

**B6. Proper Officer Provisions**

<b>Function</b>	<b>Proper Officer</b>	<b>Person to act in the event of the Proper Officer being absent or otherwise unable to act</b>
Any reference in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 to the Clerk of a Council or the Town Clerk of a Borough.	Chief Executive	Monitoring Officer
Any reference in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 to the Treasurer of a local authority.	Chief Finance Officer	Head of Finance
Any reference in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the Public Health Inspector.	Director of Regeneration and Place	Head of Housing and Community Services
The following provisions of the <b>Local Government Act 1972</b> :		
Section 115(2) – the Officer who shall receive all money due from any other Officer of the Council.	Chief Finance Officer	Head of Finance

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Section 146(1) – the Officer who (upon a transfer of securities the alteration of the name of the District) shall make a statutory declaration specifying the securities and verifying the change of name and identity of the Council or shall give such a certificate as is prescribed.	Chief Finance Officer	Head of Finance
Section 151 – the Officer having responsibility for the proper administration of the financial affairs of the Council.	Chief Finance Officer	Head of Finance
The following provisions of the <b>Representation of the People Act 1983:</b>		
Section 8 and Section 52 – the Registration Officer for any constituency of part of a constituency coterminous with or situated in the Borough.	Chief Executive	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>
Section 35 (1) the Returning Officer for the election of Councillors of the District and for elections of Councillors of Parishes within the District and 52 Deputy Electoral Registration Officer.	Chief Executive	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>
Section 82 – To receive declarations of Election expenses.	Chief Executive	<del>Head of Policy, Communications and Governance</del> <u>Director of</u>

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		<u>Strategy, Insight and Governance</u>
<b>The following provisions of the Local Government Act 1972:</b>		
Section 83(1) – the Officer to whom a person elected shall deliver a declaration of acceptance of office in a form prescribed by rules made under Section 42 of the Act.	Chief Executive	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>
Section 84 – the Officer to whom a Member may give written notice of resignation.	Chief Executive	Head of Policy Communications and Governance
Section 86 – declare any vacancy in office.	Chief Executive	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>
Section 88(2) - the Officer who may convene a meeting for the election of Chairman of the Council following a casual vacancy in that office.	Chief Executive	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>
Section 89(1) – the Officer to whom notice shall be given of any casual vacancy occurring in the office of Councillor.	Chief Executive	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>

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Section 191(2) – the Officer who shall receive an application under Section 1 of the Ordnance Survey Act 1841.	Director of Finance and Business Improvement	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>
Section 210(6) – the Officer who shall exercise the powers relating to charities conferred by these subsections.	Director of Finance and Business Improvement	Head of Finance
Section 223 - authorise Officers to appear in legal proceedings (and Section 60 County Courts Act 1984).	Monitoring Officer	Deputy Monitoring Officer
Section 225(1) – the Officer who shall receive and retain documents deposited with the Council pursuant to the Standing Orders of either Houses of Parliament or to any enactment or instrument, and shall take such action relating to these documents as may be directed.	Director of Finance and Business Improvement	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>

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Section 229(5) – the Officer who shall certify a photographic copy of a document in the custody of the Council, or of a document which has been destroyed while in the custody of the Council, or of any part of any such document.	Monitoring Officer	Deputy Monitoring Officer
Schedule 12, Part I, para 4(3) – the Officer to whom a Member of the Council shall give notice in writing desiring summonses to attend meetings of the Council to be sent to an address specified in the notice other than his or her place of residence.	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>	Democratic Services Officer
Schedule 14, Part II, para 25(7) – the Officer who shall certify a resolution of the Council applying or disapplying provisions under the Public Health Acts 1875-1925.	Director of Regeneration and Place	Chief Executive
Section 234(1) – the Officer whose signature shall authenticate any notice, order or other document which the Council is required or authorised to issue by or under any enactment.	Monitoring Officer	Deputy Monitoring Officer

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Section 236(9) – the Officer who shall send a copy of every byelaw made by the Council and confirmed to the Proper Officer of every parish to which they apply.	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>	Monitoring Officer
Section 236(10) – the Officer who shall send a copy of every byelaw made by the Council and confirmed to the Council of the County.	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>	Monitoring Officer
Section 238 – the Officer who shall certify a printed copy of a byelaw of the Council.	Monitoring Officer	Deputy Monitoring Officer
Section 248 – to keep the roll of Freemen.	Chief Executive	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>
Section 13(3) of the Local Government Act 1972 – the Officer who together with the Chairman of the Parish Member shall be a body corporate by the name “The Parish Trustees”.	Chief Executive	Director of Finance and Business Improvement
The Officer responsible for the convening of newly created Parish Councils.	Chief Executive	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>

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<b>Local Government and Housing Act 1989:</b>		
3A – To determine applications for exemption from the list of politically restricted posts.	Chief Executive	Monitoring Officer
2 - Maintain a list of politically restricted posts.	Chief Executive	Monitoring Officer
4 - Head of Paid Service	Chief Executive	Any Director
5 - Monitoring Officer	Interim Deputy Head of Legal Partnership	Team Leader Corporate Governance
<b>Local Government and Housing Act 1989 Sections 15-17 and Local Government (Committees and Political Groups) Regulations 1990:</b>		
9 - Regulation 9 – Receipt of Notice re Political Groups.	Chief Executive	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>
10 - Receipt of Notice of Cessation of Membership of Political Groups.	Chief Executive	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>
13 - To accept wishes of Political Groups in respect of proportionality.	Chief Executive	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>

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14 - To notify Political Groups of allocations.	Chief Executive	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>
All other cases in respect of which the Strategic Director has from time to time been appointed as the Proper Officer of the Council.	Director of Finance and Business Improvement	Chief Executive
<b>Local Government (Miscellaneous Provisions) Act 1976:</b>		
Section 16 – Service of notices requiring details of any interests in land.	Directors and Heads of Service	Chief Executive
Section 41 – the Officer for certifying documents as provided for under this section.	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>	Chief Executive
<b>PART I PUBLIC HEALTH ENACTMENTS</b>		
<b>Public Health Act 1936 &amp; Public Health (Control of Disease) Act 1984</b>		
Section 11 - Duty of local authority to supply forms to doctors for purposes of Section 48.	Head of Housing and Community Services	Director of Regeneration and Place
Section 48 – Removal of dead body to mortuary for burial.	Head of Housing and Community Services	Director of Regeneration and Place

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Section 58 – Authentication of documents.	Head of Housing and Community Services	Director of Regeneration and Place
Section 60 – Service of notices and other documents.	Head of Housing and Community Services	Director of Regeneration and Place
<b>PART II STATUTORY INSTRUMENT</b>		
Health Protection (Notification) Regulations 2010/659 Including cases of infectious disease to be notified to proper Officer and disclosure of information/notices.	Head of Housing and Community Services	Director of Regeneration and Place
Public Health (Fees for Notification of Infectious Disease) Order 1968 (SI 1968 No. 1365).	Head of Housing and Community Services	Director of Regeneration and Place
Public Health (Prevention of Tuberculosis) Regulations 1925 (SI 1925 No. 757).	Head of Housing and Community Services	Director of Regeneration and Place
Food Hygiene (Docks, Carriers etc.) Regulations 1960 (SI 1960 No. 1602) Article 11.	Head of Housing and Community Services	Director of Regeneration and Place
Public Health (Aircraft) Regulations 1979 No. 1434).	Head of Housing and Community Services	Director of Regeneration and Place
Public Health (Ships) Regulations 1979 (SI 1979 No. 1435).	Head of Housing and Community Services	Director of Regeneration and Place

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<b>Local Government Act 1974</b>		
Part 3 – Local Government Ombudsman functions, including giving public notice of reports.	Chief Executive	Monitoring Officer
<b>Local Government Miscellaneous Provisions Act 1982</b>		
Part XI - Public Health	Head of Housing and Community Services	Director of Regeneration and Place
<b>Building Act 1984</b>		
78 - Authorise action in relation to dangerous structures.	Head of Planning and Development	Building Control Officers
The local registrar within the meaning of the Land Registration Act 2002 and Local Land Charges Act 1975 who shall register any matters specified by these Acts affecting land and situate within the district.	Head of Planning and Development	Chief Executive
<b>Food Safety Act 1990</b>		
Food Safety and authentication of documents	Head of Housing and Community Services	Director of Regeneration and Place
<b>Sunbeds (Regulation) Act 2010</b>		

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Appointment of authorised Officer(s) for the purposes of section 7	Mid Kent Environmental Health Manager	Head of Housing and Community Services
<b>Freedom of Information Act 2000</b>		
36 – Non-disclosure where potential to prejudice the effective conduct of public affairs.	Chief Executive	Monitoring Officer
<b>Local Authorities (Referendum) (Petitions and Directions) Regulations 2000 as amended</b>		
Whole – Proper Officer function	Monitoring Officer	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>
<b>Licensing Act 2003</b>		
Whole – Proper Officer function	Director of Regeneration and Place	Head of Housing and Community Services
<b>Localism Act 2011</b>		
29 – Establish and maintain a register of members' and co-opted members' interests.	Monitoring Officer	Deputy Monitoring Officer
30 – 31 – Receipt of Members and co-opted members' declarations of interests and changes to those interests within 28	Monitoring Officer	Deputy Monitoring Officer

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days.		
32 – Sensitive Interests	Monitoring Officer	Deputy Monitoring Officer
33 – Dispensations from restrictions under Section 31(4).	Monitoring Officer	Deputy Monitoring Officer
<b>Local Authorities (Conduct of Referendums) (England) Regulations 2012</b>		
Whole – Proper Officer function	Monitoring Officer	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>
<b>Anti-Social Behaviour Act 2003 and Anti-Social Behaviour, Crime and Policing Act 2014</b>		
Whole-Proper Officer function	Head of Housing and Community Services	Director of Regeneration and Place
<b>Any other Provisions/Legislation</b>		
Any other provisions for which arrangements are not specifically made under the Scheme of Delegation.	Chief Executive to authorise	Monitoring Officer

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Any other legislation whether made before or after this list was approved and requiring a proper Officer or authorised Officer where not otherwise stated in this list or the Council's approved scheme of delegation from time to time.	Chief Executive to authorise	Monitoring Officer
<b>RULES OF PROCEDURE</b>		
Council Procedure Rules, Committee Procedure Rules, Cabinet Procedure Rules,	Chief Executive or <u>Director of Strategy, Insight and Governance</u> <del>Head of Policy, Communications &amp; Governance</del>	
Access to Information Procedure Rules	<del>Head of Policy, Communication &amp; Governance</del> <u>Director of Strategy, Insight and Governance</u>	Democratic and Electoral Services Manager
<b>Part VA, Local Government Act 1972</b>		
100B (2),(7) and 100H - Excluding from the Public reports which are not likely to be considered in open session; and provision to the press/public of other documents provided to Members where the Proper Officer thinks fit.	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>	Chief Executive

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100C (2) - Where part or the whole of the report has been exempt the Proper Officer shall make a written summary of the proceedings or part to provide a record without disclosing the exempt information.	Directors and Heads of Service	Democratic Services Officer
100D - Compilation of list of background documents, relied upon to a material extent in producing the report or disclosing important facts.	Directors and Heads of Service	Democratic Services Officer
100F - Deciding whether documents for inspection in connection with Committees contain exempt information under a paragraph of Schedule 12A.	Directors and Heads of Service	Democratic Services Officer
100G (optional) - Maintain a list of Members and list of delegations to Officers and the like.	<del>Head of Policy, Communications and Governance</del> <u>Director of Strategy, Insight and Governance</u>	Democratic Services Officer