

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.

The Council has approved the appointment of the following officers as proper officers.

Any reference to Chief Officer 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.

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 where specific arrangements have not been made under the following provisions.

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:

| Legislative Provision | Function | Proper Officer |
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| 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: | | |

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| 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: | | |
| Articles 37, 38 and 39 | Data Protection Officer | Chief Officer |
| 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: | | |
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| 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 |

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| 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 |

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| 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 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 | 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 |

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| 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 | 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 Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions | Director for Corporate Resources |
| 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 | Housing and Corporate 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 Strategic Planning and Regulatory Services |
| 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: | | |

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| 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 | Director for Law and Governance |
| 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 | | |
| | For 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.8 | Deputy Registration Officer | Director for Law and Governance |
| s.24 | Acting Returning Officer for a Parliamentary Election | Chief Executive |
| s.24 | Deputy Acting Returning Officer for a Parliamentary Election | Director for Law and Governance |
| s.35 | Returning Officer for Local Elections | Chief Executive |
| s.67 | Acting as the appropriate person for the purposes of Part II | Chief Executive |

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| 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 |
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Public Health

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.

| National Assistance Act 1948 (as amended by the National Assistance Act 1951) | | |
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| s.47 | Removal of suitable premises of person in need of care and attention | Consultant in Health Protection |
| 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 | Consultant in Health Protection |

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| | persons believed to comprise carrier of a notifiable disease | |
| 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 |

Deputy Proper Officer Provisions

Chief Executive:

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

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

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