

West Yorkshire Combined Authority Officer Delegation Scheme

Introduction

General roles and responsibilities of officers

The Combined Authority approves strategies and policies which determine the framework in which operational decisions are made. These include the Strategic Economic Plan and the West Yorkshire Transport Strategy 2040¹.

Strategic overarching decisions are reserved to the Combined Authority for decision (such as approving the budget and the capital programme).

Officers implement decisions made by the Combined Authority (or any decision-making committee of the Combined Authority). Officers also take measures to carry out these policies and decide day-to-day operational matters, within the framework of these decisions.

In doing so, decision-making by officers' is subject to other control measures. These include:-

- Standing Orders and Financial Regulations,
- an Officers' Code of Conduct, a gifts and hospitality policy and the Conflicts of Interest Policy and Protocol,
- organisational values,
- an anti-fraud, bribery and corruption policy, and
- internal audit and risk management arrangements.

Delegations by the Combined Authority and committees

The Combined Authority may lawfully delegate functions to a committee or any officer.

Table A in this scheme sets out:

¹ This is the Combined Authority's statutory Local Transport Plan² A committee's power to delegate may, however, be limited by the Combined Authority or in some circumstances by the law.

- functions which the Combined Authority cannot lawfully delegate, and
- functions which are not delegated under this Scheme or otherwise, except as specified.

This Officer Delegation Scheme sets out functions delegated to officers by the Combined Authority. The Combined Authority may also delegate decisions outside of this Scheme to a Combined Authority officer in relation to any specific matter.

The Combined Authority's Financial Regulations, Contracts Standing Orders and other standing orders also contain delegations to specific officers or post-holders.

Where the Combined Authority have appointed a committee to discharge functions, that committee may also delegate any of those functions or a decision in relation to a specific matter within the committee's terms of reference, to an officer².

The Combined Authority (or a committee) may continue to exercise any function which it has delegated to an officer.

Sub-delegations

Unless required by law or expressly indicated in the Scheme, an officer is not required to discharge their delegated authority personally, (although they will remain responsible for any decision taken on their behalf). Such an officer may arrange for another officer of suitable experience and seniority to exercise the delegated authority on their behalf.

Referral of matters to the Combined Authority or relevant committee

An officer may decide not to exercise their delegated authority in relation to any matter. If so, the officer shall refer the matter to the Combined Authority or a relevant committee.³

When exercising their delegated authority, an officer must:

- ensure that the decision conforms with and furthers strategies and policies approved or endorsed by the Combined Authority,
- follow approved practices and procedures of the Combined Authority including the Leeds City Region Assurance Framework, relevant Government Guidance and industry/professional best practice.

Key Decisions⁴

² A committee's power to delegate may, however, be limited by the Combined Authority or in some circumstances by the law.

³ For determination or consultation.

⁴ Any reference to a Key Decision in this Scheme is to be taken as a Key Decision as defined by the Access to Information Annex to the Combined Authority's Procedure Standing Orders

Provisions in the Access to Information Annex to the Procedural Standing Orders apply where an officer exercises their delegated authority to take a Key Decision.

Call-in of officers' decisions

Any **Key Decision** taken by an officer under delegated authority is open to call-in, in accordance with Scrutiny Standing Orders.

Recording officer decisions

An officer is required to complete a **written record** of their decision in accordance with the Access to Information Annex to the Procedure Standing Orders.

Officer Delegation Scheme: delegations

Any reference to a **Director** within this Officer Delegation Scheme is to be construed as a reference to any officer to whom functions are delegated by the Combined Authority under the General Delegations section of the Scheme, except where the context requires otherwise.

Any reference to a function delegated under this Officer Delegation Scheme should be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate, or is conducive or incidental to, the specified function.

The Managing Director may direct a Director not to exercise their authority delegated under this Scheme in respect of a particular matter and to refer the matter to a relevant committee, to the Combined Authority, or (where the delegated authority is of a general delegation), to the Managing Director for determination.

General Delegations to:

- The Managing Director
- The Director of Delivery
- The Director of Corporate Services
- The Director of Transport Services
- The Director of Policy, Strategy and Communications
- The Executive Head of Economic Services

Each Director is authorised to carry into effect without reference to the Combined Authority or to any of its committees, **matters of day-to-day management and administration** in relation to functions within their remit. This includes the following:

Expenditure

1. To incur expenditure within the revenue budget in accordance with the Financial Regulations and Contracts Standing Orders.

2. To incur expenditure on capital schemes, in accordance with the Capital Programme and Financial Regulations, provided that expenditure has been authorised in accordance with the Assurance Framework.

Human Resources

3. To appoint officers within the approved staffing structure in accordance with the Combined Authority's Recruitment and Selection Procedure, provided that the Managing Director⁵ has confirmed that a vacant post is released for recruitment.
4. To appoint officers on a temporary basis to provide cover for absences.⁶
5. With the exception of
 - granting voluntary redundancy requests,
 - releasing preserved pension benefits on ill health grounds, and
 - payments to any officer for loss or damage to property arising out of their employment with the Combined Authorityto determine any employment issue arising in respect of an individual officer in accordance with agreed procedures and the relevant national conditions of service as modified or extended by any local or national agreements, subject to consultation with the Director of Corporate Services where the decision has any direct financial impact on the Combined Authority.

Proper Officer functions

6. Each Director⁷ is appointed the Proper Officer for any function within their remit.

Miscellaneous

7. To implement and ensure compliance with requirements relating to:
 - health and safety
 - data protection⁸, freedom of information and transparency,
 - surveillance activities,
 - human rights,
 - risk management and
 - equality and diversity.

⁵ Or the Head of Human Resources on behalf of the Managing Director

⁶ For example, caused by long term sickness, maternity leave or any vacancy on the approved staffing structure

⁷ The Head of Legal and Governance Services is to be taken as a Director, for the purposes of this function.

⁸ In the exercise of this function, Directors must have regard to any information and advice provided by the Combined Authority's Data Protection Officer.

Managing Director

1. The Managing Director is designated the **Head of Paid Service** of the Combined Authority, and as such exercises any statutory function of the Head of Paid Service including to prepare a report for the Combined Authority where he considers it appropriate in respect of any proposals about⁹:
 - i. the manner in which the discharge by the Combined Authority of their different functions is coordinated;
 - ii. the number and grades of staff required by the Combined Authority for the discharge of their functions;
 - iii. the organisation of the Combined Authority's staff; and
 - iv. the appointment and proper management of the Combined Authority's staff.

2. With the exception of any matter which the Chair of the Combined Authority has directed should be referred to the Combined Authority for determination, the Managing Director is authorised to exercise any function of the Combined Authority which is not:
 - expressly reserved to the Combined Authority¹⁰,
 - a function of any other officer in their capacity as a statutory officer¹¹, nor
 - submitting an application for European Regional Development Fund investment to support delivery of the Leeds City Region Sustainable Urban Development strategy¹²

provided always that:

- a) exercising this authority to approve any economic development loan is subject to the conditions set out below,¹³ and

⁹ S4(2) Local Government and Housing Act 1989.

¹⁰ These functions are set out in Table A to the Officer Delegation Scheme.

¹¹ For the purposes of this scheme, this includes any function carried out by an officer in the capacity of Senior Information Risk Officer.

¹² This function is delegated to the Director of Policy Strategy and Communication only, to facilitate arrangements for the maintaining of ethical walls between the Combined Authority as Intermediate Body and potential applicant.

¹³ The Managing Director may approve any economic development loan only

- i. after its approval in principle by the Combined Authority, (or where approval cannot be sought from the Combined Authority in a timely way, after consultation with each member of the Combined Authority and in the absence of any objection or issue raised by a member of the Combined Authority), and
- ii. taking into account any recommendations of the Business Investment Panel in relation to due diligence and final terms.

- b) any decision in respect of an application for a loan or grant from a business where a potential conflict of interest arises from the involvement with that business of any person on the Leeds City Region Enterprise Partnership or the Combined Authority or any relevant committee, is taken in accordance with the Conflicts of Interest Protocol.¹⁴

¹⁴ The **Conflicts of Interest Protocol: loans or grants to businesses** sets out the process which the LEP and the Combined Authority follow to demonstrate that applications from businesses for loans or grants are dealt with in an impartial, fair and transparent way.

Director of Corporate Services

1. The Director of Corporate Services is the **Chief Finance Officer**¹⁵ of the Combined Authority, and as such exercises any statutory function of the Chief Finance Officer, including making arrangements for the proper administration of the Combined Authority's financial affairs¹⁶.
 2. The Director of Corporate Services is authorised to exercise the following functions:
 - a) To act as Senior Information Risk Officer.¹⁷
 - b) With the exception of any matter:
 - expressly reserved to the Combined Authority¹⁸
 - expressly within the terms of reference of a Combined Authority committee, or
 - which the Managing Director has directed the Director of Corporate Services to refer to the Combined Authority or the Governance and Audit Committee for determination,
- to carry out any function in relation to:
- i. human resources¹⁹,
 - ii. information and communications technology,
 - iii. knowledge and information management,
 - iv. procurement and purchasing,

¹⁵ Appointed under S73 Local Government Act 1985.

¹⁶ For the purposes of this Scheme, this is taken to include authority to approve Financial Regulations and Contracts Standing Orders.

¹⁷ This includes:

- coordinating the development and maintenance of information risk management policies, procedures and standards for the Combined Authority,
- ensuring the Combined Authority has appropriate assessment processes for information risk,
- reviewing and agreeing actions in respect of identified information risks, to ensure that the Combined Authority's approach to information risk is effective in terms of resource, commitment and execution and that this is communicated to all staff,
- providing a focal point for the resolution and/or discussion of information risk issues and
- ensuring that the Combined Authority's Governance and Audit committee is adequately briefed on information risk issues.

¹⁸ These functions are set out in Table A to the Officer Delegation Scheme.

¹⁹ Including granting voluntary redundancy requests, and releasing preserved pension benefits on ill health grounds and payments up to £250 to officers for loss or damage to property arising out of their employment with the Combined Authority, but excepting those statutory functions which fall to the Head of Paid Service, and those functions delegated to any Director under the General Delegations above.

- v. audit arrangements,
 - vi. strategic risk management and business continuity,
 - vii. health and safety policy and strategy development, monitoring and reporting, and
 - viii. equality and diversity strategy development and monitoring
3. To negotiate and to settle claims for or against the Combined Authority whether or not legal proceedings have begun subject to:
- the value of the settlement not exceeding £100,000, and
 - professional advice being obtained, where appropriate, that the settlement represents good value for money, and
 - consultation with the Chair of the Combined Authority in relation to any settlement over £50,000.

Head of Legal and Governance Services

1. The Head of Legal and Governance Services is designated the **Monitoring Officer**²⁰ for the Combined Authority, and as such exercises any statutory function of the Monitoring Officer.
2. With the exception of any matter:-
 - expressly reserved to the Combined Authority²¹ or
 - which the Managing Director has directed the Head of Legal and Governance Services to refer to the Combined Authority or the Governance and Audit Committee for determination,

to carry out the following functions:

a) Legal proceedings and settlements

- To take any legal action to implement a decision of the Combined Authority.
- To institute, defend or participate in any proceedings or disputes where such action is necessary to give effect to a decision of the Combined Authority or to protect the interests of the Combined Authority, and to take all necessary steps in relation to such proceedings or disputes.
- To enforce byelaws.
- To make payments or provide other benefits in cases of maladministration.
- To negotiate and to settle claims for or against the Combined Authority whether or not legal proceedings have begun subject to:
 - the value of the settlement not exceeding £75,000, and
 - professional advice being obtained, where appropriate, that the settlement represents good value for money, and

²⁰ Designated under S5 Local Government and Housing Act 1989. For the purposes of this Scheme this includes the following functions:

- To establish, maintain and publish the register of Combined Authority Members' interests.
- Following consultation with the Chair of the Governance and Audit Committee, to consider and determine written requests for dispensations.
- To administer the appointment and remuneration of Independent Persons.
- To maintain and keep the officers' notifications of interests.

²¹ These functions are set out in Table A to the Officer Delegation Scheme.

- consultation with the Chair of the Combined Authority about any settlement over £50,000.

b) Documentation

- To certify documents on behalf of the Combined Authority.
- To sign or execute any legal instruments on behalf of the Combined Authority.
- To authenticate the seal of the Combined Authority and keep custody of it.
- To sign certificates for contracts in accordance with Local Government (Contracts) Act 1997.

c) Insurance and indemnities

- To secure all necessary and sufficient insurances and indemnities (including officers' and public and employer's liability).

d) Authorising officers

- To authorise officers possessing such qualifications as may be required by law or in accordance with the Combined Authority's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the Combined Authority (however described) and to issue any necessary certificates of authority.

e) Governance

- To discharge secretarial and other functions in relation to meetings of the Combined Authority and its committees.
- To make any changes²² to any governance document²³ of the Combined Authority which are required:
 - as a result of legislative change or decisions of the Combined Authority,
 - to enable them to be kept up to date, or
 - for the purposes of clarification only.
- To make any changes²⁴ to the Leeds City Region Assurance Framework which are required:
 - as a result of legislative change or decisions of the Combined

²² Any such changes shall be recorded and published.

²³ except for the Contracts Standing Orders and Financial Regulations which fall to the Director of Corporate Services to amend.

²⁴ Any such changes shall be recorded and published.

Authority,

- to enable it to be kept up to date, or
- for the purposes of clarification only.

- To confirm any appointment (in accordance with a nomination by the relevant partner council) to fill any vacancy for a co-opted local authority representative arising during the municipal year on any committee of the Combined Authority, provided that the appointment has no impact on the political balance for the committee²⁵.

f) Members' Allowances

- To administer the Members' Allowances Scheme of the Combined Authority.

g) Interests in Land

- To obtain particulars of persons interested in land²⁶.

²⁵ The Head of Legal and Governance Services will report any appointment confirmed under this delegated authority to the Combined Authority as soon as reasonably practicable.

²⁶ S16 Local Government (Miscellaneous Provisions) Act 1976.

The Director of Policy, Strategy and Communications

To submit applications (on behalf of the Combined Authority exclusively or in partnership with other external stakeholders) for European Regional Development Fund investment to support delivery of the Leeds City Region Sustainable Urban Development strategy²⁷.

²⁷ The Combined Authority has been designated as an Intermediate Body (IB) for the Leeds City Region Sustainable Urban Development Strategy with roles including inputting into project calls and assessment of applications. The purpose of this delegation is to facilitate arrangements for the maintaining of ethical walls between the Combined Authority as IB and potential applicant.

Table A: Functions reserved to the West Yorkshire Combined Authority²⁸

Functions	Relevant legislation
To prepare, review, alter or replace the West Yorkshire Transport Strategy 2040. ²⁹	S108 Transport Act 2000
<p>To approve, amend, withdraw and revoke the major economic and transport investment policies and strategies for the Combined Authority³⁰ from time to time including:</p> <ul style="list-style-type: none"> • the Strategic Economic Plan, • Leeds City Region Innovation Strategy, • Leeds City Region Employment & Skills Plan, • West Yorkshire Low Emission Strategy, • Leeds City Region Green & Blue Infrastructure Strategy, • Leeds City Region Housing and Regeneration Strategy, • West Yorkshire Bus Strategy, • in respect of the Local Growth Fund, • in respect of the West Yorkshire Plus Transport Fund; and • any European funding strategies. 	
<p>To appoint the Local Enterprise Partnership Member and substitute member to the Combined Authority.</p> <p>To grant any voting rights to the Local Enterprise Partnership and non-constituent Council member.</p>	<p>West Yorkshire Combined Authority Order 2014 (the 2014 Order)</p> <p>S85(5) Local Transport Act 1985 and Schedule 1 paragraph 4(5) of the 2014 Order</p>
To appoint a Chair and Vice Chair for the Combined Authority.	The 2014 Order 2014

²⁸ These comprise:

- functions which the Combined Authority cannot lawfully delegate, and
- functions which are reserved to the Combined Authority for the purposes of this Scheme, subject to any exceptions set out in this Scheme, or any delegations which the Combined Authority may specifically make outside this Scheme.

²⁹ This is the Combined Authority's Local Transport Plan.

³⁰ Or the Leeds City Region Local Enterprise Partnership (the LEP) which the Combined Authority are asked to endorse.

To make arrangements for the discharge of functions by a committee or officer ³¹ and to appoint committees.	S101 and S102 Local Government Act 1972
To appoint one or more overview and scrutiny committees , and give any voting rights to any member of any such committee appointed by the non-constituent Council.	The 2014 Order
To appoint an Independent member to an Audit Committee.	SI 2017/68
To approve, amend, withdraw or revoke any plan or strategy for the control of the Combined Authority's borrowing, investments or capital expenditure .	Part 1 Local Government Act 2003
To approve the Combined Authority's budget .	
To set a levy .	Local Government Finance Act 1988; Transport Levying Bodies Regulations 1992 and S101(6) Local Government Act 1972
To approve, amend, withdraw or revoke Standing orders . ³²⁵	The 2014 Order, Schedule 1
To consent to orders relating to the governance and functions of the Combined Authority .	S103 – 113D Local Democracy, Economic Development and Construction Act 2009
To consent to regulations relating to a sub-national transport body .	Part 5A Local Transport Act 2008
To consent to regulations to levy in relation to expenses reasonably attributable to the exercise of functions other than transport functions.	S74(11) Local Finance Act 1988
To consent to regulations to borrow .	S23 Local Government Act 2003(6)
To accept an invitation, decide or request to become an opted-in authority in relation to local audit arrangements.	Regulations 9,10 and 11 Local Audit (Appointing Person) Regulations 2015/192
To make, amend revoke or re-enact byelaws .	S83 West Yorkshire Act 1980

³¹ Unless specifically precluded from doing so, a committee may delegate its functions to an officer and an officer with delegated authority may sub-delegate their authority to another officer.

³² Except in so far as this function is specifically delegated to the Director of Corporate Services and the Head of Legal and Governance Services under the Officer Delegation Scheme.

To promote or oppose any Bill in Parliament.	S239 Local Government Act 1972 and s10 Transport Act 1968
To make, amend, revoke or replace a Members' Allowances Scheme .	The 2014 Order
To authorise a person to exercise a function pursuant to an Order, or to revoke any such authorisation.	S70 Deregulation and Contracting Out Act 1974
To appoint Proper Officers .	S270(3) Local Government Act 1972 (see further Officer Delegation Scheme)
To designate a Head of Paid Service , and to consider any report of the Head of Paid Service under S4 Local Government and Housing Act 1989.	S4 Local Government and Housing Act 1989
To designate a Monitoring Officer , and to consider any report of the Monitoring Officer under S5 (2) Local Government and Housing Act 1989.	S5 Local Government and Housing Act 1989
To appoint a Chief Finance Officer , and to consider any report of the Chief Finance Officer under S114 Local Government Finance Act 1988.	S73 Local Government Act 1985/S114 Local Government Finance Act 1988
To appoint, discipline and dismiss any Director ³³ .	S112 Local Government Act 1972
To appoint members of the Combined Authority to outside bodies.	
To adopt, revise or replace a Members' Code of Conduct .	S28 Localism Act 2011
To appoint at least one independent person .	S28(7) Localism Act 2011
To make arrangements for investigating and making decisions about allegations of failing to comply with the Members' Code of Conduct .	S28(6) Localism Act 2011
To adopt, revise or replace the LCR assurance framework ³⁴ .	
The publication of an annual report on the exercise and performance of transport functions .	S16 Transport Act 1968
Functions relating to road user charging schemes .	Part III Transport Act

³³ The Head of Legal and Governance Services in their capacity as Monitoring Officer is a Director for this purpose.

³⁴ Except in so far as specifically delegated to the Head of Legal and Governance Services under this Scheme

To jointly ³⁵ approve, vary, revoke or postpone ³⁶ an advanced quality partnership scheme .	Part II Transport Act 2000
To jointly ³⁷ make, vary or revoke an enhanced partnership plan and jointly ³⁸ make, postpone or revoke an enhanced partnership scheme .	Part II Transport Act 2000
To jointly ³⁹ approve, vary or revoke an advanced ticketing scheme .	Part II Transport Act 2000
To jointly ⁴⁰ make, vary or terminate a voluntary partnership agreement	Part II Transport Act 2000
To discharge any other function which, by virtue of any enactment, may be discharged only by the Combined Authority, including the approval any other plan or strategy which must by law be adopted or approved by resolution of the Combined Authority.	

³⁵ that is, with at least one other local transport authority

³⁶ Including postponing any provision of particular facilities, taking of specific measures or provision of particular standards of service.

³⁷ That is, with at least one other local transport authority

³⁸ That is, with at least one other local transport authority

³⁹ That is, with at least one other local transport authority

⁴⁰ That is, with at least one other local transport authority