

## **Part 3 – Officer Scheme of Delegation**

### **Chapter 2 – Statutory Functions which are allocated to Officers**

This section sets out those Officers who have been designated by the Council to discharge specified statutory functions.

#### **1. Legislation, Function and Post**

<b>Legislation</b>	<b>Function</b>	<b>Proper Officer</b>
Section 4 Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
Sections 5 and 5A Local Government and Housing Act 1989	Monitoring Officer	Director of Law & Governance
Section 151 LGA 1972	Chief Financial Officer	Chief Operating Officer
Section 28(1) Representation of the People Act 1983	Acting Returning Officer (Parliamentary Election)	Chief Executive
Section 35(3) Representation of the People Act 1983	Returning Officer (Local Election)	Chief Executive
Section 8(2) Representation of the People Act 1983	Electoral Registration Officer	Chief Executive
Section 6(A1) Local Authority Social Services Act 1970	Director of Adult Social Services	Director of People & Resilience
Section 18 Children Act 2004	Director of Children’s Services	Director of People & Resilience
Section 72(1)(a) Weights and Measures Act 1985	Chief Inspector of Weights and Measures	Director of Law & Governance
Section 73A National Health Service Act 2006, as amended by Health and Social Care Act 2012	Director of Public Health	Director of Public Health
Section 31 Local Democracy, Economic Development and Construction Act 2009	Statutory Scrutiny Officer	Director of Policy and Participation

**2. The Council employs the following Proper or appropriate Officers:**

<b>Legislation</b>	<b>Function</b>	<b>Proper Officer</b>
<b>Local Government Act 1972</b>		
Section 83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Chief Executive
Section 84(1)	Receipt of notice of resignation of elected Member	Chief Executive
Section 88(2)	Convening a meeting of Council to fill a casual vacancy in the office of Chair	Chief Executive
Section 89(1)	Notice of casual vacancy	Chief Executive
Section 100A – 100H	Assess to Information and admission of public (including press) to meetings	Chief Executive
Section 115(2)	Receipt of money due from officers	Chief Executive
Section 146(1) (a) and (b)	Declarations and certificates with regard to transfer of securities	Chief Operating Officer
Section 225	Deposit of documents	Chief Executive
Section 228(3)	Accounts for inspection by any Member of the Council	Chief Operating Officer
Section 229(5)	Certification of photographic copies of documents	Director of Law & Governance
Section 234	Authentication of documents	Director of Law & Governance
Section 238	Certification of byelaws	Director of Law & Governance
Section 248	Officer who will keep the Roll of Freeman	Chief Executive
Schedule 12, Para 4(2)(b)	Signing of summons to Council meeting	Chief Executive
Schedule 12, Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Chief Executive

<b>Legislation</b>	<b>Function</b>	<b>Proper Officer</b>
Schedule 14, Para 25 (7)	Certification of resolution concerning the Public Health Acts 1875 to 1925	Director of Law & Governance
<b>Local Government Act 1974</b>		
Section 30(5)	To give notice that copies of an Ombudsman's report are available	Chief Executive
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
Section 41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Chief Executive
<b>Local Authorities Cemeteries Order 1977</b>		
Regulation 10	To sign exclusive rights of burial	Director of Law & Governance
<b>Representations of the People Act 1983</b>		
Sections 82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Chief Executive
<b>Local Elections (Principal Areas) (England) Rules 2006</b>		
Schedule 2, Rule 54	Retention and public inspection of documents after an election	Chief Executive
<b>Local Government and Housing Act 1989</b>		
Section 2(4)	Recipient of the list of politically restricted posts	Director of Law & Governance
3A(1)	Grant and supervision of exemptions from political restriction	Chief Executive
<b>Local Government (Committees and Political Groups) Regulations 1990</b>		
Regulation 8	For the purposes of the composition of Committees and nominations to political	Monitoring Officer

<b>Legislation</b>	<b>Function</b>	<b>Proper Officer</b>
	groups	
<b>Local Authorities (Standing Orders) (England) Regulations 2001</b>		
Schedule 1 Part 2	Notification of appointment or dismissal of officers	Chief Executive
<b>The Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2012</b>		
Regulation 12	Recording of Executive decisions made at meetings of the Executive Board	Monitoring Officer
Regulation 14	Inspection of documents following Executive decisions	Monitoring Officer
Regulation 15	Inspection of background papers	Monitoring Officer
Regulation 13	Individual Executive decisions	Monitoring Officer
Regulation 7	Access to agenda and connected reports	Monitoring Officer
Regulation 9	Publicity in connection with key decisions	Monitoring Officer
Regulation 10	General exception relating to the Forward Plan	Monitoring Officer
Regulation 16	Members' rights of access to documents	Monitoring Officer
Regulation 7(2)	Confidential / exempt information and exclusion of public from meetings	Monitoring Officer
<b>Building Act 1984</b>		
Section 78	Dangerous buildings or structures	Director of Law and Governance
Section 93	Authentication of documents	Director of Law and Governance
<b>Food Safety Act 1990</b>		
Section 49(3)(a)	Authentication of documents	Director of Law & Governance

<b>Legislation</b>	<b>Function</b>	<b>Proper Officer</b>
<b>Public Health Act 1936</b>		
Section 85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Director of Law & Governance
<b>Public Health Act 1961</b>		
Section 37	Control of any verminous article	Director of Law & Governance
<b>The Health Protection (Local Authority Powers) Regulations 2010</b>		
Regulation 2	Exclusion from school of a child liable to convey a notifiable disease	Director of Law & Governance
Regulation 3	Requesting names and addresses of pupils attending a school or department of a school	Director of Law & Governance
Regulations 4-7	Disinfection of things and premises	Director of Law & Governance
Regulation 8	Request for co-operation for health protection purposes	Director of Law & Governance
Regulations 9,10	Restriction of Access to and control of dead bodies	Director of Law & Governance
Part 2A	Authority to apply to a JP for a Part 2A Order that imposes restrictions or requirements on a person (or persons), or relating to a thing (or things), a body or human remains, or premises, to protect human health against infection or contamination that presents, or could present, significant harm to human health.	Director of Law & Governance
Section 48	Certifying that the retention of a body in a building would endanger health	Director of Law & Governance
Section 59	Authentication of documents relating to matters within his/her responsibility	Director of Law & Governance

<b>Legislation</b>	<b>Function</b>	<b>Proper Officer</b>
<b>National Assistance Act 1948</b>		
Section 47	Removal to suitable premises of people in need of care and attention	Director of People & Resilience
<b>National Assistance (Amendment) Act 1951</b>		
Section 1	Certification of the need for immediate action	Director of People & Resilience
<b>National Health Service Act 2006, as amended by the Health and Social Care Act 2012</b>		
Section 73A (1) (a)	the exercise by the authority of its functions under section 2B, 111 or 249 or Schedule 1	Director of Public Health
Section 73A (1) (b)	the exercise by the authority of its functions by virtue of section 6C(1) or (3),	Director of Public Health
Section 73A (1) (c)	anything done by the authority in pursuance of arrangements under section 7A	Director of Public Health
Section 73A (1) (d)	the exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health,	Director of Public Health
Section 73A (1) (e)	the functions of the authority under section 325 of the Criminal Justice Act 2003	Director of Public Health
Section 73A (1) (f)	such other functions relating to public health as may be prescribed	Director of Public Health
<b>Freedom of Information Act 2000</b>		
Section 36	To carry out the functions of the 'qualified person' for the purposes of determining prejudice to effective conduct of public affairs	Monitoring Officer