

## Proper Officer and Authorised Officer Functions

The Council designates Proper Officers to carry out functions allocated by law. Power to appoint Proper Officers is delegated to the Chief Executive, following consultation with the JSD - Legal & Democratic Services, unless legislation requires the appointment to be made by Full Council.

The deputy Proper Officer is shown after the proper officer. The deputy proper officer is appointed to act where the proper officer is absent and/or unable to act. If the proper officer and the deputy are both absent or unable to act, then the Chief Executive is appointed to act or may allocate the function to another officer.

This list is not necessarily exhaustive and any omission shall not affect the validity of any action or decision taken by the Proper Officer.

The following Proper Officer and/or authorised officer functions listed in column 3 are assigned to the officers and deputies in columns 4 and 5.

### \*The words in green are additions to the Proper Officer Scheme

Public Health Act 1961			
Act	Function	Officer	Deputy
s.37 Public Health Act 1961	Verminous Articles	Joint Strategic Director – Community Wellbeing	Assistant Director Regulatory Services

Local Government Act 1972			
Section	Function	Officer	Deputy
s.13 Local Government Act 1972	To act as Parish Trustee	JSD – Legal & Democratic Services	Deputy Monitoring Officer(s)
s.83 Local Government Act 1972	Declarations of acceptance of office	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
s.84 Local Government Act 1972	Receipt of resignations	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
s.86 Local Government Act 1972	To declare any vacancy in office	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
s.88(2) Local Government Act 1972	Convene a meeting to fill a vacancy of Mayor	JSD - Legal & Democratic Services	Democratic Services & Elections

			Manager/Dem Services Manager
s.89(1) Local Government Act 1972	Receive notices to fill casual vacancies of Councillors	Chief Executive	JSD – Legal & Democratic Services
s.100B(1)(2), (7)(c) and 100H Local Government Act 1972	Supplying reports and other documents to the press & public and excluding those which are not likely to be considered in open session;	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
s.100C(2) Local Government Act 1972	Making a written summary of proceedings to provide a record without disclosing exempt information.	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
s.100D(1)(a) and (5)(a) Local Government Act 1972	To compile a list of background papers to a report	Chief Executive, any JSD or Assistant Director	
s.100F(2) Local Government Act 1972	Identify documents not open to inspection by Councillors	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
s.100G Local Government Act 1972	Maintain a list of members	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
s.100G Local Government Act 1972	Maintain a list of delegations to officers	MO	Deputy Monitoring Officer(s)
s.115(2) Local Government Act 1972	To receive monies due to the Council from Officers	JSD - Finance	Deputy S151 Officer
s.146(1) Local Government Act 1972	Sign the statutory declaration to enable the transfer of securities in the event of a change in the name or status of the council	JSD - Finance	Deputy S151 Officer
s.151 Local Government Act 1972; ss.114-116 Local Government Finance Act 1988	Proper Officer in relation to references to Treasurer or District Treasurer; the officer responsible for the proper management of the Council's financial affairs and for making reports to Cabinet/Council	JSD - Finance	Deputy S151 Officer

s.191(2) Local Government Act 1972	Receive applications from Ordnance Survey for assistance in surveying disputed boundaries	JSD - Place	Assistant Director - Planning Development
s.210 Local Government Act 1972	In respect of powers about charities	JSD - Legal & Democratic Services	Deputy Monitoring Officer(s)
s.222 Local Government Act 1972	Prosecute or defend legal proceedings	JSD - Legal & Democratic Services	Any officer or other suitably qualified person appointed in writing by the JSD – Legal & Democratic Services
s.225 Local Government Act 1972	Deposit of documents in accordance with Standing Orders of either House of Parliament, Enactment or Statutory Instrument	JSD - Legal & Democratic Services	Deputy Monitoring Officer(s)
s.228 Local Government Act 1972	To make arrangements for the inspection of Council minutes	JSD – Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
s.229 Local Government Act 1972	To certify photographic copies of documents to be a true copy (other than those under Public Records Act 1958)	JSD - Legal & Democratic Services	Deputy Monitoring Officer(s)
s.234 Local Government Act 1972	To sign Notices Orders or other documents authorised or required by or under any Enactment other than those delegated to another officer	JSD - Legal & Democratic Services	Deputy Monitoring Officer(s)
s.236 Local Government Act 1972	To send copies of Byelaws to Parish and Community Councils to which they apply.	JSD - Legal & Democratic Services	Deputy Monitoring Officer(s)
s.238 Local Government Act 1972	Certification of printed copies of byelaws	JSD - Legal & Democratic Services	Deputy Monitoring Officer(s)
s.248 Local Government Act 1972	To keep the roll of Freeman of City or Town in District	Chief Executive	JSD – Legal & Democratic Services
Sch.12 Para.4(2)(b) Local Government Act 1972	Signing and serving summonses to attend meetings	JSD – Legal & Democratic Services	
Sch.12 Para.4(3) Local Government Act 1972	Receive written notice from a Member of the address to which a summons to the meeting is to be sent	JSD – Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager

Sch.12 Para.25 Local Government Act 1972	Certifying copy resolutions of the council passed before 1975 disapplying public health statutes	JSD – Community Wellbeing	Assistant Director Regulatory Services
Schedule 14(25) Local Government Act 1972	To certify resolutions for the purposes of legal proceedings	JSD – Legal & Democratic Services	Deputy Monitoring Officer(s)
Sch.14 Paragraph 25(7) Local Government Act 1972	To certify copies of Resolutions applying or disapplying provisions of the Public Health Act 1875 to 1925	Joint Strategic Director – Community Wellbeing	Assistant Director Regulatory Services
Sch.29 Para.4(1)(b) Local Government Act 1972	Adaptation, modification and amendment of enactments	JSD - Legal & Democratic Services	Deputy Monitoring Officer(s)
s.79 Public Health Act 1936 & Schedule 29 Part 1 Local Government Act 1972	Removal of Noxious Matter	AD Regulatory Services	
s.84 Public Health Act 1936 & Schedule 29 Part 1 Local Government Act 1972	Verminous Articles	AD Regulatory Services	
s.85 Public Health Act 1936 & Schedule 29 Part 1 Local Government Act 1972	Verminous People	AD Regulatory Services	
	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	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
	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	JSD - Finance	

#### Local Government Act 1974

Act	Function	Officer	Deputy
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Part 3 Local Government Act 1974	Local Government Ombudsman functions, including giving public notice of reports	Monitoring Officer	Deputy Monitoring Officer(s)
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#### Health & Safety at Work etc. Act 1974

Act	Function	Officer	Deputy
S19-22 Health & Safety at Work Act 1974	To appoint inspectors and authorise enforcement powers	Assistant Director Regulatory Services	

#### Local Land Charges Act 1975

Section	Function	Officer	Deputy
s.9 Local Land Charges Act 1975	Act as local registrar for the registration of local land charges and the issue of official certificates of search.	AD Planning Services	

#### Local Government Miscellaneous Provisions Act 1976

Act	Function	Officer	Deputy
s.41	To certify copies of Resolutions Orders reports or Minutes of the Council or any Predecessor Authority	JSD – Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager

#### Representation of the People Act 1983

Act	Function	Officer	Deputy
s.8 Representation of the People Act 1983	Electoral Registration Officer	JSD - Legal & Democratic Services	Electoral Services Manager
s.28 Representation of the People Act 1983	Acting Returning Officer at Parliamentary Elections	JSD - Legal & Democratic Services	Officer(s) appointed in writing by the Returning Officer
s.35 Representation of the People Act 1983	Returning Officer for local elections	JSD - Legal & Democratic Services	Officer(s) appointed in writing by the Returning Officer
s.67(7)(b) Representation of the People Act 1983	Receive declarations and give public notice of election agents' appointments	JSD - Legal & Democratic Services	Electoral Services Manager

ss.81, 82 and 89 Representation of the People Act 1983	To receive, inspect and publish returns and declarations of election expenses	JSD - Legal & Democratic Services	Electoral Services Manager
Representation of the People Act 1983	Undertake duties at council elections which are required to be undertaken not by the Returning Officer but by the Proper Officer	Returning Officer	Deputy Returning Officer(s)
s.131 Representation of the People Act 1983	Providing accommodation for holding election court	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager

<b>Building Act 1984</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
S.61 Building Act 1984	Permitted to have free access to drainage repairs	Assistant Director Commercial Services	
s.78 Building Act 1984	Authorise action in relation to dangerous structures	Assistant Director Commercial Services	
<b>s.93 Building Act 1984</b>	<b>Authentication of documents</b>	<b>Assistant Director Commercial Services</b>	
s.95 Building Act 1984	General power of entry in relation to building regulations	Assistant Director Commercial Services	

<b>Public Health (Control of Disease) Act 1984</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
ss.48 and 59 Public Health (Control of Disease) Act 1984 (as amended)	Infectious diseases and dead bodies; preparation of certificate to Justice of Peace for removal of body to mortuary and for burial; authentication of documents	Assistant Director Regulatory Services	
<b>s.60 Public Health Control of Disease Act 1984</b>	<b>Accepting service of notices, orders and other documents</b>	<b>Assistant Director Regulatory Services</b>	

### Local Government & Housing Act 1989

Section	Function	Officer	Deputy
s.2(4) Local Government and Housing Act 1989	To maintain a list of politically restricted posts	Assistant Director – Organisational Development	Lead Specialist - HR
s.3A Local Government and Housing Act 1989	To determine applications for exemption from the list of politically restricted posts	Chief Executive	JSD – Legal & Democratic Services
s.4 Local Government and Housing Act 1989	Head of Paid Service	Chief Executive	Any Joint Strategic Director
s.5 Local Government and Housing Act 1989	Monitoring Officer	JSD – Legal & Democratic Services	Officer(s) appointed in writing by the Monitoring Officer
ss.15-17 Local Government and Housing Act 1989	Undertake all matters relating to the formal establishment of Political Groups, and give effect to the wishes of Political Groups in making appointments of members to committees	Monitoring Officer	Deputy Monitoring Officer(s)

### Local Government (Committees and Political Groups) Regulations 1990

Act	Function	Officer	Deputy
Regs.8-10, 1315 and 17 Local Government (Committees and Political Groups) Regulations 1990	Receipt of notice re Political Groups; give effect to the wishes of Political Groups in making appointments of members to committees	Monitoring Officer	Deputy Monitoring Officer(s)

### Food Safety Act 1990

Act	Function	Officer	Deputy
s.27(1) Food Safety Act 1990 (as amended)	Appointment as public analyst	Assistant Director Regulatory Services <i>(need to hold the relevant qualification)</i>	
s.49 Food Safety Act 1990 (as amended)	Sign any document authorised or required to be made, given or issued by the Food Authority	Assistant Director (Regulatory Services)	

<b>Local Government Contracts Act 1997</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
<b>s.2 Local Government Contracts Act 1997</b>	<b>To certify that the Council has the power to enter into a contract</b>	<b>JSD – Legal &amp; Democratic Services</b>	Deputy Monitoring Officer(s)

<b>Local Government Finance Act 1998</b>			
<b>Section</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
ss.114, 115 & 115B	Responsibility for JSD - Finance reports	JSD – Finance	Deputy S151 officer
<b>s.116</b>	<b>Notify external auditor of meeting under the Act to consider a report of the JSD - Finance</b>	<b>JSD - Finance</b>	<b>Deputy S151 Officer</b>

<b>Crime &amp; Disorder Act 1998</b>			
<b>Section</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
All	To ensure compliance with the Council's duties	JSD Community Wellbeing	AD Community Safety

<b>Freedom of Information Act 2000</b>			
<b>Section</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
<b>s.36 Freedom of Information Act 2000</b>	<b>Qualified person to confirm or deny whether disclosure of information is likely to prejudice the effective conduct of public affairs</b>	<b>Monitoring Officer</b>	<b>Deputy Monitoring Officer(s)</b>

<b>Local Government Act 2000</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
s. 21A Local Government Act 2000 (as amended)	Decision making in respect of Councillor Call for Action	JSD – Legal & Democratic Services	Dem Services & Elections Manager/Dem Services Manager

<b>Local Authorities (Standing Orders) (England) Regulations 2001</b>			
<b>Section</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>



Sch.1, Part II, Paras.5-6 Local Authorities (Standing Orders) (England) Regulations 2001	Notification to Executive and objections to be considered concerning appointment or dismissal of Head of Paid Service, Chief Officers or Deputy Chief Officers	Monitoring Officer	Deputy Monitoring Officer(s)
Part II	Notify the Executive of the person whom it is proposed that the Council appoint as a Chief Officer, Deputy Chief Officer, Statutory Chief Officer or Non-Statutory Chief Officer or Head of Paid Service.	Monitoring Officer	Deputy Monitoring Officer(s)

#### **Criminal Justice & Police Act 2001**

<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
	Power to enter premises and seize items where the Council has a power of seizure	All Assistant Directors	

#### **Proceeds of Crime Act 2002**

<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
	Actions and obligations under the Act	S151 Officer	Deputy S151 Officer

#### **Local Elections (Principal Areas) (England and Wales) Rules 2006**

<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
S.50(b)	To receive the names of elected Councillors from the Returning Officer	JSD - Legal & Democratic Services	Dem Services & Elections Manager/Dem Services Manager
Sch.2 Para.54 Local Elections (Principal Areas)(England and Wales) Rules 2006	Registration officer for the retention and destruction of documents following an election	Electoral Registration Officer	Deputy ERO

#### **Local Elections (Parishes & Communities) (England and Wales) Rules 2006**

<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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Rule 5	To receive requests for an election to fill a casual vacancy	Chief Executive	JSD – Legal & Democratic Services
S.50	To receive the names of elected Parish Councillors from the Returning Officer	JSD - Legal & Democratic Services	Dem Services & Elections Manager/Dem Services Manager
Sch.2 Para.54 Local Elections (Principal Areas)(England and Wales) Rules 2006	Registration officer for the retention and destruction of documents following an election	Electoral Registration Officer	Deputy Electoral Registration Officer

#### **Cremation (England and Wales) Regulations 2008**

<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
Regulation 31	Person appointed as the Registrar	Assistant Director Environmental Services	

#### **Localism Act 2011**

<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
s.29 Localism Act 2011	Establish and maintain a register of members' and coopted members' interests	Monitoring Officer	Deputy Monitoring Officer(s)
s.30-31 Localism Act 2011	Receipt of members' and coopted members' declarations of interests and changes to those interest within 28 days	Monitoring Officer	Deputy Monitoring Officer(s)
s.32 Localism Act 2011	Sensitive interests	Monitoring Officer	Deputy Monitoring Officer(s)
s.33 Localism Act 2011	Dispensations from restrictions under s.31(4)	Monitoring Officer	Deputy Monitoring Officer(s)

#### **Local Authorities (Referendums)(Petitions)(England)Regulations 2011 Local Authorities (Conduct of Referendums) England) Regulations 2012**

<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
Local Authorities (Referendums) (Petitions) (England) Regulations 2011	Proper Officer function for all sections of the Regulations	JSD - Legal & Democratic Services	Democratic Services & Elections Manager

Local Authorities (Conduct of Referendums) (England) Regulations 2012	Proper Officer function for all sections of the Regulations	JSD - Legal & Democratic Services	Democratic Services & Elections Manager
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**Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

Act	Function	Officer	Deputy
All Regs. under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	Make records available for inspection	JSD - Legal & Democratic Services	Democratic Services & Elections Manager
Reg.15	List of background papers	All JSDs and Assistant Directors	

**Anti-Social Behaviour, Crime and Policing Act 2014**

Act	Function	Officer	Deputy
<b>s.1</b>	<b>Power to seek an injunction</b>	<b>Assistant Director – Regulatory Services</b>	
<b>s.43</b>	<b>Power to issue Community Protection Notices</b>	<b>Assistant Director – Regulatory Services</b>	
<b>s.52</b>	<b>Power to issue fixed penalty notices</b>	<b>Assistant Director – Regulatory Services</b>	
<b>s.59</b>	<b>Power to make Public Spaces Protection Orders</b>	<b>Assistant Director – Regulatory Services</b>	
<b>s.76</b>	<b>Power to seek Closure Orders and/or issue Closure Notices</b>	<b>Assistant Director – Regulatory Services</b>	

**Data Protection Act 2018**

Act	Function	Officer	Deputy
ss.69, 70-71 Data Protection Act 2018	Designated Data Protection Officer	Information Governance & Data Protection Officer	