

4. THE "PROPER OFFICER" PROVISIONS

<u>Function</u>	<u>Proper Officer</u>	<u>Person to act in the event of the Proper officer being absent or otherwise unable to act</u>
(1) 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
(2) 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 and Resources
(3) The following provisions of the Local Government Act 1972 :- (a) Section 115(2) – the Officer who shall receive all money due from any other Officer of the Council. (b) 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 identify of the Council or shall give such a certificate as is prescribed. (c) Section 151 – the Officer having responsibility for the proper administration of the financial affairs of the Council.	Chief Finance Officer Chief Finance Officer Chief Finance Officer	Head of Finance and Resources Head of Finance and Resources Head of Finance and Resources

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<p>(4) The following provisions of the Representation of the People Act 1983:</p> <p>(a) Section 8 and Section 52 – the Registration Officer for any constituency of part of a constituency coterminous with or situated in the Borough.</p> <p>(b) Section 35(1) – the Returning Officer for elections of Councillors of the District and for elections of Councillors of Parishes within the District and 52 Deputy Electoral Registration Officer.</p> <p>(c) Section 82 – To receive declarations of Election expenses</p>	<p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p>	<p>Head of Finance and Resources</p> <p>Electoral Registration Officer Head of Finance and Resources</p> <p>Head of Finance and Resources</p>
<p>(5) The follow following provisions of the Local Government Act 1972:</p> <p>(a) 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.</p> <p>(b) Section 84 – the Officer to whom a Councillor may give written notice of resignation.</p> <p>(c) Section 86 – declare any vacancy in office.</p> <p>(d) Section 88(2) – the Officer who may convene a meeting</p>	<p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p>	<p>Head of Finance and Resources</p> <p>Head of Finance and Resources</p> <p>Head of Finance and Resources</p> <p>Head of Finance and</p>

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<p>for the election of Chairman of the Council following a casual vacancy in that office.</p> <p>(e) Section 89(1) – the Officer to whom notice shall be given of any casual vacancy occurring in the office of Councillor.</p> <p>(f) Section 191(2) – the Officer who shall receive an application under section 1 of the Ordnance Survey Act 1841.</p> <p>(g) Section 210(6) – the Officer who shall exercise the powers relating to charities conferred by these subsections.</p> <p>(h) Section 223 – authorise Officers to appear in legal proceedings (and Section 60 County Courts Act 1984).</p> <p>(i) 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.</p> <p>(j) 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.</p>	<p>Chief Executive</p> <p>Director of Regeneration and Communities</p> <p>Director of Regeneration and Communities</p> <p>Monitoring Officer</p> <p>Director of Regeneration and Communities</p> <p>Head of Finance and Resources</p>	<p>Resources</p> <p>Head of Finance and Resources</p> <p>Head of Finance and Resources</p> <p>Head of Finance and Resources</p> <p>Deputy Monitoring Officer</p> <p>Head of Finance and Resources</p> <p>Monitoring Officer</p>

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(k) 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/her place of residence.	Head of Finance and Resources	Democratic Services Officer
(l) 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.	Head of Finance and Resources	Chief Executive
(m) Section 234(1) – the Officer whose signature shall authenticate any notice, order of other document which the Council is required or authorised to issue by or under any enactment.	Head of Finance and Resources	Monitoring Officer
(n) 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.	Head of Finance and Resources	Monitoring Officer
(o) 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.	Head of Finance and Resources	Monitoring Officer
(p) Section 238 – the Officer who shall certify a printed copy of a byelaw of the Council.	Monitoring Officer/Head of Service	Monitoring Officer
(q) Section 248 – to keep the roll of Freeman.	Chief Executive	Head of Finance and Resources

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(r) In relation to 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 Trustess”.	Chief Executive	Head of Finance and Resources
(s) The Officer responsible for the convening of newly created Parish Councils.	Chief Executive	Head of Finance and Resources
<p>(6) Local Government and Housing Act 1989</p> <p>3A - To determine applications for exemption from the list of politically restricted posts</p> <p>2 - Maintain a list of politically restricted posts</p> <p>4 – Head of Paid Service</p> <p>5 – Monitoring Officer</p> <p>Local Government and Housing Act 1989 Sections 15-17 and Local Government (Committees and Political Groups) Regulations 1990</p> <p>Regulation 9 – Receipt of Notice re Political Groups</p> <p>10 – Receipt of Notice of Cessation of Membership of Political Groups</p> <p>13 – To accept wishes of Political Groups in respect of</p>	<p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>Head of Legal Partnership</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p>	<p>Monitoring Officer</p> <p>Monitoring Officer</p> <p>Any Director</p> <p>Deputy Head of Legal Partnership</p> <p>Head of Finance and Resources</p> <p>Head of Finance and Resources</p> <p>Head of Finance and</p>

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<p>proportionality</p> <p>14 – To notify Political Groups of allocations</p>	<p>Chief Executive</p>	<p>Resources</p> <p>Head of Finance and Resources</p>
<p>(7) All other cases in respect of which the Strategic Director has from time to time been appointed as the Proper Officer of the Council.</p>	<p>Director of Regeneration and Communities</p>	<p>Chief Executive</p>
<p>(8) Local Government (Miscellaneous Provisions) Act 1976</p> <p>(a) Section 16 – Service of notices requiring details of any interests in land</p> <p>(b) Section 41 of the – the Officer for certifying documents as provided for under this section.</p>	<p>Directors and Heads of Service</p> <p>Head of Finance and Resources</p>	<p>Chief Executive</p> <p>Chief Executive</p>
<p>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.</p>	<p>Director of Regeneration and Communities</p>	<p>Head of Housing and Community Services</p>
<p><u>PART I PUBLIC HEALTH ENACTMENTS</u></p> <p>Public Health Act 1936</p> <p>Public Health (Control of Disease) Act 1984</p> <p>Section 11 - Duty of local authority to supply forms to doctors for purposes of Section 48.</p>	<p>Head of Housing and Community Services</p>	<p>Director of Regeneration and Communities</p>

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Section 48 - Removal of dead body to mortuary for burial.	Head of Housing and Community	Director of Regeneration and Communities
Section 58 - Authentication of documents.	Head of Housing and Community	Director of Regeneration and Communities
Section 60 - Service of notices and other documents.	Head of Housing and Community	Director of Regeneration and Communities
<u>PART II STATUTORY INSTRUMENT</u>		
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 Communities
Public Health (Fees for Notification of Infectious Disease) Order 1968 (SI 1968 No. 1365).	Head of Housing and Community	Director of Regeneration and Communities
Public Health (Prevention of Tuberculosis) Regulations 1925 (SI 1925 No. 757).	Head of Housing and Community	Director of Regeneration and Communities
Food Hygiene (Docks, Carriers etc) Regulations 1960 (SI 1960 No. 1602) Article 11.	Head of Housing and Community	Director of Regeneration and Communities
Public Health (Aircraft) Regulations 1979 No. 1434).	Head of Housing and Community	Director of Regeneration and Communities
Public Health (Ships) Regulations 1979 (SI 1979 No. 1435).	Head of Housing and Community	Director of Regeneration and Communities

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	Services	
<p>Local Government Act 1974</p> <p>Part 3 – Local Government Ombudsman functions, including giving public notice of reports</p>	Chief Executive	Monitoring Officer
<p>Local Government Miscellaneous Provisions Act 1982</p>	Head of Housing and Community Services	Director of Regeneration and Communities
<p>Building Act 1984</p> <p>78 – Authorise action in relation to dangerous structures</p>	Head of Planning and Development	Building Control Officers
<p>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.</p>	Head of Planning and Development	Chief Executive
<p>Food Safety Act 1990 – Food Safety and authentication of documents</p>	Head of Housing and Community Services	Director of Regeneration and Communities
<p>Freedom of Information Act 2000</p> <p>36 – Non-disclosure where potential to prejudice the effective conduct of public affairs</p>	Chief Executive	Monitoring Officer
<p>Local Authorities (Referendum) (Petitions and Directions)</p>		

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<p>Regulations 2000 as amended</p> <p>Whole – Proper Officer function</p>	Monitoring Officer	Head of Finance and Resources
<p>Licensing Act 2003</p>	Director of Regeneration and Communities	Head of Housing and Community Services
<p>Localism Act 2011</p> <p>29 – Establish and maintain a register of members' and co-opted members' interests</p> <p>30 – 31 – Receipt of Members and co-opted members' declarations of interests and changes to those interests within 28 days</p> <p>32 – Sensitive Interests</p> <p>33 – Dispensations from restrictions under Section 31(4)</p>	<p>Monitoring Officer</p> <p>Monitoring Officer</p> <p>Monitoring Officer</p> <p>Monitoring Officer</p>	<p>Deputy Monitoring Officer</p> <p>Deputy Monitoring Officer</p> <p>Deputy Monitoring Officer</p> <p>Deputy Monitoring Officer</p>
<p>Local Authorities (Conduct of Referendums) (England) Regulations 2012</p> <p>Whole – Proper Officer function</p>	Monitoring Officer	Head of Finance and Resources
<p>Anti-Social Behaviour Act 2003 and Anti-Social Behaviour, Crime and Policing Act 2014</p>	Head of Housing and Community Services	Director of Regeneration and Communities

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Any other provisions for which arrangements are not specifically made under the Scheme of Delegation.	Chief Executive to authorise	Monitoring Officer
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

COUNCIL PROCEDURE RULES

Rule 3 – Calling and Cancellation of Meetings.

Chief Executive

Director of Regeneration and Communities

Rule 6 – Time and place of meetings.

Chief Executive

Director of Regeneration and Communities

Rule 7 – Give notice to the public of the time and place of meeting and at least five clear days before a meeting send a summons signed by him or her to every Member of the Council.

Chief Executive

Director of Regeneration and Communities

Rule 10 (b) - Set a date in consultation with the Mayor and Group Leaders for the remaining business of an adjourned meeting to be conducted, where there is no agreement between a majority of those Members present.

Head of Finance and Resources

Chief Executive

Rule 11 (b) (i) - Receipt of petition wording in writing at least two weeks before the meeting.

Head of Finance and Resources

Chief Executive

Rule 11(b) (iii) - Receipt of petition at least one clear day before the meeting.

Head of Finance and Resources

Chief Executive

Rule (b) (iv) - Receipt of petitions.

Head of Finance and Resources

Chief Executive

Rule 12.3 – Receipt of questions in writing or by e-mail no later than close of the office one clear working day before the meeting.

Head of Finance and Resources

Chief Executive

Rule 12.5 – Rejection of questions.	Head of Finance and Resources	Chief Executive
Rule 12.6 – Entering questions in a book open to public inspection and sending a copy of questions to the Member to whom it is to be put.	Head of Finance and Resources	Chief Executive
Rule 13 - (a) (ii) Questions by Members.	Head of Finance and Resources	Chief Executive
Rule 14.1 - Receipt of notices of motion.	Head of Finance and Resources	Chief Executive
Rule 14.7 - Ruling of notices of motion out of order or illegal.	Head of Finance and Resources	Chief Executive
Rule 27.1 (a) - Request to speak at Planning Committee.	Head of Finance and Resources	Chief Executive
Rule 27.1 (b) - Keeping a reserve list of speakers for Planning Committee.	Head of Finance and Resources	Chief Executive
Rule 30 – Review of Committee decisions	Chief Executive	Head of Finance and Resources
Access to Information Procedure Rules: Local Government Act 1972		
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 Councillors where the Proper Officer thinks fit.	Head of Finance and Resources	Directors and Heads of Service/Monitoring Officer
100C(2) - Where part or the whole of the report has been	Directors and Heads of	Democratic Services Officer

<p>exempt the Proper Officer shall make a written summary of the proceedings or part to provide a record without disclosing the exempt information.</p>	<p>Service</p>	
<p>100D - Compilation of list of background documents, relied upon to a material extent in producing the report or disclosing important facts.</p>	<p>Directors and Heads of Service</p>	<p>Democratic Services Officer</p>
<p>100F - Deciding whether documents for inspection in connection with Committees contain exempt information under a paragraph of Schedule 12A.</p>	<p>Directors and Heads of Service</p>	<p>Democratic Services Officer//Monitoring Officer</p>
<p>100G (optional) - Maintain a list of Councillors and, list of delegations to officers and the like.</p>	<p>Head of Finance and Resources</p>	<p>Monitoring Officer</p>