

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.

Any enactment, instrument or local statutory provision passed prior to the Local Government Act 1972	
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	Director of Law & Governance
Any reference to the Treasurer 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	Executive Director for Resources

LOCAL AUTHORITY SOCIAL SERVICES ACT 1970

Section	Purpose	Proper Officer
6(A1)	Appointment as Director of Adult Social Services	Executive Director for Adult Social Care

AGRICULTURE ACT 1970

Section	Purpose	Proper Officer
67(3)	Appointment as Agricultural Analyst	Head of Trading Standards

LOCAL GOVERNMENT ACT 1972

Section	Purpose of Appointment	Proper Officer
83	Witness and receive declarations of Members' acceptance of office	Director of Law & Governance, Senior Principal and Principal Solicitors/Lawyers

84	Receive written notice of Members' resignation from office.	Chief Executive
88(2)	Convene Council meeting for election to vacant office of Chairman.	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.	Governance Lead Manager
100B(7)(c)	Decide whether copy documents supplied to Members should also be supplied to the press.	Governance Lead Manager
100C(2)	Produce a written summary of proceedings taken by a committee in private.	Governance Lead Manager
100D(1)(a)	Compile a list of background papers to a committee report.	Executive Director, Director, Assistant Director, Head of Service or other 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.	Executive Director, Director, Assistant Director, Head of Service or other officer in whose name the report is written
100F(2)	Identify which documents contain exempt information not open to inspection by Members.	Governance Lead Manager
115(2)	Receive from officers any money and property committed to their charge in connection with their office.	Executive Director for Resources
146(1)	Sign the statutory declaration to enable the transfer of securities in the event of a change in the name or status of the council.	Executive Director for Resources
151	Responsibility for the administration of the Council's financial affairs.	Executive Director for Resources
191(2)	Receive applications from Ordnance Survey for assistance in surveying disputed boundaries.	Head of Highways & Transport
210(6)-(7)	Exercise residual functions relating to charities.	Director of Law & Governance
225(1)	Receive and retain documents deposited with the council.	Chief Executive
229(5)	Certify, for the purpose of any legal proceedings, that a document is a photographic copy of the original.	Director of Law & Governance (generally) and the Officers listed in Part 2 of the Scheme of Delegation within their area of responsibility

234(1)	Sign public notices, orders and other documents on behalf of the Council.	The Director of Law & Governance (generally) and the officers listed in Part 2 and Part 3 of the Scheme of Delegation within their area of responsibility
236(10)	Send copy bylaws to district councils.	Director of Law & Governance
238	Certification of copy of by laws.	Director of Law & Governance
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.	Governance Lead Manager
Schedule 29, Para.4	Undertake duties that 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
Sch.29 Pt.I Para.4(1)(b)	Adaptation, modification and amendment of enactments.	Director of Law & Governance
Sch.29 Pt.II Para.41(3)-(5)	Appoint interim superintendent registrars or interim registrars of births and deaths pursuant to the Registration Service Act 1953. Exercise powers provided by the local scheme of organisation of the Registration Service pursuant to the 1953 Act. Prescription by the Registrar General of duties of proper officers under the Registration and Marriage Acts. In relation to the Registration of Births, Deaths and Marriages, to exercise the functions under the Marriage Act 1949.	Director, Education, Lifelong Learning and Culture

	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.	
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LOCAL GOVERNMENT ACT 1974

Section	Purpose of Appointment	Proper Officer
30(5)	Give public notice of receipt of Local Government Ombudsman's report	Head of Customer Services

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section	Purpose of Appointment	Officer
41	Certifying copy resolutions and minutes of proceedings	Governance Lead Manager

HIGHWAYS ACT 1980

Section	Purpose of Appointment	Proper Officer
59(1)	Certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight or extraordinary damage.	Head of Highways & Transport and Highways Area Managers
193(3)	Certify that additional expenses have been incurred in the execution of wider than normal street works	Head of Highways & Transport and Highways Area Managers
205(3)-(5)	Undertake duties in relation to private street works.	Head of Highways & Transport and Highways Area Managers

210(2)	Certify amendments to estimated costs and provisional apportionment of costs of street works under the private street works code.	Head of Highways & Transport and Highways Area Managers
211(1), 212(4), 216(2)-(3)	Make a final apportionment of expenses of street works executed under the private street works code.	Head of Highways & Transport and Highways Area Managers
295(1)	Issue a notice requiring owners to remove materials from non-maintainable streets in which works are due to take place.	Head of Highways & Transport and Highways Area Managers
321	Authenticate notices, consents, approvals, orders, demands,	Head of Highways & Transport and Highways Area Managers
Sch.9, Para.4	Sign plans showing proposed prescribed improvement or building lines.	Head of Highways & Transport and Highways Area Managers

REPRESENTATION OF THE PEOPLE ACT 1983

Section	Purpose of Appointment	Proper Officer
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 County 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

WEIGHTS AND MEASURES ACT 1985

Section	Purpose of Appointment	Proper Officer
72(1)	Appointment as Chief Inspector of Weights And Measures	Head of Trading Standards

LOCAL GOVERNMENT FINANCE ACT 1988

Section	Purpose of Appointment	Proper Officer
114, 115 and 115B	Responsibility for Chief Financial Officer Reports.	Executive Director for Resources
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).	Executive Director of Resources

LOCAL GOVERNMENT AND HOUSING ACT 1989

Section	Purpose of Appointment	Proper Officer
2(4)	Hold the council's list of politically restricted posts.	Director of HR & OD
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.	Director of Law & Governance
5(7)	Nominated as Deputy Monitoring Officers	Director of Strategic Commissioning. Governance Lead Manager
15-17	Undertake all matters relating to the formal establishment of political groups within the membership of the Council.	Governance Lead Manager

FOOD SAFETY ACT 1990

Section	Purpose of Appointment	Proper Officer
27(1)	Appointment of Public Analyst	Head of Trading Standards
49(3)	Sign any document authorised or required to be given, made or issued by the Food Authority.	Head of Trading Standards. Assistant Head of Trading Standards, Trading Standards Manager – Regulation, Trading Standards Manager – Protection, Trading Standards Manager – Business.

THE LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990

Regulation	Purpose	Proper Officer
	Notifications to and by the Proper Officer	Governance Lead Manager

EDUCATION ACT 1996

Section	Purpose	Proper Officer
532	Appointment as Chief Education Officer	Executive Director, Children, Families, Lifelong Learning and Culture

**CRIME AND DISORDER ACT 1998, SECTION 115
CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF
STRATEGY) REGULATIONS 2007/1830**

Regulation	Purpose	Proper Officer
4(3)	Primary Designated Officer for information sharing	Executive Director Community Protection, Transport and Environment

**LOCAL GOVERNMENT ACT 2000 SECTIONS 9G, 9GA AND 22
LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS
AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012**

Regulation	Purpose of Appointment	Proper Officer
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.	Governance Lead Manager
10	Inform 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 make available for public inspection notices relating to this	Governance Lead Manager
12	Produce a written statement of Cabinet decisions made at meetings.	Governance Lead Manager
13	Produce a written statement of decisions made by individual Cabinet Members.	Governance Lead Manager
14	Make a copy of written statements of Cabinet and Cabinet Member and officer executive decisions and associated reports available for inspection by the public.	Governance Lead Manager
15 and 2	Make available for inspection a list of background papers.	Governance Lead Manager

16(5)	Determine whether certain documents contain exempt information.	Governance Lead Manager
16(7)	Determine whether certain documents contain advice provided by a political adviser or assistant.	Governance Lead Manager
20	Determine whether documents contain confidential information, exempt information or the advice of a political adviser or assistant.	Governance Lead Manager

**LOCAL GOVERNMENT ACT 2000, SECTION 34
LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS)
REGULATIONS 2000**

Regulation	Purpose of Appointment	Proper Officer
4-5	Publish the verification number of local government electors for the purpose of petitions under the Local Government Act 2000.	Member Services Manager

**REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000
THE REGULATION OF INVESTIGATORY POWERS (PRESCRIPTION OF
OFFICES, RANKS AND POSITIONS) ORDER 2000**

Section	Purpose of Appointment	Proper Officer
21, 22, 27, 28 and 29	The Senior Responsible Officer for RIPA.	Executive Director for Customers and Communities

**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**

Regulation	Purpose	Proper Officer
	Designated Senior Responsible Officer	Executive Director for Customers and Communities Environment

FREEDOM OF INFORMATION ACT 2000

Section	Purpose of Appointment	Proper Officer
36	Qualified person to confirm or deny whether disclosure of information is likely to prejudice the effective conduct of public affairs	Director of Law & Governance

THE LOCAL AUTHORITIES (STANDING ORDERS)(ENGLAND) REGULATIONS 2001

Regulation	Purpose	Proper Officer
Sch. 1, Part II, Paras. 5 and 6	Notifications to the Cabinet concerning appointments and dismissals	Director of HR & OD

CHILDREN ACT 2004

Section	Purpose	Proper Officer
18	Appointment as Director in Children's Services	Executive Director Children, Families, Culture and Lifelong Learning

Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children (DfE Guidance, March 2010)

	Purpose	Proper Officer
-	Local Authority Designated Officer (LADO)	Director of Quality and Performance

Department of Health – Health Service Circular: LAC (2002) 2		
	Purpose	Proper Officer
-	Designated as Caldicott Guardian	Head of Resources and Caldicott Guardian (ASC) Assistant Director Quality Relationships (CSF)

MARRIAGES AND CIVIL PARTNERSHIPS (APPROVED PREMISES) REGULATIONS 2005 AS AMENDED

Section	Purpose of Appointment	Proper Officer
	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.	Assistant Director, Lifelong Learning and Culture.

LOCALISM ACT 2011

Section	Purpose of Appointment	Proper Officer
29	Establish, maintain and publish a Register of Interests.	Director of Law & Governance
33(1)	Receiving applications for dispensations	Director of Law & Governance
33(2)	Grant dispensations to Members pursuant to paragraph 8 of the Code of Conduct to speak only or to speak and vote where: (i) so many members of the decision-making body have disclosable pecuniary	Director of Law & Governance

	interests in a matter that it would impede the transaction of the business; or (ii) without a dispensation, no member of the executive would be able to participate on a particular item of business	
Sch.2, Pt1, Para.9FB	Designation as Scrutiny Officer	Governance Lead Manager

LOCAL GOVERNMENT ACT 2003

Section	Purpose of Appointment	Proper Officer
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.	Executive Director of Resources

THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Regulation	Purpose	Proper Officer
2, 7, 10, 12, 13-16, 20	Functions relating to the recording and publication of information relating to executive decisions	Governance Lead Manager

NHS BODIES AND LOCAL AUTHORITIES (PARTNERSHIP ARRANGEMENTS, CARE TRUSTS, PUBLIC HEALTH AND LOCAL HEALTHWATCH) REGULATIONS 2012

Regulation	Purpose	Proper Officer
22(4)	Designated as Responsible Person for ensuring compliance with the regulations	Chief Executive
22(5)	Designated as Complaints Manager for managing the procedures for handling complaints	Director of Public Health

DATA PROTECTION ACT 2018

Section	Purpose of Appointment	Proper Officer
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69, 70 and 71	To be the Council's designated Data Protection Officer and discharge the functions associated with the Data Protection Act 2018.	Data Protection Officer
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- (i) In the event of the Chief Executive not being available to deal with matters for which they have been designated the proper officer, another Executive Director may be authorised by them to act as proper officer in their absence.
- (ii) In the event of any other designated officer being unable to fulfill their duties as proper officer, their deputy be authorised to undertake such duties instead.
- (iii) Notwithstanding the above, a proper officer may at any time delegate or authorise other officers to perform the designated duties on their behalf.