

To: Council
Date: 27 November 2023
Report of: Head of Law & Governance (Monitoring Officer)
Title of Report: Amendment to Proper Officer Designations

Summary and recommendations	
Purpose of report:	To seek Council agreement to amend the Constitution to reflect changes in responsibilities for functions.
Key decision:	No
Recommendation(s): That the Council resolves to:	
1.	Approve the following changes to the Constitution:
a.	Amend Part 10.1 to include delegation to the Monitoring Officer to make amendments to Proper Officer designations to reflect changes to the senior management structure.
b.	Amend the table at Part 10.2 (Table of Proper Officer Responsibilities) at Local Government Act 1972 Section 234 “Signing notices, orders and other documents which the Council is required or authorised to issue by or under any enactment” to include ‘where no Head of Service, the relevant director will be the Proper Officer’.
2.	Note that the changes will take effect as of the 12 December 2023

Appendices
None

Introduction and background

1. The Council’s Constitution (Part 10) provides that Heads of Service are designated as the Proper Officer (the person in whose name documents must be issued) for the signing of “notices, orders and other documents which the Council is required or authorised to issue by or under any enactment” for functions which fall within their managerial and budgetary responsibility.

2. To reflect structural changes within the Council, the Proper Officer designations as set out at Part 10.2 of the Council's Constitution need to be amended to regularise the designation of Proper Officer.

3. The amendment of Part 10.1 to allow for a delegation to the Monitoring Officer will ensure minor amendments can be made to the designations set out in the table in the Constitution at Part 10.2 following any changes to the senior management structure.

Financial implications

2. There are no financial implications arising from the recommendations of this report.

Legal issues

3. This will ensure that the Proper Officer designations properly reflect the senior management structure.

Risk implications

4. If the amendments are not made it may affect the validity of the exercise of statutory functions or leave a gap in terms of who is able to exercise them, impacting on service delivery.

Equalities impact

5. No Equalities Impact Assessment is required as this is purely a change to align functions within the Council but will not impact on the delivery of any of the functions.

Report author	Jonathan Malton
Job title	Committee and Member Services Manager
Service area or department	Law and Governance
Telephone	01865 529117
e-mail	jmalton@oxford.gov.uk

Background Papers: None	
1	The Council's constitution