

Appendix 3[\(Back to Scheme Contents\)](#)**Proper Officers****Proper Officer Provisions**

The following Officers have been appointed as 'Proper Officers' for the purposes of the legal provisions (Part 1) and provisions in the Constitution (Part 2).

Where legislation refers to the need to make proper arrangements the Officer identified shall have primary responsibility for seeking to secure such arrangements. Where more than one Officer is identified in relation to any particular provision the intention is that the first named Officer will have primary responsibility to act as the relevant Proper Officer but the further named Officers may still act for and on behalf of that person and in particular shall be regarded as having primary responsibility in the event of the first Officer being unavailable or absent.

The Chief Executive shall be the Proper Officer for all purposes unless another Officer is identified below and/or the Chief Executive appoints another Officer to be the Proper Officer for the purpose of any function.

In the event of the exercise of any nomination rights under this Officer Scheme of Delegations that relate to the exercise of any power of a Proper Officer then any Officer so nominated shall also be deemed to be appointed a Proper Officer subject as may be provided for in any such nomination.

Part 1 – Proper Officer posts relating to legal provisions

Legislative Provision	Function	Proper Officer
National Assistance Act 1948		
S.47	Persons in need of care and attention	Director of Adult Social Services
Marriage Act 1949		
S 9, 13, 20, 57(4)	Registration of Births, Deaths and Marriage; Reimbursement of fees	Head of Regulatory Services; Chief Executive
National Assistance (Amendment) Act 1951		
S 1	Persons in need of care and attention	Director of Adult Social Services
Registration Service Act 1953		
S(1), 6(3), 10(1), 14(1)	Dealings with registration officers	Head of Regulatory Service; Chief Executive
Public Health Act 1961		
S37	Disinfection or destruction of verminous article.	Executive Director for Economy and Environment;
Local Government Act 1972		
S13	Parish Meeting	Chief Executive
S.83	Witness and receipt of Declaration of Acceptance of Office	Chief Executive; Director, Assurance and Governance

S.84	Receipt of notice of resignation of elected member	Director, Assurance and Governance
S.88	Arranging a Council meeting to appoint the Mayor	Chief Executive;
S.89	Notice of casual vacancy in office of councillor	Chief Executive Director, Assurance and Governance
S.100(B)(2)	Designation of reports 'not for publication' to the press and public	Chief Executive and Chief Officers
S.100(B)(7)	Supply of copies of documents	Director, Assurance and Governance
S.100(C)	Written summary of the proceedings at Committees and sub-Committees	Director, Assurance and Governance
S.100(D)	Background papers	Chief Executive and Chief Officers
S100(F)	Exempt information	Chief Executive and Chief Officers
S.100(G)(1)	Register of Elected Members	Director, Assurance and Governance
S.100(G)(2)	List of delegated powers of Officers	Director, Assurance and Governance
S.100(G)(3)	Written summary of rights to attend meetings and to inspect and copy documents	Director, Assurance and Governance
S. 101	To enter into a Service Level Agreement on behalf of the Council with another appropriate local weights and measures authority to enable this Council to meet and discharge its metrological functions under Sections 4 and 5 of Weights and Measures Act 1985 relating to Local and Working Standards respectively on terms to be finalised in consultation with the Director (Law and Democratic Services	Executive Director for Economy and Environment
S.115	Receipt of money due from Officers	Section 151 Officer
S137A	Deposit of accounts	Section 151 Officer
S.138	Emergency disaster powers	Chief Executive
S.146	Declarations and certificates with regard to transfer of securities	Section151 Officer
S.151	Proper administration of the Council's financial affairs	Section 151 Officer
S.191	Officer to whom an application under S.1 of the	Chief Executive

	Ordnance Survey Act 1841 will be sent	
S.210	Charities	Chief Executive
S.224	Custodian of documents	Chief Executive and Chief Officers
S.225	Deposit of documents	Chief Executive and Chief Officers
S.229	Certification of photographic copies of documents	Director, Assurance and Governance and all other Chief Officers
S.234	Signing /authentication of documents	Chief Officers
S236	Sending of copies of byelaws to the Council	Director, Assurance and Governance
S.238	Certification of byelaws	Director, Assurance and Governance
S.248	The Roll of Freemen	Chief Executive; Director, Assurance and Governance
Schedule 12	Signing of summons to Council meeting	Chief Executive; Director, Assurance and Governance; any other person identified for such purpose in the procedural rule of the Constitution
Schedule 14	Certification of resolution for legal proceedings.	Director, Assurance and Governance
Local Government Act 1974		
S.30	Receipt of Ombudsman Reports	Director, Assurance and Governance; Chief Executive
Local Government (Miscellaneous Provisions) Act 1976		
S.41(1)	Certify copies of evidence of resolutions and minutes of proceedings	Director, Assurance and Governance
Rent Agriculture Act 1976		
Schedule 4	Provision of certificate of alternative accommodation	Chief Officers
Rent Act 1977		
Schedule 15, Part (iv)	Provision of certificate of suitable alternative accommodation	Chief Officers
Representation of the People Act 1983		
All	For all proper officer purposes identified in the legislation	Chief Executive;
Public Health (Control of Disease) Act 1984		
All	For all proper officer purposes identified in the legislation	Executive Director for Economy and Environment
Building Act 1984		
S. 78	Giving of notice, and taking such steps as are necessary to remove danger, in respect of dangerous building or structure.	Executive Director for Economy and Environment; Director, Assurance and Governance

Housing Act 1985		
S73;	Chief Inspector of Weights and Measures	Officer holding the required certificate of qualification (Officer responsible for Trading Standards)
S606(1),	Report to Council as to unfitness of a house or as to a clearance area.	Executive Director for Economy and Environment
S606(2)	Complaint by a Justice of the Peace or a Parish Council as to unfitness of a house or as to a clearance area.	Executive Director for Economy and Environment
Weights and Measures Act 1985		
S73	Chief Inspector of Weights and Measures	Officer holding the required certificate of qualification (Officer responsible for Trading Standards)
Local Government and Housing Act 1989		
S. 2	Deposit list of politically restricted posts with Proper Officer	Assistant Chief Executive
S.4	Head of paid service	Chief Executive
S.5	Monitoring Officer	Director, Assurance and Governance
S 15	Calculation of Political Balance on Committees	Chief Executive; Director, Assurance and Governance;
S. 37	Statement of accounts from a voluntary body	Section 151 Officer
Local Government (Committees and Political Groups) Regulations 1990		
All	For all proper officer purposes identified in the regulations	Chief Executive; Officers responsible for Democratic and Electoral Services
Local Government Finance Act 1992		
S.38(2)	Giving notice in the press of the amounts of Council Tax that have been set; and the maintenance of the Loans Register and signing of certificates issued under the provisions of the Local Authority (Stocks and Bonds) Regulations, 1974.	Section 151 Officer
Local Government Act 2000		
All	For all proper officer purposes identified in the legislation and all subordinate legislation	Chief Executive; Director, Assurance and Governance
Freedom of Information Act 2000		
All	Senior Information Risk Owner Qualified person under S36 FOIA Caldicott Guardian Freedom of Information – for all proper officer	Director, Assurance and Governance Director, Assurance and Governance Director for Adult Social Care Data Protection Officer

	purposes identified in the legislation and all subordinate legislation other than those identified above	
Local Authorities (Standing Orders) (England) Regulations 2001		
All	For all proper officer purposes identified in the regulations	Chief Executive; Officers responsible for Human Resources and Organisational Development;
Local (Principal Area) (England and Wales) Rules 2006		
Schedule 2 Rule 54	Retention Officer - public Inspection of documents after an election	Chief Executive; Officers responsible for Democratic and Electoral Services
Local Democracy, Economic Development and Construction Act 2009		
s.31	Statutory Scrutiny Officer	Officer Responsible for Audit
Localism Act 2011		
All	For all proper officer purposes identified in the legislation	Chief Executive

Part 2 - Proper Officer posts referred to in Constitution

N.B. Reference to any Proper Officer shall include any other Officer directly or indirectly nominated by him/her for such purposes

Proper officer provision	Officer
Articles	
7.4 (e) maintaining O&S sub-committee information	Officer responsible for democratic services
8.1 (c) maintaining list of statutory decision making bodies	Officer responsible for democratic services
8.2 (e) maintaining list of all other sub-committees	Officer responsible for democratic services
8.3(b) notification of intended Member substitute	Officer responsible for democratic services
8.3(d) notification of intended non-Member substitute	Officer responsible for democratic services
8.15 (f) person appointed as designated officer for purposes of Port Marine Safety Code	Officer appointed for this purpose by Full Council or the Harbours Committee; or if no Officer appointed then the Executive Director for Economy and Environment.
8.37 (e) determination of committee responsible for dealing with a planning matters	Head of Planning; Executive Director for Economy and Environment.
16.3 (a), (b) and (c) making available copies of the constitution and summary	Officer responsible for democratic services
Procedure Rules	
Council and Committee Procedure Rules	
3.1 Calling Extraordinary meeting	Head of Paid Service
5 Notice of meetings; publication of agenda	Head of Paid Service; Officer responsible for democratic services

8.2 Date for adjournment of meeting	Head of Paid Service; most senior Officer present at a meeting
9.4 Notice of question at meeting	Head of Paid Service; Officer responsible for democratic services
9.5 (a) Determining whether to reject a question	Monitoring Officer; Head of Paid Service; Officer responsible for democratic services
9.6 (a), (b) Determining who should respond to a question	Any Chief Officer
9.12 (c) Arranging circulation of a written answer	Officer responsible for democratic services
10.2 (a) / 10.9 Receipt of deputation information	Officer responsible for democratic services
10.5 (a) Consideration as to whether to reject a deputation	Monitoring Officer; any other Chief Officer; Officer responsible for democratic services
10.5 (b) Keeping record of deputations	Officer responsible for democratic services
10.6 (a) Deciding who should respond to a deputation	Any Chief Officer
10.6 (b) Providing information on deputation to a Member	Officer responsible for democratic services
10.8 Deciding whether to refer a matter to another Committee and referring it.	Officer responsible for democratic services; Head of Paid Service
10.13 (b) Arranging circulation of a response to a deputation	Officer responsible for democratic services
12.2 (a) Arranging for items to be included in an agenda	Officer responsible for democratic services;
13.2 (a) / (b) Receipt of valid member question	Officer responsible for democratic services; Head of Paid Service
13.2 (d) Providing information on a valid members question	Officer responsible for democratic services; Head of Paid Service
14.2 (a); (b) Receipt of and deciding whether to allow valid member motion	Officer responsible for democratic services; Head of Paid Service
14.3(b) Deciding whether to refer a matter to another Committee and referring it	Officer responsible for democratic services; Head of Paid Service
15 Notice of amendment to budget	Officer responsible for democratic services; Section 151 officer;
21 Record of members attending meeting	Officer responsible for democratic services; Head of Paid Service
31(a) (iii) notice of calling of extraordinary meeting	Head of Paid Service
36(2) (a) / (b) Receipt of and deciding whether to allow valid committee question	Officer responsible for democratic services; Head of Paid Service
36(2) (d) Providing copy of valid committee question	Officer responsible for democratic services;
Access to Information Procedure Rules	
5.2 Making reports available	Officer responsible for democratic services;
6.2 Deciding whether to make information available for a charge	Officer responsible for democratic services;

10 Excluding public access to report	Any Chief Officer; Officer responsible for democratic Services
13.1 / 13.2 General exception to information not in forward plan`	All Chief Officers; Officer responsible for democratic services;
16 Recording executive decisions	Officer responsible for democratic services;
17.2, 17.3, 17.4 Procedure for Executive Briefing	Officer responsible for democratic services; All Chief Officers
19.5 limitation on meeting of executive	Officer responsible for democratic services; Head of Paid Service
19.6 presence of person to record meeting	Officer responsible for democratic services; Head of Paid Service
20.2 recording details of Executive Briefing	Officer responsible for democratic services; Head of Paid Service
22.1 Member access to information	All Chief Officers; Officer responsible for democratic services
Budget and Policy Framework Procedure Rules	
2.2 Referring executive comments to Full Council	Officer responsible for democratic services; Head of Paid Service
2.5, 2.6 executive concerns to budget and convening further meetings	Head of Paid Service
Executive Procedure Rules	
10.1 Placing item on agenda of Executive	Officer responsible for democratic services; Head of Paid Service
Overview and Scrutiny Procedure Rules	
28 Annual report on call in and proposals for review	Officer responsible for democratic services; Monitoring Officer
30 Determining appropriate Overview and Scrutiny Committee	Monitoring Officer; Officer responsible for democratic services;
Officer Employment and Dismissal Procedure Rules	
5.2, 5.3, 5.4 Procedure for appointing statutory chief Officer	Officer responsible for democratic services; Officer responsible for human resources
Part 3(1) Responsibility for Council Functions (non executive)	
Responsibility for lists	Officer responsible for democratic services;
Part 3(2) Officer Scheme of Delegations	
10 Receipt of specific nomination provision	Monitoring Officer; Officer responsible for democratic services

