

Appendix V

SCHEME OF DELEGATIONS TO CHIEF OFFICERS

1. Introduction

This Scheme of Delegation has been adopted by the Board (meaning the members of the South Tees Development Corporation meet as such) and can only be altered by the Board.

1.1 Chief Executive Officer (CEO)

The CEO shall fulfil the statutory role of Accounting Officer. The CEO is responsible for the corporate management and overall operational capacity of the Development Corporation, including the strategic management of all of the Development Corporation's staff.

The CEO is appointed the Proper Officer for the purpose of receiving a list of the Development Corporation's politically restricted posts.

The CEO cannot be the Monitoring Officer.

1.2 Monitoring Officer

Under the provisions of s7 of the Tees Valley Combined Authority (Functions) Order 2017, the designation and reports of the Monitoring Officer to the Combined Authority (the Monitoring Officer) shall apply as if the Corporation were a committee to the Combined Authority. The Monitoring Officer will be responsible for promoting and maintaining high standards of conduct. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration and probity to all Members and provide a comprehensive service to the Development Corporation Board.

The Monitoring Officer to the Development Corporation is appointed the Proper Officer in relation to the following functions under the Local Government Act 1972:

- a) Determination of those reports which should be available for public inspection prior to a meeting of the Development Corporation Board, the Audit and Risk Committee and any other Committee, Sub-Committee or joint committee of the Development Corporation 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)).
- b) Preparing written summaries of proceedings (section 100C (2)).
- c) Making arrangements for lists of background papers to reports to be compiled, and for copies of documents on those lists to be made available for public inspection (section 100D (1))
- d) Advising on what may or may not be a background paper for the purposes of reports which are open to public inspection (section 100D(5))
- e) Determination of documents disclosing exempt information which may not be inspected by Members (section 100F (2)).

- f) Signature or authentication of Summonses to the Development Corporation Board (paragraph 4 (1A) (b) of Schedule 12).
- g) Declaration and Certificates with regard to securities (section 146 (1)(a) and (b)).
- h) Deposit of documents (section 225 (1)).
- i) Certifications of photographic copies of documents (section 229 (5)).
- j) Issuing and signing of formal notices (section 234 (1) and (2)).

The Monitoring Officer is also appointed the Proper Officer for the following purposes:-

- k) Certification of copies of resolutions, minutes, other documents.
- l) Exceptions to the overview and scrutiny and publicity requirements relating to key decisions (the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017).

The Monitoring Officer will maintain an up to date Register of Member's interests and an up to date version of the Constitution and will ensure that it is widely available for consideration by Members, officers and the public.

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct and be responsible for the receipt and acknowledgement of complaints of failure by a Member of the Development Corporation to comply with the Members Code of Conduct.

The Monitoring Officer cannot be the Chief Executive Officer or the Director of Finance.

1.3 Director of Finance

The Director of Finance has responsibility for ensuring lawfulness and financial prudence of decision making. The Director of Finance is appointed Proper Officer in relation to the following:

- m) receipt of money due from officers (Local Government Act 1972, section 115 (2); and
- n) proper administration of the financial affairs of the Development Corporation.

The Director of Finance will provide advice and guidance to all Members on financial impropriety and budgetary issues and will report to the Development Corporation regarding any proposal, decision or course of action that will involve incurring unlawful expenditure, or that is unlawful and is likely to cause a loss or deficiency on the part of the Development Corporation, or if the Development Corporation is about to enter an item of account unlawfully.

1.4 General

All officers in whose name reports are submitted to the Development Corporation Board, the Audit and Risk Committee and any Committee or Sub-Committee of the Development Corporation via the Monitoring Office, Director of Finance and Engineering and Programme Director are appointed the Chief Officers in relation to the following:

- o) Compilation and retention of lists of background papers and copies of the relevant documents and reports.
- p) Identifying and determining what are background papers.

2. Scheme of Delegation of Functions to Chief Officers

- 2.1 Section 101 of the Local Government Act 1972 enables the Development Corporation to delegate the discharge of any of its functions to its officers.
- 2.2 Section 107D of the Local Democracy, Economic Development and Construction Act 2009 enables the Mayor to arrange for an officer of the Development Corporation to exercise any functions exercisable by the Mayor.
- 2.3 This part of the Constitution specifies those powers of the Development Corporation and the Mayor which, for the time being, are exercisable from time to time by officers of the Development Corporation, and stating the title of the officer in question by whom the powers are exercisable.
- 2.4 Chief Officers in the context of this Constitution mean the Chief Executive Officer, the Director of Finance, the Engineering & Programme Director and the Monitoring Officer.
- 2.5 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 appropriate administrative procedures are in place to record the authorisation and monitor decisions taken.
- 2.6 The exercise of delegated powers by officers is required to be in accordance with and subject to:
 - 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 Development Corporation Board's Rules of Procedure and Financial Regulations currently in force;
 - c) the revenue and capital budgets of the Development Corporation, subject to any variation thereof which is permitted by the Corporation's Financial Regulations; and
 - d) any policy or direction of the Development Corporation Board the Audit and Risk Committee, or any other committee sub-committee or joint committee acting in exercise of powers delegated to it by the Development Corporation.
- 2.7 Officers may **not** exercise delegated powers where:
 - e) the matter is reserved to the Development Corporation Board, or the Mayor, and is to be exercisable only by them, by law or by this Constitution;
 - f) the matter is a function which cannot by law be discharged by an officer;
 - g) the Development Corporation Board, or a committee, sub-committee or joint committee to which the Development Corporation is a party, has determined that the matter should be discharged otherwise than by an officer;

- 2.8 Where, in relation to an item before the Development Corporation Board 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.
- 2.9 Any reference in this Scheme of Delegation to any enactment shall include a reference to any amendment or re-enactment of the same.

3. General Delegations to all Chief Officers

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

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 best value tender or quotation:
- a) For the supply of goods, materials or services for which financial provision has been made in the Development Corporation's Revenue Budget up to a limit of £500,000 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 Development Corporation Board and does not exceed £3,000,000.
- GD4 The invitation of quotations for contracts not exceeding £250,000 in value for the supply of goods, materials or services from at least three persons, subject to financial provision having been made in the Revenue or Capital Budget of the Development Corporation.
- GD5 The invitation of quotations for contracts not exceeding £1,000,000 in value for the execution of works from at least three persons, subject to financial provision having been made in the Revenue or Capital Budget of the Development Corporation.
- GD6 The provision of services or the purchase of materials or minor items of equipment up to a total of £50,000 within one order or series of related orders for which provision has been made in the revenue estimates.

4. Delegations to the Chief Executive Officer

- CEO1 To discharge the functions of the Chief Executive Officer in relation to the Development Corporation.

- CEO2 To engage officers on behalf of the Development Corporation in order to coordinate and carry out its functions.
- CEO3 To discharge any function of the Development Corporation (including functions exercisable by the Corporation or by the Mayor) which has not been specifically delegated to another officer, Committee, Sub-Committee or Joint Committee, or reserved to the Development Corporation Board whether by law or by this Constitution.
- CEO4 To take all action which is necessary or required in relation to the exercise of any of the Development Corporation's functions or the functions of the Mayor (other than those functions which by law can be exercised only by the Development Corporation or by the Mayor), having regard to the Development Corporation's or Mayor's approved plans, policies or strategies and the Development Corporation's budget, and all enabling legislation.
- CEO5 Take any action which is necessary or required as a matter of urgency in the interests of the Development Corporation, in consultation (where practicable) with the Chair of the Development Corporation Board, the Monitoring Officer, the Director of Finance and the Engineering and Programme Director.
- CEO6 Nominate, appoint and remove, in consultation with the Chair of the Development Corporation Board, Development Corporation 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 their relevant constitutions.
- CEO7 To authorise any named officer of the Development Corporation to exercise functions delegated to the Chief Executive Officer, the Director of Finance, the Engineering and Programme Director or the Monitoring Officer, including the functions of a consultee in relation to the exercise of an Officer's delegated powers.

5. Delegations to the Director of Finance

- DoF1 To effect the proper administration of the Development Corporation's financial affairs particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control generally.
- DoF2 After consulting, so far as practicable with the Chief Executive Officer, the Engineering and Programme Director and the Monitoring Officer, to report to the Development Corporation Board if it appears to him/her that a decision has been made, or is about to be made which involves or would involve the Development Corporation incurring unlawful expenditure, or that a course of action has been taken or is about to be taken which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Corporation, or that an item of account is about to be made which is unlawful. Such a report will have the effect of prohibiting the proposal, decision or other action being implemented until the report has been considered..

- DoF3 The taking of all action required on borrowing, investment and financing subject to the submission to the Development Corporation Board of an annual report of the Director of Finance on treasury management activities at six-monthly intervals in accordance with CIPFA's Code of Practice for Treasury Management and Prudential Codes.
- DoF4 To effect all insurance cover required in connection with the business of the Development Corporation and to settle all claims under such insurances arranged for the Development Corporation's benefit.
- DoF5 To discharge the functions of the Development Corporation under the Accounts and Audit (England) Regulations 2015 (with the exception of Regulations 6(2), 9(2) and 20(1)).
- DoF6 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.
- DoF7 To exercise the responsibilities assigned to the Director of Finance in the Development Corporation's financial arrangements and procedures and in its Procurement Policy.
- DoF8 To authorise any named Officer of the Development Corporation to exercise functions delegated to the Director of Finance, including the functions of a consultee in relation to the exercise of an Officer's delegated powers.

6. Delegations to the Engineering & Programme Director

- EPD1 To effect the proper administration of the Development Corporation's operational affairs particularly in relation to the regeneration programme, its projects, procurement, risk, recruitment and learning and development.
- EPD2 To authorise any named Officer of the Development Corporation to exercise functions delegated to the Engineering and Programme Director, including the functions of a consultee in relation to the exercise of an Officer's delegated powers.

7. Delegations to the Monitoring Officer

- MO1 The Monitoring Officer is authorised to:
- a) institute, prosecute, defend, withdraw, conduct, settle or appeal any administrative action and/or any legal proceedings on behalf of the Corporation;
 - b) negotiate, issue, conclude and/or sign or execute any notice, document or agreement in any case where such action will facilitate, or be conducive or incidental to the carrying out of any decisions of the Development Corporation Board; or in any case where the Monitoring Officer considers that such action is necessary to protect the Development Corporation's interests, or to further or achieve the objectives of the Development Corporation; 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 Authentication of documents and the use of the corporate seal.
- MO3 After consulting, so far as practicable, with the Chief Executive Officer, Director of Finance and the Engineering Programme Director, the Monitoring Officer will report to the Development Corporation Board if he/she considers that any proposal, decision or omission has given rise to or is likely to or would give rise to a contravention of any enactment or rule of law or any maladministration or failure as determined following an investigation 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.
- MO4 To accept on behalf of the Development Corporation 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 in order 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 receive and acknowledge complaints of failure to comply with the Members' Code of Conduct under the Development Corporation's adopted local standards 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 Development Corporation's adopted local arrangements.

- MO9 The Monitoring Officer will, where considered appropriate, either conduct or arrange for investigations to be conducted into alleged breaches of the Members' Code of Conduct referred to him/her.
- M10 The Monitoring Officer will undertake informal resolution of such complaints in accordance with the Development Corporation's adopted local arrangements.
- M11 To authorise any named Officer of the Development Corporation to exercise functions delegated to the Monitoring Officer, including the functions of a consultee in relation to the exercise of an Officer's delegated powers.