

## Part 2 – Statutory Functions which are allocated to Officers

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

### 1. Legislation Function Post

Legislation	Function	Proper Officer
Section 4 Local Government and Housing Act 1989	Chief Executive	The Chief Executive
Sections 5 and 5A Local Government and Housing Act 1989	Monitoring Officer	Monitoring Officer and Assistant Director of Law and Governance
Section 151 LGA 1972	Chief Finance Officer	Corporate Director of Finance, Governance and Property
Section 35(1) Representation of the People Act 1983	Returning Officer	The Chief Executive
Section 8 Representation of the People Act 1983	Electoral Registration Officer	The Chief Executive
Care Act 2014	Corporate Director of Adult Social Services	Corporate Director of Adults, Health and Commissioning
Section 18 Children Act 2004	Corporate Director of Children's Services	Corporate Director of Children's Services
Section 72(1)(a) Weights and Measures Act 1985	Chief Inspector of Weights and Measures	Assistant Director of Planning, Transport and Public Protection
Section 73A of the National Health Service Act 2006, as amended by the Health and Social Care Act 2012	Director of Public Health	Director of Public Health

### 2. The Council employs the following Proper or appropriate Officers

Legislation	Function	Proper Officer
<b>Local Government Act 1972</b>		
Section 83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	The Chief Executive
Section 84(1)	Receipt of notice of resignation of elected Member	The Chief Executive

Legislation	Function	Proper Officer
Section 88(2)	Convening a meeting of Council to fill a casual vacancy in the office of Chair	The Chief Executive
Section 89(1)	Notice of casual vacancy	The Chief Executive
Section 100A – 100H (except 100(D))	Admission of public (including press) to meetings	The Chief Executive
Section 100(D)	Compile list of background papers for reports and make copies available for public inspection	The Chief Executive
Section 115(2)	Receipt of money due from officers	The Chief Executive
Section 146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Corporate Director of Finance, Governance and Property
Section 191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Director of Place
Section 225	Deposit of documents	The Chief Executive
Section 228(3)	Accounts for inspection by any Member of the Council	Corporate Director of Finance, Governance and Property
Section 229(5)	Certification of photographic copies of documents	Monitoring Officer
Section 234	Authentication of documents	Monitoring Officer
Section 238	Certification of byelaws	Monitoring Officer
Section 248	Officer who will keep the Roll of Freemen	The Chief Executive
<b>Schedule 12</b>		
Para 4(2)(b)	Signing of summons to Council meeting	The Chief Executive
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	The Chief Executive
<b>Schedule 14</b>		
Para 25	Certification of resolution concerning the Public Health Acts 1875 to 1925	Director of Place
<b>Local Government Act 1974</b>		
Section 30(5)	To give notice that copies of an Ombudsman's report are available	The Chief Executive

Legislation	Function	Proper Officer
<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	The Chief Executive
<b>Local Authorities Cemeteries Order 1977</b>		
Regulation 10	To sign exclusive rights of burial	Director of Place
<b>Planning and Compulsory Purchase Act 2004 (introduced by Section 110 of the Localism Act 2011)</b>		
Section 33A(1) Planning and Compulsory Purchase Act 2004	Duty to cooperate	Director of Place
<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	The Chief Executive
<b>Local Elections (Principal Areas) (England) Rules 2006</b>		
Schedule 2, Rule 53	Retention and public inspection of documents after an election	The Chief Executive
<b>Local Government and Housing Act 1989</b>		
Section 2(4)	Recipient of the list of politically restricted posts	Monitoring Officer and Assistant Director of Law and Governance
<b>Local Government (Committees and Political Groups) Regulations 1990</b>		
Regulation 8	For the purposes of the composition of Committees and nominations to political groups	Monitoring Officer
<b>Local Authorities (Members' Interests) Regulations 1992</b>		
Regulations 3,4,5 and 6	Functions relating to keeping a record of Members' interests	Monitoring Officer
<b>Local Authorities (Standing Orders)(England) Regulations 2001</b>		
Schedule 1 Part 2	Notification of appointment or dismissal of officers	The Chief Executive
<b>The Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000</b>		
Regulation 3	Recording of Executive decisions made at meetings of the Executive Board	Monitoring Officer

Legislation	Function	Proper Officer
Regulation 5	Inspection of documents following Executive decisions	Monitoring Officer
Regulation 6	Inspection of background papers	Monitoring Officer
Regulation 9	Individual Executive decisions	Monitoring Officer
Regulation 11	Access to agenda and connected reports	Monitoring Officer
Regulation 12	Publicity in connection with key decisions	Monitoring Officer
Regulation 15	General exception relating to the Forward Plan	Monitoring Officer
Regulation 17	Members' rights of access to documents	Monitoring Officer
Regulation 21	Confidential/exempt information and exclusion of public from meetings	Monitoring Officer
<b>Building Act 1984</b>		
Section 93	Authentication of documents	Director of Place
<b>Food Safety Act 1990</b>		
Section 49(3)(a)	Authentication of documents	Assistant Director of Planning, Transport and Public Protection
<b>Public Health (Control of Disease) Act 1984</b>		
NB: Repeal of sections 31-32 due to be brought into effect under s 130, Health and Social Care Act 2008.		
Section 31	Certification by officer of need for disinfection of premises	Assistant Director of Planning, Transport and Public Protection
Section 32	Certification by officer of need to remove person from infected house	Assistant Director of Planning, Transport and Public Protection
<b>Public Health Act 1936</b>		
Section 85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Assistant Director of Planning, Transport and Public Protection
<b>Public Health Act 1961</b>		
Section 37	Control of any verminous article	Assistant Director of Planning, Transport and Public Protection

Legislation	Function	Proper Officer
<b>Public Health (Control of Disease) Act 1984</b>		
As above repeal due to be brought into effect under s 130, Health and Social Care Act 2008 – save for sections 48 and 59 below.		
Section 11	Receiving and dealing with notifications about cases of notifiable diseases and food poisoning	Assistant Director of Planning, Transport and Public Protection
Section 18	Obtaining information about cases of notifiable disease or food poisoning	Assistant Director of Planning, Transport and Public Protection
Section 20	Stopping of work to prevent spread of disease	Assistant Director of Planning, Transport and Public Protection
Section 21	Exclusion from school of a child liable to convey a notifiable disease	Assistant Director of Planning, Transport and Public Protection
Section 22	Requesting names and addresses of pupils attending a school or department of a school	Assistant Director of Planning, Transport and Public Protection
Section 36	Issuing certificates to obtain an order for and carrying out a medical examination of persons believed to be carrying a notifiable disease	Assistant Director of Planning, Transport and Public Protection
Section 40	Obtain a warrant to and carry out a medical examination of inmates of a common lodging house	Assistant Director of Planning, Transport and Public Protection
Section 42	Certifying a common lodging house to be free from infection	Assistant Director of Planning, Transport and Public Protection
Section 43	Certifying that the body of a person who dies in hospital from a notifiable disease shall not be moved except to be taken to a mortuary or immediately buried or cremated	Assistant Director of Planning, Transport and Public Protection
Section 48	Certifying that the retention of a body in a building would endanger health	Assistant Director of Planning, Transport and Public Protection
Section 59	Authentication of documents relating to matters within his/her responsibility	Assistant Director of Planning, Transport and Public Protection

Legislation	Function	Proper Officer
<b>National Assistance Act 1948</b>		
Section 47	Removal to suitable premises of people in need of care and attention	Corporate Director of Adults, Housing and Health
<b>National Assistance (Amendment) Act 1951</b>		
Section 1	Certification of the need for immediate action	Corporate Director of Adults, Housing and Health
<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