

Proper Officer List

STATUTE AND FUNCTION/POWER	Proper Officer(s)
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 and Deputy Chief Executive
REGISTRATION SERVICES ACT 1953 AND REGULATIONS 1968 TO 1994	
Proper officer for Births Deaths and Marriages	Director of Place
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
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

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 Operating 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
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 Operating 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 Operating 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
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

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
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	
Requirement to appoint a suitably qualified person as the Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases	Deputy Director Health Protection and the Consultants in Communicable Disease Control from Public Health England

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 S.151 Officer under Section 114)	Chief Operating 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 Operating 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
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 and Deputy Chief Executive
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
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
To defray expenses of any Members making official and	Assistant Director, Legal and

courtesy visits, receptions and entertainment of distinguished persons visiting the Borough	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 a
LOCAL GOVERNMENT ACT 2003	
Section 25 - Requirement to report to Council annually on the robustness of estimates and financial reserves	Chief Operating 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	
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

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
--	---

A Proper Officer may at any time delegate or authorise other officers (in writing) to perform the designated duties on his or her behalf.