

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. The Monitoring Officer has delegation to make amendments to Proper Officer designations to reflect changes to the senior management structure.

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

Legislation		Responsibility	Proper officer
Local Public Services Data Handling Guidelines & Public Sector Network Information Assurance Conditions	N/A	Acting as the Council’s Senior Information Risk Officer	Deputy Chief Executive – Citizens and Services
General Data Protection Regulation 2015 (EU 2016/679) and Data Protection Act 2018		Acting as the Council’s Data Protection Officer	Monitoring Officer
Public Health Act 1936	Section 85(2)	Serving a notice requiring action to deal with verminous people or things	Director of Planning and Regulation

Legislation		Responsibility	Proper officer
Public Health Act 1961	Section 37	Controlling verminous things	Director of Planning and Regulation
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	Director of Law, Governance and Strategy
	Section 100D	Listing background papers for reports and making copies available	Each Director of Service for their service area reports
	Part VA	Access to information	Director of Law, Governance and Strategy
	Section 115(2)	Receiving money due from officers	Group Finance Director
	Section 146(1) (a) and (b)	Making declarations and certificates about transferring securities on alteration of area	Group Finance Director
	Section 173-178	Keeping records of councillors' allowances	Director of Law, Governance and Strategy
	Section 191	Receiving applications under Section 1 of the Ordnance Survey Act 1841	Director of Law, Governance and Strategy

Legislation		Responsibility	Proper officer
	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)	Director of Law, Governance and Strategy
	Section 225	Deposit of documents	Director of Law, Governance and Strategy
	Section 228	Inspection of documents	Director of Law, Governance and Strategy
	Section 228(3)	Making accounts available for Councillors to look at	Group Finance Director
	Section 229(5)	Certifying photocopies of documents	Director of Law, Governance and Strategy
	Section 234	Signing notices, orders and other documents which the Council is required or authorised to issue by or under any enactment	All Directors. The Director 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	Director of Law, Governance and Strategy
	Section 238	Certification of byelaws	Director of Law, Governance and Strategy

Legislation		Responsibility	Proper officer
	Section 248	Keeping a list of freemen/freewomen of the city	Director of Law, Governance and Strategy
	Schedule 12, Para 4(1A)(b)	Authenticating a summons to attend a meeting	Director of Law, Governance and Strategy
	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	Director of Law, Governance and Strategy
	Schedule 14 Para 25	Certifying resolutions passed under this Paragraph	Director of Law, Governance and Strategy
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	Director of Law, Governance and Strategy
Local Authorities Cemeteries Order 1977	Article 10	Signing exclusive burial rights	Director of Citizens and City Services
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	Director of Economy, Regeneration and Sustainability 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 (Chief Executive)

Legislation		Responsibility	Proper officer
	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	Director of Law, Governance and Strategy
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

Legislation		Responsibility	Proper officer
			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	Director of Planning and Regulation
	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	Legal Services Manager
	Section 15-17	Allocating seats on committees	Director of Law, Governance and Strategy

Legislation		Responsibility	Proper officer
	Section 18	Arrangements in respect of the scheme of members' allowances	Director of Law, Governance and Strategy
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	Director of Law, Governance and Strategy
Social Security Administration Act 1992	Section 110A	Issuing Authorisations	Group Finance Director
Local Government Act 2000	Chapter 4	Dealing with changing governance arrangements	Director of Law, Governance and Strategy
	Section 99 and 100	Regarding councillors' allowances and having regard to all relevant regulations, including The Local Authorities (Members' Allowances)(England) Regulations 2003	Director of Law, Governance and Strategy
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	Director of Law, Governance and Strategy
	Schedule 3	Provisions relating to disciplinary action	Director of Law, Governance and Strategy
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	Regulation 3	Recording of executive decisions made at meetings	Director of Law, Governance and Strategy
	Regulation 4	Admission of public to meetings of the executive	Director of Law, Governance and Strategy
	Regulation 5	Procedures prior to private meetings of the executive	Director of Law, Governance and Strategy

Legislation		Responsibility	Proper officer
	Regulation 6	Procedures prior to public meetings of the executive	Director of Law, Governance and Strategy
	Regulation 7	Access to agenda and connected reports for public meetings of the executive	Director of Law, Governance and Strategy
	Regulations 9-11	Publicity and procedure in connection with key decisions	Director of Law, Governance and Strategy
	Regulation 12	Recording of executive decisions made at meetings	Director of Law, Governance and Strategy
	Regulation 13	Recording of executive decisions made by individuals	Director of Law, Governance and Strategy
	Regulation 14	Inspection of documents following executive decisions	Director of Law, Governance and Strategy
	Regulation 15	Inspection of Background Papers	Each Director for their service area reports
	Regulation 16	Exemptions from rights of access to certain documents	Director of Law, Governance and Strategy
	Regulation 20	Confidential information, exempt information and advice of a political adviser or assistant	Director of Law, Governance and Strategy