

SECTION 12: PROPER OFFICERS

1. APPOINTMENT OF PROPER OFFICERS

Proper officers are designated by the Council for the functions listed below as required by various statutory provisions.

2. PROPER OFFICER RESPONSIBILITIES

“Proper Officer” means the officer designated below by the Council for the purpose of this Scheme, or in the absence of such designation, the arrangements in relation to “authorised officers” in Part 3, Section 1.4 shall apply.

LEGISLATION	RESPONSIBILITY	PROPER OFFICER
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Public Health Act 1936

Section 85(2)	Serving a notice requiring action to deal with verminous articles	Executive Head of Operations
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Local Government Act 1972

Section 83	To witness and receive declarations of acceptance of office by the Mayor, Deputy Mayor and Councillors.	Head of Paid Service (Managing Director)
Section 84	To accept written notice of resignations from persons holding office as Mayor, Deputy Mayor or Councillor.	Head of Paid Service (Managing Director)
Section 88 (2)	Convening meetings of the Council to fill casual vacancy in office of Mayor.	Head of Paid Service (Managing Director)
Section 89 (1)(b)	Receipt of notice from electors requiring election to fill casual vacancy on Council.	Head of Paid Service (Managing Director)
Section 100 (B)(2)	Exclusion from public inspection of those reports (or parts) likely to be taken in absence of public.	Corporate Manager - Democracy
Section 100 (B)(7)(c)	Making available to the Press other documents already supplied to Members.	Corporate Manager – Democracy

Section 100 (C)(2)	To make a written summary in lieu of confidential minutes.	Corporate Manager - Democracy
Section 100 (D)(1)(a)	Listing background papers to a report	Authorised Officer responsible for the report
Section 100 (D)(5)(a)	To Identify background papers on which a report is based which have been relied on in preparing the report.	Authorised Officer responsible for the report
Section 100 (F)(2)	To identify documents not open to inspection by councillors under Section 100 (F)(1).	Corporate Manager – Legal Services
Section 115 (2)	Person to whom all officers shall pay monies received by them and due to the local authority.	Executive Head of Finance
Section 146 (1)(a)	Statutory declarations in relation to securities on change of name of authority.	Executive Head of Finance
Section 151	To be responsible for the proper administration of the financial affairs of the Council.	Executive Head of Finance
Section 191	To receive notices from Ordnance Survey in relation to ascertaining or locating Local Authority boundaries.	Head of IT, Customer and Facilities
Section 223	Authorisation (appearance by persons in legal proceedings)	Corporate Manager – Legal Services
Section 225 (1)	To receive and give receipt for any document required to be formally deposited.	Head of Paid Service
Section 228	To make arrangements for the Inspection of documents and minutes	Corporate Manager - Democracy
Section 229 (5)	To certify photographic copies of documents for use in legal proceedings.	Corporate Manager – Legal Services or Monitoring Officer
Section 234 (1) & (2)	To sign formal notices, orders or other documents made or issued by the Council other than those under seal and other than those specifically delegated to another officer:	

	<p>Any document relating to electoral registration or any Parliamentary or Local Election.</p> <p>All documents or categories of document for which provision is not made in relation to any other officer.</p> <p>Any document authorising the payment or receipt of any sum of money.</p> <p>The granting or refusal of planning permission, and any other documents or notice relating to building control or planning.</p> <p>Any document relating to housing, including notices pursuant to relevant statutory provisions.</p> <p>Any document relating to environmental or public health including notices pursuant to relevant statutory provisions.</p> <p>Any document relating to a matter which is, or is likely to be, legally contentious or any statutory notice (including enforcement or stop notices) where specific provision is not made elsewhere in this scheme.</p> <p>Any document of a category not specifically referred to above.</p>	<p>Head of Paid Service (Managing Director)</p> <p>Corporate Manager – Legal Services</p> <p>Executive Head of Finance</p> <p>Corporate Planning Manager or Head of Property and Growth</p> <p>Executive Head of Operations</p> <p>Executive Head of Operations</p> <p>Corporate Manager – Legal Services</p> <p>The Authorised Officer responsible for the service in question, or in default thereof, the Corporate Manager – Legal Services</p>
Section 236 (10)	To send copies of all byelaws made by the Council to the County Council.	Corporate Manager – Legal Services
Section 238	To certify a printed copies of Council byelaws.	Corporate Manager – Legal Services
Schedule 12 para. 4(2)(b)	To issue and serve summons to meetings of the Council.	Head of Paid Service (Managing Director)

Schedule 12, para. 4(3)	To receive formal notification from councillors requesting that a summons be sent to an alternative address.	Corporate Manager - Democracy
Schedule 14, Para. 25(7)	Certification of copy resolutions under Para. 25 of Schedule 14 of the Local Government Act, 1972.	Corporate Manager - Democracy

Local Government (Miscellaneous Provisions) Act 1976

Section 41	To certify copy resolutions, orders, reports, minutes, records of executive decisions and copy instruments appointing officers to perform certain functions	Corporate Manager - Democracy
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Representation of the People Act 1983

Section 8	To act as Registration Officer for the registration of Parliamentary and Local Government Electors.	Head of Paid Service (Managing Director)
Section 28	To act as Acting Returning Officer at Parliamentary Elections.	Head of Paid Service (Managing Director)
Section 35	To act as Returning Officer for the election of Councillors of the Borough.	Head of Paid Service (Managing Director)

Building Act 1984

Section 61	To authorise access to any works being carried out to repair, reconstruct or alter a drain	Executive Head of Property and Growth
Section 78	To take emergency action in relation to dangerous buildings and structures.	Executive Head of Property and Growth

Local Government Finance Act, 1988

Sections 114, 115 and 115A	Responsibility for Chief Financial Officer Reports.	Executive Head of Finance
Sections 116	Notification to auditor of date, time and place of meeting to consider Section 114 report and of decision of such meeting.	Head of Paid Service

Local Government and Housing Act, 1989

Section 2(4)	Keeping the list of politically restricted posts	Corporate Manager - People
Section 4	Head of Paid Service	Managing Director
Section 5	Monitoring Officer	Corporate Manager – Legal Services
Section 15 to 17	Allocating seats on committees	Corporate Manager - Democracy
Section 18	To implement a scheme of councillors' allowances	Corporate Manager – Democracy

Local Government (Committees and Political Groups) Regulations 1990

All Sections	Dealing with membership of political groups, political balance on committees and nominations by political groups	Corporate Manager – Democracy
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Food Safety Act 1990

Section 5	All functions required of an authorised officer	Executive Head of Operations
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Environmental Protection Act 1990

All Sections	All functions required of an authorised officer	Executive Head of Operations
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Party Wall etc. Act 1996

Section 10 (8)	To select a third surveyor, if required, during a neighbour dispute about building projects.	Executive Head of Property and Growth
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Crime and Disorder Act 1998

	To ensure compliance with the provisions of the Crime and Disorder Act in relation to the prevention of crime and disorder.	Chief Executive
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Local Government Act 2000

Section 81	Establish and maintain a Register of Interests.	Monitoring Officer
Chapter 4	Dealing with changing governance arrangements	Monitoring Officer and Corporate Manager – Democracy
Section 99 & 100	Councillors allowances and having regard to all relevant regulations including the Local Authorities (Members Allowances) (England) Regulations 2003	Corporate Manager – Democracy

The Local Authorities (Referendums) (Petitions and Directions) Regulations 2000

Regulation 34	Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000.	Corporate Manager - Democracy
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Freedom of Information Act 2000

36	Application of exemption from disclosure.	Corporate Manager – Legal Services
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Local Authorities (Model Code of Conduct) (England) Order 2001

Schedule 1 Paragraph 17	Establish and maintain a Register of Gifts and Hospitality received by Members.	Corporate Manager – Legal Services
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Local Authorities (Standing Orders) (England) Regulations 2001

Schedule 1 (Part II)	Giving notice of appointments and dismissals of officers to the Cabinet in accordance with the Regulations	Corporate Manager - People
Schedule 3	Provisions relating to disciplinary action	Corporate Manager - People

Regulation of Investigatory Powers Act (RIPA) 2000

27, 28 and 29	<p>Designation of officers empowered to grant authorisation for the carrying out of directed surveillance and authorise the use of covert human intelligent sources under Sections 27, 28 and 29 of the Act.</p> <p>Officers empowered to authorise surveillance are specified in Appendix B to the Council's Corporate Surveillance Policy.</p>	Corporate Manager – Legal Services
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Proceeds of Crime Act 2002

	To meet the Council's obligations in relation to the Proceeds of Crime Act	Executive Head of Finance
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Anti-Social Behaviour Act 2003

Section 30	Approval for Dispersal Orders	Head of Paid Service (Managing Director)
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Section 40	Closure of Noisy Premises	Executive Head of Operations
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Localism Act 2011 – Assets of Community Value

Section 87	Maintaining the list of Assets of Community Value, notifying owners and occupiers of listings and receipts of notices and publicising the possible sale of an asset	Corporate Manager – Legal Services
Section 90	Decision on whether or not to include a property or land on the list of Assets of Community Value	Corporate Manager – Legal Services
	Review of a decision to register a property or land on the list of Assets of Community Value or for compensation	Managing Director

Local Authorities (Executive Arrangements) Meetings and Access to Information (England) Regulations 2012

Regulation 2 and 15	To identify as background papers those documents which disclose any facts or matters on which a report or an important part of a report is based and were relied on to a material extent in preparing the report To compile a list of background papers to a report	Any Executive Director or Head of Service
Regulation 7	Access to agenda and connected reports for public meetings of the executive	Corporate Manager – Democracy
Regulation 9-11	Publicity and procedure in connection with key decisions	
Regulation 12	Recording of executive decisions made at meetings	

Regulation 13	Recording of executive decisions made by individuals	
Regulation 14	Inspection of documents following executive decisions	
Regulation 20	To determine whether any document or part of a document contains or may contain confidential or exempt information	Corporate Manager – Legal Services