

## SECTION 5 - Proper Officer Functions

### Proper Officer Appointments and Proper Officer Functions

Under various Acts of Parliament for Local Authority is required to appoint a designated officer to carry out certain statutory functions. These are know as proper officer appointments.

The 'proper officers' for the various statutory functions are set out below. Each such Proper Officer shall appoint a deputy to exercise their functions in his/her absence.

Section of Act	Description of the responsibility involving the appointment of an officer of the City Council	The officer of the Council appointed the proper officer for the duty or function referred to	Deputy
	<b>LOCAL GOVERNMENT ACT 1972</b>		
13(3)	The Officer to act as Parish Trustee in a parish which does not have a Parish Council.	Chief Executive	Monitoring Officer
83(1)	The Officer before whom a person elected to the Office of Chair, Vice-Chair or Councillor of the District shall make a declaration of acceptance of office in a form prescribed by rules under s.83 of the Act and to whom such declaration shall be delivered.	Chief Executive	Monitoring Officer
84	The Officer to whom a person elected to any office under the Act may at any time give written notice of his resignation from that office.	Chief Executive	Monitoring Officer

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89(1)	The Officer to receive notice in writing given by two local government electors for the District of a casual vacancy occurring in the office of Councillor.	Chief Executive	Corporate Head of Service
96(1)	The Officer to whom a member of the Council shall give written notice to the effect that he or his spouse is a member or in the employment of a specified company or other body or that he or his spouse is a partner or in the employment of a specified person, or that he or his spouse is the tenant of any premises owned by the Council.	Monitoring Officer	Chief Executive
96(2)	The Officer to record in a book to be kept for the purpose particulars of any disclosure made under s.94 of the Act and of any notice given under S.96(1) of the Act.	Chief Executive	Monitoring Officer
100B,C,D & F	The officer responsible for providing access to agendas, minutes, reports and background documents in respect of meetings of the Authority, and the determination of exempt information items.	Democratic Services Manager	
115(2)	The Officer to whom all money due from every officer employed by the Council shall be paid.	Section 151 Officer	
146	The Officer to make any statutory declaration in connection with the transfer of securities.	Section 151 Officer	
151	The Officer who shall be responsible for the proper administration of the Council's financial affairs.	Section 151 Officer	

Responsibility for Functions

191(2)	The Officer to appoint a person to assist in examining, ascertaining and marking out the reputed boundaries of the District for the purposes of the Ordnance Survey Act 1841	Head of Legal Services	
204(3)	The Officer to receive notices of applications for Justices' Licences under Schedule 2 to the Licensing Act 2003	Monitoring Officer	
210(6) & (7)	The Officer in whom shall vest the powers with respect to Charities carried out by officers of the "old" local authority where there is no corresponding officer in the new authority	Monitoring Officer	
s.212	The Officer to act as local registrar for local land charges	Corporate Head of Resources	
225(1)	The Officer to receive and retain a document of any description deposited pursuant to the Standing Orders of either House of Parliament or to any enactment or instrument.	Monitoring Officer	
229(5)	The Officer to certify a photographic copy of a document in the custody of or under the control 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	
234(1)	The Officer to sign any notice, order or other document made or issued by the Council.	Monitoring Officer	
236(1) & (9)	The Officer to send to the Council and each parish council a copy of every byelaw made by the Council and confirmed.	Head of Legal	

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238	The Officer to certify a printed copy of a byelaw made by the Council.	Head of Legal	
248(2)	The Officer to keep the roll of freedom of the town.	Chief Executive	
Sched 12 para 4(2)(b)	The Officer to sign the summons to attend meetings of the Council and specifying the business proposed to be transacted thereat.	Chief Executive	
Sched 16	The Officer to receive and deposit lists of buildings of special architectural or historic interest.	Chief Executive	
	<b>LOCAL GOVERNMENT ACT 1974</b>		
30(5)	The Officer to give public notice of the availability of reports of the Local Commissioner for Administration.	Chief Executive	
	<b>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>		
41	The Officer for signing certificates as evidence of resolutions and minutes of proceedings, etc.	Monitoring Officer	
	<b>REPRESENTATION OF THE PEOPLE ACT 1983</b>		
8	The Officer to act as Electoral Registration Officer.	Chief Executive	
35	The Officer to act as Returning Officer for elections of Borough Councillors and Parish Councillors.	Chief Executive	
	<b>THE LOCAL ELECTION (PRINCIPAL AREAS) RULES 1986</b>		
	The Officer of the City Council to act under the Rules for the purposes of elections, including the receipt of all documents and returns.	Chief Executive	

Responsibility for Functions

	<b>THE LOCAL ELECTION AND PARISHES (COMMUNITIES) RULES 1986</b>		
	The Officer of the City Council to act under the Rules for the purposes of parish elections, including the receipt of all documents and returns.	Chief Executive	
	<b>PARISH AND COMMUNITY MEETINGS (POLLS) RULES 1987</b>		
	The Officer to act as Returning Officer.	Chief Executive	
	<b>HEALTH &amp; SAFETY AT WORK ACT ETC 1974</b>		
39	Power to institute proceedings for breaches of provisions under the Act.	Head of Legal Services	
	<b>LOCAL GOVERNMENT FINANCE ACT 1988</b>		
114A, 115	Responsibility for Chief Financial Officer reports.	Section 151 Officer	
116 (1)	Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the Chief Financial Officer under this Act.	Section 151 Officer	
	<b>LOCAL GOVERNMENT AND HOUSING ACT 1989</b>		
2	To receive on deposit a list of politically restricted posts.	Chief Executive	
4	The Officer to act as head of the paid service.	Chief Executive	
15, 16	To undertake all matters relating to the formal establishment of political groups within the membership of the Council	Chief Executive	
19	Maintain the compulsory register of members' interests.	Monitoring Officer	

Responsibility for Functions

	<b>LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990 AND 1991</b>		
	The Officer to accept political group notices.	Chief Executive	
	The Officer to receive notices of members' pecuniary interests.	Monitoring Officer	
	<b>BUILDING ACT 1984</b>		
S.78	The Officer to deal with dangerous buildings or structures in emergencies	Chief Executive	
	<b>LOCAL GOVERNMENT ACT 2000 (AND SUBORDINATE LEGISLATION)</b>		
Various	All proper officer functions relating to the Council's Constitution and to access to information	Monitoring Officer	Chief Executive
	<b>FREEDOM OF INFORMATION ACT 2000</b>		
36	Acting as a "qualified person" in respect of information held by the Council.	Chief Executive	Monitoring Officer
	<b>GENERAL DATA PROTECTION REGULATION AND DATA PROTECTION ACT 2018</b>		
37-39	All tasks under this legislation	Data Protection Officer	
	<b>LOCAL AUTHORITIES (EXECUTIVE AND ALTERNATIVE ARRANGEMENTS)  (MODIFICATION OF ENACTMENTS AND OTHER PROVISIONS) (ENGLAND) ORDER 2001 (SI 2001/2237)</b>		
Regulation 21 (11) (2)	Duties of executives as regards reports, amendment to Section 116 of 1988 Finance Act.	Chief Executive	Monitoring Officer
Regulation 45 (4)	Disability of members of authorities for voting on account of prejudicial interests.	Monitoring Officer	Chief Executive

Responsibility for Functions

	<b>REGULATION OF INVESTIGATORY POWERS ACT 2000</b>		
27-30	Authority to specify by name those officers who can authorise directed surveillance and authorise the use of covert human intelligence sources	Head of Legal	
	<b>LOCAL AUTHORITIES (CONDUCT OF REFERENDUMS) (ENGLAND) REGULATIONS 2007(SI 2007/1298)</b>		
Regulation 4 (1), 4(2), 4(3) & 4(4)	For all purposes in these Regulations.	Chief Executive	
	<b>LOCALISM ACT 2011</b>		
33	The proper officer to receive written requests for and grant dispensations	Monitoring Officer	
	<b>LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) (ENGLAND) REGULATIONS 2011 (SI 2011/2914)</b>		
Regulation 8(2), 8(3) & 8(4)	Amalgamation of petitions.	Dem Services Manager	
Regulation 11(1), 11(2), 11(3) & 11(4)	Procedure on receipt of a petition.	Dem Services Manager	
Regulation 13 (1)	Publicity for valid petitions.	Dem Services Manager	
Regulation 14(1)	Publicity for invalid petitions.	Dem Services Manager	
	<b>THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012</b>		

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Regulation 3 (1)	Recording of executive decisions made at meetings.	Dem Services Manager	
Regulation 4 (1)	Recording of executive decisions made by individuals.	Dem Services Manager	
Regulation 5(1)	Inspection of documents following executive decisions.	Dem Services Manager	
Regulation 6	Inspection of background papers.	Dem Services Manager	
Regulation 9(2) & 9(4)	Individual executive decisions.	Dem Services Manager	
Regulation 11(2) & 11(7)(c)	Access to agenda and connected reports.	Dem Services Manager	
Regulation 12(1)	Publicity in connection with key decisions.	Dem Services Manager	
Regulation 15(1)(a) & (b)	General exception.	Monitoring Officer	
Regulation 17(3) & 17(4)	Additional rights of access to documents for members of Local Authorities.	Monitoring Officer	
Regulation 21(4)	Confidential information, exempt information and advice of a political adviser or assistant.	Monitoring Officer	
	<b>PREVENTION OF HOUSING FRAUD (POWER TO REQUIRE INFORMATION) (ENGLAND) REGULATIONS 2014</b>		
3	Officer authorised to investigate Housing Fraud	Monitoring Officer	
	<b>UNAUTHORISED DEPOSIT OF WASTE (FIXED PENALTIES) REGULATIONS 2016</b>		
	Authority to issue a fixed penalty notice to anyone they believe has committed an offence of fly tipping.	Head of Community Safety and Neighbour-hood Services	
	<b>GENERAL</b>		
	Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the	Chief Executive	Head of Legal

Responsibility for Functions

	Local Government Act 1972 or in any instrument made before 26th October 1972 to the Town Clerk of a Borough which, by virtue of any provisions of the said Act was to be construed as reference to the Proper Officer of the Council.		
	Any reference in the Local Government Act 1972 to the Proper Officer of the Council except where one has been designated above.	Chief Executive	Monitoring Officer
	Any reference in any enactment passed after the 1971/72 session of Parliament or to be passed to the Proper Officer of the Council unless or until a specific appointment of another Officer has been made by the Council.	Chief Executive	Monitoring Officer
	<p><b>ALL LEGISLATION AND STATUTORY INSTRUMENTS INVOLVING ENVIRONMENTAL HEALTH MATTERS</b></p> <p>The Proper Officer and ability to serve statutory notices; execution of works; power of entry given by any related legislation; enforcement of related legislation; and maintenance of related public registers</p>	Head of Environmental Health and Licensing	Strategic Director: Services