**Governance Framework Document**

**Document F: Statutory Officers**

**Statutory Officers**

Legislation requires local authorities to appoint certain officers with statutory responsibilities. These appointments, the functions they are responsible for and the officer to whom the Council has allocated responsibility are in the table below. For more information on Proper Officers, see Article 5 of the Constitution – Officers.

| **Title and Statutory Derivation** | **Officer Appointed** | **Function** |
| --- | --- | --- |
| Director of Children’s Services S18 Children’s Act 2004 | Corporate Director for Children and Education Services | The functions conferred or exercisable by the authority which are specified in s.18(2) Children Act 2004; and such other functions conferred or exercisable by the authority as may be prescribed by the Secretary of State by regulations; and such additional other functions conferred or exercisable by the authority as the authority considers appropriate. |
| Director of Adult Social Services  (S6 Local Authority Social Services Act 1970) | Corporate Director for Adult Social Care and Health | The functions are the authority’s social services functions, other than those for which the local authority’s Director of Children’s Services is responsible under S18 Children Act 2004 |
| Officer responsible for financial administration (S151 Local Government Act 1972) | Corporate Director Finance and Resources | The functions are:   1. Ensuring lawfulness and financial prudence of decision making – after consulting with the Head of Paid Service and the Monitoring Officer, to report to Council, or the Executive Board in relation to executive functions, and the Council's external auditor if it appears to him/her that any proposal, decision or course of action would involve incurring unlawful expenditure, is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully. 2. Administration of financial affairs – responsibility for the administration of the financial affairs of the Council. 3. Contributing to corporate management – in particular through the provision of professional financial advice. 4. Providing advice – to provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all members of the Council and to support and advise councillors and officers in their respective roles. 5. Giving financial information – to provide appropriate financial information to the media, members of the public and the community. 6. The Chief Finance Officer within Resources is the designated Section 151 Responsible Financial Officer. The Council will provide the Chief Finance Officer with such officers, accommodation and other resources as are, in their opinion, sufficient to allow their duties to be performed. |
| Head of Paid Service (S4 Local Government and Housing Act 1989) | Chief Executive | The duties of the Head of Paid Service are to report to the Council where necessary setting out proposals with respect to the co- ordination of the Council’s functions, the number and grades of staff required and the organisation, appointment and proper management of the Council’s staff. |
| Monitoring Officer  (S5 Local Government and Housing Act 1989) | Director of Legal and Governance | Functions of the Monitoring Officer include:   1. Maintaining the Constitution – to maintain an up-to-date version of the Constitution which is widely available to members, staff and the public; 2. Ensuring lawfulness and reasonableness of decision making – after consulting with the Head of Paid Service and the Chief Finance Officer, to report to Council or to the Executive Board in relation to an executive function, if it appears to him/her that any proposal, decision or omission has given or would give rise to contravention of any enactment or rule of law or to maladministration, provided in the last mentioned case, the Local Government Ombudsman has investigated the matter concerned. Such reports would have the effect of stopping the implementation of the proposal or decision until the report has been considered; 3. Supporting the Standards Committee – to contribute to the promotion and maintenance of high standards of conduct; 4. To receive complaints and, where appropriate, conduct investigations into matters and to report and make recommendations in respect of them to the Standards Committee liaising with the Independent Person as required 5. Proper officer for access to information – to ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible; 6. Advising whether executive decisions are within the budget and policy framework – to advise whether decisions of the executive are in accordance with the agreed budget and policy framework; 7. Providing advice – to provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all members of the Council. |
| Electoral Registration Officer and Returning Officer  (Ss 8, 28 and 35 Representation of the People Act 1983) | Chief Executive | Functions of the Electoral Registration Officer and Returning Officer relating to parliamentary, local government and other relevant elections and referenda include:   1. power to assign officers in relation to requisitions of the registration officer; 2. duty to provide assistance at European Parliamentary elections; 3. powers in respect of holding of elections; 4. power to pay expenses properly incurred by electoral registration officers; 5. power to fill vacancies in the event of insufficient nominations; 6. duty to declare vacancy in office in certain cases; 7. duty to give public notice of casual vacancy; 8. duties relating to publicity; 9. duties relating to notice to Electoral Commission. 10. power to approve changes to the agreed scheme of polling places in between formal reviews, in consultation with the leaders of all political groups and any ungrouped councillors, required for the following reasons:  * unavailability – original polling place is no longer available * portable unit – a more accessible polling place is available   Note: The following sub-delegations in relation to DEROs are also in place:   1. The Director for Legal and Governance is authorised to act as DERO performing and exercising any and all of the Deputy Chief Executives current duties and powers as Electoral Registration Officer, including adjudicating upon hearings and appeals to objections and reviews of entries to the Register of Electors. 2. The Director of Legal and Governance and the Head of Legal and Governance are authorised to perform and exercise the duties of a DERO, to determine objections and reviews, including adjudicating upon hearings and appeals to objections and reviews of entries to the Register of Electors. 3. The Electoral Registration Officer and his/her deputy are authorised to perform the full powers detailed in (2) above and to appoint additional DEROs as necessary. |
| Scrutiny Officer  S31(2) Local Democracy, Economic Development and Construction Act 2009 | Head of Governance | Functions of the Scrutiny Officer include:   1. The promotion of the role of the authority's overview and scrutiny committee or committees. 2. The provision of support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees. 3. The provision of support and guidance to: 4. members of the authority, 5. members of the executive of the authority, and 6. officers of the authority,   in relation to the functions of the authority's overview and scrutiny committee or committees. |
| Director of Public  Health (S73A National Health Service Act 2006) | Director for Public  Health | Functions of the Director for Public Health include:   1. Preparing an annual report on the health of citizens 2. Taking steps to improve public health 3. Responsibility for any of the public health protection or health improvement functions delegated to local authorities by the Secretary of State 4. Planning for, and responding to, emergencies that present a risk to public health 5. Co-operating with the police, the probation service and prison service to assess the risks posed by violent or sexual offenders 6. Attending Health and Wellbeing Board meetings. |
| Data Protection Officer  (S69 Data Protection Act 2018) | Data Protection Team Leader | Functions of the Data Protection Officer include:   1. informing and advising the controller, any processor engaged by the controller, and any employee of the controller who carries out processing of personal data, of that person’s obligations under the Act 2. providing advice on the carrying out of a data protection impact assessment under section 64 of the Act and monitoring compliance with that section 3. co-operating with the Information Commissioner 4. acting as the contact point for the Information Commissioner on issues relating to processing, including in relation to the consultation required the Act, and consulting with the Commissioner, where appropriate, in relation to any other matter 5. monitoring compliance with policies of the controller in relation to the protection of personal data.   The Data Protection Officer should have a reporting line to a Chief Officer (the Senior Information Risk Owner). |
| Chief Inspector of Weights & Measures  (S72 of the Weights and Measures Act 1985) | Principal Trading Standards Officer | Section 72 of the Weights & Measures Act 1985 states ‘ Each local weights & measures authority shall from time to time appoint from among persons holding certificates of qualification under section 73, and reasonably remunerate, a Chief Inspector of Weights & Measures’. The Chief Inspector is required to discharge in the authority’s area all of the functions conferred or imposed on inspectors by or under this Act. For example, a chief inspector shall be responsible to the local weights and measures authority for the custody and maintenance of the local standards, working standards and testing and stamping equipment provided for the area for which he/she was appointed. |
| Traffic Manager  (S17 Traffic Management Act 2004) | Job Title | The functions of the Traffic Manager, as prescribed in Section 17 of the Traffic Management Act 2004, are to perform such tasks as the Council consider appropriate for planning and carrying out the action to be taken in performing its network management duty, with the objectives of securing the expeditious movement of traffic on the authority’s road network and facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority. These arrangements must include provision for establishing processes for ensuring (as far as reasonably practicable) that the authority:   1. Identify things (including future occurrences) which are causing, or which have the potential to cause, (significant) road congestion or other disruption to the movement of traffic on the road network; and 2. Consider any possible action that could be taken in response to (or in anticipation of) anything so identified.   The arrangements must also include provision for ensuring that the authority:   1. Determine specific policies or objectives in relation to the different roads or classes of roads in their road network 2. Monitor the effectiveness of the authority’s organisation and decision making processes; and also the implementation of the decisions 3. Assess the authorities performance in managing the road network 4. Keep under review the effectiveness of the arrangements in place in performing its network management duty. |