

NW CJC CONSTITUTION - SCHEME OF DELEGATION

General Principles

1. The CJC may not delegate any of the following to any other person or subcommittee:

1.1 Its function in relation to approving or revision of policies under the relevant provisions of the Transport Act 2000 (“Transport Policy Function”);

1.2 Its function in relation to preparing a Strategic Development Plan under the relevant provisions of the Planning and Compulsory Purchase Act 2004 (the “Strategic Development Plan Function”);

1.3 The decision to agree the CJC budgets and the calculation of contributions of the Constituent Councils and the Snowdonia National Park Authority;

1.4 The decision to establish CJC sub-committees; and

1.5 Other specific decisions and responsibilities set out in the Establishment Regulations.

2. The CJC may arrange for the discharge of its function by:

2.1 A sub-committee;

2.2 A member of staff;

2.3 Any other corporate joint committee;

2.4 Any county or county borough council in Wales.

3. Subject always to para.1 above, the CJC delegates operational decisions on the discharge of its functions and anything that is required to facilitate or is conducive or incidental to the discharge of its functions as set out below.

Delegation to Staff Members

4. This scheme delegates certain functions of the CJC to a member of staff and should be interpreted accordingly.

4.1 In this scheme a “member of staff” means the holder of any post named in this scheme as having delegated powers and duties, and who is engaged by the CJC to take responsibility for discharging the delegated powers and duties concerned, unless legislation provides that the relevant power or duty can only be carried out by a member of staff.

4.2 When taking, or considering taking, delegated decisions all members of staff must have regard to the following questions: (i) Does the decision involve significant expenditure to the CJC’s budget? (ii) Does the decision affect the CJC’s reputation? (iii) Does the decision carry a significant risk to the CJC? (iv) Does the decision

impact reputationally or financially on service users, partner organisations or committees outside the CJC.

4.3 In matters that fall within p.4.2 or for highly significant or sensitive matters, members of staff must consider whether a report should be taken to the CJC.

4.4 In addition to functions delegated to a member of staff under this scheme, the CJC may also decide to delegate certain functions and decisions. Any such delegation to a member of staff can be further delegated to another authorised member of staff unless the CJC has specifically reserved the function to a member of staff.

4.5 It shall always be open to a member of staff not to exercise delegated powers but to refer the matter to the CJC.

5. The Monitoring Officer shall maintain a record of all delegations to members of staff.

6 Limitations on delegation to a member of staff

6.1 Any exercise of delegated powers shall be subject to:-

- (a) Any statutory restrictions
- (b) The CJC's Constitution, including Financial Procedure Rules and Contract Procedure Rules
- (c) The CJC's approved budget framework
- (d) Any other CJC policies
- (e) The Code of Conduct for Employees

6.2 Where a member of staff exercises delegated powers to award a contract or make a decision which incurs significant expenditure under this scheme of delegation they shall as soon as practicable after making the decision produce a written record including all relevant details, in accordance with any guidance given by the Monitoring Officer.

6.3 Significant expenditure for the purposes of p.6.2 is expenditure that is £50,000 and above.

6.4 A member of staff may exercise delegated powers to incur expenditure up to a maximum £49,999 where this is within the approved budget of the CJC for that financial year; and in accordance with the Constitution.

7. Further Provisions

7.1 In all cases delegated authority includes management of the human and material resources made available for their functions within the limitations of this scheme and subject to any specific delegations to another member of staff.

7.2 In exercising delegated powers, members of staff shall consult with such other relevant members of staff as may be appropriate and shall have regard to any advice given.

7.3 Unless expressly provided to the contrary, this scheme includes the power for a member of staff further to delegate in writing all or any of the delegated functions to other members of staff (described by name or post) either fully or under the general supervision and control of the delegating member of staff.

8. Delegations to Chief Officers

(1) Chief Executive

1. To be the member of staff with responsibility for all proper officer functions further to reg.3 of the Corporate Joint Committees (General)(No.2)(Wales)Regulations 2021
2. To discharge the functions of appointment and dismissal of, and taking disciplinary action against, any officer, in accordance with the CJC's HR and financial procedures, except where such functions have been reserved to the Appointments Committee.
3. Subject to para.4.3 to engage any individual, person, firm, partnership or company (and determine the terms of the contract), where the estimated value of appointments for any one project proposal exceeds £50,000 and costs can be met from within approved budgets, but does not exceed £250,000.
4. That the Chief Executive has power to manage and administer all those funding agreements as approved, to include grants and loans, by the CJC or by any of its sub-committees.
5. To make decisions on:
 - (i) employee Terms and Conditions, (including procedures for dismissal), except those relating to the Chief Executive, Chief Officers and other statutory Officer posts;
 - (ii) changes to staff pay awards and annual increases
 - (iii) Changes to employee Terms and Conditions which are the subject of contention with the trade unions
 - (iv) applications for re-grading
6. Authority to consider and approve, as appropriate, in consultation with the Chief Financial Officer and in accordance with the provisions of the Local Government Pension Scheme and the CJC's approved policy and criteria, the early retirement of staff (aged 55 or over) in the following circumstances:
 - (1) in the interests of the efficiency of the service
 - (2) who request voluntary retirement
7. To approve new operational HR employment policies and changes to existing policies as required.

8. In cases of urgency, in consultation with the Monitoring Officer and the Chief Financial Officer, to determine any matter which is not specifically reserved to the Chief Executive

Monitoring Officer

1. To be the member of staff with responsibility for all proper officer functions further to reg.8 of the Corporate Joint Committees (General)(No.2)(Wales)Regulations 2021, and to act as Solicitor to the CJC.

2. To appoint proper officers or authorise an officer of the CJC for any purpose where statute requires that the officer should be appointed or authorised for that specific purpose.

3. To institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the CJC or in any case where he or she considers that such action is necessary to protect the CJC's interests.

4. To recommend the institution of legal proceedings before courts or tribunals, and to authorise staff to appear on behalf of the CJC, provided always that this is in accordance with the functional responsibilities of the staff member concerned.

5. To engage Counsel to represent the CJC in any proceedings.

6. To appear personally or authorise others to appear on the CJC's behalf in court or tribunal proceedings.

7. To sign any document that is necessary for any legal agreement, procedure or proceedings on behalf of the CJC.

8. To affix the Common Seal of the CJC.

9. To make amendments to the Constitution in order to:

(a) enhance clarity and remove minor anomalies

(b) reflect legislative changes and matters of record.

10. In consultation with the Chief Executive to settle complaints made under the CJC's Complaints Policy where appropriate, which may include an apology, rectification, or in exceptional circumstances a monetary payment up to a maximum of £100; and to settle Ombudsman's recommendations under Section 21 of the Public Services Ombudsman (Wales) Act 2005, up to a maximum of £1,000.

11. To discharge the functions of the CJC in respect of cancellation of family absence pursuant to Regulation 34 of the Family Absence for Members of Local Authorities (Wales) Regulations 2013.

Chief Financial Officer

1. To be the member of staff with responsibility for the proper administration of the CJC's financial affairs under Section 151 of the Local Government Act 1972.
2. To facilitate and manage the co-ordination of medium-term financial planning, annual budget planning, budget monitoring and the preparation of statutory and other accounts, associated grant claims and supporting records.
3. To manage the CJC's financial affairs and services, including all matters relating to the General Budget, Strategic Development Plan Budget, Treasury Management, Reserves and Provisions, Subsidiary Accounts, and all other funds established under statutory requirements.
4. To operate the CJC's bank accounts for the prudent management of financial affairs and to nominate authorised signatories.
5. To approve deductions from pay in suitable cases and as requested by staff.

DRAFT