

## Proper Officers and Statutory Appointments

1. Legislation requires local authorities to appoint certain officers with statutory and proper officer responsibilities. These appointments and the officer to whom the council has allocated responsibility are listed below.
2. Where in any legislation reference is made to a Proper Officer of the Council and no officer has been appointed by the Council to act for that purpose, then the Chief Executive will be deemed to be the Proper Officer.
3. The Proper Officers designated below and any other officer of the Council having specific duties under his or her appointment to the service of the Council shall be an authorised officer for the purpose of any specific reference to an authorised officer in an Act or Regulation relating to such duties.
4. In the foregoing designations of Proper Officers and in any case where an officer is appointed or authorised, he or she may delegate such authorisations to such officer as he or she may determine and may make such arrangements for the carrying out of functions in the event of his or her absence or otherwise being unable to act by any other officer of the Council as he or she considers appropriate, subject to such arrangements being made in written form indicating the officers in power to exercise the functions and the functions involved.
5. In the event of the Chief Executive being absent or otherwise unable to act the Director of Pride in Place has been appointed Proper Officer.
6. In the event of the Chief Finance Officer being absent or otherwise unable to act, his/her nominated deputy has been appointed Proper Officer in accordance with Section 114(6) of the Local Government Finance Act 1988.
7. Any reference in this document to an enactment is to be taken as including a reference to any enactment for the time being amending or replacing it.

### Statutory Officers

| Legislation                              | Section | Statutory Officer                                 | Allocated To                                                                                                      |
|------------------------------------------|---------|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Local Authority Social Services Act 1970 | S6      | Director of Adult Social Services                 | Director of Adults and Community Services, for purposes of the Council's audit of adult social services functions |
| Local Government Act 1972                | S151    | Officer responsible for financial administration  | Chief Finance Officer                                                                                             |
| Representation of the People Act 1983    | S8      | Registration Officer (local government elections) | Chief Executive                                                                                                   |

| <b>Legislation</b>                    | <b>Section</b> | <b>Statutory Officer</b>                           | <b>Allocated To</b>                                                                              |
|---------------------------------------|----------------|----------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Representation of the People Act 1983 | S28            | Acting Returning Officer (Parliamentary elections) | Chief Executive                                                                                  |
| Representation of the People Act 1983 | S35            | Returning Officer (local government elections)     | Chief Executive                                                                                  |
| Local Government and Housing Act 1989 | S4             | Head of Paid Service                               | Chief Executive                                                                                  |
| Local Government and Housing Act 1989 | S5             | Monitoring Officer                                 | Head of Legal Services                                                                           |
| Education Act 1996                    | S532           | Chief Education Officer                            | Director of Children's Services                                                                  |
| Local Government Act 2000             | S21ZA          | Scrutiny Officer                                   | Democratic Services Team Leader                                                                  |
| Children's Act 2004                   | S18            | Director of Children's Services                    | Director of Children's Services                                                                  |
| National Health Service Act 2006      | S73A           | Director of Public Health                          | Director of Public Health, appointed by the authority acting jointly with the Secretary of State |

## Proper Officers

| Legislation                                                                             | Section      | Provision                                                                                                                                        | Proper Officer                                                                                                                                                        |
|-----------------------------------------------------------------------------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Public Health Act 1936                                                                  | S84 and S85  | Cleansing of filthy or verminous articles, persons or clothing                                                                                   | Consultant in Communicable Disease Control (or equivalent) for Health Protection Agency, as authorised by the Divisional Director for Community and Customer Services |
| The Health Protection (Notification) Regulations 2010                                   | Regs 2, 3, 6 | Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons                  | Consultant in Health Protection in the South West Region of the United Kingdom Health Security Agency (UKHSA) as authorised by the Director of Public Health          |
| Marriage Act 1949                                                                       | S57(4)       | Reimbursing superintendent registrars the fees paid to incumbents and authorised persons for quarterly certified copies of marriage certificates | Director of Corporate Services                                                                                                                                        |
| National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951 | S47          | The removal of persons in need of care and attention to suitable premises                                                                        | Consultant in Communicable Disease Control (or equivalent) for Health Protection Agency, as authorised by the Divisional Director for Community and Customer Services |
| Registration Service Act 1953                                                           | S6(1)        | Appointment of registration officers                                                                                                             | Director of Corporate Services                                                                                                                                        |
| Registration Service Act 1953                                                           | S6(3)        | Payment of registration officers and receipt of fees                                                                                             | Director of Corporate Services                                                                                                                                        |
| Registration Service Act 1953                                                           | S14(1)       | Preparation and submission of a local registration scheme                                                                                        | Director of Corporate Services                                                                                                                                        |

| Legislation                                 | Section                  | Provision                                                             | Proper Officer                                                                                                                                                        |
|---------------------------------------------|--------------------------|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Milk and Dairies (General) Regulations 1959 | Part VII (Regs 18 to 20) | Pasteurisation Orders                                                 | Consultant in Communicable Disease Control (or equivalent) for Health Protection Agency, as authorised by the Divisional Director for Community and Customer Services |
| Public Health Act 1961                      | S37                      | Disinfestation of verminous articles offered for sale                 | Consultant in Communicable Disease Control (or equivalent) for Health Protection Agency, as authorised by the Divisional Director for Community and Customer Services |
| Agriculture Act 1970                        | S67                      | Agricultural Analyst                                                  | Consultant in Communicable Disease Control (or equivalent) for Health Protection Agency, as authorised by the Divisional Director for Community and Customer Services |
| Local Authority Social Services Act 1970    | S7(B)                    | Complaints Officer                                                    | Director of Children's Services                                                                                                                                       |
| Children's Act 1989                         | S26                      |                                                                       |                                                                                                                                                                       |
| NHS and Community Care Act 1990.            | S50                      |                                                                       |                                                                                                                                                                       |
| General Data Protection Regulation (GDPR)   | S4                       | Data Protection Officer                                               | Head of Information Governance                                                                                                                                        |
| Digital Economy Act 2017                    | Part 6                   | To pay a data protection fee to the Information Commissioner's Office | Head of Information Governance                                                                                                                                        |
| Protection of Freedoms Act 2012             | S33(5)                   | SPOC (Single Point of Contact for CCTV)                               | Environmental Health Manager (Commercial)                                                                                                                             |

| <b>Legislation</b>              | <b>Section</b>                   | <b>Provision</b>                                                                                                                                                   | <b>Proper Officer</b>                                   |
|---------------------------------|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| Protection of Freedoms Act 2012 | S33                              | SRO (Senior Responsible Officer for CCTV)                                                                                                                          | Head of Information Governance                          |
| Local Government Act 1972       | S83(1) – (3)                     | Witness and receipt of acceptance of office on form prescribed by rules made under Section 42 of the Act (office of councillor and Chair or Vice-Chair of Council) | Chief Executive                                         |
| Local Government Act 1972       | S84                              | Receipt of declaration of resignation of office                                                                                                                    | Head of Governance Support                              |
| Local Government Act 1972       | S88(2)                           | Conveying a meeting of the Council to fill a casual vacancy (in the case of a Chair of a Committee)                                                                | Chief Executive                                         |
| Local Government Act 1972       | S89(1) (b)                       | Receipt of notice of casual vacancy from two local government electors                                                                                             | Chief Executive                                         |
| Local Government Act 1972       | S99 and Schedule 12 Para 4(2)(b) | Signature of Summonses to Council Meetings                                                                                                                         | Chief Executive                                         |
| Local Government Act 1972       | S115(2)                          | Receipt of money due from officers                                                                                                                                 | Chief Finance Officer                                   |
| Local Government Act 1972       | S146(1)(a) &(b)                  | Declarations and Certificates with regard to transfer of securities on the change of name of the authority                                                         | Chief Finance Officer                                   |
| Local Government Act 1972       | S191(2)                          | Receipt of an application under Section 1 of the Ordnance Survey Act 1841                                                                                          | Divisional Director for Community and Customer Services |
| Local Government Act 1972       | S204(3)                          | Receipt of notice of an application for a justices' licence under Schedule 2 of the Licensing Act 1964                                                             | Divisional Director for Community and Customer Services |
| Local Government Act 1972       | S210(6) & (7)                    | Charity functions of holders of office with existing authorities transferred to holders of equivalent offices with new authorities                                 | Head of Legal Services                                  |

| <b>Legislation</b>                | <b>Section</b>         | <b>Provision</b>                                                                           | <b>Proper Officer</b>                                   |
|-----------------------------------|------------------------|--------------------------------------------------------------------------------------------|---------------------------------------------------------|
| Local Government Act 1972         | S225(1)                | Deposit of documents                                                                       | Head of Legal Services                                  |
| Local Government Act 1972         | S229(5)                | Certification of photographic copies of documents                                          | Head of Legal Services                                  |
| Local Government Act 1972         | S234(1) & (2)          | Authentication of documents                                                                | Head of Legal Services                                  |
| Local Government Act 1972         | S236(10)               | To send copies of Bylaws to the County Council                                             | Head of Legal Services                                  |
| Local Government Act 1972         | S238                   | Certification of Bylaws                                                                    | Head of Legal Services                                  |
| Local Government Act 1972         | S248(2)                | Keeping of the roll of Freemen                                                             | Head of Governance Support                              |
| Local Government Act 1972         | Schedule 3 Para 6(2)   | Custody of first Declarations of Acceptance of Office                                      | Head of Governance Support                              |
| Local Government Act 1972         | Schedule 12 Para 4(3)  | Receipt of notices of addresses to which summonses to meetings are to be sent              | Head of Governance Support                              |
| Local Government Act 1972         | Schedule 14 Para 25(7) | Certification of resolutions                                                               | Head of Governance Support                              |
| Local Government Act 1974         | S30                    | Reports on Investigations by the Local Director for Administration                         | Chief Executive                                         |
| Land Charges Act 1975             | S19                    | The officer to act as Local Registrar as defined in Section 3 of the Land Charges Act 1975 | Divisional Director for Place Strategy                  |
| Safety of Sports Grounds Act 1975 |                        | Technical Chair of the Safety Advisory Group                                               | Divisional Director for Community and Customer Services |

| <b>Legislation</b>                                  | <b>Section</b> | <b>Provision</b>                                                                                                                                                                                     | <b>Proper Officer</b>                                                                          |
|-----------------------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| Ancient Monuments and Archaeological Areas Act 1979 | S1A            | Receipt of information on the inclusion, amendment or exclusion, or a copy of any entry or amended entry in the Schedule of Ancient Monuments, relating to any Monument in the area of the Authority | Divisional Director for Community and Customer Services                                        |
| Representation of the People Act 1983               | S52(2)         | Deputy to the Registration Officer                                                                                                                                                                   | Director of Corporate Services<br>Head of Governance Support<br>Electoral Services Team Leader |
| Representation of the People Act 1983               | S82            | Witnessing of signatures on candidates and agents declarations as to expenses at local elections                                                                                                     | Chief Executive                                                                                |
| Public Health (Control of Disease) Act 1984         | S37            | Power to a Justice of the Peace to order or removal to hospital of a person with a notifiable disease                                                                                                | Divisional Director for Community and Customer Services                                        |
| Public Health (Control of Disease) Act 1984         | S38            | Power to a Justice of the Peace to order the detention of a person in hospital                                                                                                                       | Divisional Director for Community and Customer Services                                        |
| Public Health (Control of Disease) Act 1984         | S41            | Power to remove to hospital an inmate of a common lodging house                                                                                                                                      | Divisional Director for Community and Customer Services                                        |
| Public Health (Control of Disease) Act 1984         | S46            | Disposal of dead bodies                                                                                                                                                                              | Divisional Director for Community and Customer Services                                        |
| Public Health (Control of Disease) Act 1984         | S61            | Power to enter premises                                                                                                                                                                              | Divisional Director for Community and Customer Services                                        |

| <b>Legislation</b>                                             | <b>Section</b>                                    | <b>Provision</b>                                                        | <b>Proper Officer</b>                                                                                                                                                    |
|----------------------------------------------------------------|---------------------------------------------------|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Public Health (Control of Disease) Act 1984                    | S11, 18, 20, 21, 22, 24, 29 31, 35-38, 40-43 & 48 | The control of notifiable diseases and food and poisoning               | Divisional Director for Community and Customer Services – authorising named deputies for the Consultant in Communicable Disease Control for the Health Protection Agency |
| Building Act 1984                                              | Various                                           | All purposes for proper officer in relation to Building Control matters | Building Control Manager                                                                                                                                                 |
| Local Government (Access to Information) Act 1985 (as amended) | S100B(2)                                          | Designation of Reports “Not for Publication”                            | Chief Executive, Directors, Divisional Directors and Heads of Service                                                                                                    |
| Local Government (Access to Information) Act 1985              | S100B(7) (c)                                      | Supply of papers to the press                                           | Head of Governance Support                                                                                                                                               |
| Local Government (Access to Information) Act 1985              | S100C(2)                                          | Summaries of Minutes                                                    | Head of Governance Support                                                                                                                                               |
| Local Government (Access to Information) Act 1985 (as amended) | S100D(1) (a)                                      | Compilation of lists of background papers                               | Chief Executive, Directors, Divisional Directors and Heads of Service                                                                                                    |
| Local Government (Access to Information) Act 1985 (as amended) | S100D(5) (a)                                      | Identification of background papers                                     | Chief Executive, Directors, Divisional Directors and Heads of Service                                                                                                    |
| Local Government (Access to Information) Act 1985              | S100F(2)                                          | Decisions affecting members’ rights to receive papers                   | Monitoring Officer                                                                                                                                                       |
| Registration of Marriages Regulations 1986                     |                                                   |                                                                         | Director of Corporate Services                                                                                                                                           |

| <b>Legislation</b>                                 | <b>Section</b>                         | <b>Provision</b>                                                                                                                   | <b>Proper Officer</b>                  |
|----------------------------------------------------|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| Registration of Births and Deaths Regulations 1987 |                                        |                                                                                                                                    | Director of Corporate Services         |
| Local Registration Scheme                          | Article 5(1)(b)                        | Provision of assistance to registration officers                                                                                   | Director of Corporate Services         |
| Local Registration Scheme                          | Article 6                              | Provision, equipping and maintenance of registration offices                                                                       | Director of Corporate Services         |
| Local Government Finance Act 1988                  | S114(1)                                | Preparation of a report in the case of unlawful expenditure                                                                        | Chief Finance Officer                  |
| Local Government Finance Act 1988                  | S116 (3)                               | Notification to the Auditor of the date, time and place of any meeting of the Council to consider a report under Section 114(1)    | Chief Finance Officer                  |
| Local Government Finance Act 1988                  | S139A                                  | Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required   | Chief Executive                        |
| Local Government and Housing Act 1989              | S2(4)                                  | Maintenance of the list of politically restricted posts                                                                            | Head of Human Resources                |
| Local Government and Housing Act 1989              | S3(3)                                  | Certification that a post is or is not politically restricted                                                                      | Head of Human Resources                |
| Local Government and Housing Act 1989              | S15 – 17                               | The officer to receive notices relating to the membership of political groups                                                      | Head of Governance Support             |
| Local Government and Housing Act 1989              | S37(insert -ing S137A of the LGA 1972) | The deposit of a statement or report or accounts from a voluntary body in receipt of financial assistance above the relevant level | Chief Finance Officer                  |
| Listed Buildings Act 1990                          |                                        | Receipt on deposit of lists of protected buildings                                                                                 | Divisional Director for Place Strategy |

| <b>Legislation</b>                                                                | <b>Section</b> | <b>Provision</b>                                                                                                                                                  | <b>Proper Officer</b>                                                                                                                                                    |
|-----------------------------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Food Safety Act 1990                                                              | S27            | Public Analyst                                                                                                                                                    | Divisional Director for Community and Customer Services – authorising named deputies for the Consultant in Communicable Disease Control for the Health Protection Agency |
| Environmental Protection Act 1990                                                 | S149           | Discharging the functions imposed or conferred for dealing with stray dogs found in the area of the Authority                                                     | Divisional Director for Community and Customer Services                                                                                                                  |
| Local Government (Committees and Political Groups) Regulations 1990 (as amended). |                | All purposes connected with the Regulations                                                                                                                       | Head of Governance Support                                                                                                                                               |
| Local Authority (Members' Allowances) Regulations 1991                            | Regulation 14  | To receive written notice from a member electing to forego entitlement to allowances                                                                              | Head of Governance Support                                                                                                                                               |
| Local Government Act 2000                                                         | S81            | Maintaining the register of members' financial and other interests                                                                                                | Head of Governance Support                                                                                                                                               |
| Local Government Act 2000                                                         |                | Responsible for the referral of Executive proposals to the Council and for other administrative processes arising from the Council's constitutional arrangements. | Head of Governance Support                                                                                                                                               |
| Local Government Act 2000                                                         |                | To make payments of relevant allowances in accordance with the Council's Members' Allowances Scheme                                                               | Head of Governance Support                                                                                                                                               |

| <b>Legislation</b>                                                                                                               | <b>Section</b>                       | <b>Provision</b>                                                                                                                                                                                                                                                                                                                                                       | <b>Proper Officer</b>                  |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| The Countryside and Rights of Way of Act 2000<br>(The Access to the Countryside (Maps in Draft Form) (England) Regulations 2001) | Regs 4, 9, 10 and 11<br>SI 2001/3301 | The deposit and display of draft maps                                                                                                                                                                                                                                                                                                                                  | Divisional Director for Place Strategy |
| Local Authorities (Standing Orders) (England) Regulations 2001                                                                   |                                      | Notifying members of the Executive of the proposed appointment or dismissal of a Chief Officer or Deputy Chief Officer                                                                                                                                                                                                                                                 | Chief Executive                        |
| Local Authorities (Referendum) (Petitions and Directions) (England) Regulations 2001                                             |                                      | <p>Publishing the number that is equal to 5% of the number of Local Government electors in the area.</p> <p>Notifying the Secretary of State and petition organiser after receipt of a petition, including whether it is held to be valid or not valid.</p> <p>Taking the necessary procedural steps on receipt of the petition, including amalgamating petitions.</p> | Chief Executive                        |
| Mental Health Act 1983                                                                                                           |                                      | To appoint officers to act as Approved Mental Health Professionals.                                                                                                                                                                                                                                                                                                    | Director of Adult Services             |
| Mental Health Act 1983                                                                                                           |                                      | To accept a guardianship application and to exercise the powers of guardianship.                                                                                                                                                                                                                                                                                       | Director of Adult Services             |
| Mental Health Act 1983 and Mental Health Act 2007                                                                                |                                      | To exercise the functions of the Nearest Relative in all matters in which it is appropriate for an Officer of the Council so to act.                                                                                                                                                                                                                                   | Director of Adult Services             |
| Public Health (Ships Act) 1979 (as amended 2007)                                                                                 | All                                  | To enforce and execute any of the Public Health (Ships) Regulations 1979                                                                                                                                                                                                                                                                                               | Director of Public Health              |

| Legislation                                 | Section | Provision                                                                                                                                                                                                                                                                                                         | Proper Officer                  |
|---------------------------------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Working Together to Safeguard Children 2023 | All     | <p>Lead Safeguarding Partner (LSP) to be clearly named in published arrangements and are accountable for the effectiveness and outcome of multi-agency safeguarding arrangements in their area.</p> <p>They shall appoint a Delegated Safeguarding Partner (DSP) who shall also be named in the arrangements.</p> | Chief Executive                 |
| Working Together to Safeguard Children 2023 | All     | <p>To be the named appointed Delegated Safeguarding Partner (DSP).</p> <p>To take multi-agency decisions on behalf of the LSP and to hold their sectors to account.</p>                                                                                                                                           | Director of Children's Services |