regulations as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and any other relevant legislation in force at the time. No relevant officer may be dismissed unless the Authority's Statutory Officers' Disciplinary Procedure, which is incorporated into these Standing Orders, has been complied with.

5.2 Relatives of Members or Employees

(a) A candidate for any appointment under the Authority who knows that he/she is related to any Member or employee of the Authority shall disclose that relationship in their application. A candidate who fails to disclose such a relationship shall be liable to be disqualified for the appointment and, if appointed, shall be liable to dismissal without notice.

(b) Every Member and Officer of the Authority shall disclose to the Chief Executive any relationship known to themself and any person whom he/she knows is a candidate for an appointment under the Authority.

(c) The purport of this Standing Order shall be included in any form of application.

(d) For the purpose of this Standing Order, any persons shall be deemed to be related if they are husband and wife or partner, or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

5.3 Sealing of Documents

(a) The common seal of the Authority shall be kept in a safe place in the custody of the Authority's Solicitor/Monitoring Officer.

(b) The common seal of the Authority shall not be affixed to any document unless the sealing has been authorised by a resolution of the Authority or of a Committee or Sub-Committee or an Officer to which the Authority has delegated its powers in that behalf. However, a resolution of the Authority (or of a Committee or Sub-Committee or Officer who has the power) authorising the acceptance of any tender, the purchase, sale, letting or other taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any contract, issuing a precept or levy or doing of any other thing shall be sufficient authority for sealing any document necessary to give effect to the authorisation.

(c) The seal shall be attested by the Chief Executive or Solicitor or other person duly authorised by either of them in writing, and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be authenticated by the person who has attested the seal.

Document Status	
Date adopted	26 March 2024
Adopted by	Authority
Lead Officer	Head of HR
Date of next review	March 2029

Appendix 2

Statutory Officers' Disciplinary Procedure

1. Scope of Procedure

1.1 This Procedure applies to the officer designated as the Head of the Authority's Paid Service, the Chief Finance Officer and the Monitoring Officer ("Statutory Officers").

1.2 This Procedure has been adopted by the Authority for the purposes of dealing with disciplinary, capability and other substantial issues in relation to the Statutory Officers of the Authority.

1.3 Minor conduct issues can often be resolved informally. Formal steps will be taken under this Procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

1.4 Any disciplinary matters will be dealt with sensitively and with due respect for the privacy of any individuals involved. All individuals must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

2. Interpretation

2.1 In this Procedure, the following terms have the following meanings:

i) "2011 Act" means the Localism Act 2011 (as amended);
ii) "Chief Finance Officer", "disciplinary action", "Head of the Authority's Paid Service" and "Monitoring Officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
iii) "independent person" means a person appointed under section 28(7) of the 2011 Act;
iv) "local government elector" means a person registered as a local government elector in the register of electors in the Authority's area in accordance with the Representation of the People Acts;
v) "Panel" means a committee appointed by the Authority under section 102(4) of the Local Government Act 1972 for the purpose of advising the Authority on matters relating to the dismissal of relevant officers of the Authority;
vi) "relevant officer" means the Chief Finance Officer, Head of the Authority's Paid Service or Monitoring Officer, as appropriate;
vii) "relevant independent person" means any independent person who has been appointed by the Authority or, where there are fewer than two such persons, such independent persons as have been appointed by another Authority or Authorities as the Authority considers appropriate;
viii) "Authority" means Yorkshire Dales National Park Authority.

3. Disciplinary action - general

3.1 Disciplinary action in respect of any member of staff including any relevant officer shall be subject to the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 ("2001 Regulations").

3.2 Disciplinary action in respect of any relevant officer will be taken in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 ("2015 Regulations") and any other relevant legislation in force at the time.

4. Disciplinary procedure for relevant officers

4.1 The Authority will adhere to the Joint Negotiating Committee for Local Authority Chief Executives National Salary Framework & Conditions of Service Handbook ("the Model Procedure") as amended from time to time when considering disciplinary action against any relevant officer. The key provisions of the Model Procedure are set out in this section.

4.2 Where an allegation is made relating to the conduct or capability of a relevant officer or there is a substantial issue that requires investigation, the Finance and Resources Committee will appoint no more than 5 of its members to act as the Investigating and Disciplinary Committee ("IDC**")**, as referred to in the Model Procedure.

4.3 A separate committee of up to 5 members shall be established for the purpose of considering any appeal against disciplinary sanctions short of dismissal imposed by the IDC and to take a decision either to confirm the action or to impose no sanction or a lesser sanction ("Appeals Committee"). The members of the Appeals Committee will not be members of the IDC. In establishing the IDC and an Appeals Committee, the Finance and Resources Committee will have regard to the requirement to reflect the make up of the Authority in terms of the balance of local authority and Secretary of State members.

4.4 Where an allegation is made relating to the conduct or capability of a relevant officer or there is some other substantial issue, and following an initial filtering it is concluded that this requires investigation, the matter will be considered by the IDC. Save in exceptional circumstances where the IDC consider it appropriate to dismiss the allegation following minimal investigation, the relevant officer should be notified of the allegation without delay and given the opportunity to respond (including the right to appear before the IDC in person).

4.5 Having sought comments from the relevant officer, and having carefully considered the complaint/allegation, the IDC will decide whether:

- the issue requires no further formal action under this procedure; or
- the issue should be referred to an Independent Investigator.

4.6 The relevant officer will be notified of the decision without delay.

4.7 The IDC will refer the matter for further investigation by an Independent Investigator where it considers that the “threshold test” set out in the Model Procedure has been met.

4.8 If relevant, the IDC will consider suspension. Before suspending a relevant officer, careful consideration will be given to whether it is necessary and whether there are any other suitable alternative ways of managing the situation.

4.8 The Independent Investigator will prepare a report with recommendations and rationale for submission to the IDC.

4.9 The IDC will convene to receive the report of the Independent Investigator allowing the relevant officer the opportunity to raise questions and challenge the report. At the conclusion of this hearing the IDC will determine whether ‘there is no case to answer’; ‘recommendation for informal resolution or other appropriate procedures’; ‘action short of dismissal’; ‘recommendation to dismiss’.

4.10 The IDC may agree to impose no sanction, or to take action short of dismissal, in which case the Committee will impose an appropriate disciplinary sanction or take other appropriate action. In this case, the relevant officer has the right of appeal. The appeal will be heard by an Appeals Committee. The decision of the Appeals Committee will be final.

4.11 If there is a recommendation to dismiss, the relevant officer will be advised and the reports of the IDC and the Independent Investigator should be sent to the Panel, together with any other necessary material, for consideration.

4.12 Both the relevant officer and/or their representative and an appropriate representative of the IDC should be present at the Panel meeting.

4.13 Following consideration by the Panel a report will be presented to Authority comprising the recommendations of the IDC, the Independent Investigator’s report and any comments on the recommendation for dismissal from the Panel.

4.14 The Authority will consider whether to approve the IDC recommendation to dismiss and fulfil the appeal function. The relevant officer should be allowed to attend this meeting and address the Authority. The Independent Investigator may also be invited to attend to provide clarification if required. This stage of the process constitutes the relevant officer’s final right of appeal.

5. Dismissal of a relevant officer

5.1 The dismissal of any relevant officer is subject to the prior approval of the Authority. No notice of dismissal may be issued unless and until approval is confirmed. The Authority must consider the dismissal of a relevant officer following the recommendation of such a dismissal by the IDC and in accordance with the 2015 Regulations and any other relevant legislation in force at the time.

5.2 The Authority will comply in all cases with the procedural requirements of the 2015 Regulations. These require that:

(a) At least 20 working days before the meeting of the Authority to consider the recommendation to dismiss a relevant officer, the Authority establish the Panel.

(b) To establish the Panel, the Authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel. The Authority is not required to appoint more than two relevant independent persons but may do so.

(c) The Authority must appoint to the Panel such relevant independent persons (who have accepted an invitation issued accordance under (a) above) in accordance with the following priority order:

- a relevant independent person who has been appointed by the Authority and who is a local government elector;
- any other relevant independent person who has been appointed by the Authority;
- a relevant independent person who has been appointed by another Authority or Authorities.

(d) Before the taking of a vote at the relevant meeting on whether or not to approve such dismissal, the Authority must take into account, in particular:

- any advice, views or recommendation of the Panel;
- any the conclusions of any investigation into the proposed dismissal; and
- any representations from the relevant officer.

5.3 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

Appendix 3

Extract from Scheme of delegation to Committees and Officers

B2 Finance and Resources Committee

B2.1 To act on behalf of the Authority in relation to the proper administration of the Authority's financial affairs, except as provided in (b) below (where the final decision on the annual budget is made by the Authority), and including: -

a) cash balances, capital or reserve funds, borrowing arrangements and the investment of any surplus funds;
b) management and monitoring of financial forecasts and budgets, approving the Statement of Financial Accounts (which shall then be signed by the Committee's Chair), and making recommendations to the Authority regarding the annual allocation of resources;
c) monitoring Treasury Management performance (and any variances);
d) reviewing and approving revisions of the Financial Regulations;
e) overseeing the application of the Local Government Superannuation Acts and associated regulations;
f) advising the Authority in relation to its Members' Allowances Scheme and dealing with related matters; and
g) determining applications for Sustainable Development Fund grants in excess of £10,000.

B2.2 To determine the Authority's Human Resources policies and monitor their implementation, including administration, recruitment, training, discipline (including dismissal), determination of wage and salary scales, health and safety, regrading, grievances, conditions of service and welfare of all staff and the legislation relating to industrial relations and pensions, subject to the requirement that the appointment of a Chief Executive Officer, or the dismissal of the Chief Executive Officer, the Chief Financial Officer or the Monitoring Officer must be approved by the Authority.

B2.3 To appoint no more than 5 of its members to act as the Investigating and Disciplinary Committee ("IDC**")**, as referred to in the Joint Negotiating Committee for Local Authority Chief Executives National Salary Framework & Conditions of Service Handbook (as amended from time to time) when considering disciplinary action against the Authority's Statutory Officers (D1 refers), and to appoint no more than 5 of its members to act as the Appeal Committee (as referenced in the Authority's Statutory Officers' Disciplinary Procedure), as appropriate.

B2.4 To act on behalf of the Authority in relation to any matters, powers or duties concerned with the securing, management and disposal of the resources, including land, property and other assets, necessary to fulfil the Authority's statutory purposes, agreed policies and strategic direction, including monitoring the efficient and effective use of these resources.