

Part 9.3

List of Proper Officers

List of Proper Officers

Under certain statutory provisions the Council has to appoint named persons who are responsible for statutory responsibilities.

Schedule of Appointments

Agriculture Act 1970

Section	Brief Details of Responsibility	Proper Officer
67(3)	Appointment as Agricultural Analyst	Assistant Director: Regulatory Services

Local Authority Social Services Act 1970

Section	Brief Details of Responsibility	Proper Officer
6 (A1)	Director of Adult Social Services	Executive Director: Adults and Housing

Local Government Act 1972

Section	Brief Details of Responsibility	Proper Officer
13 (3)	Parish Trustee where no Parish Council	Executive Director of Customer and Governance
All appointments under sections 83, 84, 86, 88(2), 89((1)(b), 99 and sch 12, 100 A to F	To witness and receive declarations of acceptance of office of Chair, Vice-Chair or councillor, resignations of councillors, vacancy in office, convening meetings to declare a vacancy, receipt of notice from electors regarding a vacancy, to issue a summons for a council meeting, all matters concerning agenda, papers and reports and minutes of meetings	Executive Director of Customer and Governance
115 (2)	Person to whom all officers shall pay monies received by them and due to Council	Executive Director of Finance and Performance
137(a)	Gives the Proper Officer power to require a voluntary organisation or similar body to supply information to him, where a local authority uses its powers under Section 137 to give financial assistance to that voluntary organisation or similar body above a relevant minimum	Executive Director of Finance and Performance

146 (1)(a)	Statutory declarations and issue any certificate in relation to securities on change of name of authority or change of area	Executive Director of Finance and Performance
151	To be responsible for the administration of the financial affairs of the Council	Executive Director of Finance and Performance
All appointments 191, 210(6) and (7), 223, 225 (1), 229 (5), 233, 234,238, 248, Sch 12 para 4 (2) (b) and 4 (3) and Schedule 14 para 25(7)	Receipt of notices from Ordnance Survey in relation to boundaries, powers in respect of charities, authorising officers to attend court, receipt of documents to be deposited, certification of photographic copies, receipt of service, signing of notice order or other document required by law, certifying copies of byelaws and keeping the roll of freemen. Provisions in relation to summons for meetings and copy resolutions	Executive Director of Customer and Governance
Schedule 29 Para 41	Proper Officer for Births, Marriages and Deaths	Executive Director of Customer and Governance

Local Government Act 1974

Section	Brief Details of Responsibility	Proper Officer
30	Provides that the Proper Officer must give public notice of the ombudsman's reports	Executive Director of Customer and Governance

Local Elections (Principal Area) Rules

	Brief Details of Responsibility	Proper Officer
	Retention and public inspection of documents after an election	Returning Officer (Chief Executive)

Local Land Charges Act 1975

Section	Brief Details of Responsibility	Proper Officer
3	Requires each registering authority to maintain a local land charges register. This duty falls on the local authority itself and not on the "Proper Officer"	Executive Director of Place, Economy and Environment
19	The officer to act as Local Registrar as defined in Section 3	Executive Director of Place, Economy and Environment

Local Government (Miscellaneous Provisions) Act 1976

Section	Brief Details of Responsibility	Proper Officer
16	Notices requiring details of interest in land	Any Chief Officer of the Council
41(1)	The officer to certify copies of any resolution, order, report or minutes of proceedings of the Authority as evidence in any legal proceedings	Executive Director of Customer and Governance

Local Authorities Cemeteries Order 1977

Regulation	Brief Details of Responsibility	Proper Officer
10	To sign exclusive rights of burial	Executive Director of Place, Economy and Environment

Highways Act 1980

Section	Brief Details of Responsibility	Proper Officer
59(1)	Certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight	Assistant Director: Highways and Waste
193 (1)	Certify that additional expenses have been incurred in the execution of wider than normal street works	Assistant Director: Highways and Waste
205 (3)-(5)	Undertake duties as specified in the schedules in relation to private street works	Assistant Director: Highways and Waste
210(2)	Certify amendments to estimated costs and provisional apportionment of costs under the private street works code	Assistant Director: Highways and Waste
211(1), 212(4), 216(2)-(3)	Make final apportionment of costs as detailed in the schedules under the private street works code	Assistant Director: Highways and Waste
295(1)	Issue notice requiring removal of materials from non - maintainable streets in which works are due to take place	Assistant Director: Highways and Waste
321	Authenticate notices and other documents	Assistant Director: Highways and Waste

Sch 9 para 4	Sign plans showing proposed prescribed improvement or building lines	Assistant Director: Highways and Waste
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Housing Act 2004

Section	Brief Details of Responsibility	Proper Officer
4(2)	Provides for the inspection of premises or area following official complaint about the condition of residential premises.	Assistant Director of Housing
249	Provision, regarding proof of designations made by an LHA under Part 2 or 3, to state that a certified copy of the scheme is prima facie evidence that the scheme has been made.	Assistant Director of Housing

Representation of the People Act 1983

Section	Brief Details of Responsibility	Proper Officer
67 (7)(b)	Receipt of notice of an election agent for local elections	Returning Officer
82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Returning Officer
128	Provides that a copy of any petition questioning a local government election shall be sent to proper officer who shall publish it in the local authority area	Returning Officer

Building Act 1984

Section	Brief Details of Responsibility	Proper Officer
61	Provides that the proper officer or any other authorised officer to be given free access to works or repairs to an underground drain	Executive Director of Place, Economy and Environment
78	To take action in relation to dangerous buildings and structures	Executive Director of Place, Economy and Environment
93	Provides that notices and other documents under this Act may be signed by the Proper Officer or by an officer authorised by him in writing	Executive Director of Place, Economy and Environment

Public Health (Control of Diseases) Act 1984 as amended by the Health and Social Care Act 2008 and the Milk and Dairies (General) Regulations 1959

Section	Brief Details of Responsibility	Proper Officer
48	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately	Director of Public Health and Wellbeing
61	Right to enter premises to ascertain whether there has been a contravention of a provision of the 1984 Act or a Part 2A order made pursuant to the 1984 Act	Director of Public Health and Wellbeing
	Requirement to appoint a suitably qualified person as the Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases	Director of Public Health and Wellbeing
74	To act for such of the functions relating to notification, investigations, prevention and control of notifiable diseases and food poisoning.	Director of Public Health and Wellbeing

Weights and Measures Act 1985

Section	Brief Details of Responsibility	Proper Officer
72(1)(a)	Chief Inspector of Weights and Measures	Assistant Director: Regulatory Services

Local Elections (Parishes and Communities) Rules 2006

	Brief Details of Responsibility	Proper Officer
	Retention and public inspection of documents after an election	Returning Officer

Local Government Finance Act 1988

Section	Brief Details of Responsibility	Proper Officer
114, 115 and 115A	Responsibility for Chief Financial Officer Reports	Executive Director of Finance and Performance
116	Notification to auditor of date, time and place of meeting to consider Section 114 report and of decision of such meeting	Executive Director of Finance and Performance

139A	Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required	Executive Director of Finance and Performance
Schedule 4 (10)(1) Paragraphs 6 - 8 (10)(1) Paragraph 9	Where notice has to be served on the Council concerning: <ul style="list-style-type: none"> The acquisition of way leaves over Council - owned land The felling and lopping of trees etc. 	Executive Director of Place, Economy and Environment
Schedule 8 36 (8) Paragraph 1	Where applications have to be made for consent to construct generating stations on Council - owned land	Executive Director of Place, Economy and Environment
36(8) Paragraph 2	Where applications for consent have to be served on the local planning authority	

Local Government and Housing Act 1989

Section	Brief Details of Responsibility	Proper Officer
2(4), 3A, 15 -17	Officer with whom the list of politically restricted posts shall be deposited; to grant exemptions from political restriction and matters relating to the establishment of political groups. Any responsibilities under the Local Government (Committees and Political Groups) Regulations 1990	Executive Director of Customer and Governance

Food Safety Act 1990

Section	Brief Details of Responsibility	Proper Officer
49(3)	Any document which a food authority are authorised or required by or under this Act to give, make or issue may be signed on behalf of the authority (a) by the proper officer of the authority as respects documents relating to matters within his province; or (b) by any officer of the authority authorised by them in writing to sign documents of the particular kind, or, as the case may be, the particular document	Assistant Director: Regulatory Services

Civil Evidence Act 1995

Section	Brief Details of Responsibility	Proper Officer
9	To certify Council records for the purposes of admitting the document in evidence in civil proceedings	Executive Director of Customer and Governance

Education Act 1996

Section	Brief Details of Responsibility	Proper Officer
532	Appointment as Chief Education Officer	Director of Children's Services

Party Wall etc Act 1996

Section	Brief Details of Responsibility	Proper Officer
	To select a third surveyor, if required, during a neighbour dispute about building projects	Executive Director of Place, Economy and Environment

Local Government (Contracts) Act 1997

Section	Brief Details of Responsibility	Proper Officer
	Certification of relevant powers to enter into contracts	Executive Director of Finance and Performance

Crime and Disorder Act 1998

Section	Brief Details of Responsibility	Proper Officer
12	To apply for the discharge or variation of a Child Safety Order	Director of Children's Services
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 Children's Services

Local Government Act 2000

Section	Brief Details of Responsibility	Proper Officer
3	Producing a written statement of Executive decisions made at meetings	Executive Director of Customer and Governance
5	Making a copy of written statements of Executive decisions and associated reports available for inspection by the public	Executive Director of Customer and Governance

6	Making available for inspection a list of background papers	Executive Director of Customer and Governance
11(2)	Exclusion of whole or part of any report to the Executive where meeting is likely not to be open to the public	Executive Director of Customer and Governance
11(7)(c)	Provision to the press of other documents supplied to members of the Executive in connection with the item discussed	Executive Director of Customer and Governance
81	Establish and maintain a Register of Interests	Executive Director of Customer and Governance

Local Authorities (Referendums) (Petitions and Directions) Regulations 2000

Regulation	Brief Details of Responsibility	Proper Officer
34	Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000	Executive Director of Customer and Governance

**Regulation of Investigatory Powers Act 2000 Section 30
The Regulation of Investigatory Powers (Prescription of Offices, Ranks and Position) Order 2000**

Regulation	Brief Details of Responsibility	Proper Officer
2	Authorise the carrying out of directed surveillance of the conduct of a covert human intelligence source	Executive Directors, Chief Executive in accordance with Council's RIPA policy

**Regulation of Investigatory Powers Act 2000, Sections 22(2)(B) and 25(2)
The regulation of Investigatory Powers (Communications Data) Order 2010
The Regulation of Investigatory Powers (Covert Surveillance and Property Interference: Code of Practice) Order 2010
The Regulation of Investigatory Powers (Covert Human Intelligence Sources: Code of Practice) Order 2010**

Regulation	Brief Details of Responsibility	Proper Officer
Sch 2 Part 2	Grant authorisation or give notice to obtain or disclose communications data for the purpose of preventing or detecting crime or of preventing disorder	Executive Director of Customer and Governance

Freedom of Information Act 2000

Section	Brief Details of Responsibility	Proper Officer
36	Person to confirm or deny whether the disclosure of information is likely to prejudice the effective conduct of public affairs	Executive Director of Customer and Governance

Local Authorities (Standing Orders) (England) Regulations 2001

Section	Brief Details of Responsibility	Proper Officer
Sch 1 Part II paras 5 and 6	Functions in relation to notifying Executive appointments, dismissals etc .	Executive Director of Customer and Governance

Children Act 2004

Section	Brief Details of Responsibility	Proper Officer
18	Director of Children’s Services	Director of Children’s Services

Health Act 2006

Section	Brief Details of Responsibility	Proper Officer
10(3)	Duty of an enforcement authority to enforce, as respects the premises, places and vehicles in relation to which it has enforcement functions, the provisions of this Chapter (smoke free premises) and regulations made under it	Assistant Director: Regulatory Services
10(5)	In this Chapter, “authorised officer”, in relation to an enforcement authority, means any person (whether or not an officer of the authority) who is authorised by it in writing, either generally or specially, to act in matters arising under this Chapter	Authorised Officers
10(7)	Refers to Schedule 2 which lists the powers of entry, etc.	Assistant Director: Regulatory Services
10(9)(1)	An authorised officer of an enforcement authority (see section 10) who has reason to believe that a person has committed an offence under section 6(5) or 7(2) on premises, or in a place or vehicle, in relation to which the authorised officer has functions may give him a penalty notice in respect of the offence	Authorised Officer

Smoke-Free (Premises and Enforcement) Regulations 2006

Regulation	Brief Details of Responsibility	Proper Officer
3	To carry out the functions of an enforcement authority under Regulation 3	Assistant Director: Regulatory Services

Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007/1830

Regulation	Brief Details of Responsibility	Proper Officer
4 (3)	Nominated officer to facilitate the sharing of information under an information sharing protocol	Assistant Director: Housing

Local Democracy, Economic Development and Construction Act 2009

Section	Brief Details of Responsibility	Proper Officer
31	Statutory Scrutiny Officer	Head of Democratic Services

Health and Social Care Act 2012

Section	Brief Details of Responsibility	Proper Officer
	Responsible person for ensuring that the Council complies with statutory requirements relating to complaints made to the Council about its public health functions and, where necessary, action is taken in light of the outcome of such complaints	Director of Public Health and Wellbeing
73A(1)(a)	The exercise by the authority of its functions under section 2B, 111 or 249 or Schedule 1 – health improvement duties to take steps to improve the health of the people in the area	Director of Public Health and Wellbeing
73A(1)(b)	The exercise by the authority of its functions by virtue of section 6C(1) or (3) – The exercise of the Secretary of State’s public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – these include services mandated by regulations	Director of Public Health and Wellbeing
73A(1)(c)	Anything done by the authority in pursuance or arrangements under section 7A – Any public health activity undertaken by the local	Director of Public Health and Wellbeing

	authority under arrangements with the Secretary of State	
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	Director of Public Health and Wellbeing
73A(1)(e)	The functions of the authority under section 325 of the Criminal Justice Act 2003 - the local authority's role in co-ordinating with the police, the probation service and the prison service to assess the risks posed by violent and sex offenders	Director of Public Health and Wellbeing
73A(1)(f) -	Other public health functions that the Secretary of State may specify in regulations	Director of Public Health and Wellbeing

Counter-terrorism and Security Act 2015

Section	Brief Details of Responsibility	Proper Officer
	The Officer responsible for ensuring that the Council, in the exercise of its functions, have due regard to the need to prevent people vulnerable from being drawn into terrorism	Executive Director: Adults and Housing

Landlords and Tenants Acts

	Brief Details of Responsibility	Proper Officer
	To be the Proper Officer to serve and receive notices on behalf of the Council for the purposes of S23 of the Landlord and Tenant Act 1927 and S66 of the Landlord and Tenant Act 1954	Executive Director of Place, Economy and Environment

Other Miscellaneous Proper Officer Functions

Section	Brief Details of Responsibility	Proper Officer
	Any other miscellaneous proper or statutory officer functions not otherwise delegated by the Authority	Chief Executive or his/her nominee

Working Together to Safeguard Children: A Guide to Inter-Agency working to Safeguard and Promote the Welfare of Children (DFE Guidance, March 2010)

Section	Brief Details of Responsibility	Proper Officer
	Local Authority Designated Officer (LADO)	Director of Children’s Services
	Designated Caldicott Guardian	Executive Director: Adults and Housing

General Data Protection Regulations

Section	Brief Details of Responsibility	Proper Officer
	Designated Senior Information Risk Owner (SIRO)	Executive Director of Customer and Governance
	Data Protection Officer	Information Governance Manager
	Information Asset Owners	Executive Director of Customer and Governance

In the absence of the Designated Officer:

- In the event of the Head of the Paid Service not being available to deal with matters for which they have been designated the proper officer, an Executive Director may be authorised by them to act as proper officer in their absence.
- In the event of any other designated officer being unable to fulfil their duties as proper officer, their deputy may be authorised to undertake such duties.
- Notwithstanding the above, a proper officer may at any time delegate or authorise other officers to perform the designated duties on their behalf.

End of List of Proper Officers

May 2023