

7. Scheme of Delegation of Functions to Chief Officers and Schedule of Proper Officers

1. Introduction

General roles and responsibilities of Officers

- 1.1 The Combined County 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 County Authority (or any decision-making committee of the Combined County 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 6 (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
 - Identified 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 County Authority and the Mayor, and
 - follow approved practices and procedures of the Combined County Authority including the East Midlands County Combined Authority Assurance Framework, relevant Government guidance and industry/professional best practice.

Delegation to Officers

- 1.6 This Officer Delegation Scheme sets out:
- Combined County Authority Functions delegated to officers by the Combined County Authority, and
 - Mayoral Functions delegated to officers by the Mayor.
- 1.7 The Combined County Authority or the Mayor may also delegate decisions outside of this Scheme to a Combined County Authority officer in relation to any specific matter, subject to statutory restrictions.
- 1.8 The Combined County 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 County 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.
- 1.10 The Combined County 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 (in their absence) may arrange for another officer of suitable experience and seniority to exercise the delegated authority on their behalf.

Referral of Matters to the Combined County Authority or Relevant Committee – Combined County Authority 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 County Authority or a relevant committee

Referral of Matters to the Mayor – Mayoral 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.
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Key Decisions

- 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.
- 1.15 A key Decision is defined in **Article 6: Decision-Making** in **Part 2** of the Constitution.

Call-in of Officer Decision

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

Recording Officer Decisions

- 1.17 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. All reports and officer decisions shall be held by the Monitoring Officer.

Concurrent Functions

- 1.18 An officer proposing to exercise their delegated authority in respect of any Concurrent Function must follow any Protocol agreed by the Combined County Authority with Constituent Councils relating to Concurrent Functions, including in relation to consultation.

Statutory Consents

- 1.19 No officer may exercise their delegated authority in relation to any function which requires a Statutory Consent.
- 1.20 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.

2. Officer Delegation Scheme: Delegations

- 2.1 The Chief Executive may direct an Officer 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 Combined County Authority Function to a relevant committee to the Combined County 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 (Combined County Authority Functions) to the Chief Executive or Chief Officers

- 2.2 Each Officer is authorised to carry into effect without reference to the Combined County 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:

(a) Expenditure

- 2.2.1 To incur expenditure within the agreed revenue budget in accordance with the Financial Regulations and Contracts Standing Orders in **Part 4** of the Constitution within the following approval limits:

No.	Authority to incur expenditure	Approver
1	Above £1m	The Chief Executive or the Section 73 Officer in consultation with the Mayor provided it is within budget
2	Between £0.5m and £1m	Chief Executive or Section 73 Officer provided it is within budget
3	Up to £0.5m	Executive Directors (and statutory officers) in consultation with the Section 73 Officer provided it is within budget

- 2.2.2 To incur expenditure on capital schemes within agreed scheme budgets, in accordance with the Financial Regulations, provided that expenditure has been authorised in accordance with the East Midlands County Combined Authority Assurance Framework.

(b) Human Resources

- 2.2.3 To appoint officers within the approved funded staffing structure in accordance with the Combined County Authority's Recruitment Policy.
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2.2.4 To appoint officers on a temporary basis to provide cover for absences within approved budgets.

2.2.5 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 County 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, following consultation with the section 73 Officer and Monitoring Officer.

Proper Officer Functions

2.2.6 Each Executive Director is appointed the Proper Officer for any function within their remit.

Miscellaneous

2.2.7 To implement and ensure compliance with requirements relating to:

- a. health and safety
- b. data protection, freedom of information and transparency,
- c. surveillance activities,
- d. human rights,
- e. risk management,
- f. equality and diversity; and
- g. safeguarding

3. Chief Executive

3.1 The Chief Executive is designated the Head of Paid Service of the Combined County Authority and is authorised to exercise the functions of the Head of Paid Service as set out in Section 4 of the Local Government and Housing Act 1989.

- 3.2 With the exception of any matter which the Mayor has directed should be referred to the Combined County Authority for determination, the Chief Executive is authorised to exercise any Combined County Authority Function which is not:
- expressly reserved to the Combined County Authority,
 - a function of any other officer in their capacity as a statutory officer, always provided that:
 - I. exercising this authority to approve any economic development loan is subject to the conditions set out below and in consultation with the Section 73 Officer, and
 - II. 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 representing the Business Voice or of non-constituent member of the Combined County Authority is taken in accordance with the Conflicts of Interest Protocol
- 3.3 The Chief Executive is further authorised to take decisions which would have been taken by a committee 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.
- 3.4 The Chief Executive, in consultation with the Section 73 Officer and Monitoring Officer, may take decisions related to the approval of a detailed business case and the acceptance of a tender or quotation for the supply of goods, materials or services provided that the spend is within the Combined County Authority's approved budget. Prior to exercising this delegation, the Chief Executive must consult the Mayor, and the Portfolio Lead Member, and following the decision, must publish an Officer Decision Notice.
- 3.5 In order to exercise 3.4 above, the business case or procurement must be approved by the Combined County Authority Board within the Medium Term Financial Plan (MTFP) and, in the case of a tender or quotation, must be approved in accordance with the Combined County Authority's Contracts Procedure Rules, i.e.:
- the decision relates to the delivery of the agreed business plan for that business area.
 - the decision accords with any officer decision making guidance issued to officers.
 - once the decision has been made the officer complies with the transparency requirements of [The Openness of Local Government Bodies Regulations 2014](#).
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- decisions taken will be reported to the next available Combined County Authority as part of a Delegated Authority report
- 3.6 To commit expenditure from earmarked funds and reserves in accordance with the purpose for which those earmarked funds and reserves have been approved by the Combined County Authority, save for those earmarked funds and reserves which the Combined County Authority specifically reserves the right to itself or another Committee to approve, and subject to reporting the use of those earmarked funds and reserves through the budget monitoring report at the next meeting of the Combined County Authority after the commitment is made.

4. Executive Director of Resources (the Section 73 Officer)

- 4.1 The Executive Director Resources is the Section 73 Chief Finance Officer of the Combined County Authority, and as such exercises any statutory function of the Chief Finance Officer, including making arrangements for the proper administration of the Combined County Authority's financial affairs.
- 4.2 The Executive Director Resources is authorised to exercise the following Combined County Authority functions with the exception of any matter:
- expressly reserved to the Combined County Authority,
 - expressly within the terms of reference of a Combined County Authority committee_or
 - which the Chief Executive has directed the Executive_Director, Resources to refer to the Combined County Authority or any Committee for determination

to carry out any function in relation to:

- i. Finance
 - ii. Commercial and Procurement
 - iii. Audit and Risk
 - iv. Funding Plan & Investment portfolio
 - v. Commercial and Procurement
 - vi. HR, OD and Learning
 - vii. Digital and Technology
 - viii. Corporate Services
 - ix. Corporate Development
 - x. Strategic Facilities and Asset Management
 - xi. Equalities and Inclusion
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- xii. Marketing
- xiii. Communications and External Affairs

- 4.3 For all grant administration the Section 73 Officer has the following delegation:
- Accept grant offers on behalf of the Mayor and / or the Authority, subject to all the terms and conditions set out by the grant awarding body.
 - The submission of all claims for grant to the UK Government or other organisations that grant the Authority money.
- 4.4 To secure all necessary and sufficient insurances and indemnities (including officers' and public and employer's liability).

5. Director of Legal, Governance and Compliance (the Monitoring Officer)

- 5.1 The Director, Legal, Governance and Compliance is designated the Monitoring Officer for the Combined County Authority, and as such exercises any statutory function of the Monitoring Officer.
- 5.2 With the exception of any matter:
- expressly reserved to the Combined County Authority or
 - which the Chief Executive has directed the Director, Legal, Governance and Compliance to refer to the Combined County Authority or any Committee for determination

to carry out the following functions:

(a) Legal Proceedings and Settlements

- 5.2.1 To take any legal action to implement a decision of the Combined County Authority.
- 5.2.2 To institute, defend or participate in any proceedings or disputes where such action is necessary to give effect to a decision of the Combined County Authority or to protect the interests of the Combined County Authority, and to take all necessary steps in relation to such proceedings or disputes.
- 5.2.3 To make payments or provide other benefits in cases of maladministration
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- 5.2.4 Defend and settle all actual and prospective claims made against the Combined County Authority up to £500,000
- 5.2.5 To authorise the affixing of the seal of the Combined County Authority (and to authorise any other Solicitor of the Combined County Authority to authorise the affixing of the seal) and hold a register kept for the purpose that contains a consecutively numbered entry of every sealing initialled by the person who has authorised the affixing of the seal.
- 5.2.6 Make orders or take any other steps in relation to any legislation when instructed by the officer with the relevant area of responsibility
- 5.2.7 To authorise officers possessing such qualifications as may be required by law or in accordance with the Combined County Authority's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the Combined County Authority (however described) and to issue any necessary certificates of authority.

(b) Governance

- 5.2.8 To discharge secretarial and other functions in relation to meetings of the Combined County Authority and its committees
- 5.2.9 To make any changes to any governance document of the Combined County Authority which are required:
- as a result of legislative change or decisions of the Combined County Authority or the Mayor,
 - to enable them to be kept up to date, or
 - for the purposes of clarification only
- 5.2.10 To make any changes to the East Midlands Combined County Authority Assurance Framework which are required:
- as a result of legislative change or decisions of the Combined County Authority or the Mayor,
 - to enable it to be kept up to date, or
 - for the purposes of clarification only
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5.2.11 To make any change to the membership of any committee of the Combined County Authority, provided that the appointment has no impact on the political balance for the committee and only in accordance with any nomination by the designated nominating body.

(c) Members Allowances

5.2.12 To administer the Members' Allowances Scheme in **Part 6** of the constitution.

(d) Interests in Land

5.2.13 To obtain particulars of persons interested in land in alignment with Section 16 of the Local Government (Miscellaneous Provisions) Act 1976

(e) Other

5.2.14 To act as the Combined County Authority Senior Information Risk Officer (S.I.R.O)

5.2.15 With the exception of any matter:

- expressly reserved to the Combined Authority, or
- which the Chief Executive has directed the Section 73 Officer or the Monitoring Officer to refer to the Combined County Authority or the Governance and Audit Committee for determination

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