

### Proper Officer Functions

1. The Council has appointed the following Proper Officers for the purposes of the statutory provisions set out below.
2. In the event of any of the Officers mentioned below being unable to act, or any of their posts being vacant, the Chief Executive or the Director of Law and Governance shall be authorised to act in their absence.
3. Where a specific delegated power has been granted to an Officer in respect of any of the matters referred to below, the specific delegation will take precedent.
4. Until the Council decides otherwise, the Chief Executive is appointed the Proper Officer for the purposes of all statutory provisions, whether existing or future, in respect of any provision where no express Proper Officer appointment has, for the time being, been made.
5. Notwithstanding the above, a proper officer may at any time delegate or authorise other officers to perform the designated duties on his/her behalf.

#### **LOCAL GOVERNMENT ACT 1972**

| <b>Section</b> | <b>Purpose of Appointment</b>   | <b>Proper Officer</b> |
|----------------|---|-----------------------|
| 4(b)           | Authentication of summons to attend a meeting                           | Chief Executive       |
| 83 (1) to (3)  | Witness and receipt of declarations of Members' acceptance of office.   | Chief Executive       |
| 84             | Receipt of written notice of Members' resignation of office.            | Chief Executive       |
| 88(2)          | Convening a Council meeting for election to vacant office of Chairman.  | Chief Executive       |
| 89(1)(b)       | Receipt of notice of casual vacancy from two local government electors. | Chief Executive       |
| 100B(2)        | Exclusion of reports and agendas from public inspection.                | Chief Executive       |
| 100B(7)(c)     | Supply of papers to the press.  | Chief Executive       |
| 100C(2)        | Written summary (minutes) of private committee meeting.                 | Chief Executive       |

|                             |   |                                 |
|-----------------------------|---|---------------------------------|
| 100D(1)                     | Compilation of background papers.   | Chief Executive                 |
| 100D(5)(a)                  | Identification of background papers   | Chief Executive                 |
| 100F(2)                     | Identification of documents containing exempt information not open to Members.      | Chief Executive                 |
| 115(2)                      | Receipt of money and property from officers.  | Director of Corporate Resources |
| 146(1)                      | Declarations and certificates with regard to securities.                            | Director of Law and Governance  |
| 191(2)                      | Functions in respect of Ordnance Survey.  | Chief Executive                 |
| 210(6)-(7)                  | Exercise residual functions in relation to charities.                               | Director of Law and Governance  |
| 225(1)                      | Receiving and retaining deposited documents.  | Director of Law and Governance  |
| 228(3)                      | Accounts – to be open for inspection.   | Director of Corporate Resources |
| 229(5)                      | Certify photographic copy documents.  | Director of Law and Governance  |
| 234(1)                      | Sign public notices, orders and other documents on behalf of the Council.           | Director of Law and Governance  |
| 236(10)                     | Service of byelaws on district councils   | Director of Law and Governance  |
| 238                         | Certification of copy byelaws.  | Director of Law and Governance  |
| Sch 12, Pt. I, para 4(2)(b) | Signature of summons to Council   | Chief Executive                 |
| Sch. 12, Pt. I, para 4(3)   | Receipt of notices regarding addresses to which Summons to meetings are to be sent. | Chief Executive                 |

**LOCAL GOVERNMENT ACT 1974**

| <b>Section</b> | <b>Purpose of Appointment</b>                | <b>Proper Officer</b>                             |
|----------------|--|---|
| 30(5)          | Notice of Local Government Ombudsman Report. | Chief Executive or Director of Law and Governance |

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

| <b>Section</b> | <b>Purpose of Appointment</b>                                  | <b>Proper Officer</b>       |
|----------------|--|-----------------------------|
| 41             | Certification of copy resolutions, minutes and other documents | Head of Democratic Services |

**HIGHWAY ACT 1980**

| <b>Section</b>                   | <b>Purpose of Appointment</b>   | <b>Proper Officer</b>   |
|----------------------------------|---|---|
| 37(5)                            | Deposit of Certificate of Dedication or copy order  | Director of Environment and Transport   |
| 59(1)                            | Certifying extraordinary expenses incurred in maintaining the highway - excessive weight or extraordinary damage. | Director of Environment and Transport   |
| 193(3)                           | Certifying additional expenses incurred in the execution of wider than normal street works.                       | Director of Environment and Transport   |
| 205(3) – (5)                     | Duties in relation to private street works.   | Director of Environment and Transport with the Director of Law and Governance |
| 210(2)                           | Certifying amendments to and provisional apportionment of costs of street works.                                  | Director of Environment and Transport with the Director of Law and Governance |
| 211(1)<br>212(4)<br>216(2) – (3) | Making final apportionment of expenses of street works.   | Director of Environment and Transport with the Director of Law and Governance |

|                |  |  |
|----------------|--|--|
| 295            | Issuing notices for removal of materials from non-maintainable streets in which works are due to take place. | Director of Environment and Transport and Director of Law and Governance |
| 321            | Authentication of notices, consents, approvals, orders, demands, licences, certificates or other documents.  | Director of Environment and Transport and Director of Law and Governance |
| Sch. 9, para 4 | Signing plans showing proposed prescribed improvement or building lines.                                     | Director of Environment and Transport                                    |

### REPRESENTATION OF THE PEOPLE ACT 1983

| Section  | Purpose of Appointment  | Proper Officer  |
|--|---|-----------------|
| 67 -70   | Giving public notice of the appointment of an Election Agent and sub-agent and various associated issues.                           | Chief Executive |
| 81 -89   | Receiving declarations and giving public notice of Election Agents' or candidates' election expenses and various associated issues. | Chief Executive |
| 131  | Providing accommodation for holding election court.   | Chief Executive |
| <b>For the purpose of the Appointment of Returning Officer and Appropriate Officer under s 35 of the Act</b> |   |                 |
|  | Returning Officer   | Chief Executive |

### LOCAL GOVERNMENT FINANCE ACT 1988

| Section           | Purpose of Appointment  | Responsible/Proper Officer      |
|-------------------|---|---------------------------------|
| 114, 115 and 115B | Chief Financial Officer Reports.  | Director of Corporate Resources |
| 116(1)            | Notifying external auditors of meetings to consider Chief Financial Officer reports and of decisions made at such meetings. | Director of Corporate Resources |

**THE PUBLIC HEALTH (INFECTIOUS DISEASES) REGULATIONS 1988**

| <b>Regulation</b>       | <b>Purpose of Appointment</b> | <b>Proper Officer</b>     |
|-------------------------|-------------------------------|---------------------------|
| 6, 8 – 13<br>Sch. 3 & 4 | Infectious Diseases.          | Director of Public Health |

**LOCAL GOVERNMENT AND HOUSING ACT 1989**

| <b>Section</b> | <b>Purpose of Appointment</b>                 | <b>Proper Officer</b>          |
|----------------|---|--------------------------------|
| 2              | Holding list of politically restricted posts. | Director of Law and Governance |

**FOOD SAFETY ACT 1990**

| <b>Section</b> | <b>Purpose of Appointment</b>  | <b>Proper Officer</b>       |
|----------------|--|-----------------------------|
| 49(3)          | Signing any document authorised or required to be given, made or issued by the Food Authority. | Head of Regulatory Services |

**LOCAL GOVERNMENT ACT 2000**

**Section 9G and 9GA – Meetings and Access to Information etc.  
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

| <b>Regulation</b>   | <b>Purpose of Appointment</b>   | <b>Proper Officer</b> |
|---|---|-----------------------|
| 7, 10, 12,<br>14, 15,<br>16(5), 16(7)<br>and 20 and<br>Regulation 2 | Functions relating to committee administration and access to information. | Chief Executive       |

**LOCAL GOVERNMENT ACT 2000**

**Section 34 – Local Authorities (Referendums) (Petitions) (England) Regulations 2011**

| <b>Regulation</b> | <b>Purpose of Appointment</b>                                     | <b>Proper Officer</b> |
|-------------------|---|-----------------------|
| 4 - 14            | Verification of number and the receipt and handling of petitions. | Chief Executive       |

**FREEDOM OF INFORMATION ACT 2000**

| <b>Section</b> | <b>Purpose of Appointment</b>   | <b>Proper Officer</b>                              |
|----------------|---|--|
| 36             | Acting as a 'qualified person' in respect of information held by the County Council.<br><br>To confirm or deny whether the disclosure of information is likely to prejudice the effective conduct of public affairs | Director of Law and Governance and Chief Executive |

**LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001**

| <b>Regulation</b> | <b>Purpose of Appointment</b>                                   | <b>Proper Officer</b>                  |
|-------------------|---|--|
| 5 and 6           | Notifying the Executive of certain appointments and dismissals. | Chief Executive and Monitoring Officer |

**MARRIAGES AND CIVIL PARTNERSHIPS (APPROVED PREMISES) REGULATIONS 2005**

| <b>Regulation</b> | <b>Purpose of Appointment</b>   | <b>Proper Officer</b>          |
|-------------------|---|--------------------------------|
|                   | To be the Proper Officer for the purposes of the Registration Act 1953, the Marriage Act 1949 (as amended by the Marriage Act 1994) the Civil Partnership Act 2004, and the Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 and to set fees and offer discounts where applicable. | Director of Law and Governance |

**HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2010**

| <b>Regulation</b> | <b>Purpose of Appointment</b>   | <b>Proper Officer</b>     |
|-------------------|---|---------------------------|
|                   | To receive and deal with any notification of disease, infection or contamination. | Director of Public Health |

**LOCALISM ACT 2011**

| <b>Section</b> | <b>Purpose of Appointment</b>  | <b>Proper Officer</b>          |
|----------------|--------------------------------|--------------------------------|
| 33 (1)         | Grant dispensations to Members | Director of Law and Governance |

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