

### 3. LIST OF STATUTORY OFFICERS AND PROPER OFFICERS (AND DESIGNATED POSTS)

#### Statutory Officers

##### Introduction

- 3.1 The Statutory Officers set out in the table below hold Statutory offices on behalf of the Council. A Statutory Officer will hold the Statutory office during any period of employment in the post to which the statutory office is designated, either as a full-time employee of the Council, or on a temporary, (acting-up) or interim basis.
- 3.2 Statutory Officers may appoint deputies where the law allows but cannot delegate their statutory responsibilities.
- 3.3 The Monitoring Officer has delegated authority to amend the list of Proper Officers to add additional posts pursuant to legislation, or remove and replace redundant posts or provisions, or to change appointments.

#### Statutory Officers

<b>Statutory Office</b>	<b>Statutory Office Designated Post</b>
<b>Head of Paid Service</b> (Section 4, Local Government and Housing Act 1989)	Chief Executive
<b>Monitoring Officer</b> (Section 5, Local Government and Housing Act 1989)	Director, Law and Governance
<b>Chief Finance Officer</b> (s.151 Local Government Act 1972)	Executive Director Finance and Resources
<b>Electoral Registration Officer</b> <b>Returning Officer / Deputy Returning Officer</b> (ss.8,28 and 35 Representation of the People Act 1983)	Chief Executive

<b>Director of Children’s Services</b> (section 18, Children Act 2004)	Executive Director, Children and Public Health
<b>Director of Adult Social Services</b> (section 6, Local Authority Social Services Act 1970)	Executive Director, Adult Social Services and Health
<b>Director of Public Health</b> (section 73A, National Health Service Act 2006)	Director, Public Health
<b>Scrutiny Officer</b> (section 9FB Local Government Act 2000 as amended)	Principal Democratic Officer (Scrutiny Officer)
<b>Data Protection Officer</b> (section 29 Data Protection Act 2018) (UKGDPR)	Information Governance and Complaints Manager
<b>Qualified Person</b> for the purposes of section 36 of the Freedom of Information Act 2000	Director Law and Governance (Monitoring Officer)

## Proper Officers

### Introduction

- 3.4 The officers set out in the table below are appointed to be the Council’s Proper Officer for the stated legislative provisions.
- 3.5 The appointed Deputy Proper Officer is given in brackets. The Deputy Proper Officer is appointed to act where the Proper Officer is absent and / or unable to act for any reason.
- 3.6 In absence of the appointment of a Proper Officer in this Constitution:
- (a) The Chief Executive will be the Council’s Proper Officer and has power to delegate this power, until an appointment is made by Council; and
  - (b) The Monitoring Officer is delegated authority to amend the list of Proper Officers to add additional posts pursuant to legislation, or remove and replace redundant posts or provisions, or to change appointments.

## PROPER OFFICERS

### Local Government Act 1972

Section	Function / Description	Proper Officer
83(1)-(4)	Officer to whom persons elected as councillors shall make declaration of acceptance of office.	Director, Law and Governance (Chief Executive)
84	Officer to whom councillors may give written notice or resignation.	Director Law and Governance (Chief Executive)
88(2)	Officer who may convene a Council meeting to fill a vacancy in the office of Mayor	Chief Executive (Deputy Chief Executive)
89(1)(b)	Officer who may receive notice in writing of a casual vacancy in the office of councillor from two local Government electors.	Chief Executive (Director Law and Governance)
100	All references to proper officer in connection with the access to information provisions of the Local Government Act 1972.	Director Law and Governance
115	Officer to whom all officers shall pay monies received by them and due to the local authority.	Director Finance and Resources / Chief Finance Officer (Chief Executive)
146(1)	Officer authorised to produce a statutory declaration specifying securities and verifying name change of authority.	Director Finance and Resources / Chief Finance Officer (Chief Executive)
225(1)	Officer with whom documents may be deposited pursuant to law to make notes or	Director Law and Governance

	endorsements and give acknowledgements or receipts.	
229(4) and (5)	Officer who shall certify that a document is a photographic copy of a document in the custody of the Council.	Director Law and Governance
Section 233 LGA 1972	Receive documents required to be served on the Council.	Director Law and Governance
234(1)	Officer who may authenticate documents.	Director Law and Governance
238	Officer who may endorse a copy of a byelaw.	Director Law and Governance
248	Officer who will maintain a roll of freemen	Chief Executive
Sch.12, Part 1, para 4(1A)	Officer who may sign a summons to Council meetings and may receive notice from a member of address to which a summons to a meeting is to be sent.	Chief Executive (Deputy Chief Executive)
Sch. 14	Corticate of resolutions concerning Public Health Acts 1875 - 1925	Chief Executive

#### Local Government Act 1974

Section	Function / Description	Proper Officer
30, 30 (5)	Officer responsible for receiving and arranging publication in newspapers of notice of Local Commissioner's report on investigation of a complaint.	Director Law and Governance

### Local Government (Miscellaneous Provisions) Act 1976

Section	Function / Description	Proper Officer
16	Notices requiring details of interests in land	Any Chief Officer
41	Officer responsible for certifying copies of resolutions, minutes and other documents.	Director Law and Governance/Head of Legal Services

### Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988

Regulation	Function / Description	Proper Officer
	All references to the Proper Officer.	Director Public Health (Public Health Consultant)

### Weights & Measures Act 1985

Section	Function / Description	Proper Officer
72	Functions of Chief Inspector of Weights and Measures.	Executive Director, Environment and Place (relevant Director / Head of Service)

### Local Government Finance Act 1988

Section	Function / Description	Proper Officer
114,114A,116 and 139A	Officer responsible for making a report under this section to the authority concerning unlawful expenditure and the Council's budget.	Executive Director Finance and Resources / Chief Finance Officer  (Director, Financial Services / Deputy Chief Finance Officer)

### Local Government & Housing Act 1989

Section	Function / Description	Proper Officer
2, 3A, 15-14	Deposit of list of politically restricted posts under LGHA 1989.	Director Law and Governance

### Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989

Regulation	Function / Description	Proper Officer
23	Certification of the Local Non-Domestic List.	Executive Director Finance and Resources / Chief Finance Officer  (Director, Financial Services / Deputy Chief Finance Officer)

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

Section	Function / Description	Proper Officer
	For the purposes of the composition of committees and nominations to political groups and notifications as to allocations and vacations of seats	Director Law and Governance

### The Local Authorities (Standing orders) (England) Regulations 2000

Regulation	Function / Description	Proper Officer
Paras 5 and 6 of Part II of Schedule 1	Officer to receive notification of proposed appointment of certain officers, notifying executive members of that proposed appointment and for receiving and notifying of objections to the proposed appointment from executive members, if any.  (as set out in the Staff Employment Procedure Rules)	Chief Executive  Executive Director with responsibility for Human Resources

**Local Authority Social Services and National Health Service Complaints (England) Regulations 2009**

Regulation	Function / Description	Proper Officer
	All references to the responsible officer	Executive Director, Adults and Communities

**Local Authorities (Referendums) (Petitions) (England) Regulations 2011**

Regulation	Function / Description	Proper Officer
4	Officer who publishes the number that is equal to 5 per cent of the number of local government electors for the authority's area.	Director Law and Governance
11,13,14	To be the Proper Officer for the receipt and validation of petitions.	Director Law and Governance

**Local Elections (Principal Areas) (England and Wales) Rules 2006 And Local Elections (Parishes and Communities) Rules 2006**

Rules	Function / Description	Proper Officer
	Retention and public inspection of documents after an election	Director Law and Governance

**Local Land Charges Act 1975**

Section	Function / Description	Proper Officer
	Maintenance of register of local land charges	Director Law and Governance

**Food Safety Act 1990**

Section	Function / Description	Proper Officer
49 (3) (a)	Authentication of documents	Director, Public Protection

**Public Health Act 1936**

Section	Function / Description	Proper Officer

85 (2)	Service of notice requiring remedial action in respect of verminous persons or articles	Director, Public Protection
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#### **Public Health Act 1961**

<b>Section</b>	<b>Function / Description</b>	<b>Proper Officer</b>
37	Control of any verminous article	Director, Public Protection

#### **National Health Service Act (as amended by Health and Social Care Act 2012)**

<b>Section</b>	<b>Function / Description</b>	<b>Proper Officer</b>
	Functions relating public health	Director, Public Health

#### **Housing Act 1985**

<b>Section</b>	<b>Function / Description</b>	<b>Proper Officer</b>
606	Submission of report on particular houses or areas	Executive Director, Environment and Place

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

<b>Regulation</b>	<b>Function / Description</b>	<b>Proper Officer</b>
	All references to the Proper Officer.	Director Law and Governance

#### **The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

<b>Regulation</b>	<b>Function / Description</b>	<b>Proper Officer</b>
	All references to the Proper Officer	Director Law and Governance

#### **Local Authorities Cemeteries Order 1977**

<b>Regulation</b>	<b>Function / Description</b>	<b>Proper Officer</b>
	To sign exclusive rights of burial	Director, Communities, Culture and Tourism



### Representation of the People Act 1983

Section	Function / Description	Proper Officer
	All Proper Officer functions identified in the legislation	Chief Executive (Deputy Chief Executive)

### Building Act 1984

Section	Function / Description	Proper Officer
78 and 79	To take action in relation to dangerous buildings and structures and the service of notices	Executive Director, Environment and Place

### Local Government Act 2000

Section	Function / Description	Proper Officer
3,5,6	Functions pertaining to the making, copying and making available for inspection (as applicable) executive decisions, associated reports and background papers	Director Law and Governance
11 (2)	Exclusion of whole or part of any report to the Cabinet where meeting is likely not to be open to the public.	Director Law and Governance
11 (7) (c)	Provision to the press of other documentation supplied to members of the Cabinet in connection with item discussed	Director Law and Governance
81	Establish and maintain a register of members' interests	Director Law and Governance
	Except as regards the above, all references to the Proper Officer in the Local Government Act and subordinate legislation	Chief Executive