

Scheme of Delegation and Financial Regulations



MARCH 2021

SCHEME OF DELEGATION

PART 1 PREAMBLE AND INTERPRETATION

- 1.1 This scheme of delegation is made by arc21 Joint Committee pursuant to Section 47a of the Local Government Act (Northern Ireland) 1972.
- 1.2 The scheme applies to functions delegated to the Chief Executive of arc21 Joint Committee.
- 1.3 The authority to take decisions and other actions pursuant to this scheme shall be exercised in the name of the Chief Executive but not necessarily by the Chief Executive.
- 1.4 Delegation to deal with any matter shall not derogate from the power of the Joint Committee to call for a report on any decision or action taken.
- 1.5 The Chief Executive may, notwithstanding his/her power of delegation, refer any matter to the Joint Committee in any case involving controversy or unusual circumstances.
- 1.6 Any reference in the scheme to a statutory enactment shall be deemed to include any modification or re-enactment thereof.
- 1.7 Authority to exercise any delegated power shall include authority to take all reasonable necessary actions of an incidental or consequential nature.
- 1.8 Where the exercise of a delegated function requires consultation with the Chair of the Joint Committee, the Deputy Chair may act in the absence or non-availability of the Chair.
- 1.9 The Chief Executive exercising a delegated function shall act, where relevant, in accordance with the expressed policies and objectives of the Joint Committee and, where applicable, within the agreed Revenue Estimates.

PART 2 PRINCIPLE OF LIMIT OF DELEGATION

The Terms of Agreement dated 1 April 2015, as signed on behalf of all Participant Councils, include Five Principles, one of which is the Principle of Limit of Delegation.

The Principle of Limit of Delegation states:

The Participant Councils shall delegate powers and functions to the Joint Committee to the extent necessary to enable it to carry out its Core Functions and Ancillary Functions. This delegation shall be with a view to achieving economies of scale and minimising costs.

No further functions are to be transferred to the Joint Committee except with the prior approval of the Participant Councils. The Terms of Agreement shall specify thresholds in relation to the acquisition of assets or the incurring of liabilities over which the unanimous agreement of the Joint Committee or the referral back to the Participant Councils shall be required.

PART 3 GENERAL DELEGATED FUNCTIONS

The exercise of the following general functions is delegated to the Chief Executive:

- 2.1 Taking all necessary action for the effective day-to-day management, administration and supervision of the organisation and of the services and premises for which the Chief Executive is responsible.
- 2.2 With respect to employees, appointing, promoting and regrading employees within the employment policies and practices adopted by the Joint Committee, subject to relevant statutory provisions.
- 2.3 Allowing or disallowing all requests for leave - of any kind - in accordance with the Schemes of Conditions of Service adopted by the Joint Committee, subject to relevant statutory provisions.
- 2.4 Granting paid compassionate leave to an employee for up to 5 working days and approving other paid, or unpaid, leave of absence subject to all relevant Joint Committee policies.
- 2.5 Authorising appropriate payments to employees in respect of telephone, travel and subsistence allowances, standby and call out allowances, overtime, additional duties, costs of study courses and removal and relocation expenses, in accordance with any relevant Joint Committee policies.
- 2.6 Taking action, in accordance with the relevant Joint Committee policies and procedures, including dismissal as appropriate in respect of employees in the relevant service.
- 2.7 Terminating or varying contracts of employment in accordance with all relevant Joint Committee policies.
- 2.8 Approving terminations of service in respect of early retirement, voluntary redundancy or in respect of persons declared medically unfit.
- 2.9 Approving payment of annual subscriptions on behalf of the Joint Committee including paying or reimbursing employees for annual membership subscriptions to professional bodies.
- 2.10 Approving attendance of employees at conferences, seminars, exhibitions and similar events appropriate to their official responsibilities subject to any relevant policies of the Joint Committee.
- 2.11 Approving payments to employees for damage to clothing, spectacles, tools etc. up to a limit of £500 where the damage is attributable to a work related cause.
- 2.12 Engaging external consultancy services assistance as and when required.

- 2.13 Employing casual or temporary staff on such terms and conditions as are appropriate.
- 2.14 Granting small scale hospitality and other reasonable hospitality required in relation to the activities of the organisation
- 2.15 Procuring goods and services where the contract is in relation to matters of a routine or recurring nature and is not of an unusual or controversial nature.
- 2.16 Procuring goods and services or works in accordance with Appendix 1, including where the Joint Committee has approved the invitation of tenders and the award is in accordance with the predetermined award criteria.
- 2.17 Taking action to ensure contract compliance and negotiating claims and issuing contract variations.
- 2.18 Approving the changing of sureties by Contractors provided the interests of the Joint Committee remain fully protected.
- 2.19 Conducting tasks of a routine and recurring nature including minor purchases of office equipment and authorisation of works and general maintenance.
- 2.20 Writing-off any loss of money not exceeding £1,000 (including bad debts).
- 2.21 Writing off and disposal of obsolete equipment and materials.
- 2.22 In cases requiring urgent action, determining a contract awarded by the Joint Committee where the contractor is in breach of contract and unable or unwilling to proceed therewith, subject to prior consultation with the Chairman of the Joint Committee and Legal Advisor(s).
- 2.23 Instructing the Legal Advisor(s) to take legal proceedings in regard to the recovery of debts, the enforcement of contractual rights, the service of notices, the prosecution of statutory offences and the instituting and defending of claims and proceedings affecting the Joint Committee.
- 2.24 Developing and implementing specific promotions, schemes and events, in line with any relevant Joint Committee policy (including the provision of prizes).
- 2.25 Carrying out surveys and other research in connection with the functions of the Joint Committee.
- 2.26 Signing maintenance agreements subsequent to capital or other service acquisitions in relation to the day to day functions of the Joint Committee.
- 2.27 Taking immediate action in cases of defalcation by Joint Committee Officers.
- 2.28 Where the Joint Committee has established a scheme for the awarding of small grants (**i.e. up to a maximum level of £10,000 in total in any one year**) and has authorised the Chief Executive to administer the scheme, then the chief Executive has the delegated authority to approve the allocation of the grants in line with the award criteria.

- 2.29 In responding to emergency situations, or in cases of urgency, the Chief Executive is authorised to make whatever arrangements he feels are appropriate including incurring expenditure in meeting any immediate needs arising in such circumstances. As soon as possible thereafter, the Chair of the Joint Committee should be advised and a report submitted to the Joint Committee.
- 2.30 Making arrangements for the supply of goods and services, with any other council or any public body, pursuant to Section 105 of the Local Government Act (Northern Ireland) 1972.
- 2.31 Making arrangements to put in place all relevant insurance cover and keep under continuous review the adequacy of the Joint Committee's insurances. In addition, the Chief Executive shall negotiate all insurance claims, maintain adequate records of insurance transactions and keep in safe custody all insurance policies of the Joint Committee.

PART 4 FINANCIAL REGULATIONS

General:

Under section 1(1) of the Local Government Finance Act (Northern Ireland) 2011 a Council shall make arrangements for the proper administration of its financial affairs. and those arrangements shall be carried out under the supervision of such officer of the Council as the Council designates as its Chief Financial Officer. The Joint Committee has adopted a similar arrangement and its Chief Executive undertakes duties similar to those of a Chief Financial Officer in a Council.

The Chief Executive, therefore, is the designated officer responsible for the proper administration of the Joint Committee's financial affairs. The Chief Executive may, subject to any resolutions of the Joint Committee, do all things necessary to secure the proper administration of the Joint Committee's financial affairs.

All financial transactions of the Joint Committee shall be properly accounted for and the Joint Committee's accounts shall be maintained in accordance with statutory requirements and professional standards.

Delegated Powers:

The Chief Executive will have delegated powers in relation to the following financial matters;

- 3.1 Exercising financial control over the day to day operations of the Joint Committee.
- 3.2 Making safe and efficient arrangements for the receipt and payment of all money by the Joint Committee.
- 3.3 Ensuring that Best Value and Value for Money is obtained in the acquisition of supplies, services and works required for the day to day operations of the Joint Committee.
- 3.4 Ensuring that invitations, to quotation, are sought for the provision of supplies, services and works to the Joint Committee subject to appropriate financial thresholds which shall be kept under review – See appendix 1.

APPENDIX 1

FINANCIAL THRESHOLDS **QUOTATION LEVELS APPLICABLE AT JANUARY 2021**

- Up to £3,000 No quotations
- Between £3,000 and £8,000 3 written quotations sought
- Between £8,000 and £30,000 4 written quotations sought
- Over £30,000 Tender

Single Tender Action / Direct Award

Under particular circumstances it may be appropriate to make a Single Tender Action, ie make a direct award to a contractor without a competition.

The Chief Executive will assess if this action is appropriate and will recommend to the Joint Committee that a Single Tender Action is approved where he believes a Single Tender Action is justified in the special circumstances of the case, eg the item may be proprietary, as set out below.

In cases requiring urgent action, in accordance with 2.29 above, the Chief Executive will have authority to award a contract directly, subject to prior consultation with the Chairman of the Joint Committee and Legal Advisor(s), and shall report the matter to the next available meeting of the Joint Committee.

The European Union (EU) Public Procurement Rules

The Chief Executive will take due regard of the UK Public Procurement Rules, in relation to the financial thresholds applicable at any point in time, for contracts for supplies, services and works.

Proprietary Items

The Chief Executive will take into account that an item required may be of a proprietary nature i.e. the supplies, services or works may be unique and there is only one known supplier who can provide the item under either patent or warranty.

The Terms of Agreement

The Chief Executive will take into account the requirements of Section 4 of the Terms of Agreement and the Principle of Limit of Delegation in relation to delegated powers.

Clause 4.2 of the Terms of Agreement state that in relation to the acquisition of assets or the incurring of liabilities, a threshold of £250,000 shall apply and over which the unanimous agreement of the Joint Committee and approval of the Participant Councils shall be required.