

CHAPTER 4 – 2 - PROPER OFFICER DESIGNATIONS

This part sets out who the Council has authorised to be the Officer responsible for ensuring obligations which are imposed on the Council by law. If you have any concerns about the obligations shown below, then you should contact the Proper Officer who is responsible.

- 1.0 The Council has approved the appointment of the following Officers as Proper Officers.
- 1.1 Any reference to Chief Officers below should be interpreted as referring to the Chief Officer with responsibility for the relevant power or function. This is shown more clearly in the Officer Scheme of Delegation.
- 1.2 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.
- 1.3 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.
- 1.4 The Chief Executive shall act as the Proper Officer in relation to any other enactment where specific arrangements have not been made under the following provisions.
- 1.5 The relevant post holders listed below have been delegated Proper Officers for the purposes of the legislative provisions (and any subsequent amendments/revisions) as detailed below:

1.6	Legislative Provision	Function	Proper Officer
	Building Act 1984:		
	s.35A	Certifying evidence is sufficient to justify commencing proceedings for contravention of building Regulations.	Chief Officer
	s.61	Access to work to repair drain.	Chief Officer
	s.78	Taking immediate action in relation to dangerous building.	Chief Officer (or any officer authorised by him/her)
	s.93	Authentication of documents.	Chief Officer
	Food Safety Act 1990:		
	s.49	Documents relating to matters within province.	Chief Officer

Freedom of Information Act 2000:		
s.36	Qualified Person.	Monitoring Officer
General Data Protection Regulation (EU) 2016/679:		
	Senior Information Risk Owner	Director for Corporate Services
Articles 37, 38 and 39	Data Protection Officer	Assistant Director for Governance and Democracy
Localism Act 2011:		
s.81	Administration of Community Right to Challenge.	Chief Officer
s.87	Maintenance of Lists of Assets of Community Value	Chief Officer
Leicestershire County Council Act XXX:		
Local Authorities Cemeteries Order 1977:		
Regulation 10	To sign exclusive rights of burial.	Chief Officer
Local Authorities (Conduct of Referendums) (England) Regulations 2007 No.2089:		
Regulation 4	Publicity in connection with referendums.	Chief Executive
Regulation 41 and paragraph 43 of Schedule 5	Receive declaration of result.	Chief Executive
Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000 No.3272:		
Regulation 3	Recording of Executive Decisions made at meetings of the Cabinet.	Chief Executive
Regulation 4	Recording of Executive Decisions made by individual members.	Chief Executive
Regulation 5	Making documents available for inspection following executive decisions.	Chief Executive
Regulation 6	Compiling list of background papers for inspection.	Chief Executive
Regulation 9	Making report and background papers relating to key decision available for inspection.	Chief Executive

Regulation 11	Access, to agenda and connected reports.	Chief Executive
Regulation 12	Publicity in connection with key decisions.	Chief Executive
Regulation 15	General exception relating to the Forward Plan.	Chief Executive
Regulation 17	Members' rights of access to documents.	Chief Executive
Regulation 21	Confidential/exempt information and exclusion of public from meetings.	Chief Executive
Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001 No.2237:		
Article 45	Recording disclosure of prejudicial interests.	Monitoring Officer
Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 No. 1024:		
Regulation 54	Receive declaration of result.	Chief Executive
Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 No. 2852:		
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 Officer
Regulation 7	Post announcement and post directions – petitions.	Chief Officer
Regulation 8	Amalgamation of petitions.	Chief Officer
Regulation 11	Procedure on receipt of petition.	Chief Officer
Regulation 13	Publicity for valid petitions.	Chief Officer
Regulation 14	Publicity for invalid petitions.	Chief Officer
Regulation 19	Action following direction.	Chief Officer
Local Authorities (Standing Orders) (England) Regulations 2001 No. 3384:		
Regulation 5 and 6	Officer who will give written notice of appointment or dismissal of Chief Officers.	Chief Executive Monitoring Officer
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 councillor.	Chief Executive

Paragraph 50 of Schedule 2	Receipt of declaration of result in parish or community election.	Chief Executive
Local Government Act 1972:		
s.13(3)	Proper Officer where there is no separate Parish Council.	Chief Executive
s.83(1) – (4)	Witness and receipt of Declaration of Acceptance of Office.	Chief Executive Monitoring Officer
s.84(1)	Receipt of notice of resignation of Elected Member.	Chief Executive Monitoring Officer
s.88(2)	Arranging a Council meeting to appoint to Chair of the Council.	Chief Executive Monitoring Officer
s.89(1)	Receipt of notice of casual vacancy.	Chief Executive
s.96(1) and (2)	Receipt of notices and recording disclosures of interests.	Monitoring Officer
s.100 (except s.100D)	Admission of public (including press) to meetings.	Monitoring Officer
s.100(B)(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 Monitoring Officer
s.100(B)(7)	The officer to supply to newspapers copies of documents supplied to Councillors.	Monitoring Officer
s.100(C)(2)	The officer to prepare a written summary of proceedings at Committees / Sub-Committees.	Monitoring Officer
s.100(D)(1) and (5)	The officer responsible for identifying and compiling lists of background papers.	Monitoring Officer
s.100(F)(2)	The officer to determine when a document should not be open to inspection because it discloses exempt information.	Monitoring Officer
s.115(2)	Receipt of money due from officers.	Chief Financial Officer

s.137 and s.137A	Receipt of statement provided in relation to financial assistance.	Chief Financial Officer
s.146(1)(a) and (b)	Declarations and certificates regarding 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.	Director for Corporate Services
s.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent.	Chief Officer
s.225	Deposit of documents.	Chief Executive
s.228(3)	Accounts for inspection by any member of the Council.	Chief Executive
s.229(5)	Certification of photographic copies of documents.	Monitoring Officer
s.234	The officer required to make or issue any notice, order or other document under any enactment and to sign the same.	Chief Executive 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.	Monitoring Officer
Para 4(2)(b) of Schedule 12	Signing of summons to Council meeting.	Chief Executive Monitoring Officer
Para 4(3) of Schedule 12	Receipt of notice about address to which summons to meeting is to be sent.	Monitoring Officer
Para 25 of Schedule 14	Certification of resolution passed under this paragraph.	Chief Executive Monitoring Officer
Para 28 of Schedule 16	Deposits of lists of buildings of special architectural or historic interest.	Chief Executive
Para 4(1)(a)&(c) of Schedule 29	The officer referred to as the Chief Finance Officer of any enactment passed before or during the 1971/72 Session of Parliament, other than the	Director for Corporate Resources

	Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions.	
Para 4(1)(a)&(c) of Schedule 29	The officer referred to as the Surveyor in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions.	Corporate Property and Asset Manager
Para 4(1)(a)&(c) of Schedule 29	The officer referred to as the Public Health Inspector or Sanitary Inspector in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions.	Assistant Director for Planning
Local Government Act 1974:		
s.30(5)	To give notice that copies of an Ombudsman's report are available.	Monitoring Officer
Local Government Act 2000:		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation.	Chief Executive except as specifically provided in this scheme
Local Government Finance Act 1988:		
s.114	Financial Report to the Authority.	Chief Financial Officer Monitoring Officer
s.116	Notify auditor of meeting to consider financial report to the authority and decision at that meeting.	Chief Financial Officer

Local Government Housing Act 1989:		
s.2(4)	Recipient of the list of politically restricted posts.	Monitoring Officer
s.3	Employers certificate for exemption from politically restricted posts.	Monitoring Officer
s.4	Head of Paid Service.	Chief Executive
s.5	The Monitoring Officer.	Monitoring Officer
s.15	Officers to receive notices relating to membership of political groups.	Monitoring Officer
s.19	Arrangements in respect of the Register of Members Interests.	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
Local Government (Committees and Political Groups) regulations 1990 No. 1553		
Regulation 13	To receive notification of the wishes of Political Groups in relation to the composition of committees and nominations to political groups.	Monitoring Officer
National Assistance Act 1948:		
s.48	Medical Officer of health.	Chief Executive
Representation of the People Act 1983		
S.8	Electoral Registration Officer	Chief Executive
S.52(2)	Deputy Electoral Registration Officer	
S.35	Returning Officer for Parish and Borough Council Elections	Chief Executive
S.24	Returning Officer for Parliamentary Elections	Mayor of Melton Borough Council
S.28	Acting Returning Officer for Parliamentary Elections	Chief Executive
s.67	Acting as the appropriate person for the purposes of Part II.	Chief Executive
s.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection.	Chief Executive

s.128	Publishing a petition questioning a local election.	Chief Executive
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.200	Posting notices required in relation to local elections.	Chief Executive
Paragraphs 3, 5 and 8 of Schedule 4	Receipt of an election expense declarations and returns and the holding of those documents for public inspection.	Chief Executive

2.0 Public Health

2.1 Note: Infectious Disease Legislation for which Melton Borough Council is the enforcing Authority is co-ordinated by a joint approach. The Consultant in Health Protection is employed by the Leicestershire Health Authority and is appointed as the Proper Officer for Melton Borough Council.

2.2 National Assistance Act 1948 (as amended by the National Assistance Act 1951)

s.47	Removal to suitable premises of person in need of care and attention.	Consultant in Health Protection
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Public Health Act 1936:

s.79	Power to require removal of noxious matter.	Chief Officer
s.84	Certificate relating to cleansing or destruction of filthy or verminous items.	Chief Officer
	Cleansing of verminous persons or articles.	Chief Officer
s.85(2)	To serve notice requiring remedial action where there are verminous persons or articles.	Consultant in Health Protection and Chief Officer

Public Health (Control of Disease) Act 1984:

s.11(1)	Notifiable disease/food poisoning.	Chief Officer
s.11(3)	Notifiable disease/food poisoning.	Consultant in Health Protection
s.18	Information to be furnished with regard to notifiable diseases/food poisoning.	Chief Officer

s.20(1)	Preventing someone working to stop spread of disease.	Consultant in Health Protection
s.21	Preventing someone working to stop the spread of disease.	Consultant in Health Protection
s.22	List of day pupils at schools having a case of notifiable diseases.	Consultant in Health Protection
s.23		Consultant in Health Protection
s.24(1)(a)	Infected articles not to be taken or sent to be washed or cleaned.	Consultant in Health Protection
s.24(3)		
s.29	Letting of house or room after recent case concerning notifiable disease.	Consultant in Health Protection
s.31	Certification by officer of need for disinfection of premises.	Consultant in Health Protection
s.32	Certification by officer of need to remove person from infected house.	Chief Officer
s.35	Power of Justice to order a medical examination.	Consultant in Health Protection
s.36	Certification in respect of Power of Justice to order medical examination of group of persons believed to comprise carrier of a notifiable disease.	Consultant in Health Protection
s.37		Consultant in Health Protection
s.38		Consultant in Health Protection
s.40	Power of Justice to order medical examination if inmates of common lodging house.	Consultant in Health Protection
s.41	Power of local authority to remove temporarily inmate of infected house.	Consultant in Health Protection
s.43	Removal of body of a person suffering from notifiable disease.	Consultant in Health Protection
s.48	Removal of body to mortuary or for immediate burial.	Consultant in Health Protection

s.60	Receipt of notices and other documents.	Chief Officer
Public Health (Aircraft) Regulations 1979:		
Regulation 5 and all references to Medical Officers		Chief Officer

3.0 **Deputy Proper Officer Provisions**

3.1 **Chief Executive**

In respect of the purposes for which the Chief Executive is the Proper Officer of the Council, the Monitoring Officer and/or the Chief Finance Officer be authorised to act as such Proper Officer when the Chief Executive is unable to act except regarding the designation as Head of Paid Service under s.4 of the Local Government and Housing Act 1989.

3.2 **Monitoring Officer**

In respect of the purposes for which the Monitoring Officer is the Proper Officer of the Council, the Deputy Monitoring Officer be authorised to act as such Proper Officer when the Monitoring Officer is unable to act.

3.3 **Chief Finance Officer**

In respect of the purposes for which the Chief Financial Officer is the Proper Officer of the Council, the Deputy Chief Financial Officer be authorised to act as such Proper Officer when the Chief Financial Officer is unable to act.