

Part 3.7 Scheme of Delegation of Functions to Chief Officers

1. Section 101 of the Local Government Act 1972 enables the NECA to delegate any of its functions to its officers. This part of the Constitution specifies those powers of the Leadership Board which, for the time being, are exercisable from time to time by officers of the NECA, and stating the title of the officer in question by whom the powers are exercisable.
2. Chief Officers in the context of this Constitution mean the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.
3. The delegated powers of Chief Officers set out in this Scheme may be exercised by other officers authorised by the Chief Officer with the delegated power to act on their behalf and in their name, provided that administrative procedures are in place to record the authorisation and monitor decisions taken.
4. The exercise of delegated powers by officers is required to be in accordance with:
 - a) Statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and statutory codes of practice;
 - b) this Constitution, the Leadership Board's Rules of Procedure and Financial Regulations currently in force;
 - c) the revenue and capital budgets of the NECA, subject to any variation thereof which is permitted by the NECA's Financial Regulations; and
 - d) any policy or direction of the Leadership Board, the TNEC or any other committee acting in exercise of powers delegated to that committee by the NECA.
5. Officers may **not** exercise delegated powers where:
 - a) the matter is reserved to the Leadership Board by law or by this Constitution;
 - b) the matter is a function which cannot by law be discharged by an officer;
 - c) the Leadership Board, or a committee, sub-committee or joint committee to which the NECA is a party, has determined 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 in special circumstances.
6. Before exercising delegated powers, particularly on matters involving the reputation of the NECA, officers should consider the advisability of consulting the Head of Paid Service and/or the Chair of the Leadership Board.
7. Where, in relation to an item before the Leadership Board, the TNEC or a joint committee, committee or sub-committee, a Chief Officer is given specific authority to determine a particular matter, the officer should ensure that there is an appropriate audit trail to evidence such determination.
8. Any reference in this Scheme of Delegation to any enactment shall include a reference to any amendment or re-enactment of the same.

A General Delegations to all Chief Officers

GD1 The day to day routine management, supervision and control of services provided for the NECA by staff under their control in accordance with the Rules of Procedure and Financial Regulations of the NECA.

Contracts and Accounts

GD2 The disposal of surplus or obsolete equipment to the person submitting the highest quotation up to a limit of £10,000 in value.

GD3 The acceptance of the lowest tender or quotation:

- a) For the supply of goods, materials or services for which financial provision has been made in the NECA's Revenue Budget up to a limit of £100,000 in value for any one transaction, and
- b) For building and civil engineering works provided that the value of the tender is within the estimate previously approved by the Leadership Board and does not exceed £250,000.

GD4 The invitation of quotations for contracts not exceeding £25,000 in value for the supply of goods, materials or services or the execution of works from at least three persons, subject to financial provision having been made in the Revenue or Capital Budget of the NECA.

GD5 The provision of services or the purchase of materials or minor items of equipment up to a total of £10,000 within one order or series of related orders for which provision has been made in the revenue estimates.

B. Delegations to the Head of Paid Service

HPS1 To discharge the functions of the Head of Paid Service in relation to the NECA as set out in section 4 of the Local Government and Housing Act 1989. The duties of the Head of Paid Service are to report to the Leadership Board where necessary setting out proposals with respect to the coordination of the NECA's functions, the number and grades of staff required and the organisation, appointment and proper management of the NECA's staff.

HPS2 To engage officers on behalf of the Combined Authority to coordinate its functions.

HPS3 To discharge any function of the NECA which has not been specifically delegated to another officer, Committee or reserved to the Leadership Board under Part 3.1 of this Constitution, and may direct any officer not to exercise a delegated function in special circumstances unless they are required to do so by law.

HPS4 Take any operational action which is required as a matter of urgency in the interests of the NECA, in consultation (where practicable) with the Chair of the Leadership Board, the Monitoring Officer and the Chief Finance Officer.

- HPS5 Take preliminary steps to protect the rights and interests of the NECA subject to consultation with the Chair of the Leadership Board in relation to any Bill or Statutory Instrument or Order in Parliament.
- HPS6 To conduct before either House of Parliament any proceedings (including the retention of Parliamentary Agents and Counsel) connected with the passage of any Private Bill which the NECA has resolved to promote or oppose, including the negotiation and agreement of amendments to any such Bill, and the negotiation and approval of any terms, agreement or undertaking offered in consideration of the NECA not opposing any Private Bill.
- HPS7 Nominate, appoint and remove, in consultation with the Chair and Vice Chairs of the Leadership Board, NECA representatives on the board of companies, trusts and other bodies, and to agree constitutional arrangements for such companies, trusts and other bodies, and give any necessary consent required within relevant constitutions.
- HPS8 To provide a comprehensive policy advice service to the Leadership Board and TNEC and in particular to advise on the NECA's plans and strategies included in the Budget and Policy Framework.
- HPS9 Control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations within prescribed policy including approval of the issue of all official NECA publicity and official publications.
- HPS10 To be the authorised representative of the NECA in respect of any company established pursuant to section 323 of the Companies Act 2006 (as amended) and any other company of which NECA is a member.

C Delegations to the Chief Finance Officer

- CFO1 To effect the proper administration of the NECA's financial affairs particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control generally.
- CFO2 The taking of all action required on borrowing, investment and financing subject to the submission to the Leadership Board 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 and Prudential Codes.
- CFO3 To effect all insurance cover required in connection with the business of the NECA and to settle all claims under such insurances arranged for the NECA's benefit.
- CFO4 The preparation of manuals of financial and accounting procedures to be followed by officers of the Constituent Authorities working on NECA matters.

- CFO5 To accept grant offers on behalf of the NECA, subject to all the terms and conditions set out by the grant awarding body.
- CFO6 The submission of all claims for grant to the UK Government or the European Community (EC).
- CFO7 To make all necessary banking arrangements on behalf of the NECA, to sign all cheques drawn on behalf of the NECA, or make arrangements for cheques to be signed by other officers or to arrange for such cheques to bear the facsimile signature of the Chief Finance Officer.
- CFO8 To monitor capital spending and submit a report to the Leadership Board at not more than quarterly intervals. This report will separately identify the capital expenditure relating to schemes promoted by the NECA and those via Nexus.
- CFO9 In relation to revenue expenditure under the control of officers, to consider reports of officers on any likely overspending, and to approve transfers between expenditure heads up to a maximum of £25,000, provided that, where it is not possible to finance an overspending by such a transfer, the matter shall be referred to the Leadership Board for consideration of a supplemental estimate.
- CFO10 The collection of all money due to the NECA, and the writing off of bad debts.
- CFO11 To supervise procedures for the invitation, receipt and acceptance of tenders.
- CFO12 To administer the scheme of Members' allowances.
- CFO13 To discharge the functions of the 'responsible financial officer' under the Accounts and Audit (England) Regulations 2011 including the requirement under Regulation 8(2) to sign and date the statement of accounts, and certify that it presents a true and fair view of the financial position of the NECA at the end of the year to which it relates and of the NECA's income and expenditure for that year.
- CFO14 To discharge the functions of the NECA under the Accounts and Audit (England) Regulations 2011 (with the exception of Regulations 4(3), 6(4) and 8(3)).
- CFO15 To sign certificates under the Local Government (Contracts) Act 1997.
- CFO16 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 thereunder.
- CFO17 To determine an amount (not exceeding the sterling equivalent of €5,000) being the maximum sum which the NECA will receive in cash without the express written consent of the Chief Finance Officer.

CFO18 To exercise the responsibilities assigned to the Chief Finance Officer in the Financial Regulations and the Contract Procedure Rules.

Supporting the Audit Regime

CFO19 Support the Governance Committee to:

- a) provide independent assurance on the effectiveness of the risk management framework and the associated control environment;
- b) provide independent examination of the organisation's performance and how this affects the NECA's control environment and its exposure to risk; and
- c) oversee the financial reporting process.

D Delegations to the Monitoring Officer

MO1 The Monitoring Officer is authorised to:

- a) institute, defend or participate in any administrative action and/or in any legal proceedings;
- b) sign any document in any case where such action will facilitate the carrying out of decisions of the Leadership Board; or in any case where the Monitoring Officer considers that such action is necessary to protect the NECA's interests, or to further or achieve the objectives of the NECA; and
- c) settle or otherwise compromise any such administrative action or legal proceedings if they have been commenced or there are reasonable grounds for believing such actions or proceedings may be contemplated.

MO2 After consulting with the Head of Paid Service and Chief Finance Officer, to report to the Leadership Board if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration as determined by the Local Government Ombudsman. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

MO3 To provide a comprehensive administrative service to the NECA.

MO4 To accept on behalf of the Leadership Board in-year changes to the membership of committees, sub-committees and joint committees. These changes must be notified in writing to the Monitoring Officer and will be effective when receipt of the notification is acknowledged in writing by the Monitoring Officer.

MO5 To make minor changes to the Constitution and its associated documents to reflect organisational or legislative change when the power remains unaltered.

- MO6 To make any textual or grammatical corrections to the Constitution and its associated documents.

Supporting the Standards Regime

- MO7 To be the Proper Officer for receipt and acknowledgement of complaints of failure to comply with the Members' Code of Conduct under the NECA's adopted local arrangements.
- MO8 To review complaints received in respect of any alleged breach by a Member of the Code of Conduct for Members and to act in accordance with the NECA's adopted local arrangements.
- MO9 The Monitoring Officer will either conduct or arrange for investigations to be conducted into alleged breaches of the Members' Code of Conduct referred to him/her by the Head of Paid Service or the Governance Committee and, as appropriate, submit such reports to the Governance Committee in accordance with the NECA's adopted local arrangements.
- MO10 The Monitoring Officer will undertake, at the request of the Head of Paid Service or the Governance Committee, informal resolution of such complaints in accordance with the NECA's adopted local arrangements.