

## APPENDIX 2

### The Statutory and Proper Officers – Designated Posts

Legislation	Function	Designated Officer	Deputy(s) in their absence
		<b>To be populated by Executive Directors once relevant officers in post</b>	
Section 4(1) Local Government and Housing Act 1989	Head of Paid Service	Chief Executive	
Section 151 Local Government Act 1972	Chief Finance Officer (Section 151 Officer)	S151 Officer	
Section 5(1) Local Government and Housing Act 1989	Monitoring Officer	Monitoring Officer	
Section 9FB of the Localism Act 2011 (Sch 2)	Scrutiny Officer		
Section 28 and 35 Representation of the People Act 1983	Returning Officer		
Section 28(5) Representation of the People Act 1983	Deputy Returning Officer	As appointed from time to time by the Returning Officer	
Section 8 Representation of the People Act 1983	Electoral Registration Officer		
Section 6(1) Local Authority Social Services Act 1970	Director of Adult Social Services		
Section 18 Children Act 2004	Director of Children's Services		
Section 532 Education Act 1996	Chief Education Officer		
National Health Service Act 2006 S73A(1) and Health and Social Care Act 2012	Director of Public Health		
Data Protection Act 2018 General Data Protection Regulations	Data Protection Officer		

## Proper Officer Functions – Schedule of Appointments

### Local Government Act 1972

<b>SECTION</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
13 (3)	Parish Trustee where no Parish Council.	Chief Executive	
83 (1) to (4)	To witness and receive declarations of acceptance of office of Chairman, Vice- Chairman or councillor.		
84	To accept written notice of resignations from councillors.		
88 (2)	Convening meetings of the Council for the purpose of filling a casual vacancy in case of Chairman of the Council.		
89 (1)(b)	Receipt of notice from electors requiring election to fill casual vacancy occurring in the office of councillor.		
99 and Sch 12	To give notice and send summonses and receive formal notifications from councillors in respect of any Council meeting		
100 (A)to (F)	The provision of information about the decisions made or to be made by councillors including access to agenda, reports, background papers, members additional document access rights, minutes and records of decisions		

100 (G)	Register of Elected Members; List of Delegated powers of officers; Written summary of rights to attend meetings and to inspect and copy documents.		
115 (2)	Person to whom all officers shall pay monies received by them and due to Council.		
137(a)	Gives the proper officer power to require a voluntary organisation or similar body to supply information to them, where a local authority uses its powers under Section 137 to give financial assistance to that voluntary organisation or similar body above a relevant minimum	Section 151 Officer	
138	Emergency disaster powers	Chief Executive	
146 (1)(a)	Statutory declarations and issue any certificate in relation to securities on change of name of authority or change of area.		
151	Officer having responsibility for the administration of the Council's financial matters.		
191	Receipt of notices from Ordnance Survey in relation to ascertaining or locating Local Authority boundaries.		
210(6) and (7)	Appoints the proper officer to be vested with certain powers in respect of charities		

223	Authorising officers to attend court and appear on behalf of the Council under Local Government Act 1972 and the County Courts Act 1984		
225 (1)	To receive and give receipt for any document required to be formally deposited.		
229 (5)	Certification of photographic copies of documents for use in legal proceedings.		
233	The officer to receive documents required to be served on the Council		
234	The signing of any notice, order or other document which a local authority are authorised or required to give under any enactment on behalf of the authority.		
236 (9) and (10) and 238	Send copy byelaws to Parish Councils and Certifying of printed copies of byelaws.		
248	The Officer responsible for keeping the roll of freemen		
Para 4 of Part 1 of Schedule 12	Officer who may sign a summons to council meetings and Officer who may receive notice from a member of address to which a summons to a meeting is to be sent		
Schedule 14, Para. 25(7)	Certification of copy resolutions under the Public health Acts 1875-1925.		
Schedule 29 Para 41	Proper Officer for Births, Marriages and Deaths.		

### Local Government Act 1974

SECTION	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
30	Receipt of Local Ombudsman Reports and giving of public notice thereof.		

### Local Elections (Principal Areas) (England and Wales) Rules 2006 and Local Elections (Parishes and Communities) Rules 2006

Regulation	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
	Retention and public inspection of documents after an election		

### Local Government (Committees and Political Groups) Regulations 1990

Regulation	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
	For the purposes of the composition of committees and nominations to political groups	Democratic Services	

### Local Authorities Cemeteries Order 1977

Regulation	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE

10	To sign exclusive rights of burial		
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### Public Health Act 1961

Regulation	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
37	Disinfection or destruction of verminous article		

### Representation of the People Act 1983

Regulation	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
	All proper officer functions identified in the legislation	Chief Executive	

### Building Act 1984

Regulation	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
78 and 93	To take action in relation to dangerous buildings and structures and the giving of notices.		

### Local Government Finance Act 1989

<b>SECTION</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
114 and 115	Responsibility for Chief Financial Officer Reports.	S151 Officer	
116	Notification to auditor of date, time and place of meeting to consider Section 114 report and of decision of such meeting.	S151 Officer	
139A	Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required.	S151 Officer	

### **Local Government and Housing Act 1989**

<b>SECTION</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
2(4)	Officer with whom the list of politically restricted posts shall be deposited.		
3A	Officer responsible for the grant and supervision of exemptions from political restriction		
15 -17	To undertake all matters relating to the formal establishment of political groups within the membership of the	Democratic Services	

	Council.		
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### Local Government Act 2000

<b>REGULATION</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
3	Producing a written statement of executive decisions made at meetings.		
5	Making a copy of written statements of executive decisions and associated reports available for inspection by the public.		
6	Making available for inspection a list of background papers.		
11(2)	Exclusion of whole or part of any report to the Cabinet where meeting is likely not to be open to the public.		
11(7)(c)	Provision to the press of other documents supplied to members of the Cabinet in connection with the item discussed.		
34	Officer responsible for publication of number of local government electors required to support a petition		



81	Establish and maintain a Register of Interests.		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	Chief Executive	

**Local Government (Referendums) (Petitions) (England) Regulations  
2011**

<b>REGULATION</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
4	Officer who publishes the number that is equal to 5 per cent of the number of local government electors for the authority's area	Electoral Registration Officer	

**Local Government (Miscellaneous Provisions) Act 1976**

<b>SECTION</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
16	Notices requiring details of interest in land	Any Chief Officer of the Council	

41(1)	The officer to certify copies of any resolution, order, report or minutes of proceedings of the Authority as evidence in any legal proceedings		
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**The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012**

<b>SECTION</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
9 (1)	Officer responsible for publishing the information relating to key decisions.		
12(1)	Officer responsible for producing a written statement of all executive decisions made at a public or private meeting of Cabinet, including the information.		
14	Officer responsible for ensuring that a copy of the following documents is available for public inspection: the written statement referred to in regulation 12 above part or all of any report considered by the decision maker and relevant to the decision made		

15	Officer responsible for compiling a list of background papers to the report referred to in regulation 14 above.		
20	Officer who may exclude whole or part of any report provided for public inspection, where the part excluded relates to a matter for which the proper officer considers a meeting is not likely to be open to the public and Officer who may form an opinion as to whether a document contains or is likely to contain information confidential information or exempt information or the advice of a political advisor or assistant.		

### **Health and Safety at Work etc Act 1974**

<b>SECTION</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
19	Inspector for enforcement of relevant statutory provisions		

### **Local Land Charges Act 1975**

<b>SECTION</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>

3 and 19	Maintenance of the Local Land Charges Register		
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**Public Health (Control of Diseases) Act 1984 as amended**

<b>SECTION</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
48	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately.		
61	Right to enter premises to ascertain whether there has been a contravention of a provision of the 1984 Act or a Part 2A order made pursuant to the 1984 Act.		
	Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases	Public Health England	
	Proper Officer for the purposes of Consultant in Communicable Disease Control under this Act and the Health protection Regulations 2010 and the Health Protection (Part 2A Orders) Regulations 2010	Public Health England	

**Health Protection (Notification) Regulations 2010**

<b>Regulation</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
2, 3 and 6	Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons.	Public Health England	

### **The Civil Evidence Act 1995**

<b>Section</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
9	To certify Council records for the purposes of admitting the document in evidence in civil proceedings.		

### **Local Government (Contracts) Act 1997**

<b>Section</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
1-4	Certification of relevant powers to enter into contracts.		

### **Food Safety Act 1990**

<b>SECTION</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
49(3)	Any document authorised or required by or under this Act to give, make or issue may be signed on behalf of the authority by the proper officer of the authority as respects documents relating to matters within his province.		

**Health Act 2006 and Smoke Free (Premises and Enforcement)  
Regulations 2006**

<b>SECTION</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
10 (Reg 3)	To carry out the functions of an enforcement authority under Regulation 3		

**Landlord and Tenants Acts**

<b>SECTION</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
S23 of the Landlord and Tenant Act 1927 and S66 of the Landlord and Tenant Act 1954	To be the proper officer to serve and receive notices on behalf of the Council.		

### Building Safety Act 2022

<b>SECTION</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
S72	Accountable Person for higher-risk buildings.		

### Weights and Measures Act 1985

<b>SECTION</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
72(1)(a)	Chief Inspector of Weights and Measures		

### The Freedom of Information Act 2000

<b>SECTION</b>	<b>BRIEF DETAILS OF RESPONSIBILITY</b>	<b>PROPER OFFICER</b>	<b>DEPUTY(S) IN THEIR ABSENCE</b>
36	Qualified person who determines exempt information		

## Regulation of Investigatory Powers Act 2000

SECTION	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
30	Officers entitled to grant authorisations		
Covert Surveillance & Property Interference Revised Code of Practice and Covert Human Intelligence Sources Revised Code of Practice	Senior Responsible Officer		

## GDPR and Data Protection Act 2018

SECTION	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
	Senior Information Risk Owner		



### Other Miscellaneous Proper or Statutory Officer Functions

SECTION	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
	Any other miscellaneous proper or statutory officer functions not otherwise delegated by the Council	Chief Executive or their nominee	
	Gas Safe Duty Holder (Gas Engineers – Somerset West and Taunton Council)		
	Duty Holder Electric, NICEIC (Electrical Engineers Somerset West and Taunton Council)		
	Asbestos Competent Person		
	Company Secretary and Directors at Homes in Sedgemoor (company wholly owned by SDC, staff and elected members named)		
Social Housing Regulation Bill 2022	Responsible person Consumer Standards (Regulator for Social Housing		