

# Proper Officer Provisions and Designation of Officers to Statutory Functions

The relevant post holders listed in this section have been designated as Proper Officers, or have been designated to fulfil statutory functions or roles for the purposes of the adjacent legislative provisions and any subsequent amendments: -

| Legislative Provision            | Function                                                                                                                     | Proper Officer     |
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| <b>Local Government Act 1972</b> |                                                                                                                              |                    |
| S.83(1) to (4)                   | Witness and receipt of Declaration of Acceptance of Office                                                                   | Monitoring Officer |
| S.84(1)                          | Receipt of notice of resignation of elected member                                                                           | Monitoring Officer |
| S.88(2)                          | Arranging a Council meeting to appoint a Chair of the Council                                                                | Monitoring Officer |
| S.89(1)                          | Notice of casual vacancy                                                                                                     | Monitoring Officer |
| S.100 (except 100(D))            | Admission of public (including press) to meetings                                                                            | Monitoring Officer |
| S.100B(2)                        | The officer who may exclude from agendas any information which is likely to be dealt with in the absence of press and public | Monitoring Officer |
| S.100B(7)                        | The officer to supply copies of documents to newspapers                                                                      | Monitoring Officer |
| S.100C(2)                        | The officer to prepare a written summary of the proceedings at committees and sub-committees                                 | Monitoring Officer |
| S.100D(1)(a)                     | The officer to prepare a list of background papers for inspection.                                                           | Monitoring Officer |

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| S.100D(5)(a)                                            | The officer to include in the list of background papers those documents which have been relied on.                 | Monitoring Officer                                      |
| S.100F(2)                                               | The officer to determine when a document should not be open to inspection because it discloses exempt information. | Monitoring Officer                                      |
| S.115(2)                                                | Receipt of money due from officers                                                                                 | Director of Finance & Resources and S.151 Officer       |
| S137A (5)                                               | Statement on Financial Assistance                                                                                  | Director of Finance & Resources and S.151 Officer       |
| S.146(1)(a) and (b)                                     | Declarations and certificates with regard to transfer of securities                                                | Director of Finance & Resources and S.151 Officer       |
| S.151 (and S.114 Local Government and Finance Act 1988) | The officer responsible for the proper administration of the Council's financial affairs                           | Director of Finance & Resources and S.151 Officer       |
| S.151 (and S.114 Local Government and Finance Act 1988) | The officer responsible for the proper administration of the Council's financial affairs - Deputy                  | Director of Finance & Resources and S151 Officer        |
| S.191 (2) and (4)                                       | Officer to whom an application under S.1 of the Ordinance Survey Act 1841 will be sent                             | Assistant Director of Governance and Monitoring Officer |
| S.225 (1) and (2)                                       | Deposit of documents                                                                                               | Assistant Director of Governance and Monitoring Officer |
| S.228(3)                                                | Accounts for inspection by any member of the Council                                                               | Director of Finance & Resources and S.151 Officer.      |

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| S.229(5)                                       | Certification of photographic copies of documents                                                                         | Team Manager (Solicitor)                                |
| s.234                                          | The officer required to give, make or issue any notice, order or other document under any enactment and to sign the same. | Monitoring Officer                                      |
| S.236(9) and (10)                              | Sending of copies of byelaws to parish councils, parish meetings and County Council                                       | Team Manager (Solicitor)                                |
| S.238                                          | Certification of byelaws                                                                                                  | Governance Manager                                      |
| S.248 and 249                                  | Officer who will keep the Roll of Honorary Aldermen and Freeman                                                           | Governance Manager                                      |
| <b>Local Government Act 1972 – Schedule 12</b> |                                                                                                                           |                                                         |
| Para 4(2)(b)                                   | Signing of summons to Council meeting                                                                                     | Assistant Director of Governance and Monitoring Officer |
| Para 4(3)                                      | Receipt of notice about address to which summons to meeting is to be sent                                                 | Assistant Director of Governance and Monitoring Officer |
| <b>Local Government Act 1972 – Schedule 14</b> |                                                                                                                           |                                                         |
| Para 25                                        | Certification of resolution passed under this paragraph (Street naming etc)                                               | Director of Growth and Assets                           |
| <b>Local Government Act 1974</b>               |                                                                                                                           |                                                         |
| S.30(5)                                        | To give notice that copies of an Ombudsman's report are available                                                         | Assistant Director of Governance and Monitoring Officer |

| <b>Local Government (Miscellaneous Provisions) Act 1976</b> |                                                                                           |                                                         |
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| S.41(1)                                                     | The officer who will certify copies of evidence of resolutions and minutes of proceedings | Assistant Director of Governance and Monitoring Officer |
| <b>Local Authorities Cemeteries Order 1977</b>              |                                                                                           |                                                         |
| Regulation 10                                               | To sign exclusive rights of burial                                                        | Managing Director                                       |
| <b>Representations of the People Act 1983</b>               |                                                                                           |                                                         |
| S.8                                                         | Registration Officer                                                                      | Assistant Director of Governance and Monitoring Officer |
| S.8                                                         | Deputy Registration Officer                                                               | Electoral Services Manager                              |
| S.35                                                        | Returning Officer for Local Elections                                                     | Assistant Director of Governance and Monitoring Officer |
| S.35                                                        | Deputy Returning Officer for Local Elections                                              | Electoral Services Manager                              |
| S.24                                                        | Acting Returning Officer for a Parliamentary Election                                     | Assistant Director of Governance and Monitoring Officer |
| S.24                                                        | Deputy Acting Returning Officer for a Parliamentary Election                              | Electoral Services Manager                              |

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| S.52                                                                             | To act in place of<br>Registration Officer                                                                                | Deputy Registration Officer<br>(see above)                                 |
| S.67                                                                             | Appointment of election<br>agent                                                                                          | Assistant Director of<br>Governance and<br>Monitoring Officer              |
| S.82 and 89                                                                      | Receipt of election<br>expense declarations and<br>returns and the holding of<br>those documents for public<br>inspection | Assistant Director of<br>Governance and<br>Monitoring Officer              |
| S.128, S.131, S.145,<br>S.146                                                    | Provisions relating to<br>election petitions                                                                              | Assistant Director of<br>Governance and<br>Monitoring Officer              |
| S. 200                                                                           | Publication of Notices<br>under the Act                                                                                   | Assistant Director of<br>Governance and<br>Monitoring Officer              |
| Sch. 4, (3), (6) and (8)                                                         | Elections Expenses                                                                                                        | Assistant Director of<br>Governance and<br>Monitoring Officer              |
| <b>Local Authorities (Conduct of Referendums) (England) Regulations 2012</b>     |                                                                                                                           |                                                                            |
| S.4, S41 and S.43                                                                | Publicity in connection with<br>the referendum and the<br>Declaration of result                                           | Assistant Director of<br>Governance and<br>Monitoring Officer              |
| <b>Local Elections (Parishes and Communities) (England and Wales) Rules 2006</b> |                                                                                                                           |                                                                            |
| Rules 5                                                                          | Officer to receive the<br>request for election to fill a<br>casual vacancy in a Parish<br>Council.                        | Assistant Director of<br>Governance and<br>Monitoring Officer              |
| <b>Local Government Act 2000</b>                                                 |                                                                                                                           |                                                                            |
|                                                                                  | All references to the<br>Proper Officer in the Local<br>Government Act 2000 and<br>subordinate legislation                | Head of Paid Services<br>except as specifically<br>provided in this scheme |

| <b>The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</b> |                                                                                |                                                         |
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| Regulation 2                                                                                                          | Determination of documents constituting Background Papers                      | Assistant Director of Governance and Monitoring Officer |
| Regulation 12                                                                                                         | Recording of Executive decisions made at meetings of the Executive or Cabinet. | Assistant Director of Governance and Monitoring Officer |
| Regulation 14                                                                                                         | Inspection of documents following Executive decisions                          | Assistant Director of Governance and Monitoring Officer |
| Regulation 15                                                                                                         | Inspection of background papers                                                | Assistant Director of Governance and Monitoring Officer |
| Regulation 13                                                                                                         | Individual Executive decisions                                                 | Assistant Director of Governance and Monitoring Officer |
| Regulation 7                                                                                                          | Access to agenda and connected reports                                         | Assistant Director of Governance and Monitoring Officer |
| Regulation 10                                                                                                         | General exception relating to Key Decisions                                    | Assistant Director of Governance and Monitoring Officer |
| Regulation 16                                                                                                         | Members' rights of access to documents                                         | Assistant Director of Governance and Monitoring Officer |
| Regulation 20                                                                                                         | Confidential/exempt information and exclusion of public from meetings          | Assistant Director of Governance and Monitoring Officer |
| <b>Building Act 1984</b>                                                                                              |                                                                                |                                                         |
| S.78                                                                                                                  | Signing of Notices                                                             | Managing Director                                       |

| <b>Public Health Act 1936</b>                |                                                                                                         |                                                         |
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| S.85(2)                                      | To serve notice requiring remedial action where there are verminous persons or articles                 | Managing Director                                       |
| <b>Public Health Act 1961</b>                |                                                                                                         |                                                         |
| S.37                                         | Control of any verminous article                                                                        | Managing Director                                       |
| <b>Localism Act 2011</b>                     |                                                                                                         |                                                         |
| S.33                                         | Submission of written requests for Standards Dispensations                                              | Assistant Director of Governance and Monitoring Officer |
| S.81                                         | Administration of Community Right to Challenge                                                          | Assistant Director of Governance and Monitoring Officer |
| S.87                                         | Maintenance of List of Assets of Community Value                                                        | Assistant Director of Governance and Monitoring Officer |
| <b>Freedom of Information Act 2000</b>       |                                                                                                         |                                                         |
| S.36                                         | Qualified Person determining prejudice to effective conduct of public affairs                           | Assistant Director of Governance and Monitoring Officer |
| <b>Local Government and Housing Act 1989</b> |                                                                                                         |                                                         |
| S.2(4)                                       | Recipient of the list of politically restricted posts                                                   | Assistant Director of Governance and Monitoring Officer |
| S.3A                                         | Grant employers certificate for exemptions and declarations in relation to politically restricted posts | Managing Director                                       |
| S.4                                          | Head of Paid Service                                                                                    | Managing Director                                       |

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| S.5                                                                        | The Monitoring Officer                                                                                                      | Assistant Director of Governance and Monitoring Officer |
| S.5                                                                        | Deputy Monitoring Officer                                                                                                   | Team Manager (Contentious) (Solicitor)                  |
| <b>Local Government (Committees and Political Groups) Regulations 1990</b> |                                                                                                                             |                                                         |
|                                                                            | For the purposes of the composition of committees and nominations to political groups                                       | Assistant Director of Governance and Monitoring Officer |
| <b>Local Authorities (Standing Orders) (England) Regulations 2001</b>      |                                                                                                                             |                                                         |
| Schedule 1, Part II, para 5.                                               | Officer who will be given written notice of appointment or dismissal of officers listed in Schedule 2, Part II, paragraph 3 | Managing Director                                       |
| <b>Data Protection Act 2018</b>                                            |                                                                                                                             |                                                         |
| S.69                                                                       | Data Protection Officer                                                                                                     | Information, Engagement and Performance Manager         |