

Article 5. Officers

1. Statutory Officers

- 1.1 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
- 1.2 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 County Authority) must be carried out personally or carried out by a deputy nominated by them in cases of absence or illness.

2. Chief Officers

- 2.1 Chief Officers for the purposes of **Part 3** (Scheme of Delegation of Functions to Chief Officers) of this Constitution means the Head of Paid Service, the Monitoring Officer, the Executive Director of Resources (Section 73 Officer), the Executive Director of Place, and the Executive Director of Inclusive Growth

Head of Paid Service (Chief Executive) – Statutory Functions

- 2.2 The Head of Paid Service, where the Head of Paid Services considers it appropriate, must prepare a report to the Combined County Authority setting out their proposals in relation to:
- the manner in which the discharge by the Combined County Authority of its different functions is coordinated,
 - the number and grades of staff required by the Combined County Authority for discharging its functions,
 - the organisation of the Combined County Authority's staff, and
 - the appointment and proper management of the Combined County Authority's staff.
- 2.3 The Combined County Authority must consider any such report at a meeting within three months of the report first being sent to the Combined County Authority Members.
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- 2.4 The Head of Paid Service must consider any application for exemption from political restriction in respect of any post in the Combined County Authority by the holder for the time being of that post and may give directions to the Combined County Authority to include a post in the list of politically restricted posts.

Monitoring Officer – Statutory Functions

- 2.5 If it appears to the Monitoring Officer that any proposal, decision, or omission by the Combined County Authority would give rise to unlawfulness or to maladministration, the Monitoring Officer must send a report to each Combined County Authority Member (after consulting so far as practicable with the Head of Paid Service and Section 73 Chief Finance Officer). The Combined County 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 County Authority Members.

The Combined County Authority must ensure that the implementation of the proposal or decision must be suspended until the report has been considered.

Section 73 Officer – Statutory Functions

- 2.6 The Section 73 Chief Finance Officer is responsible for the administration of the financial affairs of the Combined County Authority, in accordance with Section 73 of the Local Government Act 1985.
- 2.7 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 County 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.
- 2.8 The Section 73 Chief Finance Officer must also make such a report if it appears that the expenditure of the Combined County Authority incurred in a financial year is likely to exceed the resources available to the Combined County Authority.
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2.9 The Section 73 Chief Finance Officer must send a copy of any such report to the Local Auditor and to each Combined County Authority Member. The Combined County Authority must consider the report at a meeting not later than 21 days after the report has been sent to Combined County Authority Members and decide whether to agree or disagree with the views contained in it, and what action it proposes to take. The Local Auditor must be notified of the meeting and as soon as practicable, any decision taken at the meeting.

3. Statutory Scrutiny Officer

3.1 The Combined County Authority must designate one of its officers as the Statutory Scrutiny Officer, whose responsibilities and functions are set out in the Overview and Scrutiny Procedural Rules of this constitution. They may not be an officer of a Constituent Council.

4. Data Protection Officer

4.1 The Combined County Authority must appoint a Data Protection Officer in accordance with the UK General Data Protection Regulation.

5. Head of Internal Audit

5.1 The EMCCA must appoint a Head of Internal Audit in order to comply with its internal audit obligations contained in the Accounts and Audit Regulations 2015.

6. General

6.1 The Combined County Authority may engage such staff (referred to as officers), as it considers necessary to carry out its functions.

6.2 Officers will comply with the Code of Conduct for Officers.

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