

PROPER AND DESIGNATED OFFICERS

The Constitution provides that, except where specific provision is made by legislation or by resolution of the Council, the Chief Officers are appointed to be the Proper Officers in respect of any legislation falling within the purview of their respective Services. This document attempts to codify the list of such appointments.

Local Government Act 1972	
Section 13(3): The officer who, with the Chairman of the Parish Meeting, shall be a body corporate by the name of "The Parish Trustees" in a parish not having a separate parish council	Chief Executive
Section 83(1): The officer to whom a person elected to the office of Mayor, Deputy Mayor or Councillor shall deliver a declaration of acceptance of office	Chief Executive
Section 84: The officer to whom a person elected to any office may give written notice or resignation	Chief Executive
Section 88(2): The officer who may convene a meeting for the election of Mayor following a casual vacancy in that office	Chief Executive
Section 89(1): The officer to whom notice shall be given of any casual vacancy occurring in the office of Councillor	Chief Executive
Section 110A: The officer to keep minutes of meetings of the Council and its Committees and to make them open to public inspection	Chief Executive and Monitoring Officer (acting jointly) *
Section 100B(2): The officer who may exclude reports from being open to public inspection which, in part or wholly, relates to items during which the meeting is not likely to be open to the public	Director of Central Services & Deputy Chief Executive *
Section 100C: The officer who, where in consequence of the exclusion of parts of the minutes which disclose exempt information the document open to public inspection does not provide members of the public with a reasonably fair and coherent record of the whole or part of the proceedings, shall make a written summary of the proceedings or part thereof which provides such a record without disclosing the exempt information	Director of Central Services & Deputy Chief Executive *
Section 100D: The officer who shall compile a list of background papers for a report for a meeting of the council	Director of Central Services & Deputy Chief Executive *
* Appointments made to comply with the Secretary of State's Statutory Guidance.	

Local Government Act 1972 (continued)	
Section 100F: The officer who specifies that a document under the control of the Council which discloses exempt information shall not be open to any member of the Council	Director of Central Services & Deputy Chief Executive *
Section 115(2): The officer who shall receive an accounting of, and all money due from, any officer	<u>Director of Finance & Transformation</u> <u>Head of Finance and s151 Officer</u>
Section 191(2): The officer who shall receive an application under section 1 of the Ordnance Survey Act 1841	Director of Planning, Housing and Environmental Health
Section 225(1): The officer who shall receive and retain documents deposited with the Council under the Standing Orders of Parliament	Director of Central Services & Deputy Chief Executive
Section 229(5): The officer who shall certify a photographic copy of a document in the custody of the Council, or of a document which has been destroyed whole in the custody of the Council, or of any part of any such document	Chief Executive; Director of Central Services & Deputy Chief Executive
Section 234(1): The officer who may sign any notice, order or other document which the Council are authorised or required to give, make or issue	Chief Executive; Director of Central Services & Deputy Chief Executive Chief Officers ‡
Sections 236 (9) and 4(10): The officer who shall send a copy of every byelaw made by the Council and confirmed to the proper officer of every council of a parish or county to which they apply.	Director of Central Services & Deputy Chief Executive
Section 238: The officer who shall certify a printed copy of a byelaw of the Council	Director of Central Services & Deputy Chief Executive
Schedule 12, para 4(2)(b): The officer who shall sign a summons to attend a Council meeting	Chief Executive
Schedule 12 para 4(3): The officer to whom a member of the Council shall give a notice in writing desiring summonses to attend meetings of the Council to be sent to an address specified in the notice other than their place of residence	Chief Executive
Schedule 14 para 25(7): The officer who shall certify a copy of a resolution has been passed applying or disapplying the provisions of the Public Health Acts 1875 to 1925	Director of Central Services & Deputy Chief Executive

* Appointments made to comply with the Secretary of State's Statutory Guidance. ‡ Within their respective responsibilities as specified in Part 3 of the Constitution.	
Local Government Act 1974	
Section 30(5): The officer who shall give public notice relating to reports issued by a Local Commissioner (the Local Government Ombudsman)	Chief Executive

Local Government (Miscellaneous Provisions) Act 1976	
Section 41: The officer to certify documents for use in court proceedings	Director of Central Services & Deputy Chief Executive
Section 79: The officer to authenticate hackney carriage and private hire licences	Director of Central Services & Deputy Chief Executive

Representation of the People Act 1983	
Section 8: The Registration Officer of any constituency or any part of a constituency co-terminus with or situated in the Borough	Chief Executive
Section 35: The Returning Officer at an election of Councillors of the Borough Council or of Parish Councils within the Borough	Chief Executive

Local Government and Housing Act 1989	
Section 2(4): The officer with whom the list of politically restricted posts is deposited	Director of Central Services & Deputy Chief Executive
Sections 15 to 17: The officer to receive notification of formation of, and changes to, political groups, political balance, etc.	Director of Central Services & Deputy Chief Executive

Local Government Act 2000:	
The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000:	
The officer who shall ensure that records are produced and published of Executive decisions, together with statement of reasons	Director of Central Services & Deputy Chief Executive *
The officer to set out in every report to be made available to the public a list of those documents relating to the subject matter of the report	Director of Central Services & Deputy Chief Executive *
The officer who shall make available to the public a report received by an individual member of the Cabinet which they intend to take into account in making any key decision	Director of Central Services & Deputy Chief Executive *
The officer who may, if they think fit, exclude from the copy of a report the whole or any part of the report on an item of business during which, in his opinion, the meeting is not likely to be open to the public and who may, on receiving a request from a newspaper, supply a copy of any document	Director of Central Services & Deputy Chief Executive *
The officer who, on instructions by the Cabinet Leader, shall publish the Council's Notice of Forthcoming Key Decisions	Chief Executive *
The officer who shall inform the Overview and Scrutiny Committee by notice in writing about a key decision which is to be made but which is not included in the Cabinet Leader's Notice of Forthcoming Key Decisions and who shall make a copy of such notice available for inspection by the public	Chief Executive *
The officer who specifies that a document under the control of the Cabinet which discloses exempt information shall not be open to any member of the Council	Director of Central Services & Deputy Chief Executive *
The officer who specifies that a document under the control of the Cabinet which discloses advice given by a political adviser or assistant shall not be open to any member of the Council	Director of Central Services & Deputy Chief Executive *
The officer who, when so requested by the Chair or any five members of the Overview and Scrutiny Committee, may require the Cabinet to submit a report to the Council where they consider that a key decision has been taken which was not included in the forward plan or was not the subject of the general exception procedure or the subject of an agreement with the relevant committee Chair or Vice-Chair	Chief Executive
* Appointments made in compliance with Secretary of State's Statutory Guidance.	

Manoeuvres Act 1958	
Section 6(2): The officer to whom notice of manoeuvres shall be given	Director of Central Services & Deputy Chief Executive

Local Government (Contracts) Act 1997	
The officer to certify that the Council has power to enter into a contract	Director of Finance & Transformation <u>Head of Finance and s151 Officer</u>
The officer to receive copies of certificates issued under the Act	Director of Central Services & Deputy Chief Executive *
* Statutory provision	

Civil Procedure Rules	
The officer authorised to sign the Statement of Truth in all civil pleadings filed by, or on behalf, of the Council	Director of Central Services & Deputy Chief Executive

Legislation passed before 1 April 1974	
Any reference to "the Clerk to the Council" or "Town Clerk" in any enactment passed before 1 April 1974	Chief Executive

Localism Act 2011	
The officer appointed as Proper Officer for the purposes of receiving applications for dispensations pursuant to Section 33 of the Localism Act 2011	Director of Central Services & Deputy Chief Executive

Public Health Functions		
Any person for the time being employed as a consultant in Communicable Disease Control/ consultant in Health Protection (or such other title as may be notified to the Borough Council by Public Health England from time to time) at UK Health Security Agency and the Office for Health Improvement and Disparities, is designated as the Proper Officer for the following purposes:		
Legislation	Section or Regulations	Effect
The Health Protection (Notification) Regulations 2010	Regulations 2, 3, 6	Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons.
Public Health (Control of Disease) Act 1984	Section 48 as amended by Health and Social Care Act 2008	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately.