

Proper Officer List

| STATUTE AND FUNCTION/POWER | Proper Officer(s) |
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| NATIONAL ASSISTANCE ACT 1948 AND NATIONAL ASSISTANCE (AMENDMENT) ACT 1951 | |
| Section 47 of the 1948 Act and Section 1 of the 1951 Act -Proper officer to seek an order for removal of persons into care | Director of People – Children and Adults |
| REGISTRATION SERVICES ACT 1953 AND REGULATIONS 1968 TO 1994 | |
| Proper officer for Births Deaths and Marriages | Director of Place and Deputy Chief Executive |
| LOCAL GOVERNMENT ACT 1972 | |
| Section 83 (1) – The officer to whom a person elected to the office of Councillor shall deliver a declaration of acceptance of office on a form prescribed by rules made under Section 42 of the Act | Assistant Director, Legal and Governance |
| Section 83 (3)(b) – The officer before whom a declaration of acceptance of office of Chair of Council or Deputy Chair of Council may be made | Chief Executive |
| Section 84 – The officer to whom written notice of resignation of elected office shall be delivered | Chief Executive |
| Section 86 - To declare any vacancy in any office under the Section | Chief Executive |
| Section 88 (2) – The officer by whom a meeting of the Council for the election of the vacant office of Chairperson of the Council may be convened | Chief Executive |
| 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 |
| Section 99 + Schedule 12 - To give notice and send summonses in respect of any Council meeting | Chief Executive |
| Section 100 - To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press | Chief Executive |
| Section 100B (2) – The officer 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 | Assistant Director, Legal and Governance |
| 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 | Assistant Director, Legal and Governance |

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| 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 | Assistant Director, Legal and Governance |
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| Section 100D (1)(a) – The officer to prepare a list of background papers for reports considered by committees, sub-committees, Council or the Executive | Assistant Director, Legal and Governance |
| Section 100D (5) – The Officer to determine which documents constitute background papers and Section 100H - ability to charge for the provision of such documents | Assistant Director, Legal and Governance |
| Section 100F (2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection | Assistant Director, Legal and Governance |
| Section 100G - To maintain a register of the names and addresses of Members and membership of committees, lists of delegations and the like | Assistant Director, Legal and Governance |
| Section 115 – The officer to whom money properly due from officers shall be paid | Chief Finance Officer |
| Section 123 - The officer responsible for certifying or obtaining a certificate of 'Best Consideration' on the disposal of land and property. | Director of Place and Deputy Chief Executive |
| Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies | Assistant Director, Legal and Governance |
| Section 151 (and section 114 of the Local Government Finance Act 1988) – The officer to be responsible for the proper administration of the Authority's financial affairs (and to issue a report to Members if there is or is likely to be unlawful expenditure or an unbalanced budget) | Chief Finance Officer |
| 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 | Assistant Director, Legal and Governance |
| Section 224 – the officer who shall have responsibility for the custody of Council documents | Assistant Director, Legal and Governance |
| Section 225 (1) – The officer to receive and retain statutory documents on behalf of the Authority | Assistant Director, Legal and Governance |
| Section 228(3) – Making accounts available for Councillors to look at | Chief Finance Officer |
| Section 229 (5) – The officer to certify photographic copies of documents | Assistant Director, Legal and Governance |
| Section 233 – The officer to receive documents required to be served on the Authority | Assistant Director, Legal and Governance |
| Section 234 (1) & (2) – The officer to authenticate documents on behalf of the Authority | Assistant Director, Legal and Governance |
| Section 238 – The officer to certify printed copies of bylaws | Assistant Director, Legal and Governance |
| Section 248 – The officer responsible for the keeping of the roll of freemen. | Assistant Director, Legal and Governance |

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| Schedule 12 [paragraphs 4(2)(b) & 4(3)] – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent | Assistant Director, Legal and Governance |
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| Schedule 14 [paragraph 25(7)] – The officer responsible for the certification of true copies of resolutions | Assistant Director, Legal and Governance |
| LAND CHARGES ACT 1975 | |
| Section 19 – The officer to act as Local Registrar as defined in Section 3 of the Land Charges Act 1975 | Assistant Director, Legal and Governance |
| LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | |
| Section 41 – The officer to certify copies of any resolution, order, report or minutes of proceedings of the Authority as evidence in any legal proceedings | resolutions of the council - Assistant Director, Legal and Governance resolutions of the executive - Assistant Director, Legal and Governance |
| Section 16 - Notices requiring details of interest in land. | Director of Place and Deputy Chief Executive |
| EUROPEAN PARLIAMENTARY ELECTIONS ACT 2002 | |
| Section 6 (5A) - Local Returning Officer for European Parliamentary Elections and all other powers in relation to such elections. | Returning Officer appointed by the council |
| REPRESENTATION OF THE PEOPLE ACT 1983 | |
| Section 8 - To appoint a Registration Officer for the purpose of the registration of electors and approve the Deputy Electoral Registration Officer | officer appointed by the council to be registration officer |
| Section 28 – Acting Returning Officer at a Parliamentary election of a Member of Parliament | registration officer appointed by the council |
| Sections 82, 88 and 89 – Receipt of election expense declarations returns and the holding of those documents for public inspection | in relation to a parliamentary election, the returning officer; in relation to an Authority election, the returning officer for that election in relation to any other local government election, the proper officer of the authority for which the election is held. |
| EUROPEAN UNION REFERENDUM ACT 2015 | |
| Schedule 3 Section 3 – the counting officer for the conduct of the referendum | officer appointed by the council to be registration officer |
| PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 | |

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| <p>Requirement to appoint a suitably qualified person as the Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases</p> | <p>Deputy Director Health Protection and the Consultants in Communicable Disease Control from Public Health England</p> |
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| LOCAL GOVERNMENT FINANCE ACT 1988 | |
| Section 116 - Notification to the Council's auditor of any meeting to be held under Section 15 of the 1988 Act (meeting to consider any report of the Chief Finance Officer under Section 114) | Chief Finance Officer |
| Section 139A - Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required. | Chief Finance Officer |
| LOCAL GOVERNMENT AND HOUSING ACT 1989 | |
| Section 2 – The officer to hold on deposit the list of politically restricted posts and Section 2 - provision of certificates as to whether a post is politically restricted | Director of Place and Deputy Chief Executive |
| Section 3A – The officer responsible for the grant and supervision of exemptions from political restrictions | CE (in capacity as Head of Paid Service) |
| CIVIL EVIDENCE ACT 1995 | |
| To certify Council records for the purposes of admitting the document in evidence in civil proceedings. | Assistant Director, Legal and Governance |
| LOCAL GOVERNMENT (CONTRACTS) ACT 1997 | |
| Certification of relevant powers to enter into contracts | Local Authorities (Contracts) Regulations 1997 Monitoring officer & auditor |
| CRIME AND DISORDER ACT 1998 | |
| Section 12 - to apply for the discharge or variation of a Child Safety Order | “responsible officer”, in relation to a child safety order, means one of the following who is specified in the order, namely— (a) a social worker of a local authority . . . ; and (b) a member of a youth offending team. |
| Sections 17 and 37 to have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons | Director of People – Children and Adults |
| LOCAL GOVERNMENT ACT 2000 | |
| To establish and maintain the Members Register of Interests (Section 29 Localism Act 2011) and ensure it is available for public inspection | The Monitoring Officer |

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| To ensure that copies of the constitution are available for inspection | Assistant Director, Legal and Governance |
| To make payments of relevant allowances in accordance with the Council's Members allowances scheme | Assistant Director, Legal and Governance |

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| To defray expenses of any Members making official and courtesy visits, receptions and entertainment of distinguished persons visiting the Borough | Assistant Director, Legal and Governance |
| Officer for the purposes of verifying the validity of any electoral petition and for the purposes of announcing and holding any referendum | Chief Executive |
| LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 | |
| The officer responsible for ensuring a proper record and access is made of Executive reports, background papers and decisions and that the document comprising the Authority's Forward Plan is published in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 | Assistant Director, Legal and Governance |
| CRIMINAL JUSTICE AND POLICE ACT 2001 | |
| Delegated power to authorise officers to enter premises and seize items where the Council has a power of seizure under this Act and to perform other related duties (return and security of seized items) | Director of Place and Deputy Chief Executive |
| LOCAL GOVERNMENT ACT 2003 | |
| Section 25 - Requirement to report to Council annually on the robustness of estimates and financial reserves | Chief Finance Officer |
| Schedule 1 – the exercise by the authority of any of its functions as set out in Schedule 1 | Section 72A(1)(a): Director of Public Health |
| Section 6C(1) – the exercise by the authority of any of the Secretary of State's public health functions, which it is required to carry out by regulations issued by the Secretary of State | Section 72A(1)(a): Director of Public Health |
| Section 7A – the exercise by the authority of any of the Secretary of State's public health functions, which are delegated to it by the Secretary of State | Section 72A(1)(a): Director of Public Health |
| Section 73A(1)(d) – the exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health | Section 72A(1)(a): Director of Public Health |
| Section 73A(1)(e) – the exercise by the authority of its functions under section 325 Criminal Justice Act 2003 (cooperating with "responsible bodies" in relation to the assessment of risks posed by certain offenders) | Section 72A(1)(a): Director of Public Health |
| Section 73A(1)(f) – the exercise by the authority of such other functions relating to public health as may be prescribed | Section 72A(1)(a): Director of Public Health |
| NATIONAL HEALTH SERVICE ACT 2006 | |

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| Section 2B – the exercise by the authority of its duty to take steps as it considers appropriate for improving the health of the people in its area | Section 72A(1)(a): Director of Public Health |
| Section 111 – the exercise by the authority of any functions prescribed by Secretary of State in relation to dental public health | Section 72A(1)(a): Director of Public Health |

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| Section 249 – the exercise by the authority of its duty to cooperate with the prison service with a view to improving the exercise of their respective functions in relation to securing and maintaining the health of prisoners | Section 72A(1)(a): Director of Public Health |
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A Proper Officer may at any time delegate or authorise other officers (in writing) to perform the designated duties on his or her behalf.