

SECTION 18 – PROPER OFFICER PROVISIONS & DESIGNATION OF OFFICERS TO STATUTORY FUNCTIONS

## 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
<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
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

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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.
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 Freemen	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>		

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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>		
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	Chief Executive Officer
<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
S.52	To act in place of Registration Officer	Deputy Registration Officer (see above)
S.67	Appointment of election agent	Assistant Director of Governance and Monitoring Officer
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Assistant Director of Governance and Monitoring Officer
S.128, S.131, S.145, S.146	Provisions relating to election petitions	Assistant Director of Governance and Monitoring Officer

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S. 200	Publication of Notices under the Act	Assistant Director of Governance and Monitoring Officer
Sch. 4, (3), (6) and (8)	Elections Expenses	Assistant Director of Governance and Monitoring Officer
<b>Local Authorities (Conduct of Referendums) (England) Regulations 2012</b>		
S.4, S41 and S.43	Publicity in connection with the referendum and the Declaration of result	Assistant Director of Governance and Monitoring Officer
<b>Local Elections (Parishes and Communities) (England and Wales) Rules 2006</b>		
Rules 5	Officer to receive the request for election to fill a casual vacancy in a Parish Council.	Assistant Director of Governance and Monitoring Officer
<b>Local Government Act 2000</b>		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	Head of Paid Services except as specifically provided in this scheme
<b>The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</b>		
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

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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	Chief Executive Officer
<b>Public Health Act 1936</b>		
S.85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Chief Executive Officer
<b>Public Health Act 1961</b>		
S.37	Control of any verminous article	Chief Executive Officer
<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

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<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	Chief Executive Officer
S.4	Head of Paid Service	Chief Executive Officer
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	Chief Executive Officer
<b>Data Protection Act 2018</b>		
S.69	Data Protection Officer	Information, Engagement and Performance Manager