

## CHAPTER 18: OFFICER SCHEMES OF DELEGATION

### 18.1 PART 1: Officer Scheme of Delegations

#### 18.1.2 Introduction

18.1.2.1 The Combined Authority has a Scheme of Delegation to Chief Officers and a Schedule of Proper Officers for its functions in accordance with section 101 of the Local Government Act 1972.

18.1.2.2 A Chief Officer in the context of this Constitution means

- Chief Executive of Combined Authority and Business Board, and Head of Paid Service
- Chief Finance Officer, and
- Monitoring Officer
- Corporate Directors
- any other posts defined as Chief Officer in the Employment Procedure rules

18.1.2.3 Powers delegated to Chief Officers may be exercised by other Officers within the Combined Authority or constituent councils if the relevant Chief Officer has further delegated that power, provided that this is properly recorded and evidenced.

18.1.2.4 Any decisions or actions taken by a Chief Officer or other person on behalf of a Chief Officer, must be in accordance with:

- (a) the provisions of the Openness of Local Government Bodies Regulations 2014;
- (b) statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and codes of practice;
- (c) the Constitution, including the Combined Authority [Chapter 9: Contract Procedure Rules](#), assurance framework, monitoring and evaluation framework, [Chapter 9: Contract Procedure Rules](#) and [Chapter 8: Financial Management Procedure Rules](#), and [Chapter 6: Decision Making](#);
- (d) the revenue and capital budgets of the Combined Authority,

subject to any variation which is permitted by the Financial Regulations; and

- (e) any policy or direction of the Combined Authority or any Committee acting in exercise of powers delegated to that Committee by the Combined Authority.

18.1.2.5 Officers may exercise delegated powers to take any decision in relation to the functions of the Combined Authority including Mayoral functions except where:

- (a) the matter is reserved to the Combined Authority or the Mayor by law or by the Constitution;
- (b) the matter is a function which cannot by law be discharged by an Officer;
- (c) the Combined Authority or a Committee, Sub-Committee or Joint Committee to which the Combined Authority is a party, or in the case of a mayoral function, the Mayor has agreed that the matter should be discharged otherwise than by an Officer;
- (d) the Head of Paid Service has directed that the Officer concerned should not exercise a delegated function;
- (e) any other limitation of the exercise of delegated authority is set out in this Constitution or is specifically restricted in any decision of the Combined Authority.

18.1.2.6 Lead Officers are not obliged to exercise delegated powers if they believe circumstances are such that the powers should more appropriately be exercised by the Authority or one of its Committees.

### 18.1.3 General Delegations to all Chief Officers

18.1.3.1 Chief Officers will be responsible for the following within their areas of responsibility:

- (a) the day-to-day management, supervision and control of services provided on behalf of the Authority within the approved budget limits;
- (b) day to day management of staff in accordance agreed human resource policies and procedures;

- (c) acting on behalf of and in the name of the Combined Authority, where necessary in consultation with the Mayor, relevant **Lead Member** or Chief Executive and/or other appropriate Officers;
- (d) dealing with press enquiries and issuing press releases;
- (e) investigative contraventions of legislation applicable to the functions under their control, and also in respect of these functions to exercise the powers and conferred by the Regulation of Investigatory Powers Act 2000, the European Communities Act 1974 (and associated regulations) and the Police and Criminal Evidence Act 1984.
- (f) procure or re-procure, award and agree contracts for goods and services not above £1 million without the need to seek authorisation from Members unless the Combined Authority Board has expressly requested that authorisation is sought from them or the funds are not within the Combined Authority's approved budget.
- (g) agree Grant Funding Agreements up to £1m in consultation with the Chief Finance Officer and the Monitoring Officer who is authorised to sign Grant Funding Agreements up to £1m on behalf of the Combined Authority.

## 18.2 Contracts and Accounts

- 18.2.1 All contracts shall be dealt in accordance with Contract Procedure Rules and Financial Regulations as may be agreed from time to time by the Combined Authority.
- 18.2.2 Contracts below £5,000: The decision to award the contract and any written terms must be agreed in writing by a Chief Officer unless they have delegated that authority.
- 18.2.3 Contracts between £5,000 and £50,000: The Chief Officer can award a contract up to £50,000 in value.
- 18.2.4 Contracts between £50,000 and EU thresholds: A report to authorise the award of the contract must be sent to Legal Services, and the Finance Officer for approval by the Chief Finance Officer or Monitoring Officer.
- 18.2.5 Contracts within EU thresholds up to £1m: The Chief Finance Officer or Monitoring Officer can award a contract up to £1m in value upon receipt of a contract award report. An award report to authorise the award of the contract must be sent to Legal

Services and the Finance Officer for approval by the Chief Finance Officer.

- 18.2.6 Contracts above £1m: Requires a Combined Authority Board decision or the Mayor for mayoral functions before award of the contract.
- 18.2.7 Contract rule exemptions: Granted entirely at the discretion of the Chief Finance Officer or Monitoring Officer.
- 18.2.8 Assigning and novating contracts: Needs approval of the relevant Chief Officer and the Monitoring Officer. If over £1m it will also need a Combined Authority Decision.
- 18.2.9 Terminating Contracts: Needs approval of the Chief Finance Officer and the Monitoring Officer. If over £1m it will also need a Combined Authority Decision.

### 18.3 Delegations to the Chief Executive

- 18.3.1 To exercise the functions of the Head of Paid Service as set out in Section 4 of the Local Government and Housing Act 1989.
- 18.3.2 To be responsible for the coordination of the Combined Authority's functions including mayoral functions.
- 18.3.3 To provide a comprehensive policy advice service and in particular to advise on the Combined Authority's plans and strategies.
- 18.3.4 To be responsible for the appointment, and grading, and dismissal of staff up to and including Deputy Chief Officer level.
- 18.3.5 To be responsible for the organisation and proper management of the Combined Authority's staff including proposing changes to the management structure and the number and grades of staff required.
- 18.3.6 To authorise a Chief Officer to act in his/her absence on any matter within his/her authority.
- 18.3.7 To discharge any function of the Combined Authority which:
  - (a) has not been specifically delegated to another Officer, Committee or reserved to the Mayor or the Combined Authority Board;
  - (b) has been delegated to another Officer where that Officer is absent or otherwise unable to act (excluding the statutory functions of the Monitoring Officer and Chief Finance Officer).
  - (c) To take any action which is required as a matter of urgency in consultation (where practicable) with the Mayor, the Monitoring Officer and the Chief Finance Officer, and in accordance with the Transparency Rules, Forward Plan and Key Decisions ([Chapter 6: Decision Making](#)).

- (d) To provide any response to any Government consultation, subject to consultation with the Mayor of the Combined Authority and the relevant Lead Member.
- (e) To co-ordinate public relations for the Authority, including the approval of press releases on behalf of the Authority having consulted where appropriate the Mayor or relevant Lead Member as necessary.
- (f) Nominate, appoint and remove, in consultation with the Mayor (as Chair) and the Vice-Chair of the Combined Authority Board, representatives on the board of companies, trusts and other bodies, of which the Combined Authority is a member, and to agree Constitutional arrangements for such companies, trusts and other bodies and give any necessary consent required within their Constitutions.
- (g) In consultation with the Chief Finance 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 Authority's approved budget. Prior to exercising this delegation the Chief Executive must consult the Mayor, the lead member and the Chair of the relevant Thematic Committee and, following the decision, must publish an Officer Decision Notice.
- (h) In order to exercise (g) above, the business case or procurement must be approved by the Combined Authority Board within the MTFP and, in the case of a tender or quotation, must be approved in accordance with the Authority's Contracts Procedure Rules, ie:
- 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.
  - decisions taken will be reported to the next available Combined Authority Board as part of a Delegated Authority report.
- (i) In consultation with the Mayor, exercise any function of the Authority which is not expressly reserved to the Board; which does not lie within the terms of reference of any committee of the Authority; or which is otherwise delegated to another specific Officer under this Scheme.

- (j) To make final decisions in redundancy matters in accordance with all government guidance and statute.
- (k) To exercise the general power of competence on behalf of the Combined Authority in the absence of any specific delegation acting in the best interests of the Combined Authority, subject to:
  - i. consultation with the Monitoring Officer and the Chief Finance Officer; and
  - ii. reporting to the next meeting of the Combined Authority Board on the exercise of that power.
- (l) To take decisions up to £1m, subject to any decisions being reported to the next Board meeting of the Combined Authority.
- (m) 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 Authority Board, save for those earmarked funds and reserves which the Combined Authority Board 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 Authority Board after the commitment is made.

## **18.4 Delegations to the Chief Finance Officer**

- 18.4.1 The Chief Finance Officer shall be the designated the Proper Officer under section 73 of the Local Government Act 1985.
- 18.4.2 To effect the proper administration of the Authority's financial affairs, particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control.
- 18.4.3 To take all actions required on borrowing, investment and financing subject to the submission to the Audit and Governance Committee and Combined Authority of an annual report of the Chief Finance Officer on treasury management activities and at six-monthly intervals in accordance with CIPFA's Code of Practice for Treasury Management & Prudential Codes.
- 18.4.4 To effect all insurance cover required in connection with the business of the Combined Authority and to settle all claims under such insurances arranged for the



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- 18.4.5 To accept grant offers on behalf of the Combined Authority, subject to all the terms and conditions set out by the grant awarding body.
- 18.4.6 To submit all claims for grant to the UK Government or the European Community (EC).
- 18.4.7 To set up and operate such bank accounts as are considered appropriate and make all necessary banking arrangements on behalf of the Combined Authority.
- 18.4.8 To consider reports of Officers on any likely overspending in relation to revenue expenditure, and to approve transfers between expenditure heads up to a maximum of £100,000.
- 18.4.9 To send out all accounts for income due to the Combined Authority.
- 18.4.10 To authorise electronic payments.
- 18.4.11 To collect all money due to the Authority and write-off bad debts in accordance with the Financial Procedure Rules. Legal action should be undertaken in consultation with the Monitoring Officer.
- 18.4.12 To supervise procedures for the invitation, receipt and acceptance of tenders.
- 18.4.13 To administer the scheme of Members' allowances.
- 18.4.14 To discharge the functions of the 'responsible financial officer' under the Accounts and Audit (England) Regulations 2011.
- 18.4.15 To sign certificates under the Local Government (Contracts) Act 1997.
- 18.4.16 To be the Officer nominated, or to nominate in writing another Officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any Regulations made under that Act.
- 18.4.17 To exercise the responsibilities assigned to the Chief Finance Officer in this Constitution, including Financial Regulations and the Contract Procedure Rules.
- 18.4.18 To incur expenditure, within the revenue budget, in accordance with the approved budget limits and Financial Regulations.
- 18.4.19 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.
- 18.4.20 Approve applications to bid for external funding where there are no wider budgetary implications or the bid relates to a matter within the strategic framework.
- 18.4.21 To arrange internal audit in accordance with the Accounts and Audit Regulations 2015 and relevant professional guidance.
- 18.4.22 Internal Audit Officers on producing appropriate identification shall have authority to:
  - (a) enter at all reasonable times on any land, premises or other assets of the Combined Authority;



- (b) obtain access to all records, documents, cash, stores, equipment and correspondence relating to any financial or other transaction of the Combined Authority;
- (c) require and receive such explanations as are necessary concerning any matters under examination;
- (d) require Officers or Members of the Combined Authority to produce cash, stores, or any other Combined Authority property, which is under their control.

## 18.5 Delegations to the Monitoring Officer

- 18.5.1 Under section 5 of the Local Government and Housing Act 1989, the Combined Authority shall appoint a Monitoring Officer.
- 18.5.2 To provide advice on the scope of powers and authority to take decisions.
- 18.5.3 If it appears to the Monitoring Officer that any proposal, decision or omission by the Combined Authority has given rise to or is likely to give rise to unlawfulness or maladministration, he/she will prepare a report to the Combined Authority with respect to that proposal, decision or omission.
- 18.5.4 To monitor and review the operation of the Constitution on an annual basis, and to make changes to the Constitution in the circumstances set out below:
  - (a) a legislative requirement;
  - (b) a minor variation which is of a non-substantive nature to enable them to be kept up to date and in order;
  - (c) required to be made to remove any inconsistency or ambiguity; or
  - (d) required to be made so as to put into effect any decision of the Combined Authority or its committees or any organisational changes.
- 18.5.5 Any such change made by the Monitoring Officer to this Constitution shall come into force with immediate effect. The Monitoring Officer will report any changes made to the Combined Authority Board as soon as is reasonably possible.
- 18.5.6 To make any changes to the standing orders, committees' terms of reference, policies, or officer delegation scheme of the Authority which are required as a result of legislative change or decisions of the Authority.



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18.5.7 To make any changes to the Assurance Framework which are required as a result of legislative change or decisions of the Authority.

18.5.8 To administer the Members' Allowances Scheme.

18.5.9 To be authorised to take all necessary steps to manage and safeguard any shareholding the Combined Authority owns in a company including but not limited to granting permissions, giving consents, amending and signing shareholder agreements and compliance with Company Act 2016 requirements and any associated requirements;

18.5.10 To be authorised to sign Grant Funding Agreements, outside of Combined Authority Board approval, up to £1m in consultation with the Chief Finance Officer

#### Member Code of Conduct

18.5.11 To deal with matters of conduct and ethical standards in accordance with the requirements of the Localism Act 2011.

18.5.12 To support the Audit and Governance Committee in promoting high standards of conduct.

18.5.13 To receive complaints that any Member has failed to comply with the Code of Conduct for Members.

18.5.14 To determine, after consultation with the Independent Person, whether to reject, informally resolve or investigate any complaint received, and to take such action as is necessary to implement that determination in accordance with the complaints procedure.

18.5.15 To arrange for the appointment of an Investigating Officer to investigate a complaint where the Monitoring Officer (in consultation with an Independent Person) determines that a complaint merits formal investigation.

18.5.16 To prepare and maintain the Authority's Register of Members' Interests and ensure it is available for inspection and published on the Combined Authority's website as required by the Localism Act 2011.

18.5.17 To grant dispensations from section 31(4) of the Localism Act 2011 in consultation with the Independent Person if, having had regard to all relevant circumstances, the Monitoring Officer considers that:

18.5.18 without the dispensation the number of persons prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or

18.5.19 without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or

18.5.20 granting the dispensation is in the interests of persons living in the Combined Authority's area; or

18.5.21 it is otherwise appropriate to grant a dispensation.

18.5.22 To keep a register of gifts and hospitality in accordance with the Protocol on Gifts and Hospitality and to arrange for its publication on the Authority's website.

### Legal Matters

18.5.23 To institute, conduct, prosecute and defend any legal proceedings on behalf of the Combined Authority, as may be necessary to protect and promote the Combined Authority's interests.

18.5.24 To settle, if appropriate, and in the interests of the Combined Authority, any actual or threatened legal proceedings.

18.5.25 To instruct Counsel and professional advisers, where appropriate.

18.5.26 To supervise the preparation of legal documents.

18.5.27 To execute documents whether by hand or under seal, and to authorise other Officers to execute documents whether by hand or under seal.

18.5.28 To complete all property transactions and contractual arrangements where terms have been agreed by the Combined Authority, a Committee or Chief Officer acting under delegated authority.

18.5.29 To exercise the responsibilities assigned to the Monitoring Officer in this Constitution, including the Contract Procedure Rules.

18.5.30 To deal with and determine exemptions under Section 36 of the Freedom of Information Act 2000.

18.5.31 To accept on behalf of the Combined Authority the service of notices, orders and legal procedures.

18.5.32 Under Section 223 of the Local Government Act 1972 to authorise Officers who are not admitted solicitors to appear in Magistrates' Court on behalf of the Combined Authority.

18.5.33 To agree the terms for placing an officer at the disposal of another local authority.

18.5.34 To be responsible for determinations in relation to and maintenance of the list of politically restricted posts.



## 18.6 PART 2: Schedules of Proper Officers

### 18.6.1 Introduction

18.6.1.1 There are a number of specific references in the 1972 and 1985 Local Government Acts, which call for functions to be undertaken by what is termed the “Proper Officer”. The following Schedules list such references and identify the Chief Officers responsible for their discharge:

### 18.6.2 Head of Paid Service

18.6.2.1 The Head of Paid Service is appointed the Proper Officer for the purpose of any enactment unless this Constitution has designed another Officer as Proper Officer.

### 18.6.3 Chief Finance Officer

18.6.3.1 The Chief Finance Officer is appointed the Proper Officer in relation to the following:

To take decisions up to £1m, subject to any decisions being reported to the next Board meeting of the Combined Authority.

#### Local Government Act 1972

Receipt of money due from Officers	Section 115 (2)
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#### Local Government Act 1985

Proper Administration of the financial affairs of the Combined Authority	Section 73
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#### Local Government Finance Act 1988

To report in consultation with the Monitoring Officer if there is or is likely to be unlawful expenditure or an unbalanced budget.	Section 114
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### 18.6.4 Monitoring Officer

18.6.4.1 The Monitoring Officer is appointed the Proper Officer in

relation to the following:



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### Local Government Act 1972

Declaration and Certificates with regard to securities	Section 146 (1) (a) and (b)
Deposit of Documents	Section 225 (1)
Certifications of photographic copies of documents	Section 229 (5)
Issuing and signing of formal notices	Section 234 (1) and (2)
Determination of those reports which should be available for public inspection prior to a meeting of the Combined Authority, and its Committees and those which are likely to be heard in private and consequently which should not be released to the public.	Section 100B (2)
Provision of documents to the press, additional to Committee reports	Section 100B (7)
Preparing written summaries of proceedings	Section 100C (2)
Making arrangements for list of, and background papers to reports, to be made available for public inspection	Section 100D (1)
Determination of documents disclosing exempt information which may not be inspected by Members	Section 100F (2)
Signature of Summonses to Combined Authority meetings	Schedule 12 para 4 (2) (b)
Receipt of notices regarding address to which Summons to meetings of the Combined Authority is to be sent	Schedule 12 para 4 (3)

## 18.6.5 General

18.6.5.1 All Officers in whose name reports are submitted to the Combined Authority are appointed the Proper Officers in relation to the following:

### Local Government Act 1972

Compilation and retention of lists of background papers and copies of the relevant documents and reports; and	Section 100D (1) (a)
Identifying and determining what are background papers	Section 100



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