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

Legislation	Section	Statutory Officer	Allocated To
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 Children's Act 1989 NHS and Community Care Act 1990.	S7(B) S26 S50	Complaints Officer	Director of Children's Services
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)

Legislation	Section	Provision	Proper Officer
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

Legislation	Section	Provision	Proper Officer
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

Legislation	Section	Provision	Proper Officer
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 Head of Governance Support 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

Legislation	Section	Provision	Proper Officer
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

Legislation	Section	Provision	Proper Officer
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

Legislation	Section	Provision	Proper Officer
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

Legislation	Section	Provision	Proper Officer
The Countryside and Rights of Way of Act 2000 (The Access to the Countryside (Maps in Draft Form) (England) Regulations 2001)	Regs 4, 9, 10 and 11 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		Publishing the number that is equal to 5% of the number of Local Government electors in the area. Notifying the Secretary of State and petition organiser after receipt of a petition, including whether it is held to be valid or not valid. Taking the necessary procedural steps on receipt of the petition, including amalgamating petitions.	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	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. They shall appoint a Delegated Safeguarding Partner (DSP) who shall also be named in the arrangements.	Chief Executive
Working Together to Safeguard Children 2023	All	To be the named appointed Delegated Safeguarding Partner (DSP). To take multi-agency decisions on behalf of the LSP and to hold their sectors to account.	Director of Children's Services