

Bath & North East Somerset Council

Proper Officer Functions

1. The Council has appointed the following Proper Officers for the purposes of the statutory provisions set out below.
2. Subject to the proper officer appointments set out below, the Chief Executive and each Corporate Director shall be authorised to act as the Proper Officer for the statutory responsibilities which fall within their area of responsibility.

LOCAL GOVERNMENT ACT 1972

Section	Purpose of Appointment	Proper Officer
83	To witness and receive declarations of acceptance of the office of Chairman and Vice-Chairman of the Council and of Councillors.	Chief Executive Monitoring Officer & Director (Legal & Democratic Services) Democratic Services Manager
84	To receive written notice of the resignation from the office of Chairman and Vice-Chairman of the Council and of Councillors.	Chief Executive Monitoring Officer & Director (Legal & Democratic Services)
88(2)	To convene, if necessary, a meeting of the Council when the office of Chairman of the Council is vacant.	Chief Executive Monitoring Officer & Director (Legal & Democratic Services)
89(1)(B)	To receive written notice from two local government electors of a casual vacancy in the office of Councillor.	Democratic Services Manager Monitoring Officer & Director (Legal & Democratic Services)
100B(2) Inserted by Local Government (Access to Information Act 1985)	To decide whether part or the whole of reports should be excluded from public inspection before a meeting if they relate only to items during which the meeting is likely not to be open to the public.	Monitoring Officer & Director (Legal & Democratic Services) Democratic Services Manager

100B((7)(c))	To supply to the press additional material supplied to members of the Council in connection with the item to be discussed.	Monitoring Officer & Director (Legal & Democratic Services) Democratic Services Manager
100C(2)	To prepare a written summary of proceedings taken by a Committee in private.	Monitoring Officer & Director (Legal & Democratic Services) Democratic Services Manager
100D(1)	To compile a list of background papers to a report to a Committee.	Corporate Director, Director or other officer in whose name the report is written.
100D(5)(a)	Identifying background papers of reports.	Corporate Director, Director or other officer in whose name the report is written.
100F(2)	Identifying which documents contain exempt information not open to inspection by Members of the Council.	Monitoring Officer & Director (Legal & Democratic Services) Democratic Services Manager
146	To sign the statutory declaration to enable the transfer of securities in the event of a change in the name or status of the Local Authority.	Director - Finance
191	To receive applications made under Section 1 of the Ordnance Survey Act 1841 for assistance in surveying disputed boundaries.	Director, Economy & Growth
210	To exercise certain residual functions relating to charities.	Monitoring Officer & Director (Legal & Democratic Services)
225	To receive and retain documents deposited with the Local Authority.	Monitoring Officer & Director (Legal & Democratic Services)
229	To certify, for the purpose of any legal proceedings, that a document is a photographic copy of the	Monitoring Officer & Director (Legal & Democratic Services) (generally) and all

	original document.	Directors and Corporate Directors within their areas of responsibility
234	To sign any notice, order or other document on behalf of the Authority; any document purporting to be so signed being deemed to be issued by the Authority.	Monitoring Officer & Director (Legal & Democratic Services)
236	To send to the Council of every Parish in the area a copy of every byelaw made by the Council and confirmed by the Secretary of State.	Monitoring Officer & Director (Legal & Democratic Services)
238	Certification of copy of byelaws.	Monitoring Officer & Director (Legal & Democratic Services)
Schedule 12 (Paragraph) 4(2)(b)	To sign and send to all Members of the Council the summons to attend meetings of the Council, specifying the business to be transacted.	Chief Executive Monitoring Officer & Director (Legal & Democratic Services) Democratic Services Manager
4(3)	Receiving notice from a member of the address to which a summons to the meeting is to be sent.	Democratic Services Manager

REGISTRATION SERVICES

4	Appointment of Interim Superintendent Registrars or Interim Registrars of Births and Deaths under Section 9 of the Registration Service Act 1953.	Head of Digital & Customer Service Transformation
4	In relation to the Registration of Births, Deaths and Marriages, to exercise the functions under the Marriage Act 1949	Head of Digital & Customer Service Transformation
4	In relation to the approval of premises for the	Head of Digital & Customer Service

	solemnisation of marriages under Section 26(1)(bb) and Section 46A of the Marriage Act 1949 (as amended by the Marriage Act 1994) and the Marriages and Civil Partnerships Act (Approved Premises) Regulations 2005.	Transformation
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MARRIAGES AND CIVIL PARTNERSHIPS (APPROVED PREMISES) REGULATIONS 2005

	To be the Proper Officer for the purposes of the Registration Act 1953, the Marriage Act 1949 (as amended by the Marriage Act 1994) the Civil Partnership Act 2004, and the Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 and to set fees and offer discounts where applicable.	Head of Digital & Customer Service Transformation
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LOCAL GOVERNMENT ACT 1974

30(5)	Giving public notice of receipt of report by a Local Commissioner	Monitoring Officer & Director (Legal & Democratic Services)
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HIGHWAYS ACT 1980

59(1)	To certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight or extraordinary damage.	Director, Environment
205(3)(4) & (5)	To undertake duties in relation to private street works.	Director, Environment

210(2)	To certify any amendments to estimated costs and provisional apportionment of costs of street works under the private street works code.	Director, Environment
211(1), 212(4), 216(2), and (3)	To make a final apportionment of expenses of street works executed under the private street works code as detailed in the Schedules.	Director, Environment
Section 295	Issuing a notice requiring owners to remove materials from non-maintainable streets in which works are due to take place.	Director, Environment
Section 321	Authentication of notices, consents, approvals, orders, demands, licenses, certificates or other documents.	Director, Environment
Schedule 9, Paragraph 4	Signing plans showing proposed improvement or building lines.	Director, Environment

LOCAL GOVERNMENT FINANCE ACT 1988

116(1)	Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the "Chief Financial Officer"	Monitoring Officer & Director (Legal & Democratic Services) Democratic Services Manager
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LOCAL GOVERNMENT AND HOUSING ACT 1989

2	To receive on deposit a list of politically restricted posts.	Head of Human Resources & Organisational Development
3A	In consultation with the Monitoring Officer, to determine applications for exemption from political restriction or for designation of posts as politically restricted.	Chief Executive (as Head of Paid Service)
15 and 16	To undertake all matters	Democratic Services

	relating to the formal establishment of political groups within the membership of the Council.	Manager
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FOOD SAFETY ACT 1990

49(3)	Signing any document authorised or required to be given, made or issued by the Food Authority.	Director, Environment
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LOCAL GOVERNMENT ACT 2000

SECTION 9G AND 9GA: MEETINGS AND ACCESS TO INFORMATION ETC

LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 (SI 2012/2089)

Regulation 7	Exclusion of whole or part of any reports to the Cabinet or Cabinet Member where they relate only to items during which the meeting is likely not to be open to the public.	Monitoring Officer & Director (Legal & Democratic Services)
Regulation 10	Informing the relevant Select Committee Chairman or the Committee Members by notice in writing of decisions to be made, where it has been impracticable to comply with the publicity requirements (in the "Forward Plan") and making available for public inspection notices relating to this.	Monitoring Officer & Director (Legal & Democratic Services) Democratic Services Manager
Regulation 12	Producing a written statement of Cabinet decisions made at meetings.	Monitoring Officer & Director (Legal & Democratic Services) Democratic Services Manager
Regulation 13	Producing a written statement of decisions made by individual Cabinet Members.	Monitoring Officer & Director (Legal & Democratic Services) Democratic Services

		Manager
Regulation 14	Making a copy of written statements of Cabinet and Cabinet Member and officer executive decisions and associated reports available for inspection by the public.	Monitoring Officer & Director (Legal & Democratic Services) Democratic Services Manager
Regulation 15 and Regulation 2	Making available for inspection a list of background papers.	Monitoring Officer & Director (Legal & Democratic Services) Democratic Services Manager
Regulation 16(5)	Determining whether certain documents contain exempt information.	Monitoring Officer & Director (Legal & Democratic Services) Democratic Services Manager
Regulation 16(7)	Determining whether certain documents contain advice provided by a political adviser or assistant.	Monitoring Officer & Director (Legal & Democratic Services) Democratic Services Manager
Regulation 20	Determining whether documents contain confidential information, exempt information or the advice of a political adviser or assistant.	Monitoring Officer & Director (Legal & Democratic Services) Democratic Services Manager

LOCAL GOVERNMENT ACT 2000

SECTION 34: LOCAL AUTHORITIES (REFERENDUMS) PETITIONS AND DIRECTIONS) REGULATIONS 2000 (SI 2000/2852)

Regulations 4 and 5	Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000.	Monitoring Officer & Director (Legal & Democratic Services) Electoral Services
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LOCALISM ACT 2011

29	Establish, maintain and publish a Register of Interests.	Monitoring Officer & Director (Legal & Democratic Services)
33	<p>Grant a dispensation in circumstances where without the dispensation:</p> <ul style="list-style-type: none"> the number of persons prohibited by having a DPI from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; each member of the authority's executive would be prohibited by DPIs from participating in any particular business to be transacted by the authority's executive. 	Monitoring Officer & Director (Legal & Democratic Services)

LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

1 (Part 11)	Notifications to the Cabinet concerning appointments and dismissals.	Head of Human Resources & Organisational Development
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REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000

21, 22, 27, 28 and 29	The Senior Responsible	Monitoring Officer &
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	<p>Officer for RIPA.</p> <p>Designation of officers empowered to grant authorisation for the carrying out of directed surveillance, to authorise the use of covert human intelligence sources and communications data checks.</p>	<p>Director (Legal & Democratic Services)</p> <p>Chief Executive.</p>
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FREEDOM OF INFORMATION ACT 2000

36	Acting as a “qualified person” in respect of information held by the Council.	<p>Monitoring Officer & Director (Legal & Democratic Services)</p> <p>Chief Executive.</p>
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DATA PROTECTION ACT 2018

Part 3, Chapter 4, section 69	Designated Data Protection Officer for Council as Data controller	<p>Director (Risk & Assurance)</p> <p>Chief Executive.</p>
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