



CONSTITUTION OF THE COUNCIL

Part 3 Section C(a)

STATUTORY AND PROPER OFFICERS

1. Statutory Chief Officers

Legislation requires local authorities to appoint certain officers with statutory responsibilities. These officers form the Authority's statutory chief officers (as defined by s.43 Localism Act 2011). The appointments and the officer to whom the council has allocated responsibility are listed below.

| <i>Title/Description (and statutory derivation)</i> | <i>Officer appointed</i> |
|--|-----------------------------------|
| Head of Paid Service ¹ (Section 4 – Local Government & Housing Act 1989) | Chief Executive |
| Officer responsible for financial administration ¹ (Section 151 – Local Government Act 1972) | Director of Resources |
| Monitoring Officer ¹ (Section 5 – Local Government & Housing Act 1989) | Director of Law & Governance |
| Director of Children's Services (Section 18 – Children Act 2004) | Director of Children's Services |
| Director of Adult Social Services (Section 6 – Local Authority Social Services and Adults' Services Act 1970) | Director of Adult Care and Health |
| Director of Public Health ² (Section 73A National Health Service Act 2006) | Director of Public Health |
| Electoral Registration Officer and Returning Officer (Sections 8, 28 and 35 – Representation Governance of the People Act 1983) | Chief Executive |

¹ Appointments of individuals to these positions are made by full Council (See Officer Employment Rules and Pay Policy Statement)

² Director of Public Health is appointed jointly with the Secretary of State

2. Proper Officer Functions

The following officers are appointed proper officers and will carry out functions in relation to the statutory provisions specified. This list is not necessarily exhaustive and any omission shall not affect the validity of any action or decision taken by the proper officer.

| Any enactment, instrument or local statutory provision passed prior to the Local Government Act 1972 | |
|---|------------------------------|
| Purpose | Officer |
| Any reference to the Clerk of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the proper officer of the Council | Director of Law & Governance |
| Any reference to the Treasurer of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the proper officer of the Council | Director of Resources |

| Local Authority Social Services Act 1970 | | |
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| Section | Purpose | Officer |
| 6(A1) | Appointment as Director of Adult Social Services | Director Adult's Care and Health and Strategic Commissioning |

| Agriculture Act 1970 | | |
|----------------------|-------------------------------------|---------------------------|
| Section | Purpose | Officer |
| 67(3) | Appointment as Agricultural Analyst | Head of Trading Standards |

| Local Government Act 1972 | | |
|---------------------------|---|------------------------------|
| Section | Purpose | Officer |
| 83 | Witness and receive declarations of Members' acceptance of office | Director of Law & Governance |
| 84 | Receive written notice of Members' resignation from office | Director of Law & Governance |

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| 88(2) | Convene Council meeting for election to vacant office of Chairman | Director of Law & Governance |
| 89(1)(b) | Receive notice of casual vacancy from two local government electors | Director of Law & Governance |
| 100B(2) | Decide on the exclusion of reports and agendas from public inspection | Director of Law & Governance |
| 100B(7)(c) | Decide whether copy documents supplied to Members should also be supplied to the press | Director of Law & Governance |
| 100C(2) | Produce a written summary of proceedings taken by a committee in private | Director of Law & Governance |
| 100D(1) | Compile a list of background papers to a committee report | Director responsible for preparing report |
| 100D(5)(a) | Identify background papers that disclose facts or matters on which a report is based | Director responsible for preparing report |
| 100F(2) | Identify which documents contain exempt information that are not available for Members | Director of Law & Governance |
| 115(2) | Receive from officers any money and property committed to their charge in connection with their office | Director of Resources |
| 146(1) | Sign statutory declaration to enable transfer of securities in the event of a change of name of the Council | Director of Resources |
| 151 | Responsibility for the administration of the Council's financial affairs (Chief Finance Officer) | Director of Resources |
| 191(2) | Receive applications from Ordnance Survey for assistance in surveying disputed boundaries | Assistant Director, Highways & Infrastructure |
| 210(6)-(7) | Exercise residual functions in relation to charities | Director of Law & Governance |
| 222 | Prosecute or defend legal proceedings | Director of Law & Governance (and/or Head of Legal Services) |
| 225(1) | Receive and retain deposited documents | Director of Law & Governance |

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| 229(5) | Certify photographic copy documents | Director of Law & Governance |
| 234(1) | Sign public notices, orders and other documents on behalf of the Council | Relevant Chief Officer |
| 238 | Certification of copy byelaws | Director of Law & Governance |
| Sch.12 Pt.I Para.4(2)(b) | Sign summonses to attend meetings | Director of Law & Governance |
| Sch.12 Pt.I Para.4(3) | Receive written notice that a Member wants a summons sent to an alternative address | Director of Law & Governance |
| Sch.29 Pt.II Para.41(3)(5) | <p>Appoint interim superintendent registrars or interim registrars of births and deaths pursuant to the Registration Service Act 1953</p> <p>Exercise powers provided by the local scheme of organisation of the Registration Service pursuant to the 1953 Act</p> <p>Prescription by the Registrar General of duties of proper officers under the Registration and Marriage Acts. In relation to the Registration of Births, Deaths and Marriages, to exercise the functions under the Marriage Act 1949. Director, Education, Lifelong Learning and Culture Part 3 Scheme of Delegation July 2019 5 In relation to the approval of premises for the solemnisation of marriages under Section 26(1)(bb) and Section 46A of the Marriage Act 1949 (as amended by the Marriage Act 1994) and the Marriages and Civil Partnerships Act (Approved Premises) Regulations 2005.</p> | Director of Law & Governance |

| Local Government Act 1974 | | |
|---------------------------|---|------------------------------|
| Section | Purpose | Officer |
| 30(5) | Give public notice of Local Government Ombudsman's report | Director of Law & Governance |

| Local Government (Miscellaneous Provisions) Act 1976 | | |
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| Section | Purpose | Officer |
| 41 | Certifying copy resolutions and minutes of proceedings | Director of Law & Governance |

| Highways Act 1980 | | |
|--------------------------------|--|---|
| Section | Purpose | 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 & Infrastructure |
| 193(3) | Certify that additional expenses have been incurred in the execution of wider than normal street works | Assistant Director, Highways & Infrastructure |
| 205(3)-(5) | Undertake duties as specified in the schedules in relation to private street works | Assistant Director, Highways & Infrastructure |
| 210(2) | Certify amendments to estimated costs and provisional apportionment of costs under the private street works code | Assistant Director, Highways & Infrastructure |
| 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 & Infrastructure |
| 295(1) | Issue notice requiring removal of materials from non-maintainable streets in which works are due to take place | Assistant Director, Highways & Infrastructure |
| 321 | Authenticate notices and other documents | Director of Law & Governance |

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| Sch.9 Para.4 | Sign plans showing proposed prescribed improvement or building lines | Assistant Director, Highways & Infrastructure |
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| Representation of the People Act 1983 | | |
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| Section | Purpose | Officer |
| 35 | Appointment as Returning Officer for local elections | Chief Executive |
| 67(7)(b) | Receive declarations and giving public notice of election agents' appointments | Director of Law & Governance |
| 82(4) | Receive declarations and giving public notice of election agents' or candidates' election expenses | Director of Law & Governance |
| 131(1) | Provide accommodation for holding election court | Director of Law & Governance |

| Building Act 1984 | | |
|-------------------|--|--|
| Section | Purpose | Officer |
| 78 | Taking immediate action in relation to dangerous structures. | Relevant Director and/or Chief Officer |

| Public Health Control of Disease Act 1984 | | |
|---|---|------------------------|
| Section | Purpose | Officer |
| 48 | Certifying to a justice of the peace that the retention of a dead body in any premises would endanger the health of inmates of that building or an adjoining or neighbouring property | Director Public Health |
| 60 | Accepting service on behalf of the local authority of notices, orders and other documents | Director Public Health |

| Weights and Measures Act 1985 | | |
|-------------------------------|--|---------------------------|
| Section | Purpose | Officer |
| 72(1) | Appointment as Chief Inspector of Weights and Measures | Head of Trading Standards |

| Local Government Finance Act 1988 | | |
|-----------------------------------|--|-----------------------|
| Section | Purpose | Officer |
| 114, 115 and 115B | Responsibility for Chief Financial Officer Reports. | Director of Resources |
| 116(1) | Notify external auditor of meeting under the Act to consider a report from the Chief Finance Officer | Director of Resources |

| Local Government and Housing Act 1989 | | |
|---------------------------------------|---|------------------------------|
| Section | Purpose | Officer |
| 2(4) | Hold the Council's list of politically restricted posts | Director of Law & Governance |
| 3A | In consultation with the Monitoring Officer, determine applications for exemption from political restriction or for designation of posts as politically restricted. | Chief Executive |
| 4 | Designation as Head of Paid Service | Director Resources |
| 5(1) | Designation as Monitoring Officer | Director of Law & Governance |
| 5(7) | Nomination to act as deputy in the absence of the Monitoring Officer | Head of Legal Services |
| 15-17 | Receive notification of the formation of a political group, changes in membership, names of group leaders and deputies, and group nominations to sit on committees | Director of Law & Governance |

| Food Safety Act 1990 | | |
|----------------------|--|------------------------------|
| Section | Purpose | Officer |
| 27(1) | Appointment as Public Analysts | Head of Environmental Health |
| 49(3) | Sign any document authorised or required to be given, made or issued by the Food Authority | Head of Environmental Health |

| The Local Government (Committees and Political Groups) Regulations 1990 | | |
|---|--|------------------------------|
| Regulation | Purpose | Officer |
| | Notifications to and by the Proper Officer | Director of Law & Governance |

| Education Act 1996 | | |
|--------------------|--|---------------------------------|
| Section | Purpose | Officer |
| 532 | Appointment as Chief Education Officer | Director of Children's Services |

| Local Government Act 2000, section 34 Local Authorities (Referendums) (Petitions and Directions) Regulations 2000 | | |
|--|---|------------------------------|
| Regulation | Purpose | Officer |
| 34 | Publish the verification number of electors for the purpose of petitions under the 2000 Act | Director of Law & Governance |

Regulation of Investigatory Powers Act 2000, section 30

The Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000

| Regulation | Purpose | Officer |
|------------|---|--|
| 2 | Authorise the carrying out of directed surveillance or the conduct or use of a covert human intelligence source | Director Of Community Safety & Regulatory Services, Chief Internal Auditor, Director of Law & Governance, Head of Planning Applications Unit, Principal Planning Officer (Enforcement), Head of Public Rights of Way, Public Rights of Way Officer (Enforcement), Head of Trading Standards (TS), TS Area Managers, TS Operational Manager |

Freedom of Information Act 2000

| Section | Purpose | Officer |
|---------|--|------------------------------|
| 36 | Qualified person to confirm or deny whether disclosure of information is likely to prejudice the effective conduct of public affairs | Director of Law & Governance |

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089

| Regulation | Purpose | Officer |
|------------|--|------------------------------|
| 7(2) | Exclusion of information in any report which relates only to matters during which, in the proper officer's opinion, the meeting is likely to be a private meeting. | All Directors |
| 7(7)(c) | Copy of any other document supplied to members of the executive in connection with the item considered at a meeting as the proper officer thinks fit. | All Directors |
| 7(12) | To ensure that a written statement is produced for every executive decision as required. | Director of Law & Governance |

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| 20 | Determining whether to disclose a document containing confidential, exempt information or advice provided by a political advisor or assistant. | All Directors |
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The Local Authorities (Standing Orders) (England) Regulations 2001

| Regulation | Purpose | Officer |
|------------------|--|------------------------------|
| Sch. 1, Part IV, | Functions in relation to notifying Executive of appointments, dismissals, etc. | Director of Law & Governance |

Children Act 2004

| Section | Purpose | Officer |
|---------|---------------------------------|---------------------------------|
| 18 | Director of Children's Services | Director of Children's Services |

Local Democracy, Economic Development and Construction Act 2009

| Section | Purpose | Officer |
|---------|---|--------------------------------------|
| 31 | Designation of Statutory Scrutiny Officer | Head of Democratic & Member Services |

Public Health Control Of Disease Act 1984
Health Protection (Notification) Regulations 2010

| Regulation | Purpose | Officer |
|------------|---|------------------------|
| 2 | Officer to be notified of suspected disease, infection or contamination in patients | Director Public Health |
| 3 | Officer to be notified of suspected disease, infection or contamination in dead persons | Director Public Health |
| 6 | Duty to disclose notification to others eg. Health Protection Agency | Director Public Health |

| Localism Act 2011 | | |
|-------------------|---|------------------------------|
| Section | Purpose | Officer |
| 29 | Establish, maintain and publish a Register of Interests. | Director of Law & Governance |
| 31 | Receipt of notice of members' disclosable pecuniary interests and entering such interests in the Authority's register | Director of Law & Governance |
| 32 | Consideration whether a member's interest is a sensitive interest | Director of Law & Governance |
| 33 | Determination of written requests from members for dispensations where they have a pecuniary interest | Director of Law & Governance |

| Data Protection Act 2018 | | |
|--------------------------|--|-------------------------|
| Section | Purpose | Officer |
| 69, 70 and 71 | To be the Council's designated Data Protection Officer and discharge the functions associated with the Data Protection Act 2018. | Data Protection Officer |

- In the event of the Chief Executive (Head of the Paid Service) not being available to deal with matters for which s/he has been designated the proper officer, the Director of Law & Governance be authorised to act as proper officer in his/her absence.
- In the event of any other designated officer being unable to fulfill his/her duties as proper officer, his/her deputy be authorised to undertake such duties instead.
- Notwithstanding the above, a proper officer may at any time delegate or authorise other officers to perform the designated duties on his/her behalf.