# 10. Proper Officers

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## Appointment of proper officer

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

## 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

| Legislation |  | Responsibility | Proper officer |
| --- | --- | --- | --- |
| 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 |
| 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 |
| 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 Services 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 |
| 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 Services 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 |
| 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 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 |
| Social Security Administration Act 1992 | Section 110A | Issuing Authorisations | Head Of Financial Services |
| 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 |
| 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 |
| 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 |