



Title:	Constitution of the Council (Part 3Zc: Proper Officers)
Owner:	John Teasdale
Date of version:	2023
Review due:	Annually as required
Approved by Monitoring Officer:	John Teasdale

Adopted by the Full Council on 2023

DESIGNATION OF “PROPER OFFICERS”

The relevant people and post holders listed below have been designated as Proper Officers for the purposes of the following legislative provisions (and any subsequent amendments or replacement):

Sec. of Statute	Responsibility	Officer
BA 1984 S.78	Officer designated to enforce Section 78 of the Building Act, 1984 in relation to Dangerous Buildings.	Chief Finance Officer
BA 1984 S.93	Authentication of Documents etc.	Chief Finance Officer
GDPR	Officer designated to be the Data Protection Officer.	Monitoring Officer
FSA 1990 S.49(3)(a)	Authentication of Documents etc.	Chief Officer Head of Service
LGHA 1989 Sections 15-17	Voting Rights and Political Balance.	Corporate and Commercial Manager
Highways Act 1980 Part VII A	Provision of amenities on certain highways	Chief Finance Officer
LA 2003 S.55A	Suspension of premises licence for failing to pay annual fee	Chief Executive

LAR 2001	Officer designated to notify the Executive of proposed appointments to and dismissals from senior posts for the purposes of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001	Corporate and Commercial Manager
LAR 2012	Officer designated to act as 'Proper Officer' (e.g. for background papers, recording of meetings, giving information, etc).	Corporate and Commercial Manager
LGA 1972 S.13(3)	Officer designated to act as Parish Trustee with Chairman of Parish Meetings where no Parish Council exists.	Chief Executive
LGA 1972 S.83	To receive declarations of acceptance of office	Chief Executive
LGA 1972 S.84	To receive written notice of resignation of office	Chief Executive
LGA 1972 S.88	Convening of meeting of the Council to fill vacancy in office of Mayor (where such a casual vacancy exists)	Chief Executive
LGA 1972 S.89(1)(b)	To receive notice of casual vacancies from two local government electors	Chief Executive
LGA 1972 S.100(B)(2)	Officer designated to exclude from agenda papers made available to public reports (or parts) likely to be taken in absence of public.	The Chief Officer Head of Service originating the report & Corporate and Commercial Manager

LGA 1972 S.100(B)(7)(c)	Officer designated to supply copies of other documents.	Corporate and Commercial Manager
LGA 1972 S.100(C)(2)	Officer designated to make a written summary in lieu of confidential minutes.	Corporate and Commercial Manager
LGA 1972 S.100(D)(1)(a)	Officer designated to compile a list of background papers to a report.	The <u>Chief Officer</u> Head of Service originating the report
LGA 1972 S.100(D)(5)(a)	Officer designated to identify the background papers on which a report is based.	The <u>Chief Officer</u> Head of Service originating the report
LGA 1972 S.100(F)(2)	Officer designated to identify documents not available to Councillors under that section.	Corporate and Commercial Manager
LGA 1972 S.100G(1)	Officer responsible for maintaining Register of Elected Councillors	Corporate and Commercial Manager
LGA 1972 S.100G(2)	Officer responsible for maintaining list of Delegated Powers of Officers	Monitoring Officer
LGA 1972 S.100G(3)	Officer responsible for written summary of rights to attend meetings and to inspect and copy documents	Corporate and Commercial Manager
LGA 1972 S.115(2)	Officer to whom all officers shall pay monies received by them and due to the local authority.	Chief Finance Officer

LGA 1972 S.137A	Officer responsible for the deposit of a statement or report or accounts from a voluntary body in receipt of financial assistance above the relevant limit	Chief Finance Officer
LGA 1972 S.146	Officer designated to keep declarations and issue certificates in connection with the holding or transfer of securities or the payment of dividend or interest.	Chief Finance Officer
LGA 1972 S.151	Officer designated to be responsible for the administration of the financial affairs of the Council.	Chief Finance Officer
LGA 1972 S.191	Officer designated to receive notices of Ordnance Survey in relation to ascertaining or locating local authority boundaries.	Corporate and Commercial Manager
LGA 1972 S.210(6)&(7)	Officer designated to exercise any charity functions by officers of the "old" local authority where there is no holding of a corresponding office in the "new" local authority.	Chief Executive
LGA 1972 S.225(1)	Officer designated to receive and give receipt for any document required to be formally deposited with the Council.	Corporate and Commercial Manager

LGA 1972 S.228	Officer designated to maintain accounts open for inspection	Chief Finance Officer
LGA 1972 S.229(5)	Officer designated to certify a photographic copy of a document in the custody of the Council.	Chief Finance Officer and the Monitoring Officer
LGA 1972 S.234	Power to sign formal notices, orders or other documents made or issued by the Council	Chief Executive, Monitoring Officer or Chief Officer <u>Head of Service</u> responsible for that function
LGA 1972 S.236	Officer designated to receive copies of bye-laws from the County Council and to send copies of all bye-laws made by the Council to the Council of every Parish or Community to which they apply and to the County Council.	Monitoring Officer
LGA 1972 S.238	Officer designated to sign the certificate on any printed copy of the bye-laws authenticating such prints as a true and correct copy.	Monitoring Officer
LGA 1972 S.248	Officer designated to keep the Rolls of Aldermen and Freemen.	Corporate and Commercial Manager
LGA 1972 S.270	Appointment as Proper Officer in relation to all matters where no other Officer is specifically designated.	Chief Executive

LGA 1972 Schedule 12	Issue and service of summons to meetings of Council and Committees thereof: receipt of formal notification from Councillors of address to which it is desired such summons to be sent.	Chief Executive, with the exception of Licensing Committee – the relevant Chief Officer Head of Service; Planning Committee – the relevant Chief Officer Head of Service; and Standards Committee – Monitoring Officer
LGA 1972 Schedule 14 para.25(7)	Officer designated to certify copy resolutions.	Corporate and Commercial Manager
LGA 1974 S.30(5)	Notice of Ombudsman's reports	Corporate and Commercial Manager
LGA 2000 S.81	Receipt of declarations of financial and other interests by Councillors and the keeping of the register of declarations of financial and other interests	Monitoring Officer
LGA 2000 S.81	Receipt of declarations of gifts and hospitality by Councillors and the keeping of the register of gifts and hospitality	Monitoring Officer
LG(C)A 1997 Sections 3-4	Contract certification requirements	Chief Executive
LGFA 1988 S.114	Officer responsible for preparing a report in the case of unlawful expenditure.	Chief Finance Officer
LGFA 1988 S.116	Officer designated to notify auditor of date, time and place of meeting to consider S.114 report and decision of such meeting.	Chief Finance Officer

LGHA 1989 S.2	Officer charged with retaining a list of politically restricted posts	Chief Executive
LGHA 1989 S.4	Officer appointed as the Head of Paid Service	Chief Executive
LGHA 1989 S.5	Officer designated as the "Monitoring Officer"	Monitoring Officer
LGHA 1989 S.6	Officer responsible for the administration of financial affairs	Chief Finance Officer
LGHA 1989 S.15-17 & LG(CPG)R 1990 Local Government (Committees and Political Groups) Regulations 1990	To receive notices from Councillors concerning: (i) the constitution of political groups (ii) the membership of political groups; (iii) the wishes of political groups; (iv) the review of the allocation of seats to political groups. To notify Political Groups of: (i) the allocation of seats to political groups; (ii) the vacation of a seat allocated to a political group.	Chief Executive
LG(MP)A 1976 S.16	Requests for particulars of interests in land	Corporate and Commercial Manager
LG(MP)A 1976 S.41	Certifying copy minutes etc.	Corporate and Commercial Manager

LG(MP)A 1976 Part II	Officer designated to sign licences for hackney carriage and private hire vehicles and drivers	Chief Executive
PHA 1936 Sections 84 & 85	Power to issue certificate to the Council regarding the cleansing or destruction of filthy or verminous articles.	Chief Officer <u>Head of Service</u>
RIPA 2000 Sections 28, 29 & 30		Chief Executive, Chief Officer <u>Heads of Service</u> and Monitoring Officer.
RPA 1983 S.8	Officer designated as the Electoral Registration Officer (this also leads to appointment as the (Acting) Returning Officer for parliamentary elections).	Chief Executive
RPA 1983 S.35	Officer designated as the Returning Officer for elections of borough and parish councillors.	Chief Executive
RPA 1983 Rules made under S.36	Officer designated to receive the report of the Returning Officer of Borough Council Elections.	Chief Executive
RPA 1983 S.52	Officer designated as the Deputy Electoral Registration Officer.	Chief Finance Officer

Key to Statutes:-

BA - Building Act 1984

FSA - Food Safety Act 1990

GDPR – General Data Protection Regulation

LA – Licensing Act 2003

LAR 2001 - Local Authorities (Standing Orders) (England) Regulations 2001

LAR 2012 - Local Authorities (Executive Arrangements) (Access to information) (England) Regulations 2012

LD,ED&CA 2009 - Local Democracy, Economic Development and Construction Act 2009

LGA - Local Government Act 1972

LGA 1974 - Local Government Act 1974

LG(C)A - Local Government (Contracts) Act 1997

LGFA - Local Government Finance Act 1988

LGHA - Local Government and Housing Act 1989

LG(CPG)R 1990 - Local Government (Committees and Political Groups) Regulations 1990

LG(MP)A - Local Government (Miscellaneous Provisions) Act 1976

PHA - Public Health Act 1936

RIPA - Regulation of Investigatory Powers Act 2000

RPA - Representation of the People Act 1983