

## 11.7 Designation of Statutory and Proper Officers

11.7.1 The following are the Statutory and Proper Officers of the Council under the enactments shown below.

11.7.2 Statutory Officers

Legislation	Function	Post holder
Section 4(1) Local Government and Housing Act 1989	Head of Paid Service	Chief Executive (Deputy Chief Executive nominated as deputy)
Section 5(1) Local Government and Housing Act 1989	Monitoring Officer	Director for Communities
Section 151 Local Government Act 1972	Chief Financial Officer	Director for Finance, Risk and Performance
Section 35 Representation of the People Act 1983	Returning Officer	Chief Executive
Section 8 Representation of the People Act 1983	Electoral Registration Officer	Chief Executive (Assistant Director – Democracy, Elections and Information Governance nominated as deputy)
Article 37 General Data Protection Regulations 2016/679	Data Protection Officer	Data Protection Officer

Notes:

1. Section 113 Local Government and Finance Act 1988 provides that the Chief Finance Officer must also be the Council Tax Registration Officer.
2. Under Section 114 Local Government and Finance Act 1988 the Chief Finance Officer nominate a suitable qualified member of his/her staff to carry out his/her duties under that Section when s/he is unable to act through absence or illness.
3. Under 5(7) Local Government and Housing Act 1989 the Monitoring Officer must nominate a deputy to act when s/he is unable through absence or illness to fulfil the role him/herself.
4. Under Section 35 Representation of the People Act 1983 the Returning Officer may appoint deputies to assist him/her in his/her duties.
5. Under s52(2) Representation of the People Act 1983 the Electoral Registration Officer may appoint deputies to assist him/her in his/her duties.
6. Under s24 Representation of the People Act 1983 the Returning Officer at a parliamentary election is the Chairman of the Council. However under Section 28, the Electoral Registration

Officer may discharge the functions of the Returning Officer as Acting Returning Officer. Under sub-section (5) the Acting Returning Officer has power to appoint deputies.

7. Under Article 37 of the General Data Protection Regulations 2016/679, the Council as a data controller shall designate a Data Protection Officer.

## Proper Officers

Legislation	Function	Post Holder
Local Government Act 1972		
Section 83 (1) to (4)	Provides that a declaration in the prescribed form of acceptance of office of Chairman, Vice Chairman or Councillor be made to the proper officer.	Monitoring Officer
Section 84(1)	States that written notice of resignation must be given by Councillors to the proper officer.	Monitoring Officer
Section 88(2)	Gives the proper officer power to convene a meeting for the purpose of convening a casual vacancy in case of Chairman of the Council.	Monitoring Officer
Section 89(1)(b)	Makes provision for the proper officer to accept notice in writing of the casual vacancy occurring in the office of councillor.	Chief Executive
Section 96	Provides that the Proper Officer is to receive and record disclosures of pecuniary interests under Section 94.	Monitoring Officer

<b>Legislation</b>	<b>Function</b>	<b>Post Holder</b>
Section 100(a) to (h) (excluding (f))	For all purposes connected in the Local Government Act 1972 and the Local Government Act 2000 concerned with the provision of information about the decisions made or to be made by councillors including access to agenda, reports, background papers, minutes and records of decisions.	Monitoring Officer
Section 100 (f)	Provides that the proper officer is to deal with additional rights of access of documents for members of principal councils.	Chief Executive
S115	Provides that the proper officer shall receive any monies held or received by officers during the course of employment, or shall issue directions as to whom the monies should be paid.	Director for Finance, Risk and Performance
Section 137(a)	Gives the proper officer power to require a voluntary organisation or similar body to supply information to him/her, where a local authority uses its powers under Section 137 to give financial assistance to that voluntary organisation or similar body above a relevant minimum.	Director for Finance, Risk and Performance

<b>Legislation</b>	<b>Function</b>	<b>Post Holder</b>
Section 146	Provides that the proper officer is to make a statutory declaration, or give a certificate, in order to allow for securities etc. to be transferred on change of name of local authority or change of area.	Director for Finance, Risk and Performance
Section 210(6) and (7)	Appoints the proper officer to be vested with certain powers in respect of charities.	Chief Executive
Section 225	Imposes a duty on the proper officer to receive and retain documents deposited with him/her pursuant to standing orders of either House of Parliament or any statute or instrument.	Shared Corporate Legal Service Manager
Section 228	Accounts of any Proper Officer to be open to inspection by any Member of the Authority.	Director for Finance, Risk and Performance
Section 229(5)	Provides that the proper officer must certify any photographic copies of documents.	Shared Corporate Legal Service Manager
Section 234	Provides that any notice, order or other document which a local authority are authorized or required to give under any enactment may be signed on behalf	Shared Corporate Legal Service Manager

<b>Legislation</b>	<b>Function</b>	<b>Post Holder</b>
	of the authority by the proper officer.	
Section 238	Provides that printed copies of bylaws are endorsed with a certificate signed by the proper officer.	Shared Corporate Legal Service Manager
Schedule 12 Section 99	Conduct of meetings including requirements for notices to be given and sign summons to attend meetings of the Council and polls	Monitoring Officer
<b>Local Government Act 1974</b>		
Section 30	Proper Officer must give public notice of Local Government Ombudsman's Reports.	Shared Corporate Legal Service Manager
<b>Local Land Charges Act 1975</b>		
Section 3(1)	Chief Land Registrar for the Register of Local Land Charges	Director for Place
<b>Representation of the People Act 1983</b>		
Section 67	Receipt of notice of an election agent for local elections.	Chief Executive
Sections 82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection.	Chief Executive

<b>Legislation</b>	<b>Function</b>	<b>Post Holder</b>
Sections 128	Provides that a copy of any petition questioning a local government election shall be sent to the proper officer who shall publish it in the local authority area.	Chief Executive
<b>Local Elections (Principal Areas) (England and Wales) Rules 1986 and (Parishes and Communities) (England and Wales) Rules 1986</b>		
	Retention and public inspection of document after an election.	Chief Executive
<b>Local Government Finance Act 1988</b>		
Section 114	Duty to Report.	Director for Finance, Risk and Performance
Section 116	Provides that the proper officer must give the authority's auditor notice of meetings held under s115.	Director for Finance, Risk and Performance
<b>Local Government and Housing Act 1989</b>		
Section 2	Proper Officer to hold a list of politically restricted posts.	Monitoring Officer
<b>Local Government Act 2000</b>		
All	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation.	Monitoring Officer
<b>Assets of Community Value (England) Regulations 2012</b>		
Assets of Community Value	Decisions under Assets of Community Value (England) Regulations 2012	Shared Corporate Legal Service Manager

Legislation	Function	Post Holder
<b>Miscellaneous</b>		
All Provisions	Any other miscellaneous proper or statutory officer functions not otherwise specifically delegated by the Authority.	Chief Executive or his/her nominee