

Gedling Borough Council Constitution

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.

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STATUTE OR REGULATIONS	ACTION	PROPER OFFICER
Public Health Act 1936		
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
Local Government Act 1972		
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

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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

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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 Freeman	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
Local Government Act 1974		
S.30(5)	To give notice that copies of an Ombudsman's report are available	Monitoring Officer
Local Government (Miscellaneous Provisions) Act 1976		
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Monitoring Officer
Representation of the People Act 1983		
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

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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
Public Health (Control of Disease) Act 1984		
S.48	Removal of body to mortuary or for immediate burial	Director
S.60	Receipt of notices and other documents	Director
Building Act 1984		
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
Nottinghamshire County Council Act 1985		
S.3	Authentication of document	Director
S.6	To receive objections to proposals to designate land	Director

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STATUTE OR REGULATIONS	ACTION	PROPER OFFICER
The Parish and Community Meetings (Polls) Rules 1987 No. 1		
Rule 4(1)	Returning Officer for Parish Polls	Chief Executive
Local Government Finance Act 1988		
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
Local Government and Housing Act 1989		
S.2(4)	Recipient of the list of politically restricted posts	Monitoring Officer
The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 No. 1058		
Regulation 23	Certification of copy of local non-domestic rating list	Director
Food Safety Act 1990		
S. 49	Authentication of documents	Director
Local Government (Committees and Political Groups) Regulations 1990 No.1553		
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

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

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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
The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 No.1024		
Schedule 1, Para 1, Part 6, paragraph 54	Receive declaration of result	Chief Executive
Local Government (Parishes and Parish Councils) (England) Regulations 2008 No 625		
Regulation 7	Estimate population	Chief Executive
Localism Act 2011		
S. 33(1)	Receipt of written request to grant a dispensation	Monitoring Officer
Local Authorities (Referendums) (Petitions and Directions)(England) Regulations 2011 No. 2914		
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
Local Authorities (Conduct of Referendums) (England) Regulations 2012 No. 323		
Regulation 4	Publicity in connection with referendums	Chief Executive
Schedule 3, Part 7, paragraphs 41 and 43	Receive declaration of result	Chief Executive

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STATUTE OR REGULATIONS	ACTION	PROPER OFFICER
Neighbourhood Planning (Referendums) Regulations 2012 No. 2031		
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
The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 No. 2089		
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

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STATUTE OR REGULATIONS	ACTION	PROPER OFFICER
Regulation 20	Confidential/exempt information and exclusion of public from meetings	Monitoring Officer
Local Audit and Accountability Act 2014		
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
Openness of Local Government Bodies Regulations 2014 No. 2095		
Regulation 9	Confidential and exempt information	Chief Executive
Byelaws (Alternative Procedure)(England) Regulations 2016 No. 165		
Regulation 12(4)	Receipt of byelaw from the Parish Council and placing on deposit	Director
Local Government (Boundary Changes) Regulations 2018 No. 1128		
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