

3.10 PROPER OFFICERS AND STATUTORY APPOINTMENTS

3.10.1 ~~The following officers have been designated “proper officers” for the following functions:~~ In this Constitution the posts set out below shall be the designated Statutory and Proper Officer for the Council and those posts shall undertake the specific responsibilities attached to the role of the specific Statutory and Proper Officer.

3.10.2 In the event of any Officers mentioned below being for any reason unable to act or of any of their posts being vacant, the Chief Executive or in his/her absence, the Corporate Director of Governance, and in the absence of both, the Section 151 Officer, shall nominate an Officer to act in their stead.

3.10.3 Until the Council decides otherwise the Chief Executive is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has, for the time being, been made.

Statutory Officers

LEGISLATION	DESIGNATION	POST
Section 4, Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
Section 5, Local Government and Housing Act 1989	Monitoring Officer	Corporate Director, Law, Probity and , Governance
Section 151 Local Government Act 1972 (and section 114 of the Local Government Finance Act 1988)	Chief Finance Officer	Corporate Director, Resources
Section 6 Local Authority Social Services Act 1970	Director of Adult Social Services	Corporate Director, Adults’ Services, <u>Health,</u> <u>Adults and Community</u>
Section 18 Children Act 2004	Director of Children’s Services	Corporate Director, Children’s
Section 30 Health and Social Care Act 2012	Director of Public Health	Director, Public Health
Section 9FB Local Government Act 2000	Scrutiny Officer	Service Head for Corporate <u>Divisional</u> <u>Director Policy and</u>

		Strategy and Equality
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Proper Officers

NO.	STATUTE & FUNCTION	OFFICER
National Assistance Act 1948 and National Assistance (Amendment) Act 1951		
1.	Proper officer to seek an order for removal of persons into care	Corporate Director, Ault <u>Services, Health, Adults and Community</u>
Registration Service Act 1953		
2.	Sections 9(1) and (2), 13(2)h and (3)b and 20 (b) - Proper officer for Births, Deaths and Marriages	Corporate Director, Law, Probity and Governance
Local Government Act 1972		
3.	Section 83(1) – The officer to whom a person elected to the office of the Mayor or a Councillor shall deliver a declaration of acceptance of office on the prescribed form	Chief Executive
4	Section 84 – The officer to whom written notice of resignation of office shall be delivered	Chief Executive
5.	Section 86 - To declare any vacancy in any office under the Section	Chief Executive
6.	Section 88(2) - The officer who may call a Council meeting for the election to the vacant office of Chair of Council	Chief Executive
7.	Section 89(1)(b) - The officer to whom notice in writing of a casual vacancy occurring in the office of Councillor may be given by two local government electors for the borough	Chief Executive
8.	Section 100B(2) - The officer authorised to exclude from committees, sub committees, Council or Executive meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	Corporate Director, Law, Probity and Governance
9.	Section 100B(7)(c) - The officer to supply to any newspaper copies of documents supplied to Members of committees, sub-committees, Council or Executive meetings in connection with an item for consideration	Corporate Director, Law, Probity and Governance
10.	Section 100C(2) - The officer to prepare a written summary of proceedings of committees, sub-committees, Council or the Executive from which the public were excluded	Corporate Director, Law, Probity and Governance

NO.	STATUTE & FUNCTION	OFFICER
Local Government Act 1972		
11.	Section 100D(1)(a) - The officer to prepare a list of background papers for reports considered by committees, sub-committees, Council or the Executive	Corporate Director, Law, Probity and Governance
12.	Section 100D(5) – The Officer to determine which documents constitute background papers and section 100H - ability to charge for the provision of such documents	Corporate Director, Law, Probity and Governance
13.	Section 100F(2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Corporate Director, Law, Probity and Governance
14.	Section 100G - To maintain a register of the names and addresses of Members and membership of committees, lists of delegations and the like	Corporate Director, Law, Probity and Governance
15.	Section 115 – The officer to whom money properly due from officers shall be paid	Corporate Director, of Resources
16.	Section 137A – The officer to receive statements in connection with the provision of financial assistance	Corporate Director, of Resources
17.	Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies	Corporate Director, of Resources
18.	Section 223 Authorising officers to attend court and appear on behalf of the Council under Local Government Act 1972 and the County Courts Act 1984	Corporate Director, Law, Probity and Governance
19.	Section 225(1) – The officer to receive and retain statutory documents on behalf of the Authority	Corporate Director, Law, Probity and Governance
20.	Section 229(5) – The officer to certify copies of documents	Corporate Director, Law, Probity and Governance
21.	Section 233 – The officer to receive documents required to be served on the Authority	Corporate Director, Law, Probity and

		Governance
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NO.	STATUTE & FUNCTION	OFFICER
Local Government Act 1972		
22.	Section 234(1) and (2) – The officer to authenticate documents on behalf of the Authority	Corporate Director, Law, Probity and Governance
23.	Section 238 – The officer to certify printed copies of bylaws	Corporate Director, Law, Probity and Governance
24.	Section 248 – The officer responsible for the keeping of the roll of freemen	Corporate Director, Law, Probity and Governance
25.	Schedule 12 (paragraphs 4(2)(b)) – The officer responsible for signing summonses to attend meetings	Chief Executive
26.	Schedule 12 (paragraphs 4(3)) – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent	Corporate Director, Law, Probity and Governance
27.	Schedule 14 (paragraph 25(7)) – The officer responsible for the certification of true copies of resolutions	Corporate Director, Law, Probity and Governance
Local Government Act 1974		
28.	Section 30(5) – The officer responsible for giving notice of Local Government Ombudsman Report	Corporate Director, Law, Probity and Governance
Local Government (Miscellaneous Provisions) Act 1976		
29.	Section 41 - The officer to certify as evidence of resolutions of proceedings	Corporate Director, Law, Probity and Governance
Highways Act 1980		
30.	Section 59(1) – The officer to certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight or extraordinary damage	Divisional Director Public Realm

NO.	STATUTE & FUNCTION	OFFICER
Highways Act 1980		
31.	Section 205(3) – The officer to prepare a specification of the street works referred to in the resolution, with any necessary plans and sections, an estimate of the probable expenses of the works, and a provisional apportionment apportioning the estimated expenses between the premises liable to be charged with them under the private street works code	Divisional Director Public Realm
32.	Section 205(5) – The officer to certify copies of resolution and approved documents	Divisional Director Public Realm
33.	Section 210(2) – The officer to certify amendments to estimated costs and provisional apportionment of costs under the private street works code	Divisional Director Public Realm
34.	Section 211(1) – The officer to make the final apportionment of costs under the private street works code	Divisional Director Public Realm
35.	Section 216(2) and (3) – The officer to settle the proportion of the amount of costs under the private street works code in respect of railway undertakers or canal undertakers	Divisional Director Public Realm
36.	Section 259 – The officer to issue notice requiring removal of materials from non-maintainable streets in which works are due to take place	Divisional Director Public Realm
37.	Section 321 – The officer to authenticate notices, consents, approvals, orders, demands, licenses, certificates or other documents	Divisional Director Public Realm
38.	Schedule 9 (paragraphs 4) – The officer responsible for signing plans showing proposed prescribed improvement or building lines	Divisional Director Public Realm
Representation of the People Act 1983		
39.	Section 8 – Person appointed as Registration Officer	Chief Executive
40.	Section 28 – Person appointed as Acting Returning Officer	Chief Executive
41.	Section 35 – Person appointed as Returning Officer	Chief Executive
42.	Section 37(7)(b) – The officer to receive declarations and give public notice of election agents' appointments	Chief Executive
43.	Section 131(1) – The officer to provide accommodation for holding election court	Chief Executive

NO.	STATUTE & FUNCTION	OFFICER
Building Act 1984		
44.	Section 93 – The officer to sign any notice, order or other document which the Council is authorised or required to give, make or issue under this Act, to authorise any officer in writing to do so, and to authenticate any such document	Divisional Director Planning and Building Control
Public Health (Control of Disease) Act 1984		
45.	Section 45F(2)(a) and (b) and 45P(2) – The proper officer for the purposes of the Health Protection (Notification) Regulations 2010	Divisional Director Public Realm
Weights and Measures Act 1985		
46.	Section 72(1) – Person appointed as Chief Inspector of Weights and Measures	Divisional Director Public Realm
Local Government Finance Act 1988		
47.	Section 116(1) – The officer to notify the external auditor of a meeting under the Act to consider a report from the Chief Finance Officer	Divisional Director Risk Management
Local Government and Housing Act 1989		
48.	Section 2(4) – The officer to hold on deposit the Council's list of politically restricted posts	Corporate Director, Law, Probity and, Governance
49.	Section 3A – The officer who, in consultation with the Monitoring Officer, determines applications for exemption from political restriction or for designation of posts as politically restricted	Chief Executive (in consultation with the Monitoring Officer)
50.	Section 15 to 17 (and Regulations made thereunder) – the officer to receive and give notices relating to the membership of political groups	Chief Executive
Freedom of Information Act 2000		
51.	Section 36 – The 'qualified person'	Corporate Director, Law, Probity and, Governance
NO.	STATUTE & FUNCTION	OFFICER

Local Government Act 2000		
52.	Section 9G and 9GA(4) – The proper officer for the purposes of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	Corporate Director, Law, Probity and, Governance
Regulation of Investigatory Powers Act 2000		
53.	Part I, Chapter II (acquisition and disclosure of communications data) and Part II (directed surveillance and use of covert human intelligence source) – The officers who are designated to grant authorisation	Service Head, Divisional Director Community Service or, in that officer's absence, Corporate Ant- Fraud Manager Public Realm

Comment [PG1]: This needs to be reviewed

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