

Scheme of Delegation to Officers

Section A - General

1 ADOPTION

- 1.1 This Scheme of Delegation (“the Scheme”) was approved by the Authority on the 13 June 2019. It is a key element of the Authority’s internal control arrangements. The Scheme is reviewed annually.

2 DEFINITIONS AND INTERPRETATION

- 2.1 The following definitions apply in relation to the officer roles described in this scheme:

Officer appointed under s34 (8) of the Local Government Act 1985 – The Clerk

Officer appointed under s 73 of the Local Government Act 1985 – The Treasurer

Officer appointed under s 5 of the Local Government and Housing Act 1989 – The Monitoring Officer

Officer appointed as Head of Paid Service under s 4 (1) of the Local Government and Housing Act 1989 – The Fund Director

Non Statutory Chief Officers under s 2 (7) of the Local Government and Housing Act 1989 - The Head of Finance and Corporate Services

The Head of Investment Strategy

The Head of Pension Administration

- 2.2 A reference to any enactment shall be deemed to include a reference to any amendment or re-enactment of the same.
- 2.3 Any officer can decline to exercise the powers delegated under this Scheme in particular circumstances and refer any such matter to the Authority (or Committee as appropriate) for decisions or approval.
- 2.4 In the event of any question arising concerning the interpretation and application of this Scheme, the Clerk, in consultation with the Monitoring Officer, shall determine the issue.
- 2.5 For the avoidance of doubt, where a power or duty or authority is exercisable by an officer within these Delegations, that officer is hereby given authority to further delegate such power, duty or authority to any other officer he may nominate, in the interests of the Authority or for the better performance of any such power, duty or authority.

3 COMPLIANCE

- 3.1 The exercise of any delegated power under this Scheme is subject to:-
- (i) Expenditure being within the approved revenue estimates or having received the prior approval of the Authority; and
 - (ii) Compliance with any relevant statutory enactment; Code of Practice; the Authority’s Standing Orders, Financial Regulations and Financial Instructions; and any relevant Authority Plans and Policies.

4 RECORDS

- 4.1 An officer who has made a decision in accordance with powers delegated under this Scheme shall record the decision in writing and make the record available for inspection as required.

5 PUBLIC INSPECTION

- 5.1 Copies of this Scheme, the Authority's Standing Orders and Financial Regulations can be viewed on the Authority's website at www.southyorks.gov.uk Copies of these documents can also be inspected during the office hours of 11.00 am to 4.00 pm, Monday to Friday at the Authority's offices.

Section B - The Clerk

The Clerk is appointed under s 34(8) of the Local Government Act 1985 which requires a Joint Authority to appoint an individual as Clerk and in doing so have regard to the desirability of that person being a Chief Officer of one of the constituent councils.

The Clerk is the Proper Officer of the Authority for all purposes in relation to:

- a. The following provisions of the Local Government Act 1972 –
 - i. Schedule 12 (Meetings and proceedings of local authorities)
 - Signature of summons to meetings of the Authority;
 - Receipt of notices regarding the address to which a summons to a meeting is to be sent.
 - ii. Section 100 (B) (2) and 100 (B) (6) (circulation of reports and agendas)
 - iii. Section 100 (B) (7) (supply of papers to the press)
 - iv. Section 100 (C) (summaries of minutes)
 - v. Section 100 (D) (1) (a) and 100 (D) (5) (compilation of lists and identification of background papers)
 - vi. Section 100 (F) (2) (papers not open to members)
 - vii. Section 223 (1) (authorisation of officers in proceedings)
 - viii. Section 225 (deposit of documents with the proper officer of the Authority etc.)
 - ix. Section 229 (photographic copies of documents)
 - Certification of photographic copies of documents
 - x. Section 234 (authentication of documents)

- b. The Clerk is the Authority's Proper Officer for the purposes of Section 2(4) of the Local Government and Housing Act 1989 (deposit of list of politically restricted posts).

The Clerk is responsible for exercising the staffing provisions of this scheme of delegation in so far as they relate to the Fund Director with the exception of matters reserved to the Authority (appointment, grievance appeals, termination of employment, and terms of any compromise agreement).

The Clerk is authorised by the Authority to give a direction in special circumstances that any officer shall not exercise a delegated function in any particular case.

To facilitate the smooth running of the Authority's business in the absence of any of the other statutory officers the Clerk is authorised to discharge any of the functions listed in this scheme of delegation in addition to the officer's specified in this scheme.

Deputies

In the event of the Clerk's office being vacant, or if she/he is absent or otherwise unable to act the following officers are authorised to act as the Proper Officer for the purposes set out in a. and b. above.

- i. The Monitoring Officer
- ii. The Treasurer
- iii. The Deputy Clerk

Legal Proceedings

- i. To authorise the initiation of legal proceedings on behalf of the Authority, in the case of proceedings concerned with the investment of monies on behalf of the Fund in consultation with the Fund Director, except as otherwise specifically delegated to individual officers.
- ii. To settle claims not exceeding £20,000 and in urgent circumstances claims exceeding £20,000. Details of claims exceeding £20,000 are to be reported retrospectively to the Authority at the first opportunity.
- iii. To instruct Counsel and external solicitors as appropriate.
- iv. To sign documents in connection with legal proceedings/procedures on behalf of the Authority.

Liaison with Constituent Authorities

- i. The Clerk is responsible for ensuring effective liaison between the Authority and the constituent authorities.

Press and Publicity

The Clerk is responsible for making arrangements concerning:

- i. Press and publicity and public relations on matters concerning the Authority.
- ii. The handling of issues relating to the Commission for Local Administration.

Freedom of Information Act – Internal Review Procedures

- i. The Clerk is authorised to determine appeals under the Freedom of Information Act 2000 in accordance with the Authority's agreed internal review procedure.

Member Development and Knowledge and Skills

- i. To be responsible for the implementation of the requirements of the CIPFA Code of Practice relating to pensions finance, knowledge and skills.
- ii. To be responsible for the preparation and delivery of Member and Officer learning and development strategies which address the requirements of the Code and for the production of an annual report on the delivery of these strategies.

Conferences

The Clerk is authorised to approve member's attendance at conferences in consultation with the Chair of the Authority, if required in advance of Authority meetings and to report to the next available meeting in accordance with the criteria set out below.

- The conference is relevant to the functions of the Authority;

- The number of members to attend would normally be no more than 3 depending upon the importance of the conference;
- Members would be selected from those who express an interest, normally on a first come first served basis, unless the conference is of special interest to particular members because of identified development needs, or specific responsibilities.

Section C - The Treasurer

The Treasurer is appointed under Section 73 of the Local Government Act 1985 which requires Joint Authorities to make arrangements for an officer to be responsible for effective financial administration. The Treasurer has defined statutory responsibilities in respect of the proper administration of the financial affairs of the authority, specifically:

(i) Ensuring lawfulness and financial prudence of decision making.

After consulting with the Head of Paid Service and the Monitoring Officer, the Treasurer will report to the Authority and the Authority's external auditor if they consider that any proposal or decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Authority is about to enter an item of account unlawfully.

(ii) Administration of Financial Affairs

The Treasurer will have responsibility for the administration of the financial affairs of the Authority.

(iii) Providing Advice

The Treasurer will provide professional financial advice as appropriate. They will also provide advice on scope of powers and authority to take decisions, issues relating to maladministration, financial impropriety, probity, and the budget and policy framework, to all Elected Members, and will support and advise Authority members and officers in their respective roles.

(iv) Give Financial Information

The Treasurer will provide financial information as appropriate to the media and members of the public. (NB: The release of certain information may be restricted by law).

(v) Local Government Act 1972 Section 115 (accountability of officers)

Responsibility for the receipt of money due from officers.

Section D - The Monitoring Officer

The Monitoring Officer is appointed under Section 5 of the Local Government and Housing Act 1989 and has defined statutory responsibilities in respect of matters of legality, conduct, and probity. The Monitoring Officer may not also be the Head of Paid Service. However, the Monitoring Officer will liaise as appropriate with the Head of Paid Service in the discharge of their functions.

(i) Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure this is widely available for consultation by Elected Members, employees, and members of the public.

(ii) Ensuring Lawfulness and Fairness of Decision Making

After consulting with the Head of Paid Service and Treasurer, the Monitoring Officer will report to the Authority if they consider that any proposal, decision, or omission would give rise to unlawfulness, or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(iii) Access to Information

The Monitoring Officer will ensure that decisions of the Authority together with the reasons for those decisions, as well as relevant officer reports and background papers, are made publicly available as soon as possible to persons requesting them. (NB: The release of certain information may be restricted by law).

(iv) Advising whether Decisions are within the Budget and Policy Framework

The Monitoring Officer will advise whether decisions of the Authority are in accordance with the budget and policy framework approved by the Authority. (Decisions outside that framework will require approval of the full Authority).

(v) Providing Advice

The Monitoring Officer will provide advice on the scope of statutory powers and authority of the Authority to take decisions, issues relating to maladministration, conduct and probity the budget and policy framework to all Elected Members.

(vi) Register of Members Interests

The Monitoring Officer will establish and maintain a Register of Interests of Members and Co-opted Members of the Authority.

(vii) Statutory Reports

In accordance with the provisions of s5 of the Local Government and Housing Act 1989 the Monitoring Officer is required to prepare a report to the Authority if at any time it appears to him/her that any proposal, decision or omission by the Authority, by any Committee of the Authority, or by any person holding office or employment under the Authority has given rise to or is likely to or would give rise to:-

- (a) a contravention by the Authority; by any Board; by an person holding any office or employment under the Authority of any enactment or rule of law; or
- (b) any such maladministration as is mentioned in Part III of the Local Government Act 1974.

In performing the duty conferred by s5 the Monitoring Officer will take account of reports made as a particular matter by any other officer and whether a matter is being resolved by other means including other reporting procedures.

The Monitoring Officer, in performing the duties as arising under s5, is authorised to incur expenditure where this is necessary in seeking advice from outwith the Authority. Where the expenditure is likely to exceed £20,000, Authority approval must be obtained.

In the event of the Monitoring Officer being absent, or otherwise unable to act the Deputy Monitoring Officer is authorised to act as the proper officer for all purposes for which the Monitoring Officer is authorised to act.

Section E - The Fund Director

The Fund Director is the Authority's Head of Paid Service for the purposes of s4 (1) (a) of the Local Government and Housing Act 1989.

The Head of Paid Service has overall responsibility for the management and coordination of the employees appointed by the Authority. They are required to report to the Authority as appropriate with regard to the way in which the overall discharge by the Authority of its functions is coordinated, the number and grades of staff required for the discharge of these functions, the way in which these people are organised and managed, and the way in which they are appointed.

As such the Fund Director is responsible for the production of the Authority's Corporate Strategy and any supporting strategies, and acts as the Authority's principal policy adviser.

The specific authority delegated to the Fund Director is as follows:

Staffing Matters

For all categories of staff to determine all matters relating to:

- i. The recruitment selection and appointment of staff;
- ii. Implementation of national and local agreements in relation to pay and terms and conditions;
- iii. All payments to employees;
- iv. The granting of appropriate increments in career grade and examination success schemes;
- v. The filling of all vacant posts;
- vi. The operation of arrangements relating to hours of work, annual and other leave and time off for employees;
- vii. The training and development of employees;
- viii. The health, safety and welfare of employees;
- ix. The operation of procedures relating to consultation with staff and trades unions;
- x. Payments in respect of damage to, or loss of employees personal property;
- xi. The determination of grievances in accordance with agreed procedures;
- xii. In relation to disciplinary processes
 - a. Suspension and/or disciplinary action, including dismissal of employees in line with agreed procedures;
 - b. Suspension and/or disciplinary action, shall only be taken following consultation with the Clerk (or her/his nominated representative).
- xiii. Determine appeals from employees against the imposition of disciplinary sanctions short of dismissal.

In consultation with the Clerk:

- i. To approve regrading applications following a formal job evaluation process.

In consultation with the Chair of the Authority:

- i. To approve applications for early retirement under the Authority's Selective Early Retirement Scheme

Miscellaneous

- i. To approve the provision of reasonable and appropriate hospitality for official visitors.

Requirements of the Local Government Pension Scheme Regulations

- i. To produce an Annual Report on the activities of the Authority and the Pension Fund in line with the requirements of the relevant codes of practice.
- ii. To maintain the Authority's policy framework, including but not limited to the Funding Strategy Statement, the Investment Strategy Statement and the Pensions Administration Strategy Statement.

Financial

- i. To approve the issue of purchasing cards to individual employees in accordance with the procedures approved by the Treasurer.
- ii. To approve the virement of sums up to £10,000 between budget heads subject to quarterly reporting to the Treasurer.
- iii. To maintain the Authority's contract register.
- iv. To approve the write off of debts as follows, subject to submission of a quarterly report to the Authority:
 - a. In relation to rents within the directly managed property portfolio any amount that does not exceed £10,000.
 - b. In relation to pensions administration any amount above £1,000 but not exceeding £5,000.
 - c. In relation to other miscellaneous debts any amount up to £5,000.
 - d. In relation to inventories any amount that does not exceed £10,000.
- v. The maintenance of a register of key holders for safes and similar receptacles.
- vi. To approve the undertaking of private work by individual officers who are contractually allowed to undertake such work.

Investment

- i. To Chair Meetings of the Authority's Investment Advisory Panel.
- ii. To award contracts for investment related services in accordance with the Authority's Contract Standing Orders.
- iii. To authorise officers of the Authority to act as the Authority's representative on companies and committees including acceptance of directorships as appropriate.

Legal Proceedings in Relation to the Authority's Investments

- i. To initiate or defend legal proceedings and instruct counsel or external solicitors in relation to matters:
 - a. Appertaining to securities class actions or class action claims relating to investments held by the Fund; and
 - b. Appertaining to litigation relating to investments held by the Fund;
 - c. Appertaining to litigation concerning taxation matters including Value Added Tax, tax suffered upon dividends and Income Tax suffered by or appertaining to the Fund and its investment holdings.

Partnerships

In consultation with the Chair

- i. To exercise the Authority's vote as a shareholder in the Border to Coast Pensions Partnership, in all cases having consulted with those members appointed by each of the District Councils under s41 of the Local Government Act 1985.

Pension Administration

- i. To charge interest under the relevant pension regulations on late payment of sums due to the Fund from employers or other administering Authorities.
- ii. To determine appeals made under stage 2 of the Internal Dispute Resolution Procedure.
- iii. To exercise any discretion reserved to the Authority within the Funding Strategy Statement.
- iv. The handling of findings by the Pensions Ombudsman.

In the event of the Fund Director being absent or otherwise unable to act then the following officers will be able to exercise the relevant delegated powers:

Any Chief Officer –

Staffing Matters, in consultation with the Clerk

Miscellaneous Matters

Head of Finance and Corporate Services –

Financial Matters, in consultation with the Treasurer

Requirements of the Local Government Pension Scheme Regulations where necessary in consultation with the other Chief Officers

Head of Investment Strategy –

Investment Matters

Legal Proceedings in Relation to the Authority's Investments

Partnership Matters

Head of Pension Administration –

Pension Administration Matters, subject to the delegation of their functions in relation to Stage 1 Appeals to another identified officer.

Section F - The Head of Finance and Corporate Services

- i. To act as the Deputy to the Treasurer in respect of s73 of the Local Government Act 1985.
- ii. Subject to the provisions set out in the Treasury Management Strategy, the Authority's financial regulations and the relevant operational procedures and professional codes to manage the day to day cash balances of the Authority.
- iii. To appoint brokers in relation to the renewal of the Authority's insurance programme.
- iv. The powers and duties shall be exercised in accordance with internal control arrangements specified by the Clerk and Treasurer.

Section G - The Head of Investment Strategy

- i. To invest funds available to the Authority in line with the strategic asset allocation set out in the Authority's Investment Strategy Statement.
- ii. Subject to such consultations as they see fit to carry out rebalancing exercises to align the Authority's actual investment asset allocation with the strategic asset allocation.
- iii. To appoint brokers.
- iv. To execute votes in accordance with the Authority's agreed policy.
- v. To attend as the Authority's representative at the meeting of any company or limited partnership in which the Authority has a beneficial interest in order to represent the Authority's interests and policies.
- vi. Property Investment

The Head of Investment Strategy is responsible for the management of the Pension Fund's Property Portfolio in accordance with the strategy agreed by the Authority and subject to the Contract Standing Orders and Financial Regulations of the Authority and to obtaining legal advice from the Authority's solicitors(s). Specific delegated powers are:-

- a. The negotiation and acceptance of terms for the acquisition and disposal of land and buildings.
 - b. The negotiation and acceptance of terms for the granting, renewing varying or assignment of leases, underleases, tenancies, licenses and any other interest in the Fund's property.
 - c. The preparation and implementation of schemes for works of modernisation, improvements, maintenance and repair of the Fund's property together with the invitation and acceptance of tenders and the authorisation of expenditure on such works.
 - d. The appointment and supervision of managing agents and professional advisers (including solicitors) necessary for the effective management of the Pension Fund Property Portfolio.
 - e. The collection of all rents, service charges, insurance premia, and any other monies arising out of the Pension Fund Property Portfolio.
 - f. The signature of agreements and making of arrangements for the execution of documents under seal (documents under seal are to be executed by one of the officers authorised under Procedural Standing Order No. 31).
 - g. Dealing with health and safety matters in association with investment properties.
- vii. The authorisation and execution of documents relating to the exercise of the powers and duties delegated to her/him.

Section H - The Head of Pension Administration

To deal with the following benefits and contributions matters in relation to the funds managed by the Authority in line with the relevant regulations in force at the time.

- i. The making, or terminating, of admission agreements with bodies falling within the scope of the relevant regulations.
- ii. The exercise of discretion regarding the payment of death grants in respect of deceased scheme members.
- iii. The exercise of discretion regarding the payment of AVC funds in respect of deceased scheme members.
- iv. The exercise of discretion in determining eligibility of a dependent child who commences full time education or training after the date of the member's death.
- v. The exercise of discretion in respect of breaks in education or training for the purposes of deciding if a person can be regarded as a child.
- vi. The commutation of certain small pension benefits to single lump sum payments so as to discharge future liability for payments.
- vii. The commutation of pensions in exceptional circumstance of ill-health as provided in the relevant regulations.
- viii. Obtaining revisions to a rates and adjustments certificates where exceptional circumstances as defined in the regulations exist.
- ix. The determination of intervals for the payment (inclusive of accompanying information) of employee and employer contributions to the Fund, and costs arising from certain retirements types.
- x. The determination of the amount of any benefit that may be payable to a person out of the pension fund, in addition to various matters in relation to new contributors concerning previous service and additional pension.
- xi. The approval of medical practitioners to be used by Fund employers in making decisions on entitlement to ill-health retirement.
- xii. The transfer to an employing authority from the Fund, of sums to compensate for loss caused by a former member's misconduct.
- xiii. The payment of transfer values.
- xiv. The acceptance of transfer values.
- xv. To determine how to discharge Pension Credit liability.
- xvi. To decide, in the absence of an election from a scheme member, which benefit is to be paid where that member would be entitled to a benefit under more than one regulation in respect of the same period of membership.
- xvii. The approval of applications for the reinstatement of spouse's pensions under the following circumstances:-
 - a. If a spouse has remarried and that marriage has ended; or
 - b. If a spouse has been cohabiting outside marriage and that cohabitation has ended.
- xviii. The exercise of discretion on the extension of statutory time limits in respect of various applications made by employees and beneficiaries as provided in the Regulations.
- xix. To specify the information to be supplied by employers to enable the Authority to discharge its functions.
- xx. The exercise, on behalf of a deceased member, of an election to use pensionable pay determined from an earlier period for calculating scheme benefits.
- xxi. The exercise of discretion as to whether a child's pension should be paid to a person other than the child subject to direction that it is to be used solely for the child's benefit.
- xxii. To exercise the discretion to require a medical, to turn down on medical grounds, or determine where a lump sum payment instead of regular payments is required, in respect of a members election under the regulations.

- xxiii. Where the scheme employer is defunct, to exercise the discretion over early release of benefits and to the release of deferred benefits on medical grounds where there is no cost to the Authority.
- xxiv. To decide upon the evidence required to determine eligibility to benefits of a cohabiting partner.
- xxv. To decide whether to recover additional costs incurred as a result of the level of employer performance in meeting their obligations under the Pensions Administration Strategy.
- xxvi. To determine whether to charge interest on overdue payments from employers.

Internal Dispute Resolution Procedure - Stage 1

To deal with Stage 1 appeal decisions under the Internal Dispute Resolution Procedure (appeals against decisions of the Authority as an Employing or Administering Authority).

Pensions Regulator

To deal with all matters requiring direct contact with the Pensions Regulator acting in the latter's capacity as the regulatory authority under the Public Service Pensions Act 2013 and especially regarding the provision of statutory data and information, notification of breaches and compliance with the law reporting retrospectively to the Authority at the first opportunity.