

Article 12 - Officers

Statutory Officers

- 12.1 The Combined Authority is required to appoint or designate the following statutory officers:
- Head of Paid Service
 - Monitoring Officer, and
 - Section 73 Chief Finance Officer
- 12.2 By law, some functions of the Monitoring Officer and Section 73 Chief Finance Officer (apart from the administration of the financial affairs of the Combined Authority) must be carried out personally or carried out by a deputy nominated by them in cases of absence or illness.

Statutory Officer	Post-holder	Deputy
Head of Paid Service	Interim Chief Executive	S73 Officer
Section 73 Chief Finance Officer	S151 Officer, East Riding of Yorkshire Council	Deputy S151 Officer, East Riding of Yorkshire Council
Monitoring Officer	Assistant Director Legal, Capital Delivery and Governance, Kingston upon Hull City Council	Combined Authority Legal Adviser, Legal, Capital Delivery and Governance, Kingston upon Hull City Council

Head of Paid Service - Statutory Functions

- 12.3 The Head of Paid Service, where the Head of Paid Services considers it appropriate, must prepare a report to the Combined Authority setting out their proposals in relation to:
- the manner in which the discharge by the Combined Authority of its different functions is co-ordinated, the number and grades of staff required by the Combined Authority for discharging its functions,
 - the organisation of the Combined Authority's staff, and
 - the appointment and proper management of the Combined Authority's staff.

The Combined Authority must consider any such report at a meeting within three months of the report first being sent to the Combined Authority Members.

- 12.4 The Head of Paid Service must consider any application for exemption from political restriction in respect of any post in the Combined Authority by the holder for the time being of that post and may give directions to the Combined Authority to include a post in the list of politically restricted posts.

Monitoring Officer - Statutory Functions

- 12.5 If it appears to the Monitoring Officer that any proposal, decision or omission by the Combined Authority would give rise to unlawfulness or to maladministration, the Monitoring Officer must send a report to each Combined Authority Member (after consulting so far as practicable with the Head of Paid Service and Section 73 Chief Finance Officer). The Combined Authority must consider any such report at a meeting not more than 21 days after copies of the report are first sent to the Combined Authority Members. The Combined Authority must ensure that the implementation of the proposal or decision must be suspended until the report has been considered.
- 12.6 The Monitoring Officer has a statutory role in relation to promoting and maintaining ethical standards - see further Article 8 (Audit and Ethical Arrangements).

Section 73 Chief Finance Officer - Statutory Functions

- 12.7 The Section 73 Chief Finance Officer is responsible for the administration of the financial affairs of the Combined Authority, in accordance with Section 73 of the Local Government Act 1985.
- 12.8 After consulting so far as practicable with the Head of Paid Service and the Monitoring Officer, the Section 73 Chief Finance Officer must prepare a report if it appears to the Section 73 Chief Finance Officer that the Combined Authority:
- has made or is about to make a decision which involves or will involve incurring unlawful expenditure, or
 - has taken or is about to take a course of action which would be unlawful or is likely to cause a loss or deficiency, or
 - is about to enter an item of account unlawfully.
- 12.9 The Section 73 Chief Finance Officer must also make such a report if it appears that the expenditure of the Combined Authority incurred in a financial year is likely to exceed the resources available to the Combined Authority.
- 12.10 The Section 73 Chief Finance Officer must send a copy of any such report to the External Auditor and to each Combined Authority Member. The Combined Authority must consider the report at a meeting not later than 21 days after the report has been sent to Combined Authority Members and decide whether to agree or disagree with the views contained in it, and what action it proposes to take. The External Auditor must be notified of the meeting and as soon as practicable, any decision taken at the meeting.
- 12.11 There are restrictions on the actions which may be taken during the period beginning when the report is sent and ending after the Combined Authority has considered the report.

Data Protection Officer

- 12.12 The Combined Authority is required to designate an officer as its Data Protection Officer who is responsible for:
- informing and advising the Combined Authority and its employees about their obligations to comply with the General Data Protection Regulations (GDPR) and other data protection laws,
 - monitoring compliance with the GDPR and other data protection laws, including:
 - o managing internal data protection activities,
 - o advising on data protection impact assessments,
 - o training staff, and
 - o conducting internal audits in relation to data.
 - being the first point of contact for supervisory authorities and for individuals whose data is processed.

Scrutiny Officer

- 12.13 The Combined Authority is required to designate an officer as its Scrutiny Officer - see further Article 7 (Overview and Scrutiny).

Proper Officers

- 12.14 The Combined Authority appoints Proper Officers to discharge specific functions.
- 12.15 The Proper Officers for the Combined Authority are set out in the Officer Delegation Scheme in Section 4 of Part 3 (Responsibility for Functions) of the Constitution.

Duty to Provide Sufficient Resources

- 12.16 The Combined Authority provides the Head of Paid Service, Monitoring Officer, Section 73 Chief Finance Officer and Data Protection Officer with such officers, accommodation and other resources as are in the opinion of the officer sufficient to allow their duties to be performed.

Political Restrictions

- 12.17 The following are regarded as holding politically restricted posts under the Combined Authority:
- specified senior officers, and
 - the Mayor's Political Adviser.
- 12.18 The Combined Authority also maintains a list of other posts which are politically restricted.
- 12.19 Requirements for restricting political activities apply to these postholders.

Delegation to Officers

- 12.20 Non-Mayoral Functions may be exercised by an officer with delegated authority - see further Article 2 (the Combined Authority) and the Officer Scheme of Delegation in Part 3 of the Constitution.
- 12.21 Mayoral Functions may be exercised by an officer in accordance with arrangements made by the Mayor - see further Articles 4 (the Mayor) and the Officer Scheme of Delegation in Part 3 of the Constitution.
- 12.22 Officers must comply with Article 13 (Decision-making) when exercising authority delegated to them.

Conduct

- 12.23 An officer must comply with any applicable Officer Code of Conduct and protocol or policy relating to ethical standards - see further Article 8 (Audit and Ethical Standards) and Part 5 of the Constitution.

Employment

- 12.24 A Combined Authority Member is disqualified from being appointed as an officer.

Appointment: Canvassing of and Recommendations by Members

- 12.25 Any candidate who canvasses any Combined Authority Member (directly or indirectly) for any appointment under the control of the Combined Authority will be disqualified from appointment.
- 12.26 A Combined Authority Member shall not solicit any person for any appointment under the control of the Combined Authority, but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience or character for the candidate to submit to the Combined Authority with an application for employment.

Appointment: Relatives of Members or Officers

- 12.27 A candidate for any appointment under the control of the Combined Authority who is related to any officer or Combined Authority Member shall, when making application, disclose that relationship to the Head of Paid Service. A candidate who fails to disclose such relationship will be:
- disqualified from appointment, or
 - if appointed, liable to dismissal without notice.
- 12.28 A Combined Authority Member or officer shall disclose to the Head of Paid Service any relationship known to exist between the Combined Authority Member or officer and any person who is a candidate for appointment with the Combined Authority. The Head of Paid Service shall report any such disclosure to the Combined Authority.
- 12.29 No candidate so related to a Combined Authority Member or officer will be appointed without the approval of the relevant officer with delegated authority identified for those purposes in the Officer Delegation Scheme.