

4B Statutory and Proper Officers

The council has appointed Proper Officers for the purposes of the statutory provisions set out below. Power to appoint Proper Officers is delegated to the Head of Paid Service (Chief Executive), following consultation with the Monitoring Officer, unless legislation requires the appointment to be made by Council.

The Chief Executive and other senior officers shall be authorised to act as the Proper Officer for the statutory responsibilities which fall within their areas of responsibility set out below:

DOGS ACT 1871		
Section	Purpose	Proper Officer
2	Power of complaint to court of summary jurisdiction re: dangerous dogs	Head of Counter Fraud and Enforcement Unit
PUBLIC HEALTH ACT 1936		
48, 83-85, 140, 287	Powers of entry, inspection and for the purposes etc., specified	Head of Counter Fraud and Enforcement Unit
ANIMAL BOARDING ESTABLISHMENTS ACT 1963		
2	Power to inspect premises and powers of entry.	Head of Counter Fraud and Enforcement Unit
LOCAL GOVERNMENT ACT 1972		
	Any reference to the Clerk of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the Proper Officer of the council	Monitoring Officer
	Any reference to the Treasurer of a council which, by virtue of the Local Government Act 1972, is to be construed as reference to the Proper Officer of the council	Chief Finance Officer
83	Witness and receive declarations of Members' acceptance of office	Monitoring Officer
84	Receive written notice of Members' resignation from office	Chief Executive
88(2)	Convene Council meeting for election to vacant office of Chair	Chief Executive
89(1)(B)	Receive notice of casual vacancy from two local government electors	Chief Executive
100B(2)	Decide on the exclusion of reports and agendas from public inspection	Monitoring Officer

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100B(7)(c)	Decide whether copy documents supplied to Members should also be supplied to the press	Monitoring Officer
100C(2)	Produce a written summary of proceedings taken by a committee in private	Monitoring Officer
100D(1)(a)	Compile a list of background papers to a committee report	Officer in whose name the report is written
100D(5)(a)	Identify background papers that disclose facts or matters on which a report is based	Officer in whose name the report is written
100F(2)	Identify which documents contain exempt information not open to inspection by all Members	Monitoring Officer
115(2)	Receive from Officers any money and property committed to their charge in connection with their office	Chief Finance Officer
138	Incurring expenditure essential to meet any immediate needs created by an emergency, or which is referable to Section 138 of the Local Government Act 1972. This should be done in accordance with the Council's Constitution.	Chief Executive, Managing Director, Directors, Assistant Directors and Heads of Service
151	Responsibility for the administration of the Council's financial affairs	Chief Finance Officer
191(2)77	Receive applications from Ordnance Survey for assistance in surveying disputed boundaries	Chief Executive
210(6)-(7)	Exercise residual functions relating to charities	Chief Finance Officer
225(1)	Receive and retain documents deposited with the Council	Head of Legal Services
229(5)	Certify, for the purpose of any legal proceedings, that a document is a photographic copy of the original	Head of Legal Services
234(1)	Sign public notices, orders and other documents on behalf of the council	Head of Legal Services (generally) and the officers listed in the Scheme of Delegation within their area of responsibility
238	Certification of copy bylaws	Head of Legal Services
Sch.12 Pt I Para.4(2)(b)	Sign and send to all Members of the council the summons to attend meetings of the council	Chief Executive

Sch.12 Pt I Para 4(3)	Receive written notice from a Member of the address to which a summons to the meeting is to be sent	Monitoring Officer
Sch.16 Para 38	Receipt of deposit of lists of protected buildings (Section 2 Planning (Listed Buildings and Conservation Areas) Act 1990	Senior Officer for Planning
Schedule 29, Para.4	Undertake duties at council elections which, under the Representation of the People Acts, are required to be undertaken not by the Returning Officer but by the Proper Officer	Director of Governance or Director of Finance
Sch.29 Pt.I Para.4(1)(b)	Adaptation, modification and amendment of enactments	Head of Legal Services
BREEDING OF DOGS ACT 1973		
2	Power to inspect and of entry to dog breeding establishment	Head of Counter Fraud and Enforcement Unit
LOCAL GOVERNMENT ACT 1974		
30(5)	Give public notice of receipt of a Local Government Ombudsman's report	Monitoring Officer
HEALTH AND SAFETY AT WORK ACT 1974		
20(2) (a)	Power of entry	Head of Counter Fraud and Enforcement Unit
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976		
41, 50(1,4), 53(3), 56(2,3,4) 58(1,2), 68	Certifying copy resolutions and minutes of proceedings	Head of Democratic and Electoral Services
PROTECTION FROM EVICTION ACT 1977		
	Relating to unlawful eviction and harassment.	Head of Counter Fraud and Enforcement Unit
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982		
	Power to investigate street trading without consent	Head of Counter Fraud and Enforcement Unit
REPRESENTATION OF THE PEOPLE ACT 1983		
8	Appointment as Electoral Registration Officer	Chief Executive
35	Appointment as Returning Officer	Chief Executive
67(7)(b)	Receive declarations and give public notice of election agents' appointments	Chief Executive
81 and 89	Appropriate officer for the election of councillors	Chief Executive
82(4)	Receive declarations and give public notice of election agents' or candidates' election expenses	Chief Executive

131	Providing accommodation for holding election count	Chief Executive
LOCAL GOVERNMENT FINANCE ACT 1988		
114, 115 and 115B	Responsibility for Chief Financial Officer reports	Chief Finance Officer
116(1)	Notify the external auditor of a meeting (and decisions made at such a meeting) to consider a report from the Chief Financial Officer (under section 114 and 115 above)	Chief Finance Officer
LOCAL GOVERNMENT AND HOUSING ACT 1989		
2(4)	Hold the council's list of politically restricted posts	Monitoring Officer
3A	In consultation with the Monitoring Officer, determine applications for exemption from political restriction or for designation of posts as politically restricted	Chief Executive
4	Designation as Head of Paid Service	Chief Executive
5(1)	Designation as Monitoring Officer	Monitoring Officer
5(7)	Nominated as Deputy Monitoring Officer	Head of Democratic and Electoral Services
15-17	Undertake all matters relating to the formal establishment of political groups within the membership of the council	Monitoring Officer
CONTROL OF POLLUTION (AMENDMENT) ACT 1989		
5	Power to require production of authority to transport controlled waste.	Head of Counter Fraud and Enforcement Unit
THE LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990		
8(1), 8(5), 9(b), 10, 13(1), 14 and 17	Notifications to and by the Proper Officer	Monitoring Officer
ENVIRONMENTAL PROTECTION ACT 1990		
33	Prohibition of unauthorised or harmful deposit, treatment or disposal etc, of waste. Powers to Service Fixed Penalty Notices.	Head of Counter Fraud and Enforcement Unit
34	Duty of Care etc, as respects waste. Powers to Service Fixed Penalty Notices. Powers to search and seize vehicles.	Head of Counter Fraud and Enforcement Unit
71(2)	Power to serve notice to require information.	Head of Counter Fraud and Enforcement Unit
BREEDING OF DOGS ACT 1991		

1	Power to inspect non-residential premises not covered by license under the Breeding of Dogs Act 1973.	Head of Counter Fraud and Enforcement Unit
CLEAN AIR ACT 1993		
36, 51, 56, 57, 58	Dealing with offences, rights of entry and inspection and powers to request information.	Head of Counter Fraud and Enforcement Unit
ENVIRONMENTAL PROTECTION ACT 1995		
108	Grants the Environment Agency the power to prevent, minimise, and control environmental pollution, ensuring actions align with sustainable development principles.	Head of Counter Fraud and Enforcement Unit
LOCAL GOVERNMENT ACT 2000 SECTIONS 9G, 9GA AND 22 LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012		
7	Exclusion of whole or part of any reports to the Executive or Executive Member which contain exempt information	Head of Democratic and Electoral Services
10	Inform the relevant Overview and Scrutiny Committee Chair or the Committee Members by notice in writing of decisions to be made, where it has been impracticable to comply with the publicity requirements (in the "Forward Plan") and make available or public inspection notices relating to this	Monitoring Officer
12	Produce a written statement of Executive decisions made at meetings	Head of Democratic and Electoral Services
13	Produce a written statement of decisions made by individual Executive Members	Head of Democratic and Electoral Services
14	Make a copy of written statements of Executive and Executive Member and officer executive decisions and associated reports available for inspection by the public	Head of Democratic and Electoral Services
15 and 2	Make available for inspection a list of background papers	Head of Democratic and Electoral Services
16(5)	Determine whether certain documents contain exempt information	Monitoring Officer
20	Determine whether documents contain confidential information or exempt information	Monitoring Officer
LOCAL GOVERNMENT ACT 2000, SECTION 34 LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) REGULATIONS 2000		
4-5	Publish the verification number of local government electors for the purpose of petitions under the Local Government Act 2000	Chief Executive

REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000		
THE REGULATION OF INVESTIGATORY POWERS (PRESCRIPTION OF OFFICES, RANKS AND POSITIONS) ORDER 2000		
21, 22, 27, 28 and 29	Functions relations to the Regulation of Investigatory Powers Act 2000 (RIPA)	Chief Executive
REGULATION OF INVESTIGATORY POWERS ACT 2000, SECTIONS 22(2)(B) AND 25(2); THE REGULATION OF INVESTIGATORY POWERS (COMMUNICATIONS DATA) ORDER 2010; THE REGULATION OF INVESTIGATORY POWERS (COVERT SURVEILLANCE AND PROPERTY INTERFERENCE: CODE OF PRACTICE) ORDER 2010; THE REGULATION OF INVESTIGATORY POWERS (COVERT HUMAN INTELLIGENCE SOURCES: CODE OF PRACTICE) ORDER 2010		
	Designated Senior Responsible Officer	Head of Counter Fraud and Enforcement Unit
FREEDOM OF INFORMATION ACT 2000		
36	Qualified person to confirm or deny whether disclosure of information is likely to prejudice the effective conduct of public affairs	Business Manager for Business Continuity, Governance and Risk
LICENSING ACT 2003		
S179	Rights of entry to investigate licensable activities	Head of Counter Fraud and Enforcement Unit
LOCAL GOVERNMENT ACT 2003		
25	When the annual budget report is considered by Executive or by the Council, the Chief Financial Officer must make a report on the robustness of the estimates made in determining the budget requirement and on the adequacy of the proposed level of financial reserves	Chief Finance Officer
HOUSING ACT 2004		
235	Requiring production of documents	Head of Counter Fraud and Enforcement Unit
240	Relating to warrant to authorise entry	Head of Counter Fraud and Enforcement Unit
241	Relating to proceedings for obstruction	Head of Counter Fraud and Enforcement Unit
GAMBLING ACT 2005		
S.304	Authorised Persons	Head of Counter Fraud and Enforcement Unit

ANIMAL WELFARE ACT 2006		
10	Power to serve improvement notice.	Head of Counter Fraud and Enforcement Unit
18	Powers in relation to animals in distress	Head of Counter Fraud and Enforcement Unit
19	Power of entry	Head of Counter Fraud and Enforcement Unit
LOCALISM ACT 2011		
29	Establish, maintain and publish a Register of Interests	Monitoring Officer
33(1)	Receiving applications for dispensations	Monitoring Officer
33(2)	Grant dispensations to Members to speak only or to speak and vote on matters where they have a Disclosable Pecuniary Interest	Monitoring Officer
Sch.2, Pt1, Para.9FB	Designation as Scrutiny Officer	Head of Democratic and Electoral Services
WASTE (ENGLAND AND WALES) REGULATIONS 2011		
Regulation 35	Powers to require furnishing of waste transfer documents within 7 days.	Head of Counter Fraud and Enforcement Unit
THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012		
2, 7, 10, 12, 13-16, 20	Functions relating to the recording and publication of information relating to Executive decisions	Monitoring Officer
12-13	Grant dispensations in respect of conflicts of interest declared by a Executive member making a decision, or declared by a Executive member consulted by a member or officer taking such a decision	Monitoring Officer
69, 70 and 71	The designated Data Protection Officer to discharge functions associated with the Data Protection Act 2018	Data Protection Officer
FOOD SAFETY AND HYGIENE (ENGLAND) REGULATIONS 2013		
Regulation 16	Power of entry	Head of Counter Fraud and Enforcement Unit
ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014		

43, 52	Authority to serve community protection notices and fixed penalty notices in relation to offences in breach of community protection notices.	Head of Counter Fraud and Enforcement Unit
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In the event of the Chief Executive being unavailable to deal with matters for which they have been designated the Proper Officer, the Director of Finance or Monitoring Officer may be authorised by them to act as Proper Officer in their absence.

In the event of any other designated officer being unable to fulfil their duties as Proper Officer, their deputy shall be authorised to undertake such duties instead.
Notwithstanding the above, a Proper Officer may at any time delegate or authorise other officers to perform the designated duties on their behalf.