

### 1 STATUTORY OFFICER AND PROPER OFFICER APPOINTMENTS DRAFT ONLY

- 1.1 Many legislative provisions require the appointment of a **Statutory Officer** or **Proper Officer** to undertake formal responsibilities on behalf of the Council.
- 1.2 The **Chief Executive/Head of Paid Service** shall be the Proper Officer of the Council for the purposes of the Local Government Act 1972, the Local Government Act 2000 and for all other statutory purposes unless:
  - (a) such designation is given by the Council to any other officer, or
  - (b) the Chief Executive/Head of Paid Service, exercising the powers given to them by this Constitution, appoints another officer of the Council to be the Proper Officer for a specific service area or function.
- 1.3 The Scheme of Delegation to Officers and table below outlines the designated Statutory Officer and Proper Officer functions for the Council and those officers (or where necessary, their substitute) shall undertake the specific responsibilities entailed.
- 1.4 Statutory provisions and regulations are from time to time amended, replaced or re-enacted. When a statutory provision or regulation is amended, replaced or re-enacted, the appointments in the table below shall be effective in relation to the corresponding new provision.
- 1.5 Substitutes are identified to act where the **Proper Officer** is absent or otherwise unable to act.
- 1.6 In the event of any officer (and their substitute) identified in the Scheme of Delegation to Officers or in the table below being for any reason absent or unable to act and the officer/substitute has not made any other arrangements for the exercise of the relevant duties, the Chief Executive (in consultation with the Monitoring Officer) shall nominate an officer to act in their stead.

#### Statutory Officers

Statutory Requirement	Allocated to	Substitute
Local Government and Housing Act 1989 Section 4 Head of Paid Service	Chief Executive	Such other officer as may be appointed from time to time to deputise
Representation of the People Act 1983 Section 8 Electoral Registration Officer	Chief Executive	Such other officer as may be appointed from time to time to deputise
Representation of the People Act 1983 Section 28 Acting Returning Officer (Parliamentary)	Chief Executive	Such other officer as may be appointed from time to time to deputise
Representation of the People Act 1983	Chief Executive	Such other officer as may be appointed

Statutory Requirement	Allocated to	Substitute
Section 35 Returning Officer (Local Elections)		form time to time to deputise
Weights and Measures Act 1985 Section 72 Chief Inspector of Weights and Measures	To be agreed	
Local Authority Social Services Act 1970 Section 6 Director of Adult Social Services	Director of Adult Social Services	Such other officer as may be appointed form time to time to deputise
Local Government Act 1972 Section 151 Chief Finance Officer	Director of Resources and Chief Finance Officer	Designated Deputy section 151 Officer
Local Government Act 2000 Section 9FB Scrutiny Officer	Director of Enabler Services	Such other officer as may be appointed form time to time to deputise
Local Government and Housing Act 1989 Section 5 Monitoring Officer	Chief Legal and Monitoring Officer	Designated Deputy Monitoring Officer
Children Act 2004 Section 18 Director of Children's Services	Director of Children's Services	Such other officer as may be appointed form time to time to deputise
Children Act 1989 Section 22 and 23ZZA Virtual School Headteacher	Director of Children's Services	Such other officer as may be appointed form time to time to deputise
National Health Service Act 2006 Section 73A	Director of Public Health	Such other officer as may be appointed form time to time to deputise

### Proper Officers

Function	Legislative Provision	Proper Officer	Deputy
Reference in legislation to the "Clerk"	Any legislation before October 1972	Chief Executive	Such other officer as may be appointed form time to time to deputise
Appointment as Parish Trustee with Chair of as body corporate for a Parish Meeting;	Local Government Act 1972 Section 13(3)	Chief Executive  Chief Executive	Such other officer as may be appointed form time to

Function	Legislative Provision	Proper Officer	Deputy
Officer responsible for convening newly created Parish Councils			time to deputise
Witness and receipt of declaration of acceptance of office	Local Government Act 1972 Section 83	Chief Executive	Such other officer as may be appointed from time to time to deputise
Receipt of notice of resignation by councillor	Local Government Act 1972 Section 84	Chief Executive	Such other officer as may be appointed from time to time to deputise
Declare any vacancy in office	Local Government Act 1972 Section 86	Chief Executive	Such other officer as may be appointed from time to time to deputise
Convening a meeting of Council to fill casual vacancy in office of Chair	Local Government Act 1972 Section 88(2)	Monitoring Officer	Designated Deputy Monitoring Officer
Receipt of notice of casual vacancy from two local government electors (Also for Parish and Community Councils)	Local Government Act 1972 Section 89(1)(b) Local Elections (Parishes and Communities) (England and Wales) Rules 2006/3305	Chief Executive	Such other officer as may be appointed from time to time to deputise
Exclusion of reports, etc. from inspection	Local Government Act 1972 Section 100B Schedule 12A	Monitoring Officer	Designated Deputy Monitoring Officer
Supply of documents to the press	Local Government Act 1972 Section 100B(7)(c)	Monitoring Officer	Designated Deputy Monitoring Officer
Written Summary where minutes would disclose exempt information	Local Government Act 1972 Section 100C	Monitoring Officer	Designated Deputy Monitoring Officer
Compilation of list of background papers	Local Government Act 1972 Section 100D	Monitoring Officer	Designated Deputy Monitoring Officer
Exclusion from production to	Local Government Act 1972	Monitoring Officer	Designated Deputy

Function	Legislative Provision	Proper Officer	Deputy
Councillors of documents disclosing exempt information	Section 100F		Monitoring Officer
Receipt of money due from officers	Local Government Act 1972 Section 115(2)	Director of Resources and Chief Finance Officer	Designated Deputy section 151 Officer
Declarations and certificates with regard to securities	Local Government Act 1972 Section 146(1)(a)	Director of Resources and Chief Finance Officer	Designated Deputy section 151 Officer
The Officer having responsibility for the proper administration of the financial affairs of the Council.	Local Government Act 1972 Section 151 Also Local Government Finance Act 1988 sections 112-116 and any reference in legislation before October 1972 to the "Treasurer" of a local authority	Director of Resources and Chief Finance Officer	Designated Deputy section 151 Officer
Functions with respect to ordnance survey	Local Government Act 1972 Section 191	Director of Thriving Places	Such other officer as may be appointed from time to time to deputise
Charity functions	Local Government Act 1972 Section 210	Monitoring Officer	Designated Deputy Monitoring Officer
Authorise Officers to appear in legal proceedings	Local Government Act 1972 Section 223 (Also Section 60 County Courts Act 1984)	Monitoring Officer	Designated Deputy Monitoring Officer
Deposit of documents pursuant to the Standing Orders of either Houses of Parliament or to any enactments/instruments and any action as may be directed	Local Government Act 1972 Section 225(1)	Monitoring Officer	Designated Deputy Monitoring Officer
Certification of photographic copies of documents	Local Government Act 1972 Section 229(5)	Monitoring Officer	Designated Deputy Monitoring Officer
Authentication of documents	Local Government Act 1972 Section 234(1)	Monitoring Officer	Designated Deputy Monitoring Officer

Function	Legislative Provision	Proper Officer	Deputy
Sending confirmed byelaws to the proper officer of every Parish and Community Council to which they apply	Local Government Act 1972 Section 236	Monitoring Officer	Designated Deputy Monitoring Officer
Certification of byelaws	Local Government Act 1972 Section 238	Monitoring Officer	Designated Deputy Monitoring Officer
Keeping of roll of Freemen	Local Government Act 1972 Section 248	Monitoring Officer	Designated Deputy Monitoring Officer
Signature of summons to council meetings	Local Government Act 1972 Section 99 & Schedule 12 Para.4(1A)(b)	Monitoring Officer	Designated Deputy Monitoring Officer
Officer to whom Councillors shall give notice of address desiring Council summonses to be sent where not place of residence	Local Government Act 1972 Schedule 12 Para.4(3)	Monitoring Officer	Designated Deputy Monitoring Officer
Certification of resolutions under paragraph 25 applying or disapplying provisions under the Public Health Acts 1875 onwards	Local Government Act 1972 Schedule 14 Para.25(7)	Director of Public Health	Such other officer as may be appointed from time to time to deputise
Authentication of documents and issue of notices	Various including: (a) Statutory notices under the Public Health Acts 1936 and 1961, the Control of Pollution Act 1974, the Housing Acts 1957 and 1988 and the Local Government Act 1989 (other than for Council Houses), the Local Government Miscellaneous Provisions) Act 1976 (except as specified in the next paragraph), the Prevention of Damage by Pests Act 1949, the Food Safety Act 1990 and the Environmental Protection Act 1990 (as	To be agreed	

Function	Legislative Provision	Proper Officer	Deputy
	<p>it relates to statutory nuisances)</p> <p>(b) Notices under the Building Regulations and the Building Act 1984 and under the Local Government (Miscellaneous Provisions) Act 1976 with regard to dangerous trees and excavations</p> <p>(c) any other matter</p>	<p>Director of Thriving Places</p> <p>Monitoring Officer</p>	<p>Such other officer as may be appointed from time to time to deputise</p> <p>Designated Deputy Monitoring Officer</p>
Receipt on deposit of lists of buildings of special architectural or historical interest and Building Preservation Notices	Planning (Consequential Provisions) Act 1990 Schedule 3, para 3 Town and Country Planning Act 1971 Section s 54 & 58	Director of Thriving Places	Such other officer as may be appointed from time to time to deputise
Exercise of registration functions under various legislative provisions relating to births, deaths and marriages including appointment of superintendent registrars and local schemes and other ceremonies including citizenship ceremonies	Registration Service Act 1953 including Section s 9, 13 and 20 Marriage Act 1949, Civil Partnership Act 2004	Superintendent registrar or registrar of births and deaths must be qualified in accordance with prescribed conditions – s.6	Such other officer as may be appointed from time to time to deputise
Officer having responsibility for the storage and charge of cemetery records	Local Authorities' Cemeteries Order 1977 Article 12	Director of Thriving Communities	Such other officer as may be appointed from time to time to deputise
Officer having responsibility for the signature of grants under Paragraph 1 of Part II of Schedule 2 of that Order and the granting of permission for the various matters referred to in Paragraph 1 of Part I of that Schedule	Local Authorities' Cemeteries Order 1977 Paragraph 1 of Parts I & II of Schedule 2	Director of Thriving Communities	Such other officer as may be appointed from time to time to deputise

Function	Legislative Provision	Proper Officer	Deputy
The Registration Officer for any constituency of part of a constituency coterminous or situated in the Borough.	Representation of the People Act 1983 Section 8 and 52	Chief Executive	Such other officer as may be appointed from time to time to deputise
Acting Returning Officer for Parliamentary elections	Representation of the People Act 1983 Section 28	Chief Executive	Such other officer as may be appointed from time to time to deputise
The Returning Officer for elections of Councillors of the District and for elections of Councillors of Parishes within the District and to receive and inspect returns and declarations of Election expenses	Representation of the People Act 1983 Section 35(1)  Representation of the People Act 1983 Section 82 and 89	Chief Executive	Such other officer as may be appointed from time to time to deputise
Receipt of notice of appointment of election agent	Representation of the People Act 1983 Section 67	Chief Executive	Such other officer as may be appointed from time to time to deputise
Provision of accommodation for election court	Representation of the People Act 1983 Section 131	Chief Executive	Such other officer as may be appointed from time to time to deputise
Receipt from Returning Officer of: the names of persons elected to the council; and election documents. Retention of election documents and making them available for public inspection	Local Elections (Principal Areas) (England and Wales) Rules 2006/3304	Monitoring Officer	Designated Deputy Monitoring Officer
Publication of reports of Local Commissioners	Local Government Act 1974 Part 3 Section 30	Chief Executive	Such other officer as may be appointed from time to



Function	Legislative Provision	Proper Officer	Deputy
			time to deputise
<p>(a) Various purposes with regard to drainage, water supply, sanitary accommodation.</p> <p>(b) Purposes relating to building control other than those comprised in (a) above</p> <p>(c) authorise action in relation to dangerous structures under Section 78</p>	Building Act 1984	<p>Director of Thriving Communities</p> <p>Director Thriving Places</p> <p>Director Thriving Places</p>	Such other officers as may be appointed form time to time to deputise
<p>To determine applications for exemption from the list of politically restricted posts</p> <p>Maintain a list of politically restricted posts</p>	<p>Local Government and Housing Act 1989 Section 3A</p> <p>Section 2</p>	Chief Executive	Such other officer as may be appointed form time to time to deputise
<p>Receipt of Notice re changes to Political Groups</p> <p>Receipt of Notice of Cessation of Membership of Political Groups</p> <p>To accept wishes of Political Groups in respect of proportionality</p> <p>Receipt of notice in writing that a Councillor wishes to forego any part of entitlement to an allowance</p> <p>To notify Political Groups of allocations</p>	<p>Local Government and Housing Act 1989 Sections 15,16, 17 &amp; 18 Local Government Political Groups)</p> <p>Regulations 1990 Paras 9, 10, 13 &amp; 14</p>	Monitoring Officer	Designated Deputy Monitoring Officer
Discharging the functions for dealing with stray dogs	Environmental Protection Act 1990 Sections 149 - 151	Director of Thriving Communities	Such other officer as may be appointed form time to



Function	Legislative Provision	Proper Officer	Deputy
			time to deputise
Service of notices requiring details of any interests in land.	Local Government (Miscellaneous Provisions) Act 1976 Section s 16	Monitoring Officer	Designated Deputy Monitoring Officer
Certification of copies of resolutions, minutes and other documents	Local Government (Miscellaneous Provisions) Act 1976 Section 41	Monitoring Officer	Designated Deputy Monitoring Officer
Duty of local authority to supply forms to doctors for purposes of Section 48 - Removal of dead body to mortuary for burial. Section 58 - Authentication of documents Section 60 - Service of notices and other documents	Public Health Act 1936 Sections 11, 48, 58 & 60 Public Health (Control of Disease) Act 1984	Director of Public Health	Such other officer as may be appointed form time to time to deputise
Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons.	Regulations 2, 3 and 6 of The Health Protection (Notification) Regulations 2010	Director of Public Health	Such other officer as may be appointed form time to time to deputise
Preparation of certificate of Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately.	Section 48 of the Public Health (Control of Disease) Act 1984 as amended by Health and Social Care Act 2008	Director of Public Health	Such other officer as may be appointed form time to time to deputise
Signature and authentication of notices, orders or other documents	Section 59 Public Health (Control of Disease) Act 1984	Director of Public Health	Such other officer as may be appointed form time to time to deputise
Power to enter premises	Sections 61 and 62 of the Public Health (Control of Disease) Act 1984	Director of Public Health / Director Thriving Communities	Such other officer as may be appointed form time to time to deputise
The local registrar within the meaning of the Land Registration Act 2002 and Local	Land Registration Act 2002 and Local Land Charges Act 1975	Director of Thriving Places	Such other officer as may be appointed

Function	Legislative Provision	Proper Officer	Deputy
Land Charges Act 1975 who shall register any matters specified by these Acts affecting land situate within the district.			form time to time to deputise
Entertainments, licensing control of sex shops and public health	Local Government (Miscellaneous Provisions) Act 1982	Director of Thriving Communities	Such other officer as may be appointed form time to time to deputise
Licensing and gambling functions	Licensing Act 2003 Gambling Act 2005	Director of Thriving Communities	Such other officer as may be appointed form time to time to deputise
Non-disclosure where potential to prejudice the effective conduct of public affairs	Freedom of Information Act 2000 Section 36	Monitoring Officer	Designated Deputy Monitoring Officer
Proper Officer Functions for petitions and referenda	Local Authorities (Referendums) (Petitions) (England) Regulations 2011/2914	Chief Executive	Such other officer as may be appointed form time to time to deputise
29 – Establish and maintain a register of Councillors' and co-opted members' interests 30 – 31 – Receipt of Councillors and co-opted members' declarations of interests and changes to those interests within 28 days 32 – Sensitive Interests 33 – Dispensations from restrictions under Section 31(4)	Localism Act 2011 Sections 29 - 33	Monitoring Officer	Designated Deputy Monitoring Officer
Proper Officer functions in relation to referendums	Local Authorities (Conduct of Referendums)	Chief Executive	Such other officer as may be appointed

Function	Legislative Provision	Proper Officer	Deputy
	(England) Regulations 2012		form time to time to deputise
Proper Officer functions anti-social behaviour and community protection	Anti-Social Behaviour Act 2003 and Anti-Social Behaviour, Crime and Policing Act 2014	Director Thriving Communities	Such other officer as may be appointed form time to time to deputise
Proper Officer for notification to deal with objections by the Executive to appointments or dismissals of Chief and Deputy Chief Officers	Local Authorities (Standing Orders) (England) Regulations 2001/3384	Monitoring Officer	Designated Deputy Monitoring Officer
Arrangements for network management and appointment of Traffic Manager	Section 17 of the Traffic Management Act 2004	Director of Thriving Places	Such other officer as may be appointed form time to time to deputise
Data Protection Officer  SIRO	Data Protection Act 2018  UK GDPR	Director Enabler Services	Such other officer as may be appointed form time to time to deputise
Nominated officer to receive disclosures on suspected terrorist property	Terrorism Act 2000 Part 3	Chief Executive	Such other officer as may be appointed form time to time to deputise
Making accounts available to inspection by Councillors of the Council	Local Government Act 1972 Section 228(3)	Director of Resources & Chief Finance Officer	Designated Deputy section 151 Officer
Responsibility for Chief Finance Officer Reports	Proceeds of Crime Act 2002 Part 7	Director of Resources & Chief Finance Officer	Designated Deputy section 151 Officer
Appointment of Rent Officers under a scheme Certification of provision of suitable alternative accommodation	Rent Act 1977 Section 63 Schedule 15, Part IV, para 7	Director of Thriving Services	Such other officer as may be appointed form time to time to deputise

Function	Legislative Provision	Proper Officer	Deputy
Receipt and inspection of complaints of category 1 and 2 hazards on residential premises	Housing Act 2004 Section 4	Director Thriving Communities	Such other officer as may be appointed from time to time to deputise
“Authorised Officer” to act in matters arising under the Food Safety Act	Food Safety Act 1990 Section 5	To be agreed	
Appointment of agricultural inspectors and an agricultural analyst	Agriculture Act 1970 Section 67	To be agreed	
Receipt of certificates approving dedication of highways to be maintainable at public expense and making certificates available for inspection. Power to adopt the highway by agreement	Highways Act 1980 Section 37(5) Section 38	Director Thriving Places	Such other officer as may be appointed from time to time to deputise
Duties in relation to street works in private streets	Highways Act 1980 Section 205(3) and (5)	Director Thriving Places	Such other officer as may be appointed from time to time to deputise
Certification of document giving details of any amendments to estimate of costs and provisional apportionment of costs of street works in private streets	Highways Act 1980 Section 210(2)	Director Thriving Places	Such other officer as may be appointed from time to time to deputise
Making a final apportionment of costs of street works under the private street works code	Highways Act 1980 Section 211(1), 212(4), 216(2) and (3)	Director Thriving Places	Such other officer as may be appointed from time to time to deputise
Agreements for the execution of works	Highways Act 1980 Section 278	Director Thriving Places	Such other officer as may be appointed from time to time to deputise

Function	Legislative Provision	Proper Officer	Deputy
Issuing of notice to require owners to remove materials from streets in which works are due to take place	Highways Act 1980 Section 295	Director Thriving Places	Such other officer as may be appointed from time to time to deputise
Signature and authentication of notices, consents, approvals, orders, demands, licences, certificates and other documents.	Highways Act 1980 Section 321	Director Thriving Places	Such other officer as may be appointed from time to time to deputise
Receive notification of, and having free access to, repairs of drains	Building Act 1984 Section 61	Director Thriving Places	Such other officer as may be appointed from time to time to deputise
Access to the countryside	Countryside and Rights of Way Act 2000 Section 1	Director Thriving Places	Such other officer as may be appointed from time to time to deputise
Nomination of Public Analyst	Food Safety Act 1990 Section 27	To be agreed	
Caldicott Guardian	Health & Social Care (National Data Guardian) Act 2018	To be agreed	