

## Appendix 6 – ‘Proper Officer’ provisions

Local Government legislation from time to time requires local authorities to appoint "Proper Officers" for specific purposes.

The officers listed in the third column of the table below have been designated by the Council as the Proper Officers for the functions listed against their name in the first and second columns:

<b>Section/Act</b>	<b>Functions</b>	<b>Proper Officer</b>
Section 234 of the Local Government Act 1972 (referred to below as the 1972 Act)	signing notices, orders and other documents	The Chief Officer or other officer responsible for the function which is the subject of the document. If there is no such officer, then the Head of Paid Service.
Section 83 (1) - (4) of the 1972 Act	Witness and receipt of declaration of acceptance of office	Head of Governance and Regulatory Services
Section 84 of the 1972 Act	Receipt of declaration of resignation	Head of Governance and Regulatory Services
Section 88 (2) of the 1972 Act	To convene meeting of County Council to fill vacancy in office of Chair	Head of Paid Service
Section 89 (1) (b) of the 1972 Act	Receipt of notice of casual vacancy from two local government electors	Head of Paid Service
Paragraph 4 (2) (b) and	Signature of summons to attend meetings	Head of Paid Service
Paragraph 4 (3) of Schedule 12 to the 1972 Act	Receipt of notices regarding address to which summons to meeting to be sent	Head of Paid Service

Local Government (Committees and Political Groups) Regulations 1990	Notification of political groups	Assistant Director of Governance (Democratic and Regulatory Services )
Section 35, Representation of the People Act 1983	Returning Officer for County Council elections	Assistant Director of Governance (Democratic and Regulatory Services )
Coroners & Justice Act 2009	Appointment of Coroner	Head of Governance and Regulatory Services
Section 146 (1) (a) & (b) of the 1972 Act	Declaration and certificates in respect of securities	Head of Governance and Regulatory Services
Section 210 (6) and (7) of the 1972 Act	Charity functions of holders of offices with existing authorities transferred to proper officer, if no equivalent officer	Assistant Director of Governance (Democratic and Regulatory Services )
Section 225 (1) of the 1972 Act	Deposit of documents – except documents deposited under Section 146 (6) and (7) of the Town and Country Planning Act 1990	Assistant Director of Governance (Democratic and Regulatory Services )
Section 229 (5) of the 1972 Act	Certificate of photographic copies of documents	Assistant Director of Governance (Democratic and Regulatory Services )
Section 236 (10) of the 1972 Act	To send copies of bylaws to each District Council in the County	Assistant Director of Governance (Democratic and Regulatory Services )
Section 238 of the 1972 Act	Certification of bylaws	Assistant Director of Governance (Democratic and Regulatory Services )
Section 41 of the Local Government (Miscellaneous Provisions) Act 1976	Certification of reports and minutes	Assistant Director of Governance (Democratic and Regulatory Services )

Section 115 (2) of the 1972 Act	Receiving monies due from officers of the Council	Executive Director Finance & Commercial Services
Section 228 (3) of the 1972 Act	Inspection of Accounts	Executive Director Finance & Commercial Services
Section 191 of the 1972 Act	Function with respect to Ordnance Survey	Executive Director of Community and Environmental Services
Paragraph 28 of Schedule 16 to the 1972 Act	Receipt of deposit of lists of protected buildings	Executive Director of Community and Environmental Services
Section 59 (1) of the Highways Act 1980	Issuing certificates in respect of expenses due to extra-ordinary traffic	Executive Director of Community and Environmental Services
Section 205 (4) and Section 211 of the Highways Act 1980	Consultation with District Councils where improvement of private streets includes sewerage and making final appointments in respect of private street works	Executive Director of Community and Environmental Services

In addition, any reference in any legislation passed before or during the 1971 - 72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the Clerk to the Council which, by virtue of any provision of the said Act, is to be construed as a reference to the Head of Paid Service.