



# 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.

<b><i>Title/Description (and statutory derivation)</i></b>	<b><i>Officer appointed</i></b>
Head of Paid Service <sup>1</sup> (Section 4 – Local Government & Housing Act 1989)	Chief Executive
Officer responsible for financial administration <sup>1</sup> (Section 151 – Local Government Act 1972)	Director of Resources
Monitoring Officer <sup>1</sup> (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 <sup>2</sup> (Section 73A National Health Service Act 2006)	Director of Public Health

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

<sup>2</sup> Director of Public Health is appointed jointly with the Secretary of State

Electoral Registration Officer and Returning Officer (Sections 8, 28 and 35 – Representation Governance of the People Act 1983)	Chief Executive
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## 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		
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

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

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		
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

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		
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

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 fulfil 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.