

Item:

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## Report to Partnership Meeting of 22 April 2022

### PARTNERSHIP

### HITRANS Scheme of Delegation

#### SUMMARY

Following approval of revised Financial Regulations and Contract Standing orders in November 2021 the HITRANS Scheme of Delegation requires to be updated. The Partnership's Legal Advisor and Partnership Director have undertaken a review of the Scheme of Delegation to ensure it remain fit for purpose and have proposed a number of minor amendments for the Board's consideration.

#### DETAIL

A copy of the revised Scheme of Delegation is enclosed as an Appendix to this report.

#### RISK REGISTER

##### RTS Delivery

Impact – Positive

Comment – Supports the decision making process on delivery of projects towards achieving RTS Delivery.

##### Policy

Impact – Positive

Comment – It is critical to the optimum functioning of the Partnership that our Standing Orders and Scheme of Delegation are adopted

##### Financial

Impact – Positive

Comment - Appropriate Delegations facilitate management of the Partnership's financial affairs.

##### Equality

Impact – Positive

Comment – The Scheme of Delegation is important in shaping how the partnership supports staff and Members.

#### RECOMMENDATIONS

1. The Partnership is asked to agree to adopt the Scheme of Delegation as enclosed in the Appendix to this Report.

**Report by:** Ranald Robertson  
**Designation:** Partnership Director  
**Date:** 5<sup>th</sup> April 2022

## **Appendix 1: Scheme of Delegation**

# **Highlands and Islands Transport Partnership Scheme of Delegation**

### **Introduction**

This scheme specifies the functions which are delegated by the Highlands and Islands Transport Partnership in terms of 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.

The delegations are dealt with in four sections:

- i) delegation to the Chair 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.

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.

The Scheme of Delegation shall be revised at least every four years, with the next scheduled review being before May 2026, or at such shorter intervals as the Partnership may think necessary in the light of emerging policy guidance or strategic or operational considerations.

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

The following are reserved to the Partnership and are thus specifically excluded from delegation:

1. determining the objectives of the Partnership;
2. matters of new policy or variation of existing policy;
3. borrowing money (other than arrangement of any overdraft facilities as permitted by the Financial Regulations) and, in connection with such borrowing, granting securities or giving guarantees or indemnities.
4. any functions the exercise of which is clearly reserved to the Partnership in terms of any direction by the Scottish Government;
5. the final approval of the annual estimates of revenue and capital expenditure;
6. the final approval of the Partnership's Strategic, Business and Operational Plans;
7. the appointment of the Partnership's Chief Officer, Secretary and Proper Officers;
8. the approval of the Partnership's Annual Report;
9. the acquisition and disposal of heritable property;
10. the appointment of Other Members of the Partnership (subsequent to initial appointments which shall be made by Scottish Ministers) and the appointment of Members to Committees;

11. the removal of Members from office prior to the termination of their period of appointment;
12. delegation of functions of the Partnership;
13. the making, amendment and revocation of the Partnership's Standing Orders, Financial Regulations and this Scheme of Delegation.

### **Delegation to the Chair of the Partnership**

The Chair of the Partnership is authorised:

1. in an emergency, and after having consulted the Partnership's Vice-Chair and Secretary, to exercise the powers which the Partnership has retained to itself within this document and within its Standing Orders. The exercise of such powers by the Chair shall be reported to the next formal meeting of the Partnership;
2. in the absence of the Partnership Director and/or in an emergency, to exercise the powers which the Partnership has delegated to the Partnership Director to enable the Partnership to carry on its business subject to:
  - a. obtaining agreement from the Partnership's Vice Chair
  - b. consulting the Secretary to the Partnership
  - c. where such action would normally require the approval of the Partnership or a committee thereof, reporting any such action to the Partnership or the appropriate Committee as soon as possible thereafter;
3. to incur expenditure to meet the expenses of the office of Chair of the Partnership and the provision of reasonable hospitality to a maximum of £10,000.00 per financial year;
4. To act as the main point of contact between Scottish Ministers and the Partnership.
5. To act as the chief spokesperson for the Partnership and to represent the Partnership in its relationships with Scottish Ministers, the Scottish Government, the Chairs and Members of other bodies, and in the conduct of other significant relationships and occasions;
6. to make on behalf of the Partnership all major policy announcements and position statements.
7. to oversee the activities and conduct of the Partnership Director, and appraise the Director's performance against annual targets and objectives;
8. 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.

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

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

The Partnership delegates to each Committee 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.

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.

The Chair of each Committee is authorised to sign its approved minutes on behalf of the Partnership.

### ***Executive Committee***

The Executive Committee where appointed is authorised:

1. 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 be preclude a meeting of the Partnership or the Committee concerned;
2. to consider annually on behalf of the Partnership, the Partnership's Risk Management Strategy;
3. to act as a Remuneration Committee in respect of the award and review of the remuneration of the Partnership Director;
4. to act as a Personnel and Staffing Committee to consider and approve terms and conditions of employment of staff, and to approve recommendations made by the Partnership Director for the appointment of staff below the level of Partnership Director;
5. to act as a Selection Panel to recruit and recommend to the Partnership the appointment of:
  - a. Non Council Board Members and Observers/Advisers;
  - b. the Partnership Director;
  - c. the Partnership's Secretary and Proper Officers.

### ***Audit Committee***

The Audit Committee where appointed is authorised:

1. to recommend to the Partnership the appointment of Internal Auditors (normally after competitive tendering exercises which should be held every three years), and to terminate such an appointment if Members are not satisfied with the quality or the value-for-money of the services provided;
2. to formulate the Partnership's Annual Audit Plan and establish strategic audit objectives;
3. to approve the Partnership's Annual Audit Report for submission to the Partnership.

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

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

The Secretary to the Partnership is authorised:

1. to proactively provide advice to the Chair, Members and the Partnership Director;
2. to act as Proper Officer for the Partnership in relation to the Partnership's Code of Conduct for Members;
3. to act on behalf of the Partnership in relation to the Partnership's Public Interest Disclosure Policy;
4. to keep proper records and Minutes of the Partnership's proceedings;

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

The Legal Adviser to the Partnership is authorised:

to act as Proper Officer for the Partnership in relation to:

- a. Execution of Deeds etc., under Section 190, 191 and 193 of the Local Government (Scotland) Act 1973;
- b. Acceptance of Tenders (Contracts for Works);
- c. Acceptance of Tenders (Consultancy Services);
- d. Acceptance of Tenders (Contracts for the Supply of Goods and Services).

### ***Financial Adviser to the Partnership***

The Financial Adviser to the Partnership is authorised:

to act as Proper Officer for the Partnership in relation to:

- a. Procedures on Financial Systems;
- b. Investigation of any financial irregularity;
- c. Execution and authentication of Deeds relating to financial instruments or instruments affecting the transfer of any securities etc.
- d. To seek and, as provided in the Financial Regulations, to open tenders for contracts with the Partnership;
- e. To sign cheques in accordance with the provisions for cheque signatories;
- f. To lead the preparation of Annual Accounts;
- g. To represent the Partnership to External and Internal Audit.

## **Delegation to the Partnership Director**

In exercising any of the following delegated functions the Partnership Director will take account of any appropriate practice or procedure, managerial instruction or any similar consideration. The exercise of delegated authority by the Partnership Director

is subject always to:

1. the requirements of the Transport (Scotland) Act 2005 and the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005;
2. the requirements of the wider legislative framework within which the Partnership operates;
3. current and subsequent guidance from the Scottish Government;
4. provisions in the Partnership's current Standing Orders, Financial Regulations and other approved policies;
5. availability of appropriate financial provision in respect of the actions to be undertaken using delegated authority;
6. avoidance of conflicts of interest and maintenance of full transparency and accountability in all actions taken on behalf of the Partnership;
7. seeking appropriate professional advice from the Partnership's appointed Proper Officers and other advisers prior to authority being exercised.

The Partnership Director shall act as Chief Executive Officer 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*

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*

2. to take such measures as may be required in the interests of the Partnership in emergencies subject to advising the Chair of the Partnership and the Secretary to the Partnership, where possible, and subsequently reporting to the appropriate Committee or to the Partnership as soon as possible thereafter on any items for which approval of the Committee or Partnership would normally be necessary;

*Corporate governance*

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;

*External relations*

4. 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;
5. to take out membership of and to attend meetings of appropriate external bodies and professional associations where in the interests of the Partnership and compatible with the duties of the Partnership Director and to so do;
6. to issue press releases for publication and broadcasting on behalf of the Partnership;

### *Staff management*

7. to make recommendations to the Partnership or the Board (or the Executive Committee where appointed), for the appointment of employees of the Partnership below the level of the Partnership Director;
8. 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;

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

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 and Member support services required to enable the Partnership to conduct its business;

### *Contracts and procurement*

10. to engage the services of outside persons, consultants, firms or organisations to perform services on behalf of the Partnership in cases where such action is permissible within the Financial Regulations;
11. to draw up specifications for tendering for goods and services to be procured by the Partnership;
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*

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;
14. to manage the disbursement of the Partnership's capital funds in accordance with the approved programme of capital project support;
15. to authorise the payment of Members' expenses on receipt of valid claims;

### *Risk management*

16. to undertake periodic risk assessments and effect any necessary insurance to protect the interests of the Partnership;
17. to make arrangements with insurance companies concerning the settlement of claims;

### *Consultation*

18. to respond on behalf of the Partnership to consultative documents issued by the Scottish Government or other external agencies;
19. to consult on behalf of the Partnership with the Scottish Government, HITRANS member 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.

### *Execution of Deeds*

20. to execute deeds and sign other formal documents on the Partnership's behalf.