

## Part 3 - Appendix 3 – Schedule of Proper Officers

### 1. Introductory Provisions

- 1.1 The legislation specified below in respect of the list of “proper officers” shall include any other enactment which may, directly or indirectly, replace it with or without amendment.
- 1.2 In the event of any officer mentioned below being, for any reason, unable to act or in the event of the relevant post being vacant, the Joint Chief Executive or a nominated deputy in his/her absence, shall be authorised in consultation with the Leader of the Council either to undertake that proper officer role themselves or nominate in writing another officer to undertake that role.
- 1.3 In the event that an officer is not otherwise identified within this Constitution as a proper officer in respect of any enactment, the proper officer for the function shall be the Joint Chief Executive. The Joint Chief Executive may nominate another officer to undertake that function in writing.

### 2. Schedule of Proper Officers

#### 2.1 Public Health Act 1936

Section 84	Cleansing or destruction of filthy or verminous articles	Joint Strategic Director Place
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#### 2.2 Local Government Act 1972

Section 13	To act as parish trustee	Monitoring Officer
Section 83(1) - (3)	To witness and receive declarations of acceptance of office by the Mayor, Deputy Mayor and councillors	Monitoring Officer
Section 84	To accept written notice of resignations from persons holding office as Mayor, Deputy Mayor or councillor	Monitoring Officer
Section 88(2)	To convene a meeting of the Council for the purposes of electing a Mayor following a casual vacancy in that office	Joint Chief Executive
Section 89(1)(b)	To accept notice in writing from electors requiring an election to fill a casual vacancy on the Council	Returning Officer
Section 100(B)(1)	To supply copies of papers to the press	Monitoring Officer
Section 100(B)(2)	To exclude from public inspection those reports (or parts of reports) likely to be	Monitoring Officer

	considered in the absence of the public	
Section 100(B)(7)(c)	Making available to the press other documents already supplied to councillors	Monitoring Officer
Section 100(C)(2)	To make a written summary in lieu of confidential minutes	Monitoring Officer
Section 100(D)(1)(a)	To compile a list of background papers to a report	Any Joint Strategic Director, Joint Executive Head of Service or Service Manager
Section 100(D)(5)(a)	To identify background papers on which a report is based which have been relied on in preparing the report	Any Joint Strategic Director, Joint Executive Head of Service or Service Manager
Section 100(F)(2)	To identify documents not open to inspection by councillors under Section 100(F)(1)	Any Joint Strategic Director, Joint Executive Head of Service or Service Manager Monitoring Officer
Section 115(2)	To receive all monies due to the Council from every officer employed by the Council	Joint Executive Head of Finance (s.151 officer)

### 2.3 Health and Safety at Work etc. Act 1974

Sections 19-22	To appoint inspectors and authorise various enforcement powers	Joint Strategic Director Place or Joint Executive Head of Regulatory Services
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### 2.4 Local Government (Miscellaneous Provisions) Act 1976

Section 41	To certify copy resolutions, orders, reports, minutes, records of executive decisions and copy instruments appointing officers to perform certain functions	Monitoring Officer
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### 2.5 Representation of the People Act 1983

Section 8	To act as Registration Officer for the registration of Parliamentary and Local Government Electors	Joint Chief Executive
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Section 28	To act as Returning Officer at Parliamentary Elections	Joint Chief Executive
Section 35	To act as Returning Officer for the election of Councillors of the Borough and for the election of Councillors of Parishes within the Borough	Joint Chief Executive

## 2.6 Building Act 1984

Section 61	To authorise access to any works being carried out to repair, reconstruct or alter a drain	Joint Strategic Director Transformation and Governance
Section 78	To take emergency action in relation to dangerous buildings and structures	Joint Strategic Director Transformation and Governance

## 2.7 Public Health (Control of Disease) Act 1984

All Sections	All provisions including: Removal of body to mortuary or for immediate burial(Section 48) Authentication of documents (Section 59)	Joint Strategic Director Place or Joint Executive Head of Regulatory Services
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## 2.8 Local Government and Housing Act 1989

Section 2(4)	Officer with whom the list of politically restricted posts shall be deposited	Head of Paid Service
Section 4	Head of Paid Service	Joint Chief Executive
Section 5	Monitoring Officer	Monitoring Officer
Section 15 - 17	To receive various notices relating to political groups and political balance on committees under relevant regulations	Monitoring Officer
Section 18	To implement a scheme of councillors' allowances	Monitoring Officer

## 2.9 Food Safety Act 1990

Section 5	All functions required of an authorised officer	Joint Strategic Director Place or Joint Executive Head of Regulatory Services
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## 2.10 Party Wall etc. Act 1996

Section 10(8)	To select a third surveyor, if required, during a neighbour dispute about building projects	Joint Strategic Director Transformation and Governance
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## 2.11 Crime and Disorder Act 1998

	To ensure compliance with the provisions of the Crime and Disorder Act in relation to the prevention of crime and disorder	Joint Chief Executive
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## 2.12 The Local Authorities (Standing Orders) (England) Regulations 2001

Part II of Schedule 1	<p>(a) To receive details of proposed officer appointments and dismissals</p> <p>(b) To notify each member of the Executive of</p> <p>(i) the name of the person to whom the appointor/dismissor wishes to make an offer of appointment/dismiss;</p> <p>(ii) any other particulars relevant to the appointment/ dismissal which the appointor/dismissor has notified to the proper officer; and</p> <p>(iii) the period within which any objection to the making of the offer/dismissal is to be made by the Leader on behalf of the Executive</p> <p>(c) To notify the appointor/dismissor that no objection was received by him within that period from the Leader</p>	Monitoring Officer
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## 2.13 Proceeds of Crime Act 2002

	To meet the Council's obligations in relation to the Proceeds of Crime Act	Joint Executive Head of Finance (s. 151 officer)
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**2.14 Local Elections (Principal Areas) Rules 2006**

Rule 50	To receive the names of persons elected to the Council from the Returning Officer	Monitoring Officer
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**2.15 The Local Elections (Parishes and Communities) (England and Wales) Rules 2006**

Rule 5	To receive requests for an election to fill a casual vacancy in the office of a parish councillor	Returning Officer
Rule 50	To receive the names of persons elected to parish councils from the Returning Officer	Monitoring Officer

**2.16 Cremation (England and Wales) Regulations 2008**

Regulation 32	Person appointed as registrar to register all cremations carried out by the cremation authority	Joint Executive Head of Environmental Services
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**2.17 Localism Act 2011**

Section 33	To receive written requests by a member or co-opted member of the authority, to grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section 31(4) in cases described in the dispensation.	Monitoring Officer
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**2.18 The Local Authorities (Referendums) (Petitions) (England) Regulations 2011**

Regulations 4, 7, 8, 11, 13 and 14	(a) To establish and publish the verification number each year (b) To deal with procedures for post-announcement petitions (c) To determine whether petitions should be amalgamated (d) To deal with procedures on	Monitoring Officer
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	receipt of petition (e) To comply with publicity requirements on receipt of a valid or invalid petition	
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**2.19 The Local Authorities (Conduct of Referendums) (England) Regulations 2012**

Regulation 4	To publish information in connection with referendums	Monitoring Officer
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**2.20 The Local Government Act Referendums Rules**

Rule 41	To receive the declaration of result of referendum from the counting officer	Joint Chief Executive
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**2.21 The Local Government Act Referendums (Combination of Polls) Rules**

Rule 43	To receive the declaration of result of referendum from the counting officer	Joint Chief Executive
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**2.22 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

Regulations 2 and 15	(a) To identify as background papers those documents which disclose any facts or matters on which a report or an important part of a report is based and were relied on to a material extent in preparing the report. (b) To compile a list of background papers to a report	Any Joint Strategic Director, Joint Executive Head of Service or Service Manager
Regulation 7 (2)	To agree when it is appropriate to exclude from the copy of any report the whole, or any part, of the report which relates only to matters during which the meeting is likely to be a private meeting.	Monitoring Officer
Regulation 7 (7)	Following a request to supply copies of agendas and other documents, to agree in the case of any item, a copy of any other document supplied to members of the executive	Monitoring Officer

	in connection with the item	
Regulation 10	<ul style="list-style-type: none"> <li>• To give notice to the relevant overview and scrutiny committee chairman where it has been impracticable to publish intention to make a key decision under Regulation 9</li> <li>• To make available at the Council offices for inspection by the public and to publish on the Council's website, a copy of the notice.</li> </ul>	Monitoring Officer
Regulation 12	To produce, as soon as reasonably practicable after any meeting of a decision-making body at which an executive decision was made, a written statement for every executive decision taken which includes the information specified in paragraph (2) of Regulation 12	Monitoring Officer
Regulation 13	To produce, as soon as reasonably practicable after an individual member has made an executive decision, a written statement for every executive decision taken which includes the information specified in paragraph (2) of Regulation 13.	Monitoring Officer
Regulation 14	To ensure that copies of any records and reports (or parts of reports) considered at the meeting or, as the case may be, considered by the individual member or officer which are relevant to a decision recorded in accordance with regulations 12 or 13, are made available for inspection by members of the public, as soon as is	Monitoring Officer

	reasonably practicable, at the Council offices and on the website.	
Regulation 20	To determine whether any document or part of a document contains or may contain confidential or exempt information or the advice of a political adviser or assistant.	Monitoring Officer
Section 137A	To receive a deposited statement (or any report or accounts) from voluntary organisations in receipt of financial assistance from the Council setting out the use to which that assistance has been put	Joint Executive Head of Finance (s.151 officer)
Section 146(1)	To make certain statutory declarations and give certain certificates relating to securities on the alteration of the name or area of the Council	Joint Executive Head of Finance (s.151 officer)
Section 151	To be responsible for the proper administration of the financial affairs of the Council	Joint Executive Head of Finance (s.151 officer)
Section 191	To receive notices from Ordnance Survey in relation to ascertaining or locating local authority boundaries	Joint Chief Executive
Section 210 (6)	To exercise the powers in relation to a charity when the corresponding officer in whom such powers are invested is absent and to act as charity trustee in the absence of corresponding officer	Monitoring Officer
Section 225(1)	To receive and give receipt for any document required to be formally deposited	Monitoring Officer
Section 228	To make arrangements for the inspection of Council minutes	Monitoring Officer
Section 229(5)	To certify photographic copies of documents for	Monitoring Officer



	use in legal proceedings	
Section 234(1) - (2)	To sign formal notices, orders or other documents made or issued by the Council other than those under seal and other than those specifically delegated to another officer	Any Joint Strategic Director
Section 236(10)	To send copies of all byelaws made by the Council to the County Council	Monitoring Officer
Section 238	To certify a printed copy of Council byelaws	Monitoring Officer
Section 248	To maintain a roll of the Freemen of the Borough	Monitoring Officer
Schedule 12 (Paragraph 4(2)(b))	To issue and serve summonses to meetings of the Council	Joint Chief Executive
Schedule 12 (Paragraph 4(3))	To receive formal notification from councillors requesting that a summons be sent to an alternative address	Monitoring Officer