

**Part I3 - The Statutory and Proper Officers – Designated Posts**

<b>Legislation</b>	<b>Function</b>	<b>Designated Officer</b>	<b>Deputy(s) in their absence</b>
Section 4(1) Local Government and Housing Act 1989	Head of Paid Service	Chief Executive	As appointed by the Chief Executive
Section 151 Local Government Act 1972	Chief Finance Officer (Section 151 Officer)	S151 Officer	Service Director – Finance and Procurement
Section 5(1) Local Government and Housing Act 1989	Monitoring Officer	Monitoring Officer	As appointed by the Monitoring Officer
Section 9FB of the Localism Act 2011 (Sch 2)	Scrutiny Officer	Service Manager - Scrutiny	Service Manager – Democratic Services
Section 28 and 35 Representation of the People Act 1983	Returning Officer	Chief Executive	As appointed by the Chief Executive
Section 28(5) Representation of the People Act 1983	Deputy Returning Officer(s)	As appointed from time to time by the Returning Officer	
Section 8 Representation of the People Act 1983	Electoral Registration Officer	Chief Executive	Service Director – Governance, Democratic and Legal Services and Elections Managers
Section 6(1) Local Authority Social Services Act 1970	Director of Adult Social Services	Executive Director – Adult & Health Services	Service Directors for Adult Operations, Commissioning and Transformation
Section 18 Children Act 2004	Director of Children’s Services	Executive Director – Children’s Services	Service Directors for Children and Families, Commissioning and Performance, Inclusion and Education Partnerships and Skills

APPENDIX 1

Section 532 Education Act 1996	Chief Education Officer	Executive Director – Children’s Services	Service Directors for Children and Families, Commissioning and Performance, Inclusion and Education Partnerships and Skills
National Health Service Act 2006 S73A(1) and Health and Social Care Act 2012	Director of Public Health	Executive Director – Public Health	Deputy Director Public Health
Data Protection Act 2018 General Data Protection Regulations	Data Protection Officer	Data Protection Manager	Service Director – Governance, Democratic and Legal Services

## Proper Officer Functions – Schedule of Appointments

### Local Government Act 1972

SECTION	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
13 (3)	Parish Trustee where no Parish Council.	Chief Executive	Executive Director – Strategy, Workforce and Localities
83 (1) to (4)	To witness and receive declarations of acceptance of office of Chair, Vice- Chair or councillor.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
84	To accept written notice of resignations from councillors.	Chief Executive	Service Director – Governance, Democratic and Legal Services and Monitoring Officer
88 (2)	Convening meetings of the Council for the purpose of filling a casual vacancy in case of Chair of the Council.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
89 (1)(b)	Receipt of notice from electors requiring election to fill casual vacancy occurring in the office of councillor.	Service Director – Governance, Democratic and Legal Services	Elections Managers

		and Monitoring Officer	
99 and Sch 12	To give notice and send summonses and receive formal notifications from councillors in respect of any Council meeting	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
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	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
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.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
115 (2)	Person to whom all officers shall pay monies received by them and due to Council.	Executive Director – Resources and Corporate Services and S151 Officer	Service Director – Finance and Procurement and Deputy S151 Officer(s)
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	Executive Director – Resources and Corporate Services and S151 Officer	Service Director – Finance and Procurement and Deputy S151 Officer(s)

138	Emergency disaster powers	Chief Executive	Executive Director – Resources and Corporate Services and S151 Officer
146 (1)(a)	Statutory declarations and issue any certificate in relation to securities on change of name of authority or change of area.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
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.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
210(6) and (7)	Appoints the proper officer to be vested with certain powers in respect of charities	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
223	Authorising officers to attend court and appear on behalf of the Council under Local Government Act 1972 and the County Courts Act 1984	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	County Solicitor, Legal Services Managers and Head of Legal Services

225 (1)	To receive and give receipt for any document required to be formally deposited.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
229 (5)	Certification of photographic copies of documents for use in legal proceedings.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	County Solicitor, Legal Services Managers and Head of Legal Services
233	The officer to receive documents required to be served on the Council	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	County Solicitor, Legal Services Managers and Head of Legal Services
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.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	County Solicitor, Legal Services Managers, Head of Legal Services and Deputy Monitoring Officers
236 (9) and (10) and 238	Send copy byelaws to Parish Councils and Certifying of printed copies of byelaws.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	County Solicitor, Legal Services Managers and Head of Legal Services

248	The Officer responsible for keeping the roll of freemen	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	County Solicitor, Legal Services Managers and Head of Legal Services
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	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
Schedule 14, Para. 25(7)	Certification of copy resolutions under the Public health Acts 1875-1925.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
Schedule 29 Para 41	Proper Officer for Births, Marriages and Deaths.	Service Director - Regulatory and Operational Services	Service Manager – Registration Services

### 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.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)

### 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	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)

### 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	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)



### Local Authorities Cemeteries Order 1977

Regulation	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
10	To sign exclusive rights of burial	Executive Director of Community Services	Service Director - Regulatory and Operational Services

### Public Health Act 1961

Regulation	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
37	Disinfection or destruction of verminous article	Executive Director of Community Services	Service Director - Regulatory and Operational Services

### 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	Deputy Returning Officer(s)

### 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.	Executive Director – Climate and Place	Service Director – Economy, Employment and Planning

### Local Government Finance Act 1989

SECTION	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
114 and 115	Responsibility for Chief Financial Officer Reports.	Executive Director – Resources and Corporate Services and S151 Officer	Service Director – Finance and Procurement and Deputy S151 Officer(s)
116	Notification to auditor of date, time and place of meeting to consider Section 114 report and of decision of such meeting.	Executive Director – Resources and Corporate Services and S151 Officer	Service Director – Finance and Procurement and Deputy S151 Officer(s)
139A	Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required.	Executive Director – Resources and Corporate Services and S151 Officer	Service Director – Finance and Procurement and Deputy S151 Officer(s)

### Local Government and Housing Act 1989

SECTION	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
2(4)	Officer with whom the list of politically restricted posts shall be deposited.	Service Director Workforce	Service Director – Governance, Democratic and Legal Services
3A	Officer responsible for the grant and supervision of exemptions from political restriction	Service Director Workforce	Service Director – Governance, Democratic and Legal Services
15 -17	To undertake all matters relating to the formal establishment of political groups within the membership of the Council.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)

### Local Government Act 2000

REGULATION	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
3	Producing a written statement of executive decisions made at meetings.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
5	Making a copy of written statements of executive decisions and associated reports available for inspection by the public.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)

6	Making available for inspection a list of background papers.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
11(2)	Exclusion of whole or part of any report to the Executive where meeting is likely not to be open to the public.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
11(7)(c)	Provision to the press of other documents supplied to members of the Cabinet in connection with the item discussed.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
34	Officer responsible for publication of number of local government electors required to support a petition	Electoral Registration Officer	Deputy Electoral Registration Officer(s) and Elections Managers
81	Establish and maintain a Register of Interests.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
	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	Deputy Electoral Registration Officer(s) and Elections Managers

**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	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s) and Head of Legal Services or Legal Services Managers

**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.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
12(1)	Officer responsible for producing a written statement of all executive decisions made at a public or private meeting of Executive, including the information.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
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	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
15	Officer responsible for compiling a list of background papers to the report referred to in regulation 14 above.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)
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	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)

	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.		
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### **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	Chief Executive	Service Director - Workforce

### **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	Executive Director – Strategy, Workforce and Localities	Service Director – Strategy & Performance

## Public Health (Control of Diseases) Act 1984 as amended

SECTION	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
48	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately.	Executive Director – Community Services	Service Director – Regulatory and Operational Services
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.	Executive Director – Community Services	Service Director – Regulatory and Operational Services
	Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases	UK Health Security Agency South West Consultants in Health Protection	

## Health Protection (Notification) Regulations 2010

Regulation	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
2, 3 and 6	Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons.	UK Health Security Agency South West Consultants in Health Protection	



### The Civil Evidence Act 1995

Section	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
9	To certify Council records for the purposes of admitting the document in evidence in civil proceedings.	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s) and Head of Legal Services or Legal Services Managers

### Local Government (Contracts) Act 1997

Section	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
1-4	Certification of relevant powers to enter into contracts.	Executive Director – Resources and Corporate Services and S151 Officer	Service Director – Finance and Procurement and Deputy S151 Officer(s)

### Food Safety Act 1990

SECTION	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
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	Executive Director – Community Services	Service Director – Regulatory and Operational Services

	matters within his province.		
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**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	Executive Director – Community Services	Service Director – Regulatory and Operational Services

**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.	Executive Director – Resources and Corporate Services and Executive Director Community Services	Service Director Asset Management and Service Director Housing

### 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.	Executive Director – Resources and Corporate Services and Executive Director Community Services	Service Director Asset Management and Service Director Housing

### 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	Executive Director – Climate and Place	Service Director – Economy, Employment and Planning

### 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	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s)

## Regulation of Investigatory Powers Act 2000

SECTION	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
30	Officers entitled to grant authorisations	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s) and Head of Legal Services or Legal Services Managers
Covert Surveillance & Property Interference Revised Code of Practice and Covert Human Intelligence Sources Revised Code of Practice	Senior Responsible Officer	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s) and Head of Legal Services or Legal Services Managers

## GDPR and Data Protection Act 2018

SECTION	BRIEF DETAILS OF RESPONSIBILITY	PROPER OFFICER	DEPUTY(S) IN THEIR ABSENCE
	Senior Information Risk Owner	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s) and Head of Legal Services or Legal Services Managers

### 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)	Executive Director – Communities	Service Director - Housing
	Duty Holder Electric, NICEIC (Electrical Engineers)	Executive Director – Communities	Service Director - Housing
	Asbestos Competent Person	Executive Director – Communities	Service Director - Housing
	Company Secretary and Directors at Homes in Sedgemoor (company wholly owned by Somerset Council, staff and elected members named)	Service Director – Governance, Democratic and Legal Services and Monitoring Officer	Deputy Monitoring Officer(s) and Head of Legal Services or Legal Services Managers
Social Housing Regulation Bill 2022	Responsible person Consumer Standards (Regulator for Social Housing)	Executive Director – Community Services	Service Director for Housing