

## 10. Proper Officers

### 10.1 Appointment of proper officer

### 10.2 Responsibilities and proper officers

#### 10.1 Appointment of proper officer

Proper officers are designated by Council for the functions listed below as required by various statutory provisions.

#### 10.2 Responsibilities and proper officers

“Proper Officer” means the officer designated below by the Council for the purpose of this Scheme or in the absence of such designation, the Chief Executive.

Legislation in the following table includes any amendments, re-enactments and subordinate legislation.

**Table of proper officer’s responsibilities**

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper officer</b>
Public Health Act 1936	Section 85(2)	Serving a notice requiring action to deal with verminous people or things	Head of Regulatory Services and Community Safety
Public Health Act 1961	Section 37	Controlling verminous things	Head of Regulatory Services and Community Safety
Local Government Act 1972	Section 83(1) to (4)	Witnessing and receiving declarations of acceptance of office	Chief Executive
	Section 84(1)	Receiving a Councillor’s resignation	Chief Executive
	Section 88(2)	Calling a Council meeting to elect a chair if there is a casual vacancy	Chief Executive
	Section 89(1)	Receipt of notice of a casual vacancy	Chief Executive
	Section 100 except 100D	Access to meetings and documents	Head of Law and Governance

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper officer</b>
	Section 100D	Listing background papers for reports and making copies available	Each Head of Service for their service area reports
	Part VA	Access to information	Head of Law and Governance
	Section 115(2)	Receiving money due from officers	Head of Financial Services
	Section 146(1) (a) and (b)	Making declarations and certificates about transferring securities on alteration of area	Head of Financial Services
	Section 173-178	Keeping records of councillors' allowances	Head of Law and Governance
	Section 191	Receiving applications under Section 1 of the Ordnance Survey Act 1841	Head of Law and Governance
	Section 214(3) and Article 9 of the Local Authorities' Cemeteries Order 1974	To grant exclusive right of burial and sign the necessary certificate	Cemeteries Manager
	Section 223	Authorisation (appearance by persons other than solicitors in legal proceedings)	Head of Law and Governance
	Section 225	Deposit of documents	Head of Law and Governance
	Section 228	Inspection of documents	Head of Law and Governance
	Section 228(3)	Making accounts available for Councillors to look at	Head of Financial Services

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper officer</b>
	Section 229(5)	Certifying photocopies of documents	Head of Law and Governance
	Section 234	Signing notices, orders and other documents which the Council is required or authorised to issue by or under any enactment	All Heads of Service. The Head of Housing will be the Proper Officer, as Council Representative (Oxford Direct Services), for all Council functions carried out by Oxford Direct Services Ltd
	Section 236(9) and (10)	Sending copies of byelaws to parish Councils, parish meetings and the county Council	Head of Law and Governance
	Section 238	Certification of byelaws	Head of Law and Governance
	Section 248	Keeping a list of freemen/freewomen of the city	Head of Law and Governance
	Schedule 12, Para 4(1A)(b)	Authenticating a summons to attend a meeting	Head of Law and Governance
	Schedule 12, Para 4(2)(b)	Signing the summons to full Council	Chief Executive
	Schedule 12 Para 4(3)	Receipt of notification of address to send summonses to full Council meetings	Head of Law and Governance
	Schedule 14 Para 25	Certifying resolutions passed under this Paragraph	Head of Law and Governance

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper officer</b>
Local Government Act 1974	Section 30(5)	Giving notice that copies of an ombudsman's report are available	Chief Executive
Local Government (Miscellaneous Provisions) Act 1976	Section 41	Certifying copies of resolutions and minutes and copy instruments appointing officers to perform certain functions	Head of Law and Governance
Local Authorities Cemeteries Order 1977	Article 10	Signing exclusive burial rights	Cemeteries Manager
Highways Act 1980		Signing notices, orders and other documents which the Council is required or authorised to issue in relation to all work contracted out to Oxford Direct Services Limited	Head of Housing as Council Representative (Oxford Direct Services)
Representation of the People Act 1983	Section 28	Acting Returning Officer at Parliamentary Elections	Returning Officer appointed by the Council (currently Head of Law and Governance 2/10/17)
	Section 67	Receipt of appointment and publication of names and addresses of election agents	Returning Officer
	Section 81	Receipt of return of election expenses	Returning Officer
	Section 82 and 89	Receiving election expense declarations and returns and holding them for the public to look at	Returning Officer
	Section 131	Providing accommodation for holding election count	Returning Officer
County Courts Act 1984	Section 60(2)	Rights of audience in the County Court before district judge	Head of Law and Governance

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper officer</b>
Public Health (Control of Disease) Act 1984	Section 11	Being told about cases of notifiable disease or food poisoning	The Consultants in Communicable Disease Control (CCDC) and Consultants in Health Protection (CHP) employed within the Public Health England South East region
	Section 18	Getting information about cases of notifiable disease or food poisoning	The Consultants in Communicable Disease Control (CCDC) and Consultants in Health Protection (CHP) employed within the Public Health England South East region
	Section 20	Stopping of work to prevent disease spreading	The Consultants in Communicable Disease Control (CCDC) and Consultants in Health Protection (CHP) employed within the Public Health England South East region
	Section 21	Excluding children from school if they are likely to carry a notifiable disease	The Consultants in Communicable Disease Control (CCDC) and Consultants in Health Protection (CHP) employed within the Public Health England South East region
	Section 22	Asking for the names and addresses of pupils at a school or department of a school	The Consultants in Communicable Disease Control (CCDC) and Consultants in Health Protection (CHP) employed

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper officer</b>
			within the Public Health England South East region
	Section 32	Certifying the need to remove someone from an infected house	Head of Regulatory Services and Community Safety
	Section 36	Issuing certificates to get an order to examine people believed to be carrying notifiable diseases	The Consultants in Communicable Disease Control (CCDC) and Consultants in Health Protection (CHP) employed within the Public Health England South East region
Local Government and Housing Act 1989	Section 2(4)	Keeping the list of politically restricted posts	Chief Executive
	Section 15-17	Allocating seats on committees	Head of Law and Governance
	Section 18	Arrangements in respect of the scheme of members' allowances	Head of Law and Governance
Local Government (Committees and Political Groups) Regulations 1990	All sections	Dealing with membership of political groups, political balance on committees and nominations by political groups	Head of Law and Governance
Local Government Act 2000	Chapter 4	Dealing with changing governance arrangements	Head of Law and Governance
	Section 99 and 100	Regarding councillors' allowances and having regard to all relevant regulations, including The Local Authorities (Members' Allowances)(England) Regulations 2003	Head of Law and Governance

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper officer</b>
Local Authorities (Standing Orders) (England) Regulations 2001	Schedule 1 Part II	Giving notice of appointments and dismissals of officers to the Cabinet in accordance with the Regulations	Head of Business Improvement
	Schedule 3	Provisions relating to disciplinary action	Head of Business Improvement
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	Regulation 3	Recording of executive decisions made at meetings	Head of Law and Governance
	Regulation 4	Admission of public to meetings of the executive	Head of Law and Governance
	Regulation 5	Procedures prior to private meetings of the executive	Head of Law and Governance
	Regulation 6	Procedures prior to public meetings of the executive	Head of Law and Governance
	Regulation 7	Access to agenda and connected reports for public meetings of the executive	Head of Law and Governance
	Regulations 9-11	Publicity and procedure in connection with key decisions	Head of Law and Governance
	Regulation 12	Recording of executive decisions made at meetings	Head of Law and Governance
	Regulation 13	Recording of executive decisions made by individuals	Head of Law and Governance
	Regulation 14	Inspection of documents following executive decisions	Head of Law and Governance
Regulation 15	Inspection of Background Papers	Each Head of Service for their service area reports	

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<b>Legislation</b>		<b>Responsibility</b>	<b>Proper officer</b>
	Regulation 16	Exemptions from rights of access to certain documents	Head of Law and Governance
	Regulation 20	Confidential information, exempt information and advice of a political adviser or assistant	Head of Law and Governance