

# Gedling Borough Council Constitution

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## **Section 20 – Proper Officer Provisions**

The Council has approved the appointment of the following officers as proper officers. Any reference to Director below should be interpreted as referring to the Director with responsibility for the relevant function or service.

The Chief Executive has the power to act as proper officer in the absence of the named proper officer below.

The Chief Financial Officer shall act as the proper officer in respect of any other statute where specific arrangements for financial matters have not been made under the following provisions.

The Monitoring Officer shall act as the proper officer in respect of any other statute where specific arrangements for legal matters have not been made under the following provisions.

The Chief Executive shall act as the proper officer in relation to any other enactment (including in relation to elections or referendums) where specific arrangements have not been made under the following provisions.

## **Contents**

Public Health Act 1936 .....	2
Local Government Act 1972 .....	2
Local Government Act 1974 .....	4
Local Government (Miscellaneous Provisions) Act 1976 .....	4
Representation of the People Act 1983 .....	4
Public Health (Control of Disease) Act 1984 .....	5
Nottinghamshire County Council Act 1985 .....	5
The Parish and Community Meetings (Polls) Rules 1987 No. 1 .....	6
Local Government Finance Act 1988.....	6
Local Government Housing Act 1989 .....	6
The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 No. 1058.....	6
Food Safety Act 1990.....	6
Local Government (Committees and Political Groups) Regulations 1990 No.1553.....	6
Local Government Finance Act 1992.....	7
The Local Government (Parishes and Parish Councils) Regulations 1999 No. 545.....	7
Freedom of Information Act 2000 .....	7
Local Authorities (Standing Orders) (England) Regulations 2001 No. 3384.....	7
Local Authorities (Members' Allowances)(England) Regulations 2003 No. 1021 .....	7
European Parliamentary Elections Regulations 2004 No. 293.....	7
Local Elections (Parishes and Communities) (England and Wales) Rules 2006 No. 3305.	7

## Gedling Borough Council Constitution

The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 No.1024 .....	8
Local Government (Parishes and Parish Councils)(England) Regulations 2008 No 625....	8
Local Authorities (Referendums) (Petitions and Directions)(England) Regulations 2011 No. 2914 .....	8
Local Authorities (Conduct of Referendums)(England) Regulations 2012 No. 323 .....	8
Neighbourhood Planning (Referendums) Regulations 2012 No. 2031 .....	9
The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 No. 2089 .....	9
Local Audit and Accountability Act 2014 .....	10
Openness of Local Government Bodies Regulations 2014 No. 2095.....	10
Byelaws (Alternative Procedure)(England) Regulations 2016 No. 165 .....	10
Local Government (Boundary Changes) Regulations 2018 No. 1128.....	10

STATUTE OR REGULATIONS	ACTION	PROPER OFFICER
<b>Public Health Act 1936</b>		
S.79	Power to require removal of noxious matter	Director
S.84	Certificate relating to cleansing or destruction of filthy or verminous items	Director
S.85(2)	Cleansing of verminous persons or articles	Director
<b>Local Government Act 1972</b>		
S.83 (1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Chief Executive
S.84	Receipt of notice of resignation of Elected Member	Chief Executive
S.88(2)	Arranging a Council meeting to appoint to Chair of the Council	Chief Executive
S.89(1)	Notice of casual vacancy	Chief Executive

## Gedling Borough Council Constitution

STATUTE OR REGULATIONS	ACTION	PROPER OFFICER
S.100B(2)	The officer also may exclude from agendas any information which is likely to be dealt with in the absence of press and public	Chief Executive
S.100B(7)	The officer to supply to newspapers copies of documents supplied to Councillors	Chief Executive
S.100C(2)	The officer to prepare a written summary of the proceedings at committees and sub-committees	Chief Executive
S.100D(1) and (5)	The officer responsible for identifying and compiling lists of background papers	Director
S.100F(2)	The officer making decisions as to documents disclosing exempt information which are not required to be open to inspection by council members	Chief Executive
S.115(2)	Receipt of money due from officers	Chief Financial Officer
S.137A	Receipt of statement provided in relation to financial assistance	Chief Financial Officer
S.146(1) (a) and (b)	Declarations and certificates with regard to transfer of securities	Chief Financial Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs	Chief Financial Officer
S.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Director
S.225	Deposit of documents	Chief Executive
S.228(3)	Accounts for inspection by any member of the Council	Chief Financial Officer
S.229(5)	Certification of photographic copies of documents	Monitoring Officer

## Gedling Borough Council Constitution

STATUTE OR REGULATIONS	ACTION	PROPER OFFICER
S. 234(1)	Officer who may authenticate documents	Monitoring Officer
S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council	Monitoring Officer
S.238	Certification of byelaws	Monitoring Officer
S.248	Officer who will keep the Roll of Freemen	Director
Para 4(1A)and (1B) of Schedule 12	Signing of summons to Council meeting	Chief Executive
Para 25 of Schedule 14	Certification of resolution passed under this paragraph	Monitoring Officer
<b>Local Government Act 1974</b>		
S.30(5)	To give notice that copies of an Ombudsman's report are available	Monitoring Officer
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Monitoring Officer
<b>Representation of the People Act 1983</b>		
S.8	Electoral Registration Officer	Chief Executive
S.35	Returning Officer for local elections (Borough and Parish)	Chief Executive
S. 52	Deputy Electoral Registration Officer	Director of Organisational Development and Democratic Services
S.67	Acting as the appropriate person for the purposes of Part II	Chief Executive
S.128	Publishing a petition questioning a local election	Chief Executive

## Gedling Borough Council Constitution

STATUTE OR REGULATIONS	ACTION	PROPER OFFICER
S.131	Providing suitable accommodation for election court	Chief Executive
S.145	Receipt of High Court Certificate at the conclusion of trial of local election petition	Chief Executive
S.146(2)	Receipt of High Court decision on a special case	Chief Executive
S.200	Posting notices required in relation to local elections	Chief Executive
Paragraphs 3, 6 and 8 of Schedule 4	Receipt of an election expense declarations and returns and the holding of those documents for public inspection	Chief Executive
<b>Public Health (Control of Disease) Act 1984</b>		
S.48	Removal of body to mortuary or for immediate burial	Director
S.60	Receipt of notices and other documents	Director
<b>Building Act 1984</b>		
S.35A	Certifying evidence is sufficient to justify commencing proceedings for contravention of building Regulations	Director
S.61	Access to work to repair drain	Director
S.78	Taking immediate action in relation to dangerous building	Director (or any officer authorised by him)
S.93	Authentication of documents	Director
<b>Nottinghamshire County Council Act 1985</b>		
S.3	Authentication of document	Director
S.6	To receive objections to proposals to designate land	Director

## Gedling Borough Council Constitution

STATUTE OR REGULATIONS	ACTION	PROPER OFFICER
<b>The Parish and Community Meetings (Polls) Rules 1987 No. 1</b>		
Rule 4(1)	Returning Officer for Parish Polls	Chief Executive
<b>Local Government Finance Act 1988</b>		
S. 116	Notify auditor of meeting to consider financial report to the authority and decision at that meeting	Chief Financial Officer
S.139A	Receipt of notice from Secretary of State	Chief Financial Officer
<b>Local Government Housing Act 1989</b>		
S.2(4)	Recipient of the list of politically restricted posts	Monitoring Officer
<b>The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 No. 1058</b>		
Regulation 23	Certification of copy of local non-domestic rating list	Director
<b>Food Safety Act 1990</b>		
S. 49	Authentication of documents	Director
<b>Local Government (Committees and Political Groups) Regulations 1990 No.1553</b>		
Regulation 8	Receipt of notices relating to constitution of political groups	Director
Regulation 9	Receipt of notices relating to membership of political groups	Director
Regulation 10	Receipt of notices of cessation of membership of political group	Director
Regulation 13	Receipt of notification of wishes of political group	Director
Regulation 14	Provision of information to Leader of political group for the purposes of the composition of committees	Director

## Gedling Borough Council Constitution

STATUTE OR REGULATIONS	ACTION	PROPER OFFICER
<b>Local Government Finance Act 1992</b>		
S.68(1)	Receipt of notice from Secretary of State	Chief Financial Officer
S.68(2)	Provision of information to Secretary of State	Chief Financial Officer
<b>The Local Government (Parishes and Parish Councils) Regulations 1999 No. 545</b>		
Regulation 8(6)	Estimate population	Chief Executive
Regulation 9(7) and (9)	Powers relating to charitable property	Chief Executive
Regulation 14	Sign minutes of last meeting	Chief Executive
<b>Freedom of Information Act 2000</b>		
S. 36	Qualified Person	Monitoring Officer
<b>Local Authorities (Standing Orders) (England) Regulations 2001 No. 3384</b>		
Schedule 1, Part 2, paras 5 and 6	Officer who will give written notice of appointment or dismissal of chief officers	Monitoring Officer
<b>Local Authorities (Members' Allowances) (England) Regulations 2003 No. 1021</b>		
Regulation 32	Receipt of notice to forego entitlement to allowances	Chief Financial Officer
<b>European Parliamentary Elections Regulations 2004 No. 293</b>		
Regulation 19	Discharge of registration duties in absence of Registration Officer	Director of Organisational Development and Democratic Services
<b>Local Elections (Parishes and Communities) (England and Wales) Rules 2006 No. 3305</b>		
Rule 5	Receipt of request to fill a casual vacancy in the office of a parish or community	Chief Executive

## Gedling Borough Council Constitution

STATUTE OR REGULATIONS	ACTION	PROPER OFFICER
	councillor.	
Schedule 2, Para 1 England, Part 4, paragraph 50	Receipt of declaration of result in parish or community election	Chief Executive
<b>The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 No.1024</b>		
Schedule 1, Para 1, Part 6, paragraph 54	Receive declaration of result	Chief Executive
<b>Local Government (Parishes and Parish Councils) (England) Regulations 2008 No 625</b>		
Regulation 7	Estimate population	Chief Executive
<b>Localism Act 2011</b>		
S. 33(1)	Receipt of written request to grant a dispensation	Monitoring Officer
<b>Local Authorities (Referendums) (Petitions and Directions)(England) Regulations 2011 No. 2914</b>		
Regulation 4	Publish the number that is equal to 5 per cent. of the number of local government electors for the authority's area	Chief Executive
Regulation 7	Post announcement and post directions – petitions	Chief Executive
Regulation 8	Amalgamation of petitions	Chief Executive
Regulation 11	Procedure on receipt of petition	Chief Executive
Regulation 13	Publicity for valid petitions	Chief Executive
Regulation 14	Publicity for invalid petitions	Chief Executive
<b>Local Authorities (Conduct of Referendums) (England) Regulations 2012 No. 323</b>		
Regulation 4	Publicity in connection with referendums	Chief Executive
Schedule 3, Part 7, paragraphs 41 and 43	Receive declaration of result	Chief Executive



## Gedling Borough Council Constitution

STATUTE OR REGULATIONS	ACTION	PROPER OFFICER
<b>Neighbourhood Planning (Referendums) Regulations 2012 No. 2031</b>		
Regulation 4	Making information available in relation to referendums	Chief Executive
Regulation 16	Acting as proper officer where the referendum is not arranged by the local planning authority	Chief Executive
Schedule 3, Para 1, Part 7, paragraph 42	Receipt of declaration of result of the referendum	Chief Executive
Schedule 3, Para 1, Part 7, paragraph 43	Receipt of declaration of result of the referendum (cross boundary referendum)	Chief Executive
Schedule 5, Para 1, Part 7, paragraph 42	Receipt of declaration of result of the referendum	Chief Executive
Schedule 5, Para 1, Part 7, paragraph 43	Receipt of declaration of result of the referendum (cross boundary referendum)	Chief Executive
Schedule 7, Para 1, Part 9, paragraph 69	Receipt of declaration of result of the business referendum	Chief Executive
Schedule 7, Para 1, Part 9, paragraph 70	Receipt of declaration of result of the business referendum (cross boundary referendum)	Chief Executive
<b>The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 No. 2089</b>		
Regulation 7	Access, to agenda and connected reports for public meetings	Monitoring Officer
Regulation 10	Notice that publicity in connection with key decisions is impracticable	Monitoring Officer
Regulation 12	Recording of Executive decisions made at meetings of the Cabinet	Monitoring Officer
Regulation 13	Recording of executive decisions made by individual members	Monitoring Officer
Regulation 14	Making documents available for inspection following executive decisions	Monitoring Officer
Regulation 15	Compiling list of background papers for inspection	Monitoring Officer
Regulation 16	Members' rights of access to documents	Monitoring Officer

## Gedling Borough Council Constitution

STATUTE OR REGULATIONS	ACTION	PROPER OFFICER
Regulation 20	Confidential/exempt information and exclusion of public from meetings	Monitoring Officer
<b>Local Audit and Accountability Act 2014</b>		
S. 11	Attend a meeting of the auditor panel of a parish meeting to answer questions	Chief Financial Officer
S. 22	Provide information to local auditor of the accounts of a parish meeting	Chief Financial Officer
<b>Openness of Local Government Bodies Regulations 2014 No. 2095</b>		
Regulation 9	Confidential and exempt information	Chief Executive
<b>Byelaws (Alternative Procedure)(England) Regulations 2016 No. 165</b>		
Regulation 12(4)	Receipt of byelaw from the Parish Council and placing on deposit	Director
<b>Local Government (Boundary Changes) Regulations 2018 No. 1128</b>		
Regulation 16	Returning officer and proper officer for shadow authority	Chief Executive
Regulation 23	Receipt of reports of statutory audits, inspections and investigations	Chief Financial Officer