

---

## 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:

LOCAL GOVERNMENT ACT 1972		
Section	Purpose	Proper Officer
	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
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

Constitution of West Oxfordshire District Council

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
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 Pt1 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 Pt1 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.1 Para.4(1)(b)	Adaptation, modification and amendment of enactments	Head of Legal Services
<b>LOCAL GOVERNMENT ACT 1974</b>		
30(5)	Give public notice of receipt of a Local Government Ombudsman's report	Monitoring Officer
<b>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>		

Constitution of West Oxfordshire District Council

41	Certifying copy resolutions and minutes of proceedings	Senior Officer with responsibility for Democratic Services
<b>REPRESENTATION OF THE PEOPLE ACT 1983</b>		
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
<b>LOCAL GOVERNMENT FINANCE ACT 1988</b>		
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
<b>LOCAL GOVERNMENT AND HOUSING ACT 1989</b>		
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 Legal Services and Democratic Services Manager
15-17	Undertake all matters relating to the formal establishment of political groups within the membership of the council	Monitoring Officer
<b>THE LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990</b>		
8(1), 8(5), 9(b), 10, 13(1), 14 and 17	Notifications to and by the Proper Officer	Monitoring Officer

<b>LOCAL GOVERNMENT ACT 2000 SECTIONS 9G, 9GA AND 22 LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012</b>		
7	Exclusion of whole or part of any reports to the Executive or Executive Member which contain exempt information	Senior Officer with responsibility for Democratic 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	Senior Officer with responsibility for Democratic Services
13	Produce a written statement of decisions made by individual Executive Members	Senior Officer with responsibility for Democratic 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	Senior Officer with responsibility for Democratic Services
15 and 2	Make available for inspection a list of background papers	Senior Officer with responsibility for Democratic Services
16(5)	Determine whether certain documents contain exempt information	Head of Legal Services /Monitoring Officer
20	Determine whether documents contain confidential information or exempt information	Head of Legal Services or Monitoring Officer
<b>LOCAL GOVERNMENT ACT 2000, SECTION 34 LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) REGULATIONS 2000</b>		
4-5	Publish the verification number of local government electors for the purpose of petitions under the Local Government Act 2000	Chief Executive
<b>REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000 THE REGULATION OF INVESTIGATORY POWERS (PRESCRIPTION OF OFFICES, RANKS AND POSITIONS) ORDER 2000</b>		
21, 22, 27, 28 and 29	Functions relations to the Regulation of Investigatory Powers Act 2000 (RIPA)	Chief Executive
<b>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</b>		

<b>2010; THE REGULATION OF INVESTIGATORY POWERS (COVERT HUMAN INTELLIGENCE SOURCES: CODE OF PRACTICE) ORDER 2010</b>		
	Designated Senior Responsible Officer	Head of Counter Fraud Team
<b>FREEDOM OF INFORMATION ACT 2000</b>		
36	Qualified person to confirm or deny whether disclosure of information is likely to prejudice the effective conduct of public affairs	Senior Officer with responsibility for Access to Information
<b>LOCAL GOVERNMENT ACT 2003</b>		
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
<b>LOCALISM ACT 2011</b>		
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	Senior Officer with responsibility for Democratic Services
<b>THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012</b>		
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

## Constitution of West Oxfordshire District Council

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.