

Part 3

Section 4 - West Yorkshire Combined Authority Officer Delegation Scheme: Non-Mayoral and Mayoral General Functions

1. Introduction

General Roles and Responsibilities of Officers

- 1.1 The Combined Authority and the Mayor approve strategies and policies which determine the framework in which operational decisions are made – see further the Budget and Policy Procedure Rules in Part 4 of the Constitution.
- 1.2 Officers implement decisions made by the Combined Authority (or any decision-making committee of the Combined Authority) and the Mayor. Officers also take measures to carry out these policies and decide day-to-day operational matters, within the framework of these decisions.
- 1.3 Officers must comply with Article 13 (Decision-making) in Part 2 of the Constitution when exercising authority delegated to them.
- 1.4 Decision-making by officers' is subject to other control measures. These include:-
 - Standing Orders including the Contracts Standing Orders and Financial Regulations in Part 4 of the Constitution,
 - Officers' Codes of Conduct, gifts and hospitality policy and the Conflicts of Interest Policy and Protocols in Part 5 of the Constitution,
 - organisational values,
 - an anti-fraud, bribery and corruption policy, and
 - internal audit and risk management arrangements.
- 1.5 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 and the Mayor, and
 - follow approved practices and procedures of the Combined Authority including the Leeds City Region Assurance Framework, relevant Government guidance and industry/professional best practice.

Delegations to Officers

- 1.6 This Officer Delegation Scheme sets out:

- Non-Mayoral Functions delegated to officers by the Combined Authority, *and*
 - *Mayoral General Functions delegated to officers by the Mayor.*
- 1.7 The Combined Authority *or the Mayor* may also delegate decisions outside of this Scheme to a Combined Authority officer in relation to any specific matter, subject to statutory restrictions.
- 1.8 The Combined Authority's Standing Orders in Part 4 of the Constitution including Contracts Standing Orders and Financial Regulations also delegate to specified officers or post-holders.
- 1.9 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 officer¹ – see further Article 7 (Ordinary Committees) in Part 2 of the Constitution.
- 1.10 The Combined Authority (or a committee) *or the Mayor* may continue to exercise any function which it has delegated to an officer.

Sub-delegations

- 1.11 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 – Non-Mayoral Functions

- 1.12 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.²

Referral of matters to the Mayor – Mayoral General Functions

- 1.13 *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 Mayor.*

¹ A committee's power to delegate may, however, be limited by the Combined Authority or in some circumstances by the law.

² For determination or consultation.

Key Decisions³

- 1.14 The Access to Information Rules in Part 4 of the Constitution apply where an officer exercises their delegated authority to take a Key Decision.

Call-in of officers' decisions

- 1.15 Any **Key Decision** taken by an officer under delegated authority is open to call-in, in accordance with the Scrutiny Standing Orders in Part 4 of the Constitution.

Recording officer decisions

- 1.16 An officer is required to complete a **written record** of their decision in accordance with the Access to Information Rules in Part 4 of the Constitution.

Concurrent Functions and Statutory Consents

- 1.17 An officer proposing to exercise their delegated authority in respect of any Concurrent Function⁴ must follow any **Protocol** agreed by the Combined Authority with Constituent Councils relating to Concurrent Functions, including in relation to consultation processes – see further Section 5 of Part 3 of the Constitution.
- 1.18 No officer may exercise their delegated authority in relation to any function which requires a Statutory Consent required by the 2021 Order,⁵ where that Statutory Consent has yet to be given – see further the Access to Information Rules in Part 4 of the Constitution
- 1.19 An officer should exercise their delegated authority in relation to any function in respect of which a Statutory Consent has been given, in accordance with the terms of that Statutory Consent.

³ Any reference to a Key Decision in this Scheme is to be taken as a Key Decision as defined by the Access to Information Rules

⁴ That is, any function of the Combined Authority (including a function exercisable by the Mayor) conferred by the 2021 Order which is exercisable concurrently with the Constituent Councils

⁵ The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 – see further the Access to Information Rules Part 4 of the Constitution

2. Officer Delegation Scheme: delegations

Any reference to a **Director** within this Officer Delegation Scheme is to be construed as a reference to any officer (including any interim postholder) 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.

- 2.1 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 for determination
- in respect of any Non-Mayoral Function to a relevant committee to the Combined Authority, or (where the delegated authority is of a general delegation), to the Managing Director, *or*
 - *in respect of any Mayoral Function to the Mayor.*

General Delegations (Non-Mayoral Functions) to:

- The Managing Director
- The Director of Delivery
- **The Director, Corporate and Commercial Services**
- The Director of Transport Services
- The Director of Strategy, Communications and Policing
- The Director of Policy and Development and
- The Director of Economic Services

- 2.2 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

- 2.3 To incur expenditure within the revenue budget in accordance with the Financial Regulations and Contracts Standing Orders in Part 4 of the

Constitution.

- 2.4 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 – see further Article 10 (the LEP).

Human Resources

- 2.5 To appoint officers within the approved staffing structure in accordance with the Combined Authority's Recruitment and Selection Procedure, provided that the Managing Director⁶ has confirmed that a vacant post is released for recruitment.

- 2.6 To appoint officers on a temporary basis to provide cover for absences.⁷

- 2.7 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 Authority

to 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, Corporate and Commercial Services** where the decision has any direct financial impact on the Combined Authority.

Proper Officer functions

- 2.8 Each Director⁸ is appointed the Proper Officer for any function within their remit

Miscellaneous

- 2.9 To implement and ensure compliance with requirements relating to:
- a) health and safety

⁶ Or the Head of Human Resources on behalf of the Managing Director

⁷ For example, caused by long term sickness, maternity leave or any vacancy on the approved staffing structure

⁸ The Head of Legal and Governance Services is to be taken as a Director, for the purposes of this function

- b) data protection⁹, freedom of information and transparency,
- c) surveillance activities,
- d) human rights,
- e) risk management and
- f) equality and diversity.

⁹ In the exercise of this function, Directors must have regard to any information and advice provided by the Combined Authority's Data Protection Officer – see Article 12 (Officers) in Part 2 of the Constitution

3. Managing Director

3.1 The Managing Director is designated the **Head of Paid Service** of the Combined Authority – see further Article 12 (Officers) in Part 2 of the Constitution.

3.2 With the exception of any matter which the Mayor has directed should be referred to the Combined Authority for determination, the Managing Director is authorised to exercise any **Non-Mayoral Function** 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
- 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 LEP or of a Combined Authority Member or Co-optee is taken in accordance with the Conflicts of Interest Protocol.¹⁴

¹⁰ The reserved functions are set out in Section 2.2 of Part 3 of the Constitution

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 Strategy, Communications and Policing 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 any relevant committee or sub-committee in relation to due diligence and final terms

¹⁴ The Conflicts of Interest Protocol: loans or grants to businesses in Part 5 of the Constitution 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

3.3 *[Mayoral General Functions to be approved by the Mayor]*

4. **The Director, Corporate and Commercial Services**

4.1 **The Director, Corporate and Commercial Services** is the Section 73 **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 - see further Article 12 (Officers)

4.2.1 **The Director, Corporate and Commercial Services** is authorised to exercise the following Non-Mayoral 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, Corporate and Commercial Services** to refer to the Combined Authority or the Governance and Audit Committee for determination,

to carry out any function in relation to:

¹⁵ Appointed under Section 73 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 in Part 4 of the Constitution

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 The reserved functions are set out in Section 2.2 of Part 3 of the Constitution

- i. human resources¹⁹,
- ii. information and communications technology,
- iii. knowledge and information management,
- iv. procurement and purchasing,
- v. audit arrangements,
- vi. strategic risk management and business continuity, and
- vii. health and safety policy and strategy development, monitoring and reporting.

1. To negotiate and to settle claims for or against the Combined Authority whether or not legal proceedings have begun subject to:

- the value²⁰ 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 Mayor in relation to any settlement value over £50,000.

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

²⁰ "Value" means the monetary sum to be paid in settlement of a claim against the Combined Authority or in the case of claims brought by the Combined Authority the difference between the sum claimed and the value of the settlement.

5. Head of Legal and Governance Services

5.1 The Head of Legal and Governance Services is designated the **Monitoring Officer**²¹ for the Combined Authority, and as such exercises any statutory function of the Monitoring Officer – see further Article 12 (Officers) in Part 2 of the Constitution.

5.2 With the exception of any matter:-

- expressly reserved to the Combined Authority²² 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:

Legal proceedings and settlements

5.3 To take any legal action to implement a decision of the Combined Authority.

5.4 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.

5.5 To enforce byelaws.

5.6 To make payments or provide other benefits in cases of maladministration.

5.7 To negotiate and to settle claims for or against the Combined Authority whether or not legal proceedings have begun subject to:

- the value²³ of the settlement not exceeding £75,000, and
- professional advice being obtained, where appropriate, that the settlement represents good value for money, and

²¹ Designated under Section 5 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

²²The reserved functions are set out in Section 2.2 of Part 3 of the Constitution

²³ "Value" means the monetary sum to be paid in settlement of a claim against the Combined Authority or in the case of claims brought by the Combined Authority the difference between the sum claimed and the value of the settlement.

- consultation with the Mayor about any settlement **value** over £50,000.

Documentation

- 5.8 To certify documents on behalf of the Combined Authority.
- 5.9 To authenticate the seal of the Combined Authority and keep custody of it.
- 5.10 To sign certificates for contracts in accordance with Local Government (Contracts) Act 1997.

Insurance and indemnities

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

Authorising officers

- 5.12 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.

Governance

- 5.13 To discharge secretarial and other functions in relation to meetings of the Combined Authority and its committees.
- 5.14 To make any changes²⁴ to any governance document²⁵ of the Combined Authority which are required:
- as a result of legislative change or decisions of the Combined Authority or the Mayor,
 - to enable them to be kept up to date, or
 - for the purposes of clarification only.
- 5.15 To make any changes²⁶ to the Assurance Framework which are required:
- as a result of legislative change or decisions of the Combined Authority or the Mayor,
 - to enable it to be kept up to date, or
 - for the purposes of clarification only.
- 5.16 To confirm any appointment (in accordance with a nomination by the relevant Constituent Council, the Non-Constituent Council or other partner council) to

²⁴ Any such changes shall be recorded and published

²⁵ except for the Contracts Standing Orders and Financial Regulations which fall to the **Director, Corporate and Commercial Services** to amend

²⁶ Any such changes shall be recorded and published

fill any vacancy for any Local Authority Co-optee 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 committee²⁷.

Members' Allowances

5.17 To administer the Members' Allowances Scheme in Part 6 of the Constitution.

Interests in Land

5.18 To obtain particulars of persons interested in land²⁸.

²⁷ 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

²⁸ Section 16 of the Local Government (Miscellaneous Provisions) Act 1976

The Director of Strategy, Communications and Policing

1. 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 strategy²⁹.
2. **To carry out any function in relation to equality and diversity strategy development and monitoring.**

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²⁹ 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.