

12. Statutory and Proper Officers

The council has appointed Proper Officers for the purposes of the statutory provisions set out below. Power to appoint Proper Officers is delegated to the Head of Paid Service, following consultation with the Monitoring Officer, unless legislation requires the appointment to be made by Full Council.

The Chief Executive and each Director shall be authorised to act as the Proper Officer for the statutory responsibilities which fall within their areas of responsibility set out below:

PURPOSE OF APPOINTMENT	PROPER OFFICER
Any reference to the Clerk of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the Proper Officer of the council	Monitoring Officer
Any reference to the Treasurer of a council which, by virtue of the Local Government Act 1972, is to be construed as reference to the Proper Officer of the council	Director of Finance

LOCAL AUTHORITY SOCIAL SERVICES ACT 1970

Section	Purpose	Proper Officer
6(A1)	Appointment as Director of Adult Social Services	Director of Adult Social Services

AGRICULTURE ACT 1970

Section	Purpose	Proper Officer
67(3)	Appointment as Agricultural Analyst	Director of Neighbourhoods

LOCAL GOVERNMENT ACT 1972

Section	Purpose	Proper Officer
83	Witness and receive declarations of Members' acceptance of office	Monitoring Officer
84	Receive written notice of Members' resignation from office	Monitoring Officer
88(2)	Convene Council meeting for election to vacant office of Chairman	Monitoring Officer
89(1)(B)	Receive notice of casual vacancy from two local government electors	Director of Corporate Services
100B(2)	Decide on the exclusion of reports and agendas from public inspection	Monitoring Officer
100B(7)(c)	Decide whether copy documents supplied to Members should also be supplied to the press	Monitoring Officer
100C(2)	Produce a written summary of proceedings taken by a committee in private	Monitoring Officer
100D(1)(a)	Compile a list of background papers to a committee report.	Officer in whose name the report is written
100D(5)(a)	Identify background papers that disclose facts or matters on which a report is based	Officer in whose name the report is written
100F(2)	Identify which documents contain exempt information not	Monitoring

	open to inspection by Members	Officer
115(2)	Receive from officers any money and property committed to their charge in connection with their office	Director of Finance
146(1)	Sign the statutory declaration to enable the transfer of securities in the event of a change in the name or status of the council	Director of Finance
151	Responsibility for the administration of the council's financial affairs.	Director of Finance
191(2)	Receive applications from Ordnance Survey for assistance in surveying disputed boundaries.	Assistant Director for Regeneration
210(6)-(7)	Exercise residual functions relating to charities.	Director of Corporate Services
225(1)	Receive and retain documents deposited with the council	Assistant Director for Neighbourhoods
229(5)	Certify, for the purpose of any legal proceedings, that a document is a photographic copy of the original	Strategic Manager Legal Services
234(1)	Sign public notices, orders and other documents on behalf of the council	Strategic Manager Legal Services (generally) and the officers listed in the Scheme of Delegation within their area of responsibility (see Part 3 Section 18)
238	Certification of copy bylaws	Strategic Manager Legal Services
Sch.12 Pt1 Para.4(2)(b)	Sign and send to all Members of the council the summons to attend meetings of the council	Monitoring Officer
Sch.12 Pt1 Para 4(3)	Receive written notice from a Member of the address to which a summons to the meeting is to be sent	Monitoring Officer
Schedule 29, Para.4	Undertake duties at council elections which, under the Representation of the People Acts, are required to be undertaken not by the Returning Officer but by the Proper Officer	Chief Executive
Sch.29 Pt.I Para.4(1)(b)	Adaptation, modification and amendment of enactments	Monitoring Officer
Sch.29 Pt.II Para.41(3)-(5)	Appoint interim superintendent registrars or interim registrars of births and deaths under the Registration Service Act 1953. Exercise powers provided by the local scheme of organisation of the Registration Service under the 1953 Act. Prescription by the Registrar General of duties of Proper Officers under the Registration and Marriage Acts. Exercise functions under the Marriage Act 1949 In relation to the registration of births, deaths and marriages.	Strategic Manager for Recreation and Public Spaces

	Approve premises for the solemnisation of marriages under Section 26(1)(bb) and Section 46A of the Marriage Act 1949 (as amended by the Marriage Act 1994) and the Marriages and Civil Partnerships Act (Approved Premises) Regulations 2005.	
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LOCAL GOVERNMENT ACT 1974

Section	Purpose	Proper Officer
30(5)	Give public notice of receipt of Local Government Ombudsman's report	Strategic Manager Business Centre

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section	Purpose	Officer
41	Certifying copy resolutions and minutes of proceedings	Monitoring Officer

HIGHWAYS ACT 1980

Section	Purpose	Proper Officer
59(1)	Certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight or extraordinary damage	Strategic Manager for Highways & Transport
193(3)	Certify that additional expenses have been incurred in the execution of wider than normal street works	Strategic Manager for Highways & Transport
205(3)-(5)	Undertake duties in relation to private street works	Strategic Manager for Highways & Transport
210(2)	Certify amendments to estimated costs and provisional apportionment of costs of street works under the private street works code	Strategic Manager for Highways & Transport
211(1), 212(4), 216(2)-(3)	Make a final apportionment of expenses of street works executed under the private street works code	Strategic Manager for Highways & Transport
295(1)	Issue a notice requiring owners to remove materials from non-maintainable streets in which works are due to take place	Strategic Manager for Highways & Transport
321	Authenticate notices, consents, approvals, orders and demands	Strategic Manager for Highways & Transport
Sch.9, Para.4	Sign plans showing proposed prescribed improvement or building lines	Strategic Manager for Highways & Transport

REPRESENTATION OF THE PEOPLE ACT 1983

Section	Purpose	Proper Officer
8	Appointment as Electoral Registration Officer	Director of Corporate Services
35	Appointment as Returning Officer	Director of Corporate Services
67(7)(b)	Receive declarations and give public notice of election	Director of Corporate

	agents' appointments	Services
81 and 89	Appropriate officer for the election of councillors	Director of Corporate Services
82(4)	Receive declarations and give public notice of election agents' or candidates' election expenses	Director of Corporate Services
131	Providing accommodation for holding election count	Director of Corporate Services

PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984

Section	Purpose	Proper Officer
48 (as amended by the Health and Social Care Act 2008)	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately	Strategic Manager for Regulatory and Community Safety Services

WEIGHTS AND MEASURES ACT 1985

Section	Purpose	Proper Officer
72(1)	Appointment as Chief Inspector of Weights and Measures	Team Manager - Trading Standards

LOCAL GOVERNMENT FINANCE ACT 1988

Section	Purpose	Proper Officer
114, 115 and 115B	Responsibility for Chief Financial Officer reports	Director of Finance
116(1)	Notify the external auditor of a meeting (and decisions made at such a meeting) to consider a report from the Chief Financial Officer (under section 114 and 115 above)	Director of Finance

LOCAL GOVERNMENT AND HOUSING ACT 1989

Section	Purpose	Proper Officer
2(4)	Hold the council's list of politically restricted posts	Principal Lawyer & HR Manager
3A	In consultation with the Monitoring Officer, determine applications for exemption from political restriction or for designation of posts as politically restricted	Principal Lawyer & HR Manager
4	Designation as Head of Paid Service	Chief Executive
5(1)	Designation as Monitoring Officer	Monitoring Officer
5(7)	Nominated as Deputy Monitoring Officer	Strategic Manager Legal Services
15-17	Undertake all matters relating to the formal establishment of political groups within the membership of the council	Monitoring Officer

FOOD SAFETY ACT 1990

Section	Purpose	Proper Officer
27(1)	Appointment of Public Analyst	Strategic Manager for Regulatory and Community Safety Services

49(3)	Sign any document authorised or required to be given, made or issued by the Food Authority	Strategic Manager for Regulatory and Community Safety Services
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THE LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990

Regulation	Purpose	Proper Officer
8(1), 8(5), 9(b), 10, 13(1), 14 and 17	Notifications to and by the Proper Officer	Monitoring Officer

CRIME AND DISORDER ACT 1998, SECTION 115

CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF STRATEGY) REGULATIONS 2007/1830

Regulation	Purpose	Proper Officer
4(3)	Primary Designated Officer for information sharing	Strategic Manager for Regulatory and Community Safety Services

LOCAL GOVERNMENT ACT 2000 SECTIONS 9G, 9GA AND 22 LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Regulation	Purpose	Proper Officer
7	Exclusion of whole or part of any reports to the Cabinet or Cabinet Member where they relate only to items during which the meeting is likely not to be open to the public	Monitoring Officer
10	Inform the relevant Select Committee Chairman or the Committee Members by notice in writing of decisions to be made, where it has been impracticable to comply with the publicity requirements (in the "Forward Plan") and make available for public inspection notices relating to this	Monitoring Officer
12	Produce a written statement of Cabinet decisions made at meetings	Monitoring Officer
13	Produce a written statement of decisions made by individual Cabinet Members	Monitoring Officer
14	Make a copy of written statements of Cabinet and Cabinet Member and officer executive decisions and associated reports available for inspection by the public	Monitoring Officer
15 and 2	Make available for inspection a list of background papers	Monitoring Officer
16(5)	Determine whether certain documents contain exempt information	Monitoring Officer
16(7)	Determine whether certain documents contain advice provided by a political adviser or assistant	Monitoring Officer
20	Determine whether documents contain confidential information, exempt information or the advice of a political adviser or assistant	Monitoring Officer

**LOCAL GOVERNMENT ACT 2000, SECTION 34
LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) REGULATIONS
2000**

Regulation	Purpose	Proper Officer
4-5	Publish the verification number of local government electors for the purpose of petitions under the Local Government Act 2000	Director of Corporate Services

**REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000
THE REGULATION OF INVESTIGATORY POWERS (PRESCRIPTION OF OFFICES,
RANKS AND POSITIONS) ORDER 2000**

Section	Purpose	Proper Officer
21, 22, 27, 28 and 29	The Senior Responsible Officer for RIPA	Strategic Manager Legal Services

**REGULATION OF INVESTIGATORY POWERS ACT 2000, SECTIONS 22(2)(B) AND 25(2)
THE REGULATION OF INVESTIGATORY POWERS (COMMUNICATIONS DATA) ORDER
2010**

**THE REGULATION OF INVESTIGATORY POWERS (COVERT SURVEILLANCE AND
PROPERTY INTERFERENCE: CODE OF PRACTICE) ORDER 2010**

**THE REGULATION OF INVESTIGATORY POWERS (COVERT HUMAN INTELLIGENCE
SOURCES: CODE OF PRACTICE) ORDER 2010**

Regulation	Purpose	Proper Officer
-	Designated Senior Responsible Officer	Strategic Manager Legal Services

FREEDOM OF INFORMATION ACT 2000

Section	Purpose	Proper Officer
36	Qualified person to confirm or deny whether disclosure of information is likely to prejudice the effective conduct of public affairs	Monitoring Officer

THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

Regulation	Purpose	Proper Officer
Sch.1, Pt.II, Paras 5-6	Notifications to the Cabinet concerning appointments and dismissals	Director of Corporate Services

DEPARTMENT OF HEALTH – HEALTH SERVICE CIRCULAR: LAC (2002) 2

	Purpose	Proper Officer
-	Designated as Caldicott Guardian	Assistant Director Commissioning

LOCAL GOVERNMENT ACT 2003

Section	Purpose	Proper Officer
25	When the annual budget report is considered by Cabinet or by the County Council, the Chief Financial Officer must make a report on the robustness of the estimates made in determining the budget requirement and on the adequacy of the proposed level of financial reserves	Director of Finance

CHILDREN ACT 2004

Section	Purpose	Proper Officer
18	Appointment as Director of Children's Services	Director Children's Services

TRAFFIC MANAGEMENT ACT 2004

Section	Purpose	Proper Officer
17	Appointment as Traffic Manager to perform such tasks as the authority considers will assist it to perform its network management duty	Deputy Strategic Manager Highways/Transport

MARRIAGES AND CIVIL PARTNERSHIPS (APPROVED PREMISES) REGULATIONS 2005 (AS AMENDED)

Section	Purpose	Proper Officer
	Proper Officer for the purposes of the Registration Act 1953, the Marriage Act 1949 (as amended by the Marriage Act 1994), the Civil Partnership Act 2004, the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 as amended and receive applications, set fees and offer discounts, where applicable	Registrations & Coroners Manager

WORKING TOGETHER TO SAFEGUARD CHILDREN: A GUIDE TO INTER-AGENCY WORKING TO SAFEGUARD AND PROMOTE THE WELFARE OF CHILDREN (DFE GUIDANCE, MARCH 2010)

	Purpose	Proper Officer
-	Local Authority Designated Officer (LADO)	LADO

THE HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2010

Regulation	Purpose	Proper Officer
2, 3 and 6	Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons	Public Health England Consultant in Health Protection

LOCALISM ACT 2011

Section	Purpose	Proper Officer
29	Establish, maintain and publish a Register of Interests	Monitoring Officer
33(1)	Receiving applications for dispensations	Monitoring Officer
33(2)	Grant dispensations to Members to speak only or to speak and vote on matters where they have a Disclosable Pecuniary Interest	Monitoring Officer
Sch.2, Pt1, Para.9FB	Designation as Scrutiny Officer	Overview & Scrutiny Officer

THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Regulation	Purpose	Proper Officer
2, 7, 10, 12, 13-16, 20	Functions relating to the recording and publication of information relating to Executive decisions	Monitoring Officer
12-13	Grant dispensations in respect of conflicts of interest declared by an Executive member making a decision, or	Chief Executive

	declared by an Executive member consulted by a member or officer taking such a decision	
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NHS BODIES AND LOCAL AUTHORITIES (PARTNERSHIP ARRANGEMENTS, CARE TRUSTS, PUBLIC HEALTH AND LOCAL HEALTHWATCH) REGULATIONS 2012

Regulation	Purpose	Proper Officer
22(4)	Designated as Responsible Person for ensuring compliance with the regulations	Chief Executive
22(5)	Designated as Complaints Manager for managing the procedures for handling complaints	Chief Executive

COUNTER TERRORISM AND SECURITY ACT 2015

Section	Purpose	Proper Officer
36	Requirement to have a panel of persons in place as a channel panel	Strategic Manager for Regulatory and Community Safety Services

DATA PROTECTION ACT 2018

Section	Purpose	Proper Officer
69, 70 and 71	The designated Data Protection Officer to discharge functions associated with the Data Protection Act 2018	Assistant Director of Corporate Services

In the event of the Chief Executive being unavailable to deal with matters for which they have been designated the Proper Officer, another Director may be authorised by them to act as Proper Officer in their absence.

In the event of any other designated officer being unable to fulfil their duties as Proper Officer, their deputy shall be authorised to undertake such duties instead.

Notwithstanding the above, a Proper Officer may at any time delegate or authorise other officers to perform the designated duties on their behalf.