

West Yorkshire Combined Authority (WYCA)

Officer Delegation Scheme

Introduction

General roles and responsibilities of Members and Officers

WYCA has approved policies which determine the framework in which operational decisions are made. The policies are supported by the Local Transport Plan, and strategies covering bus, rail and passenger information.

Key overarching decisions are made by Members (such as approving the budget, the capital programme and agreeing individual capital projects).

Officers implement decisions made by WYCA (or its committees). They also take measures to carry out these policies and decide day-to-day operational matters, within the framework of these decisions.

In doing so, officers are subject to other control measures. These include:-

- standing orders and financial regulations (incorporating procurement regulations and contract awards);
- Officers' Code of Conduct, a gifts and hospitality policy and a register of Directors' interests;
- organisational values;
- anti-fraud and anti-corruption policy; and
- internal audit and risk management arrangements.

Delegations by WYCA and Committees

WYCA may lawfully delegate functions to WYCA's committees or officers.

Table A in this scheme sets out:

- functions which WYCA cannot lawfully delegate, together with
- functions which WYCA has decided not to delegate.

This Officer Delegation Scheme sets out functions delegated to officers by WYCA. WYCA may also make other delegations to officers in relation to any specific matter.

The Financial Regulations, Contracts Standing Orders and other Standing Orders of WYCA also contain delegations to officers; under these, certain decisions may only be made by, or must be approved by, specified officers.

Where WYCA have appointed a committee to discharge its functions, that committee can also delegate its functions to an officer¹.

WYCA (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. An officer may arrange for another officer of suitable experience and seniority to exercise their delegated authority on their behalf. However, the officer with authority delegated to them by WYCA under this scheme will remain responsible for any decision taken.

Referral of matters to WYCA 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 WYCA or a relevant committee.²

When exercising their delegated authority, an officer must:

- ensure that decision conforms with and furthers policies approved by WYCA; and
- follow approved practices and procedures of WYCA, relevant Government Guidance and industry/professional best practice.

Key decisions

Provisions in the Access to Information Annex to WYCA's Procedural rules apply where any Officer under delegated authority proposes to take a Key decision.

Call-in of Officer decisions

Any Key decision taken by an Officer under delegated authority is open to call-in in accordance with WYCA's Scrutiny Standing Orders.

Recording Officer Decisions³

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

² For determination or consultation.

³ See further Access to Information Annex to the Procedure Rules.

An Officer is required to make a **written record** of their decision if the decision has been delegated:

- under a specific express authorisation, or
- under the Officer Delegation Scheme where the effect of the decision is to:
 - a) grant a **permission** or **licence**;
 - b) affect the **rights of an individual**; or
 - c) award a **contract** or **incur expenditure** which, in either case, **materially affects WYCA's financial position**.

For the purposes of c) above, any award of a contract over the value of £500,000 or expenditure incurred over £500,000 will be deemed to materially affect WYCA's financial position.

An Officer must also record and publish any **Key decision** they make, whether or not it is outside the criteria set out above. An Officer may also record and publish any other decision if they consider this to be in the public interest.

The written record of the decision should be made on the **template form** attached as an Annex to this Officer Delegation Scheme.

Officer Delegation Scheme: delegations

Any reference to a **Director** within this Officer Delegation Scheme should be construed as a reference to any officer to whom functions are directly delegated by WYCA under the scheme, except where the context requires otherwise.

Any reference to a function within 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.

Under this Officer Delegation Scheme, the Head of Paid Service may direct a Director not to exercise their delegated authority in respect of a particular matter and instead refer the matter to the relevant committee or WYCA.

General Delegations

Each Director is authorised to carry into effect without reference to WYCA 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.

Human Resources

3. To appoint staff within the approved structure in accordance with WYCA's Recruitment and Selection Procedure.
4. To appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision.
5. With the exception of:-
 - granting voluntary redundancy requests;
 - releasing preserved pension benefits on ill health grounds; and
 - payments to officers for loss or damage to property arising out of their employment with WYCA.

to deal with employment issues arising in respect of individual officers, in accordance with agreed procedures and the relevant national conditions of service as modified or extended by any local or national agreements.

Proper Officer functions

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

Miscellaneous

7. To carry out functions relating to health and safety.
8. To implement and ensure compliance with requirements relating to:-
 - a) data protection;
 - b) human rights;
 - c) surveillance activities;
 - d) freedom of information; and
 - e) equality and diversity.

Table A:**Functions reserved to the West Yorkshire Combined Authority⁴**

Functions	Relevant legislation
To approve, amend, withdraw and revoke the major economic and transport investment policies and strategies for WYCA from time to time including the Strategic Economic Plan, the Single Local Growth Fund, the West Yorkshire and York Transport Fund, and any European funding strategies.	
To prepare, review, alter or replace a Single Transport Plan ⁵	S108 Transport Act 2000
To appoint the Local Enterprise Partnership Member and substitute member to WYCA. To grant any voting rights to the Local Enterprise Partnership and non-constituent Council member.	West Yorkshire Combined Authority Order 2014 (the 2014 Order) S85(5) Local Transport Act 1985 and Schedule 1 paragraph 4(5) of the 2014 Order
To appoint a Chair and Vice Chair for WYCA.	The 2014 Order 2014
To make arrangements for the discharge of functions by a committee or officer 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 approve, amend, withdraw or revoke any plan or strategy for the control of WYCA's borrowing, investments or capital expenditure .	Part 1 Local Government Act 2003
To approve WYCA's budget .	
To set a levy .	Local Government Finance Act 1988; Transport Levying Bodies Regulations 1992
To approve, amend, withdraw or revoke Standing orders ⁶	The 2014 Order,

⁴ These comprise:

- functions which WYCA cannot lawfully delegate, or
- functions which are reserved to WYCA for the purposes of this Scheme, but which the Authority may specifically delegate outwith this Scheme.

⁵ This is WYCA's Local Transport Plan.

⁶ Except in so far as this function is specifically delegated under the Officer Delegation Scheme.

	Schedule 1
To consent to orders relating to the governance and functions of WYCA .	S103 – 113D Local Democracy, Economic Development and Construction Act 2009
To consent to regulations to establish a sub-national transport body .	S102F 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 make, amend revoke or re-enact byelaws .	S83 West Yorkshire Act 1980
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 Directors.	S112 Local Government Act 1972
To appoint 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 ⁷ .	
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
Approval of joint quality partnership arrangements .	S114 Transport Act 2000
To approve joint quality contracts arrangements .	S124 Transport Act 2000
To approve joint ticketing arrangements .	S135 Transport Act 2000
To discharge any other function which, by virtue of any enactment, may be discharged only by WYCA, including the approval any other plan or strategy which must by law be adopted or approved by resolution of WYCA.	

⁷ Except in so far as specifically delegated to a Director.

Managing Director

The Managing Director is authorised:-

1. To exercise the statutory functions of the Head of Paid Service.
2. To carry out the following functions with the exception of any matter which the Chair of WYCA has directed should be referred to WYCA for determination:-
 - a) to approve⁸:-
 - the manner in which the discharge by WYCA of their different functions is coordinated;
 - the number and grades of staff required by WYCA for the discharge of their functions;
 - the organization of WYCA's staff; and
 - the appointment and proper management of WYCA's staff⁹.
 - b) to exercise any function of WYCA which is not expressly:-
 - reserved to WYCA¹⁰,
 - within the terms of reference of any committee of WYCA; or
 - otherwise delegated to the Director of Resources and to the Head of Legal and Democratic Services under this Scheme, provided always that in relation to economic development loans, this delegated authority is subject to the conditions set out below .¹¹
 - c) to dispose of leasehold interests in land.¹²

⁸ The Head of Paid Service is under a duty to prepare a report to WYCA setting out his proposals in relation to any of the matters specified in a) where he considers this appropriate (section 4(2) Local Government and Housing Act 1989).

⁹ Except so far as this has been otherwise reserved to WYCA, or otherwise delegated to a committee or officer.

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

¹¹ The Managing Director may approve any economic development loan only

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

¹² Under S10(1)(xxiii) Transport Act 1968, provided that the disposal is on normal commercial terms to tenants occupying properties owned by WYCA for uses appropriate to the business of WYCA or of benefit to the travelling public. This authority does not extend to the approval of leases to be granted on terms equivalent to a capital disposal or in circumstances where to do so could impede strategic redevelopment by WYCA.

Director of Resources

The Director of Resources is authorised:-

1. To exercise the statutory functions of the Chief Finance Officer.¹³
2. With the exception of any matter which is:-
 - reserved to WYCA¹⁴ or
 - which the Head of Paid Service has directed the Director of Resources to refer to WYCA or the Governance and Audit Committee for determination,

to carry out functions in relation to:-

- a) making arrangements for the proper administration of WYCA's financial affairs¹⁵;
- b) human resources¹⁶ ;
- c) information and communications technology;
- d) procurement and purchasing;
- e) corporate planning and policy development;
- f) corporate performance management;
- g) corporate service improvement and transformation;
- h) knowledge and information management;
- i) risk management and business continuity; and
- j) office accommodation and facilities management.

¹³ Appointed under S73 Local Government Act 1985.

¹⁴ These functions are set out in Table A to the Officer Delegation Scheme.

¹⁵ This includes authority to approve Financial Regulations and Contracts Standing Orders.

¹⁶ 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 WYCA, but excepting those functions which are otherwise specifically delegated to the Head of Paid Service.

3. To negotiate and to settle claims for or against WYCA 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 WYCA in relation to any settlement over £50,000.

Head of Legal and Democratic Services

1. To exercise the statutory functions of the Monitoring Officer¹⁷.
2. With the exception of any matter:-
 - reserved to WYCA¹⁸ or
 - which the Head of Paid Service has directed the Head of Legal and Democratic Services to refer to WYCA 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 WYCA.
 - To institute, defend or participate in any proceedings or disputes where such action is necessary to give effect to a decision of WYCA or to protect the interests of WYCA, 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 WYCA 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
 - consultation with the Chair of WYCA to any settlement over £50,000.

b) Documentation

¹⁷ 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 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 register of Officers' declarations of interests.

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

- To certify documents on behalf of WYCA.
- To sign or execute any legal instruments on behalf of WYCA.
- To authenticate the seal of WYCA 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 WYCA's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of WYCA (however described) and to issue any necessary certificates of authority.

e) Governance

- To discharge secretarial and other functions in relation to meetings of WYCA and its committees.
- To make any changes¹⁹ to the standing orders, committees' terms of reference, or officer delegation scheme of WYCA, which are required:
 - as a result of legislative change or decisions of WYCA;
 - to enable them to be kept up to date; or
 - for the purposes of clarification only.
- To make any changes²⁰ to the LCR Assurance Framework which are required:
 - as a result of legislative change or decisions of WYCA;
 - to enable it to be kept up to date; or
 - for the purposes of clarification only.

f) Members' Allowances

¹⁹ Any such changes shall be recorded and published.

²⁰ Any such changes shall be recorded and published.

- To administer the Members' Allowances Scheme.

g) Interests in Land

- To obtain particulars of persons interested in land²¹.

²¹ S16 Local Government (Miscellaneous Provisions) Act 1976.