

Section 5C
"Proper Officer" / Statutory appointments

The following Proper officer/Statutory appointments were re-confirmed by the city council under Minute 83/02. The authority for subsequent changes is set out as a footnote.

<u>Provision of Local Government Act 1972</u>	<u>Function</u>	<u>Officer</u>
83(1) to (4)	Witness and receipt of declarations of office.	CS
84	Receipt of declaration of resignation of office.	CX
86	Declare vacancy in office	CX
87	Give public notice of a casual vacancy	CX
88(2)	Convening of meeting of council to fill casual vacancy in the office of chairman.	CS
89(1)(b)	Receipt of notice of casual vacancy from 2 local government electors.	CX
96(1)	Receipt of notices of pecuniary interest.	CS
96(2)	Keeping record of disclosures of pecuniary interest under Section 94, and of notices under Section 96(1).	CS
115(2)	Receipt of money due from officers.	DF
146(1)(a)&(b)	Declarations and certificates with regard to securities.	DF
151	Proper administration of financial affairs.	DF
191	Functions with respect to ordnance survey.	CS
210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to Proper officer where no equivalent office exists.	CS
225(1)	Deposit of documents.	CS
229(5)	Certification of photographic copies of documents.	CS
234 (1)& (2)	Authentication of documents.	CS
238	Certification of bye-laws.	CS
248	Keeping of roll of freemen.	CS
Schedule 12 Para 4(2)(b)	Signature of summonses to council meetings.	CX
Schedule 12 Para 4(3)	Receipt of notices regarding address to which summons to meetings is to be sent.	CS
Schedule 14 Para 25(7)	Certification of resolutions under para 25 of Schedule 14.	CS
	Any reference in any local statutory provision to the Clerk of the council.	CX

<u>Provision</u>	<u>Function</u>	<u>officer</u>
<u>Proper officer Resolutions or Statutory Appointments arising from subsequent enactments</u>		
S100B(2) Local Government Act 1972 (as amended)	Designation of Reports "Not for Publication".	All officers (in respect of reports in their name)
S100B(7)	Supply of copies of documents.	CS
S100C(2)	Duty to summarise proceedings where press and public excluded.	CS
S100D(1)	Preparation of list of background papers.	All officers (re: their reports)
(NB The following 3 duties on the city council do not require "Proper officer" resolutions):		
S100G(1)	Register of elected members.	CS
S100G(2)	List of delegated powers of officers.	CS
S100G(3)	Written summary of rights to attend meetings and to inspect and copy documents.	CS
Representation of the People Act 1983) Registration officer	CX
) Returning officer	CX
) Proper officer	CX
Public Health (Control of Infectious Diseases) Act 1984		DC
S114 Local Government Finance Act 1988	Unlawful expenditure	CS
S2 Local Government and Housing Act 1989	Deposit of statutory list of "politically restricted" posts with the Proper officer	DCS
S4 1989 Act	Designation as Head of the Paid Service	CX
S5 1989 Act	Designation as Monitoring officer	CS
S37 1989 Act (inserting S137A Local Government Act 1972)	Deposit of a statement or report or accounts from a voluntary body in receipt of financial assistance above the relevant minimum.	CS
Local Government (Contracts) Act 1997	Certifying Contracts under the legislation.	CS
Health and Social Care Act 2012	Director of Public Health	DPH

CX	=	chief executive
CS	=	city solicitor
DCS	=	director of corporate services
DC	=	director of culture, leisure and regulatory services
DF	=	director of finance and resources
DPH	=	director of public health

Absence of Proper officer, or the non-appointment of a Proper officer

- (i) Chief officers are authorised to appoint the holder(s) of a senior post(s) to exercise all the functions of their respective chief officers, in the event of absence of the relevant chief officer, including such functions as may be conferred on the chief officer by resolution as the proper officer of the city council.
- (ii) Where in any enactment or instrument whatsoever reference is made to a Proper officer of the authority and no officer has been appointed by the council to act for that purpose, then the chief executive will be deemed to be the Proper officer until a resolution is passed by the council appointing a particular officer as Proper officer of the authority for that purpose.