

# 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 officer<sup>1</sup> – 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.<sup>2</sup>

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

<sup>2</sup> For determination or consultation.

### *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.

### *Key Decisions<sup>3</sup>*

- 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 Function<sup>4</sup> 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,<sup>5</sup> 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.

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<sup>3</sup> 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

<sup>4</sup> 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

<sup>5</sup> 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 Chief Executive 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 Chief Executive, *or*
- *in respect of any Mayoral Function to the Mayor.*

*General Delegations (Non-Mayoral Functions) to:*

- Chief Executive
- Chief Operating Officer
- Exec Director Transport
- Director, Finance & Commercial Services
- Director, Strategy, Communications & Intelligence
- Director, Transport Policy & Delivery
- Director, Transport Operations & Passenger Experience<sup>6</sup>
- Director, Mass Transit
- Director, Inclusive Economy, Skills & Culture
- Director, Policing, Environment & Place

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<sup>6</sup> For the avoidance of doubt, this includes the interim Director of Transport and Property Services (Mobility Services & Transformation) and interim Director of Transport and Property Services (Assets and Passenger Experience)

- 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 Chief Executive<sup>7</sup> has confirmed that a vacant post is released for recruitment.
- 2.6 To appoint officers on a temporary basis to provide cover for absences.<sup>8</sup>
- 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 Chief Operating Officer and Director, Finance & Commercial Services where the decision has any direct financial impact on the Combined Authority.

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<sup>7</sup> Or the Head of Human Resources on behalf of the Chief Executive

<sup>8</sup> For example, caused by long term sickness, maternity leave or any vacancy on the approved staffing structure

### *Proper Officer functions*

2.8 Each Director<sup>9</sup> 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
- b) data protection<sup>10</sup>, freedom of information and transparency,
- c) surveillance activities,
- d) human rights,
- e) risk management,
- f) equality and diversity And
- g) safeguarding

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<sup>9</sup> The Head of Legal and Governance Services is to be taken as a Director, for the purposes of this function

<sup>10</sup> 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. Chief Executive

- 3.1 The Chief Executive 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 Chief Executive is authorised to exercise any **Non-Mayoral Function** which is not:
- expressly reserved to the Combined Authority<sup>11</sup>,
  - a function of any other officer in their capacity as a statutory officer<sup>12</sup>,
- provided always** that:
- a) exercising this authority to approve any economic development loan is subject to the conditions set out below,<sup>13</sup> 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.<sup>14</sup>
- 3.3 The Chief Executive is further authorised to take decisions which would have been taken by a committee<sup>15</sup> and where, for exceptional circumstances, that committee has been unable to meet, and the decisions are of an urgent nature and cannot wait until the next scheduled meeting<sup>16</sup>.

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<sup>11</sup> The reserved functions are set out in Section 2.2 of Part 3 of the Constitution

<sup>12</sup> For the purposes of this scheme, this includes any function carried out by an officer in the capacity of Data Protection Officer

<sup>13</sup> The Chief Executive 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

<sup>14</sup> The Conflicts of Interest Protocol: loans or grants to businesses in Part 5 of the Constitution sets out the process which the Combined Authority follows to demonstrate that applications from businesses for loans or grants are dealt with in an impartial, fair and transparent way

<sup>15</sup> This only applies to a thematic committee and not to a statutory committee.

<sup>16</sup> Any such decision will be published on the Combined Authority's website and will be reported to the next meeting of that committee.

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



## 4. Director, Finance & Commercial Services

4.1 The Director, Finance & Commercial Services is the Section 73 **Chief Finance Officer**<sup>17</sup> 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 affairs<sup>18</sup> - see further Article 12 (Officers)

4.2 The Director, Finance & Commercial Services is authorised to exercise the following Non-Mayoral functions:

a) With the exception of any matter:

- expressly reserved to the Combined Authority, or<sup>19</sup>
- which the Chief Executive or Chief Operating Officer has directed the Director, Finance & Commercial Services to refer to the Combined Authority or any Committee for determination,

to carry out any function in relation to:

- i. information and communications technology,
- ii. procurement and purchasing, and
- iii. audit arrangements,

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<sup>17</sup> Appointed under Section 73 Local Government Act 1985

<sup>18</sup> 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

<sup>19</sup> The reserved functions are set out in Section 2.2 of Part 3 of the Constitution

## 5. Head of Legal and Governance Services

- 5.1 The Head of Legal and Governance Services is designated the **Monitoring Officer**<sup>20</sup> 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 Authority<sup>21</sup> or
  - which the Chief Executive has directed the Head of Legal and Governance Services to refer to the Combined Authority or any 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 value<sup>22</sup> of the settlement not exceeding £75,000, and
  - professional advice being obtained, where appropriate, that the settlement

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<sup>20</sup> 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

<sup>21</sup>The reserved functions are set out in Section 2.2 of Part 3 of the Constitution

<sup>22</sup> In this paragraph "value" means the monetary sum to be paid in settlement of a claim against the Combined Authority excluding legal costs and any sums covered by insurance, or in the case of claims brought by the Combined Authority the difference between the sum claimed and the value of the settlement.

represents good value for money, and

- consultation with the Mayor and Director, Finance and Commercial Services<sup>23</sup> 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.

### *Authorising officers*

- 5.11 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*

- 5.12 To discharge secretarial and other functions in relation to meetings of the Combined Authority and its committees.
- 5.13 To make any changes<sup>24</sup> to any governance document<sup>25</sup> 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.
- 5.14 To make any changes<sup>26</sup> 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.

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<sup>23</sup> In their capacity as Chief Finance Officer

<sup>24</sup> Any such changes shall be recorded and published

<sup>25</sup> except for the Contracts Standing Orders and Financial Regulations which fall to the Director, Corporate and Commercial Services to amend

<sup>26</sup> Any such changes shall be recorded and published

- 5.15 In relation to Local Authority Co-optees (and only in accordance with any nomination by the relevant Constituent Council, the Non-Constituent Council or other partner council) to make any change to the membership of any committee of the Combined Authority, provided that the appointment has no impact on the political balance for the committee<sup>27</sup>.

*Members' Allowances*

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

Interests in Land

- 5.17 To obtain particulars of persons interested in land<sup>28</sup>.

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<sup>27</sup> 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

<sup>28</sup> Section 16 of the Local Government (Miscellaneous Provisions) Act 1976

## 6. Chief Operating Officer

6.1 The Chief Operating Officer is authorised to exercise the following Non-Mayoral functions:

a) To act as Senior Information Risk Officer<sup>29</sup>

b) With the exception of any matter:

- expressly reserved to the Combined Authority<sup>30</sup>
- expressly within the terms of reference of a Combined Authority committee, or
- which the Chief Executive has directed the Chief Operating Officer to refer to the Combined Authority or the Governance and Audit Committee for determination,

to carry out any function in relation to:

i. human resources<sup>31</sup>

ii. knowledge and information management,

iii. strategic risk management and business continuity, and

iv. health and safety policy and strategy development, monitoring and reporting.

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

- the value<sup>32</sup> of the settlement not exceeding £100,000, and

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<sup>29</sup> 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

<sup>30</sup>The reserved functions are set out in Section 2.2 of Part 3 of the Constitution

<sup>31</sup> Including granting voluntary redundancy requests, and releasing preserved pension benefits on ill health grounds (in consultation with the Director, Finance & Commercial Services) 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

<sup>32</sup> In this paragraph "value" means the monetary sum to be paid in settlement of a claim against the Combined Authority excluding legal costs or any sums covered by insurance, or in the case of claims

- professional advice being obtained, where appropriate, that the settlements represents good value for money; and
- consultation with the Head of Legal and Governance Services<sup>33</sup>, Director, Finance & Commercial Services<sup>34</sup> and the Mayor in relation to any settlement value over £50,000.

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

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brought by the Combined Authority the difference between the sum claimed and the value of the settlement

<sup>33</sup> In their capacity as Monitoring Officer

<sup>34</sup> In their capacity as Chief Finance Officer