



# **Scheme of Delegation**

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## **1 Introduction**

- 1.1 This scheme specifies the functions which are delegated by the Tayside and Central Scotland Transport Partnership in terms of the Transport (Scotland) Act 2005 and the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005 and subsequent guidance received from the Scottish Government. All delegations must be exercised in accordance with the law and having regard to any lawful direction or guidance subsequently issued by the Scottish Government.
- 1.2 The delegations are dealt with in four sections:
  - i) delegation to the Chairperson of the Partnership;
  - ii) delegation to Committees of the Partnership;
  - iii) delegation to the Secretary and Proper Officers of the Partnership
  - iv) delegation to the Partnership Director
- 1.3 Only the Committees and post-holders specified in this scheme may exercise the functions delegated to them, and those holding delegated powers from the Partnership may not delegate further without the Partnership's formal authorisation.
- 1.4 The Scheme of Delegation shall be reviewed every two years, or at such shorter intervals as the Partnership may think necessary in the light of emerging policy guidance or strategic or operational considerations.

## **2 General considerations for delegation**

- 2.1 In exercising any delegated functions, the Partnership's Committees, Director, Secretary, Proper Officers and Officers will take account of any appropriate practice or procedure, specific instruction of the Partnership, or any similar consideration. The exercise of delegated authority is subject always to:
- a) the requirements of the Transport (Scotland) Act 2005 and the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005;
  - b) the requirements of the wider legislative framework within which the Partnership operates;
  - c) current and subsequent guidance from the Scottish Government;
  - d) provisions in the Partnership's current Standing Orders, Financial Regulations and other approved policies;
  - e) availability of appropriate financial provision in respect of the actions to be undertaken using delegated authority;
  - f) avoidance of conflicts of interest and maintenance of full transparency and accountability in all actions taken on behalf of the Partnership;
  - g) seeking appropriate professional advice from the Partnership's appointed Proper Officers and other advisers prior to authority being exercised;
  - h) appropriate periodic reporting of delegated decisions to the Partnership, both for information purposes and to allow Members to properly discharge their scrutiny role.

### **3 Authority reserved to the Partnership**

3.1 The following are reserved to the Partnership :-

- a) determining the objectives of the Partnership;
- b) matters of new policy or variation of existing policy;
- c) borrowing money (other than arrangement of any overdraft facilities as permitted by financial regulations) and, in connection with such borrowing, granting securities or giving guarantees or indemnities.
- d) any functions the exercise of which is clearly reserved to the Partnership in terms of any direction by the Scottish Government;
- e) the final approval of the annual estimates of Revenue and Capital expenditure;
- f) the final approval of the Partnership's Strategic and Operational Plans;
- g) the appointment of the Partnership's Chief Officer;
- h) the appointment of the Partnership's Secretary and Proper Officers;
- i) the approval of the Partnership's Annual Report;
- j) the acquisition and disposal of heritable property;
- k) the appointment of Non-Councillor Members of the Partnership and Observers / Advisers;
- l) the appointment of Members to Committees;
- m) consideration and approval of the terms and conditions of employment of staff;
- n) the removal of Members from office prior to the termination of their period of appointment;
- o) delegation of functions of the Partnership;
- p) the making, amendment and revocation of the Partnership's Standing Orders, Financial Regulations and this Scheme of Delegation;
- q) determining the Partnership's policy and governance procedures in relation to scrutiny and challenge, audit, risk management, performance management and officer remuneration.

#### **4 Delegation to the Chairperson of the Partnership**

- 4.1 The Chairperson of the Partnership is authorised:
- 4.1.1 To act as the chief spokesperson for the Partnership in the making of all major policy announcements and position statements;
  - 4.1.2 To represent the Partnership in its relationships with Scottish Ministers and the Scottish Government, and in the conduct of other significant relationships and occasions;
  - 4.1.3 To represent the Partnership in the Association of Chairs of Scottish Regional Transport Partnerships
  - 4.1.4 To sign on behalf of the Partnership:
    - a) approved Minutes of the Partnership;
    - b) the Partnership's Annual Report and Financial Statements;
    - c) the Regional Transport Strategy prior to its submission to Scottish Ministers.

## **5 Delegation to Committees of the Partnership**

### ***General delegations to Committees***

- 5.1 The Partnership delegates to such Committees as it may choose to establish the functions relative to:
- a) the terms of reference of that Committee;
  - b) any Minutes of the Partnership making a special delegation to that Committee;
  - c) the establishment of any *ad hoc* sub-committee or group to discharge a specific function on the Partnership's behalf.
- 5.2 Each Committee may exercise and perform, on behalf of and in the name of the Partnership, the authority, powers and duties of the Partnership in relation to the functions delegated.
- 5.3 The Chairperson of each Committee is authorised to sign its approved minutes on behalf of the Partnership.

### ***Executive Committee***

- 5.4 The Executive Committee shall comprise one member from each of the Partnership's four constituent Councils and one Non-Councillor member. The membership shall normally include the Chairperson and Deputy Chairpersons of the Partnership.
- 5.5 The quorum of the Executive Committee shall be four. Substitute members may be nominated from within the membership of the Partnership.
- 5.6 The Executive Committee is authorised to act on behalf of the Partnership and its Committees (including *ad hoc* Committees) between meetings of the Partnership and its Committees. This will include the exercise of all delegations made to those Committees, provided that the actions undertaken are considered by the Executive Committee to be sufficiently urgent to preclude a meeting of the Partnership or the Committee concerned.

## **6 Delegation to the Secretary and Proper Officers**

### ***Secretary to the Partnership***

- 6.1 The Secretary to the Partnership is authorised:
- 6.1.1 to act as designated officer for the Partnership in relation to the Ethical Standards in Public Life etc. (Scotland) Act 2000, the Public Interest Disclosure Act 1998, and the Data Protection Act 1998;
  - 6.1.2 to act as Proper Officer for the Partnership in relation to its meetings, proceedings, agenda's, records and minutes, all in accordance with the requirements of the Local Government (Scotland) Act 1973;
  - 6.1.3 to make available, for inspection at the Partnership's offices, copies of the Agenda, draft Minutes and agreed Minutes of any meeting of the Partnership or any Committee and also of any report or other document considered by such a meeting;
  - 6.1.4 to provide appropriate support services for members of the Partnership and to authorise the payment of Members' expenses on receipt of valid claims.

### ***Legal Adviser to the Partnership***

- 6.2 The Legal Adviser to the Partnership is authorised:
- 6.2.1 to act as Proper Officer for the Partnership in relation to Execution of Deeds etc., under Section 190, 191 and 193 of the Local Government (Scotland) Act 1973;
  - 6.2.2 to fulfil the specific functions and responsibilities allocated to the Legal Adviser in the Partnership's Financial Regulations;
  - 6.2.3 to engage private legal firms or engage counsel when it is appropriate and in the best interests of the Partnership to do so and in accordance with the Partnership's Financial Regulations;
  - 6.2.4 to initiate, defend and appear in any legal or tribunal proceedings or any inquiry when it is appropriate and in the best interests of the Partnership to do so.

### ***Treasurer to the Partnership***

- 6.3 The Treasurer to the Partnership is authorised:
- 6.3.1 to act as Proper Officer for the Partnership in relation to its statutory responsibilities for financial probity, management and reporting;
  - 6.3.2 to fulfil the specific functions and responsibilities allocated to the Treasurer in the Partnership's Financial Regulations;
  - 6.3.3 to investigate any financial irregularity;
  - 6.3.4 to execute and authenticate Deeds relating to financial instruments or instruments affecting the transfer of any securities, etc;
  - 6.3.5 to make arrangements with insurance companies concerning the settlement of claims;
  - 6.3.6 to sign cheques in accordance with the provisions for cheque signatories.

## **7 Delegation to the Partnership Director**

- 7.1 The Partnership Director shall act as Chief Executive of the Partnership, and shall be responsible and accountable for the operational management of the Partnership subject to policy and strategic direction by the Partnership. The Partnership Director is authorised as follows:

### *Strategic and Operational Management*

- 7.1.1 to direct and manage the business of the Partnership in accordance with the Partnership's approved Strategic and Operational Plans and the Regional Transport Strategy;

### *Emergency Action*

- 7.1.2 to take such measures as may be required in the interests of the Partnership in emergencies subject to consulting with the Chairperson of the Partnership and the Secretary to the Partnership, where possible, and subsequently reporting to the Executive Committee or to the Partnership as soon as possible thereafter;

### *External Relations*

- 7.1.3 if he or she considers it would be in the interests of the Partnership to do so, to approve the provision of reasonable hospitality to representatives of other organisations and stakeholders, subject to a maximum expenditure of £1,000.00 per financial year;
- 7.1.4 to take out membership of and to attend meetings of appropriate external bodies and professional associations where it is in the interests of the Partnership and compatible with the duties of the Partnership Director to do so;
- 7.1.5 to issue press releases for publication and broadcasting on behalf of the Partnership in consultation with and with the approval of the Chairperson;

### *Staff Management*

- 7.1.6 to appoint employees of the Partnership below the level of the Partnership Director;
- 7.1.7 to manage the staff of the Partnership within the Partnership's human resources policies and periodically to review the performance of members of staff against their objectives and targets;

### *Health and Safety*

- 7.1.8 to manage the Partnership's health and safety policy and arrangements.

### *Management of the Partnership's Offices*

- 7.1.9 to manage the provision and operation of the Partnership's offices within approved revenue budgets in such a way as to provide the necessary professional and administrative services to enable the Partnership to conduct its business;

### *Contracts and Procurement*

- 7.1.10 to engage the services of outside persons, consultants, firms or organisations to perform services on behalf of the Partnership, excluding legal services, in cases where such action is permissible within the Financial Regulations;
- 7.1.11 to draw up and issue specifications for tendering for goods and services to be procured by the Partnership;
- 7.1.12 to enter into contracts on behalf of the Partnership for the supply of goods and services as provided in the Financial Regulations;

### *Financial Management*

- 7.1.13 to manage the Partnership's approved revenue budgets subject to the Partnership's Financial Regulations, as required to fulfil the Partnership's functions, policies and objectives;
- 7.1.14 to manage the disbursement of the Partnership's capital funds in accordance with the approved programme of capital project support;
- 7.1.15 to fulfil in all other respects the specific functions and responsibilities allocated to the Partnership Director in the Partnership's Financial Regulations;
- 7.1.16 to delegate to other employees authority to approve expenditure, where this is in the operational interests of the Partnership, in circumstances and up to specified limits, as agreed with the Treasurer;

### *Risk Management*

- 7.1.17 to jointly manage with the Treasurer the Partnership's Risk Management Strategy, to undertake periodic risk assessments and to effect any necessary insurance to protect the interests of the Partnership;

### *Consultation*

- 7.1.18 to respond as appropriate on behalf of the Partnership to consultative documents issued by the Scottish Government or other external agencies;
- 7.1.19 to consult on behalf of the Partnership with the Scottish Government, constituent Councils, appropriate external agencies, appointed consultants, stakeholders and transport users regarding the Partnership's strategic and operational plans prior to their submission to the Partnership for approval.