



Title:	Constitution of the Council (Part 3Zc: Proper Officers)
Owner:	Angela Wakefield
Date of version:	20th June 2016
Version:	1.9
Review due:	May 2017
Approved by Monitoring Officer:	Angela Wakefield
Date of Equality Impact Assessment:	29th October 2013

Date sent to officer responsible for website:	[] June 2016
Date sent to officer responsible for Learning and Development:	[] June 2016
Date sent to officer responsible for CMIS:	[] June 2016

Adopted by the Full Council on 20th June 2016

DESIGNATION OF “PROPER OFFICERS”

The relevant people and postholders listed below have been designated as Proper Officers for the purposes of the adjacent legislative provisions (and any subsequent amendments):

Sec. of Statute	Responsibility	Officer
BA 1984 s78	Officer designated to enforce Section 78 of the Building Act, 1984 in relation to Dangerous Buildings.	Paul Costiff
BA 1984 S93	Authentication of Documents etc	Paul Costiff
DPA 1984	Officer designated to be the Data Protection Officer.	Monitoring Officer
FSA 1990 s49(3)(a)	Authentication of Documents etc	Paul Costiff
LGHA 1989 ss15-17	Voting Rights and Political Balance.	Chris Ebberley
Highways Act 1980 Part VII A	Provision of amenities on certain highways	Paul Costiff
LA 2003 S55A	Suspension of premises licence for failing to pay annual fee	Paul Costiff
LAR 2001	Officer designated to notify the Executive of proposed appointments to and dismissals from senior posts for the purposes of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001	Chris Ebberley

LAR 2012	Officer designated to act as 'Proper Officer' (e.g. for background papers, recording of meetings, giving information, etc).	Chris Ebberley
LGA 1972 s13(3)	Officer designated to act as Parish Trustee with Chairman of Parish Meetings where no Parish Council exists.	Chief Executive
LGA 1972 s83	To receive declarations of acceptance of office	Chief Executive
LGA 1972 s84	To receive written notice of resignation of office	Chief Executive
LGA 1972 s88	Convening of meeting of the Council to fill vacancy in office of Mayor (where such a casual vacancy exists)	Chief Executive
LGA 1972 s89(1)(b)	To receive notice of casual vacancies from two local government electors	Chief Executive
LGA 1972 s100(B)(2)	Officer designated to exclude from agenda papers made available to public reports (or parts) likely to be taken in absence of public.	The Head of Service originating the report & Chris Ebberley
LGA 1972 s100(B)(7)(c)	Officer designated to supply copies of other documents.	Chris Ebberley
LGA 1972 s100(C)(2)	Officer designated to make a written summary in lieu of confidential minutes.	Chris Ebberley

LGA 1972 s100(D)(1)(a)	Officer designated to compile a list of background papers to a report.	The Head of Service originating the report
LGA 1972 s100(D)(5)(a)	Officer designated to identify the background papers on which a report is based.	The Head of Service originating the report
LGA 1972 s100(F)(2)	Officer designated to identify documents not available to Councillors under that section.	Chris Ebberley
LGA 1972 s100G(1)	Officer responsible for maintaining Register of Elected Councillors	Chris Ebberley
LGA 1972 s100G(2)	Officer responsible for maintaining list of Delegated Powers of Officers	Monitoring Officer
LGA 1972 s100G(3)	Officer responsible for written summary of rights to attend meetings and to inspect and copy documents	Chris Ebberley
LGA 1972 s115(2)	Officer to whom all officers shall pay monies received by them and due to the local authority.	Chief Finance Officer
LGA 1972 s137A	Officer responsible for the deposit of a statement or report or accounts from a voluntary body in receipt of financial assistance above the relevant limit	Chief Finance Officer

LGA 1972 s146	Officer designated to keep declarations and issue certificates in connection with the holding or transfer of securities or the payment of dividend or interest.	Chief Finance Officer
LGA 1972 s151	Officer designated to be responsible for the administration of the financial affairs of the Council.	Chief Finance Officer
LGA 1972 s191	Officer designated to receive notices of Ordnance Survey in relation to ascertaining or locating local authority boundaries.	Chris Ebberley
LGA 1972 s210(6)&(7)	Officer designated to exercise any charity functions by officers of the "old" local authority where there is no holding of a corresponding office in the "new" local authority.	Chief Executive
LGA 1972 s225(1)	Officer designated to receive and give receipt for any document required to be formally deposited with the Council.	Chris Ebberley
LGA 1972 s228	accounts open for inspection	Chief Finance Officer

LGA 1972 s229(5)	Officer designated to certify a photographic copy of a document in the custody of the Council.	Chief Finance Officer and the Monitoring Officer
LGA 1972 s234	Power to sign formal notices, orders or other documents made or issued by the Council	Chief Executive, Monitoring Officer or Head of Service responsible for that function
LGA 1972 s236	Officer designated to receive copies of bye-laws from the County Council and to send copies of all bye-laws made by the Council to the Council of every Parish or Community to which they apply and to the County Council.	Monitoring Officer
LGA 1972 s238	Officer designated to sign the certificate on any printed copy of the bye-laws authenticating such prints as a true and correct copy.	Monitoring Officer
LGA 1972 s248	Officer designated to keep the Rolls of Aldermen and Freemen.	Chris Ebberley
LGA 1972 s270	Appointment as Proper Officer in relation to all matters where no other Officer is specifically designated.	Chief Executive

LGA 1972 Schedule 12	Issue and service of summons to meetings of Council and Committees thereof: receipt of formal notification from Councillors of address to which it is desired such summons to be sent.	Chris Ebberley
LGA 1972 Schedule 14 para.25(7)	Officer designated to certify copy resolutions.	Chris Ebberley
LGA 1974 S30(5)	Notice of Ombudsman's reports	Chris Ebberley
LGA 2000 s81	Receipt of declarations of financial and other interests by Councillors and the keeping of the register of declarations of financial and other interests	Monitoring Officer
LGA 2000 s81	Receipt of declarations of gifts and hospitality by Councillors and the keeping of the register of gifts and hospitality	Monitoring Officer
LG(C)A 1997 ss3-4		Chief Executive
LGFA 1988 s114	Officer responsible for preparing a report in the case of unlawful expenditure.	Chief Finance Officer
LGFA 1988 s116	Officer designated to notify auditor of date, time and place of meeting to consider S.114 report and decision of such meeting.	Chief Finance Officer

LGHA 1989 s2	Officer charged with retaining a list of politically restricted posts	Chief Executive
LGHA 1989 S4	Officer appointed as the Head of Paid Service	Chief Executive
LGHA 1989 S5	Officer designated as the "Monitoring Officer"	The Monitoring Officer
LGHA 1989 s6	Officer responsible for the administration of financial affairs	Chief Finance Officer
LGHA 1989 Regulations under ss15-17	<p>To receive notices from Councillors concerning:</p> <ul style="list-style-type: none"> (i) the constitution of political groups (ii) the membership of political groups; (iii) the wishes of political groups; (iv) the review of the allocation of seats to political groups. <p>To notify Political Groups of:</p> <ul style="list-style-type: none"> (i) the allocation of seats to political groups; (ii) the vacation of a seat allocated to a political group. 	Chief Executive
LG(MP)A 1976 s16	Requests for particulars of interests in land	Chris Ebberley
LG(MP)A 1976 s41	Certifying copy minutes etc.	Chris Ebberley

LG(MP)A 1976 Part II	Officer designated to sign licences for hackney carriage and private hire vehicles and drivers	Paul Costiff
PHA 1936 ss84 & 85	Power to issue certificate to the Council regarding the cleansing or destruction of filthy or verminous articles.	Paul Costiff
RIPA 2000 ss28, 29& 30		Paul Costiff, Environmental Health Team Leader, Enforcement Services Team Leader and Monitoring Officer.
RPA 1983 s8	Officer designated as the Electoral Registration Officer (this also leads to appointment as the (Acting) Returning Officer for parliamentary elections).	Chief Executive
RPA 1983 s35	Officer designated as the Returning Officer for elections of borough and parish councillors.	Chief Executive
RPA 1983 Rules made under s36	Officer designated to receive the report of the Returning Officer of Borough Council Elections.	Chief Executive
RPA 1983 s52	Officer designated as the Deputy Electoral Registration Officer.	Head of Legal & Democratic Services (until 8 th May 2015) Chris Ebberley (from 9 th May 2015)

Key to Statutes:-

BA - Building Act

DPA - Data Protection Act

FSA - Food Safety Act

LA – Licensing Act 2003

LAR 2001 - Local Authority (Standing Orders) (England) Regulations 2001

LAR 2012 - Local Authorities (Executive Arrangements) (Access to information) (England) Regulations 2012

LD,ED&CA 2009 - Local Democracy, Economic Development and Construction Act 2009

LGA - Local Government Act

LG(C)A - Local Government (Contracts) Act

LGFA - Local Government Finance Act

LGHA - Local Government and Housing Act

LG(MP)A - Local Government (Miscellaneous Provisions) Act

PHA - Public Health Act

RIPA - Regulation of Investigatory Powers Act

RPA - Representation of the People Act