

**Section 3, Part 4: Proper Officer Functions**

1. The Council has appointed the following Proper Officers for the purposes of the statutory provisions set out below.
2. Subject to the proper officer appointments set out below, the Chief Executive and each Strategic Director shall be authorised to act as the Proper Officer for the statutory responsibilities which fall within their area of responsibility.

**LOCAL GOVERNMENT ACT 1972**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
83	To witness and receive declarations of acceptance of the office of Chairman and Vice-Chairman of the County Council and of County Councillors.	Director of Legal, Democratic and Cultural Services  Legal Services Manager Senior Principal and Principal Solicitors/Lawyers
84	To receive written notice of the resignation from the office of Chairman and Vice-Chairman of the County Council and of County Councillors.	Chief Executive
88(2)	To convene, if necessary, a meeting of the Council when the office of Chairman of the Council is vacant.	Chief Executive
89(1)(B)	To receive written notice from two local government electors of a casual vacancy in the office of Councillor.	Democratic Services Lead Manager
100B(2) Inserted by Local Government (Access to Information) Act 1985	To decide whether part or the whole of reports should be excluded from public inspection before a meeting if they relate only to items during which the meeting is likely not to be open to the public.	Democratic Services Lead Manager
100B(7)(c)	To consider whether to supply to the press additional material supplied to	Democratic Services

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
	members of the Council in connection with the item to be discussed.	Lead Manager
100C(2) Inserted by Local Government (Access to Information) Act 1985	To prepare a written summary of proceedings taken by a Committee in private without disclosing exempt information.	Democratic Services Lead Manager
100D(1) (a) Inserted by Local Government (Access to Information) Act 1985	To compile a list of background papers to a report to a Committee.	Strategic Director, Director, Assistant Director, Head of Service or other officer in whose name the report is written
100D(5)(a) Inserted by Local Government (Access to Information) Act 1985	Identifying background papers of reports.	Strategic Director, Director, Assistant Director, Head of Service or other officer in whose name the report is written
100F(2)	Identifying which documents contain exempt information not open to inspection by Members of the Council.	Democratic Services Lead Manager
115(2)	To receive from every officer of the Council all money committed to his charge in connection with his office.	Director of Finance
146	To sign the statutory declaration to enable the transfer of securities in the event of a change in the name or status of the Local Authority.	Director of Finance
151	Responsibility for the administration of the Council's financial affairs.	Director of Finance
191	To receive applications made under Section 1 of the Ordnance Survey Act 1841 for assistance in surveying	Assistant Director Operations, Highways and

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
	disputed boundaries.	Countryside
210	To exercise certain residual functions relating to charities.	Director of Legal, Democratic and Cultural Services
225	To receive and retain documents deposited with the Local Authority.	Chief Executive
229	To certify, for the purpose of any legal proceedings, that a document is a photographic copy of the original document.	The Director of Legal, Democratic and Cultural Services (generally) and the Officers listed in Part 2 of the Scheme of Delegation within their area of responsibility.
234	To sign any notice, order or other document on behalf of the Authority, any document purporting to be so signed being deemed to be issued by the Authority.	The Director of Legal, Democratic and Cultural Services (generally) and the officers listed in Part 2 and Part 3 of the Scheme of Delegation within their area of responsibility
236	To send to the Council of every District in the County a copy of every byelaw made by the Council and confirmed by the Secretary of State.	Director of Legal, Democratic and Cultural Services
238	Certification of copy of byelaws.	Director of Legal, Democratic and Cultural Services
<b>Schedule 12</b> (Paragraph) 4(2)(b)	To sign and send to all Members of the Council the summons to attend meetings of the Council, specifying the business to be transacted.	Chief Executive
4(3)	Receiving notice from a member of the address to which a summons to the meeting is to be sent.	Democratic Services Lead Manager

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
<b>Schedule 29</b> 4	To undertake those duties which arise at County 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".	Chief Executive
4	For the purposes of the Registration Service Act 1953.	Head of Cultural Services
4	Appointment of Interim Superintendent Registrars or Interim Registrars of Births and Deaths under Section 9 of the Registration Service Act 1953.	Head of Cultural Services
4	In relation to the Registration of Births, Deaths and Marriages, to exercise the functions under the Marriage Act 1949.	Head of Cultural Services
4	In relation to the approval of premises for the solemnisation of marriages under Section 26(1) (bb) and Section 46A of the Marriage Act 1949 (as amended by the Marriage Act 1994) and the Marriages and Civil Partnerships Act (Approved Premises) Regulations 2005.	Head of Cultural Services

**Marriages and Civil Partnerships (Approved Premises) Regulations 2005 as amended**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
	To be the Proper Officer for the purposes of the Registration Act 1953, the Marriage Act 1949 (as amended by the Marriage Act 1994) the Civil Partnership Act 2004, the and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 as amended and receive applications, set fees and offer discounts where applicable.	Head of Cultural Services

## LOCAL GOVERNMENT ACT 1974

Section	Purpose of Appointment	Proper Officer
30(5)	Giving public notice of receipt of report by a Local Commissioner	Head of Customer Services

## HIGHWAYS ACT 1980

Schedule (Paragraph)	Purpose of Appointment	Proper Officer
59(1)	To certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight or extraordinary damage.	Assistant Director Operations, Highways and Countryside and Highways Area Managers
205(3)(4) & (5)	To undertake duties in relation to private street works.	Assistant Director Operations, Highways and Countryside and Highways Area Managers
210(2)	To certify any amendments to estimated costs and provisional apportionment of costs of street works under the private street works code.	Assistant Director Operations, Highways and Countryside and Highways Area Managers
211(1), 212(4), 216(2), and (3)	To make a final apportionment of expenses of street works executed under the private street works code as detailed in the Schedules.	Assistant Director Operations, Highways and Countryside and Highways Area Managers
Section 295	Issuing a notice requiring owners to remove materials from non-maintainable streets in which works are due to take place.	Assistant Director Operations, Highways and Countryside and Highways Area Managers
Section 321	Authentication of notices, consents, approvals, orders, demands, licences, certificates or other	Assistant Director Operations, Highways and Countryside and

	documents.	Highways Area Managers
Schedule 9, Paragraph 4	Signing plans showing proposed prescribed improvement or building lines.	Assistant Director Operations, Highways and Countryside and Highways Area Managers

### REPRESENTATION OF THE PEOPLE ACT 1983

Schedule (Paragraph)	Purpose of Appointment	Proper Officer
35	Appointing a Returning Officer.	Chief Executive
67	Giving public notice of the appointment of an Election Agent.	Chief Executive
131	Providing accommodation for holding election count.	Chief Executive

### LOCAL GOVERNMENT FINANCE ACT 1988

Section	Purpose of Appointment	Proper Officer
114, 115 and 115B	Responsibility for Chief Financial Officer Reports.	Director of Finance
116(1)	Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the "Chief Financial Officer" (under section 114 and 115 above).  Responsibility to notify the external auditor of decisions made at such a meeting.	Risk and Governance Manager

### LOCAL GOVERNMENT AND HOUSING ACT 1989

Section	Purpose of Appointment	Proper Officer
2	To receive on a deposit a list of politically restricted posts.	Director of Human Resources

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
3A	In consultation with the Monitoring Officer, to determine applications for exemption from political restriction or for designation of posts as politically restricted.	Chief Executive (as Head of Paid Service)
4	Designation as Head of Paid Service.	Chief Executive
5	Designation as Monitoring Officer.	Director of Legal, Democratic and Cultural Services
15 and 16	To undertake all matters relating to the formal establishment of political groups within the membership of the Council.	Democratic Services Lead Manager

#### **FOOD SAFETY ACT 1990**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
49(3)	Signing any document authorised or required to be given, made or issued by the Food Authority.	Head of Trading Standards  Policy & Operations Manager  Investigations and Enforcement Manager West  Business Advice & Compliance Manager East

#### **LOCAL GOVERNMENT ACT 2000 SECTION 9G and 9GA: MEETINGS AND ACCESS TO INFORMATION ETC LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 (SI 2012/2089)**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
Regulation 7	Exclusion of whole or part of any reports to the Cabinet or Cabinet Member where they relate only to items during which the meeting is likely not to be open to the public.	Democratic Services Lead Manager
Regulation 10	Informing the relevant Select Committee Chairman 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 making available for public inspection notices relating to this	Democratic Services Lead Manager
Regulation 12	Producing a written statement of Cabinet decisions made at meetings.	Democratic Services Lead Manager
Regulation 13	Producing a written statement of decisions made by individual Cabinet Members.	Democratic Services Lead Manager
Regulation 14	Making a copy of written statements of Cabinet and Cabinet Member and officer executive decisions and associated reports available for inspection by the public.	Democratic Services Lead Manager
Regulation 15 and regulation 2	Making available for inspection a list of background papers.	Democratic Services Lead Manager
Regulation 16(5)	Determining whether certain documents contain exempt information.	Democratic Services Lead Manager
Regulation 16(7)	Determining whether certain documents contain advice provided by a political adviser or assistant.	Democratic Services Lead Manager
Regulation 20	Determining whether documents contain confidential information, exempt information or the advice of a political adviser or assistant.	Democratic Services Lead Manager

**LOCAL GOVERNMENT ACT 2000  
SECTION 34: LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) REGULATIONS 2000 (SI 2000/2852)**



<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
Regulations 4 and 5	Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000.	Democratic Services Lead Manager

### **LOCALISM ACT 2011**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
29	Establish, maintain and publish a Register of Interests.	Director of Legal, Democratic and Cultural Services (as Monitoring Officer)

### **LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001**

<b>Schedule</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
1 (Part II)	Notifications to the Cabinet concerning appointments and dismissals	Director of Human Resources

### **REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
21, 22, 27, 28 and 29	The Senior Responsible Officer for RIPA  Designation of officers empowered to grant authorisation for the carrying out of directed surveillance, to authorise the use of covert human intelligence sources, and communications data checks.	Strategic Director for Communities  Chief Executive or in his absence a Director acting as his Deputy for direct surveillance and covert human intelligence sources authorisations that are likely to lead to the disclosure of confidential

	The RIPA Monitoring Officer	<p>information or where a juvenile or vulnerable individual is used as a source</p> <p>In all other cases: Head of Trading Standards</p> <p>Policy and Operations Manager</p> <p>Business Intelligence and Legal Manager</p>
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### **FREEDOM OF INFORMATION ACT 2000**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
36	Acting as a “qualified person” in respect of information held by Surrey County Council	Director of Legal, Democratic and Cultural Services

### **LOCAL GOVERNMENT ACT 2003**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
25	When the annual budget report is considered by Cabinet or by the County 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.	Director of Finance