

**THE “PROPER OFFICER” PROVISIONS**

<b><u>Function</u></b>	<b><u>Proper Officer</u></b>	<b><u>Person to act in the event of the Proper officer being absent or otherwise unable to act</u></b>
<p>(1) Any reference in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 to the Clerk of a Council or the Town Clerk of a Borough.</p>	Chief Executive	Director of Corporate Services (Monitoring Officer)
<p>(2) The following provisions in the Local Government Act 1972:-</p> <p style="padding-left: 40px;">(a) Section 88(2) – the Officer who may convene a meeting for the election of Chairman of the Council following a casual vacancy in that office.</p> <p style="padding-left: 40px;">(b) Schedule 12, Part 1, para 4(2)(b) – the Officer who shall sign a summons to attend a Council meeting.</p>	<p style="text-align: center;">Chief Executive</p> <p style="text-align: center;">Director of Corporate Services (Monitoring Officer)</p>	<p style="text-align: center;">Director of Corporate Services (Monitoring Officer)</p> <p style="text-align: center;">Democratic and Electoral Services Manager</p>
<p>(3) Any reference in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 to the Treasurer of a local authority.</p>	Head of Finance (Chief Finance Officer)	Chief Accountant

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<p>(4) The following provisions of the Local Government Act 1972:-</p> <p>(a) Section 115(2) – the Officer who shall receive all money due from any other Officer of the Council.</p> <p>(b) Section 146(1) – the Officer who (upon a transfer of securities the alteration of the name of the District) shall make a statutory declaration specifying the securities and verifying the change of name and identify of the Council or shall give such a certificate as it is prescribed by paragraph of this subsection.</p> <p>(c) Section 151 – the Officer having responsibility for the administration of the financial affairs of the Council.</p>	<p>Head of Finance (Chief Finance Officer)</p> <p>Head of Finance (Chief Finance Officer)</p> <p>Head of Finance (Chief Finance Officer)</p>	<p>Chief Accountant</p> <p>Chief Accountant</p> <p>Chief Accountant</p>

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<p>(5) The following provisions of the Representation of the People Act 1983:-</p> <p>(a) Section 8 and Section 52 – the Registration Officer for any constituency of part of a constituency coterminous with or situated in the Borough.</p> <p>(b) Section 35(1) – the Returning Officer for elections of Councillors of the District and for elections of Councillors of Parishes within the District.</p>	<p>Chief Executive</p> <p>Chief Executive</p>	<p>Director of Corporate Services (Monitoring Officer) and Democratic and Electoral Services Manager</p> <p>Director of Corporate Services (Monitoring Officer) and Democratic and Electoral Services Manager</p>
<p>(6) The following provisions of the Local Government Act 1972:-</p> <p>(a) Section 83(1) – the Officer to whom a person elected to the office of Chairman, Vice-Chairman, Councillor or elected Mayor of the Council of the district shall deliver a declaration of acceptance of office in a form prescribed by rules made under Section 42 of the Act.</p> <p>(b) Section 84 – the Officer to whom a person elected to any office under the Act or elected as an elected Mayor may give written notice of resignation.</p>	<p>Director of Corporate Services(Monitoring Officer)</p> <p>Director of Corporate Services (Monitoring Officer)</p>	<p>Democratic and Electoral Services Manager</p> <p>Democratic and Electoral Services Manager</p>

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(c) Section 89(1) – the Officer to whom notice shall be given of any casual vacancy occurring in the office of Councillor.	Director of Corporate Services (Monitoring Officer)	Democratic and Electoral Services Manager
(d) Section 191(2) – the Officer who shall receive an application under section 1 of the Ordnance Survey Act 1841.	Director of Corporate Services (Monitoring Officer)	Democratic and Electoral Services Manager
(e) Section 210(6) – the Officer who shall exercise the powers relating to charities conferred by these subsections.	Director of Corporate Services (Monitoring Officer)	Democratic and Electoral Services Manager
(f) Section 225(1) – the Officer who shall receive and retain documents deposited with the Council pursuant to the Standing Orders of either Houses of Parliament or to any enactment or instrument, and shall take such action relating to these documents as may be directed.	Director of Corporate Services (Monitoring Officer)	Democratic and Electoral Services Manager
(g) Schedule 12, Part I, para 4(3) – the Officer to whom a member of the Council shall give notice in writing desiring summonses to attend meetings of the Council to be sent to an address specified in the notice other than his place of residence.	Director of Corporate Services (Monitoring Officer)	Democratic and Electoral Services Manager
(h) Schedule 14, Part II, para 25(7) – the Officer who shall certify a resolution of the Council under this paragraph.	Head of Legal Services	Director of Corporate Services (Monitoring Officer)

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<p>(k) Section 236(9) – the Officer who shall send a copy of every byelaw made by the Council and confirmed to the Proper Officer of every parish to which they apply.</p> <p>(l) Section 236(10) – the Officer who shall send a copy of every byelaw made by the Council and confirmed to the Council of the County.</p> <p>(m) Section 238 – the Officer who shall certify a printed copy of a byelaw of the Council.</p> <p>(n) In relation to Section 13(3) of the Local Government Act 1972 – the Officer who together with the Chairman of the Parish Member shall be a body corporate by the name “The Parish Trustess”.</p>	<p>Head of Legal Services</p> <p>Head of Legal Services</p> <p>Head of Legal Services</p> <p>Director of Corporate Services (Monitoring Officer)</p>	<p>Director of Corporate Services (Monitoring Officer)</p> <p>Director of Corporate Services (Monitoring Officer)</p> <p>Director of Corporate Services (Monitoring Officer)</p> <p>Democratic and Electoral Services Manager</p>
<p>(7) The Proper Officer for the purposes of Part I of the Local Government and Housing Act 1989.</p>	<p>Director of Corporate Services</p>	<p>Head of Human Resources</p>
<p>(8) All other cases in respect of which the Strategic Director has from time to time been appointed as the Proper Officer of the Council.</p>	<p>Director of Corporate Services</p>	<p>Chief Executive</p>

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(9) In relation to Section 41 of the Local Government (Miscellaneous Provisions) Act 1976 – the Officer for certifying documents as provided for under this section. – evidence of resolutions and minutes of proceedings	Head of Legal Services	Director of Corporate Services (Monitoring Officer)
(10) The following provisions of the Local Government Act 1972:-  (a) Section 229(5) – the Officer who shall certify a photographic copy of a document in the custody of the Council, or of a document which has been destroyed while in the custody of the Council, or of any part of any such document.  (b) Section 234(1) – the Officer whose signature shall authenticate any notice, order of other document which the Council is required or authorised to issue by or under any enactment.	Head of Legal Services  Head of Legal Services	Director of Corporate Services (Monitoring Officer)  All other officers exercising delegated powers
(11) Any reference in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the Public Health Inspector.	Head of Service Delivery	Commercial Team Manager

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(12) The Officer responsible for the convening of newly created Parish Councils.	Director of Corporate Services (Monitoring Officer)	Democratic and Electoral Services Manager
<b><u>PART I PUBLIC HEALTH ENACTMENTS</u></b>		
(13) The Clinical Director of the Kent Health Protection Unit is appointed as the Proper Officer of the Council to carry out duties under the Public Health (Control of Disease) Act 1984, the Public Health Act 1936, the Public Health (Ships) Regulations 1979, the Public Health (Aircraft) Regulations 1979 and any other Regulations made under the Act, and any consultants in Communicable Disease Control, authorised by the Clinical Director, are similarly appointed to act on his behalf.	Clinical Director of the Kent Health Protection Unit	Head of Service Delivery

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<p><b><u>PART II OTHER ENACTMENTS</u></b></p> <p><u>National Assistance Act 1948</u></p> <p>Section 47 - The removal to suitable premises of persons in need of care and attention subject to the “Medical Officer of Health” certifying in writing that “he is satisfied..... it is necessary to remove any such persons.....”</p>	<p>Commercial Team Manager</p>	<p>Head of Service Delivery</p>
<p><b><u>CONSTITUTION</u></b></p> <p>Notification of removal of Cabinet Member from office as required by Constitution.</p> <p>Responsibility of functions of Executive.</p> <p>Maintaining the Constitution.</p> <p>Publication of Constitution.</p>	<p>Director of Corporate Services (Monitoring Officer)</p> <p>Democratic and Electoral Services Manager</p> <p>Director of Corporate Services (Monitoring Officer)</p> <p>Director of Corporate Services (Monitoring Officer)</p> <p>Director of Corporate Services (Monitoring Officer)</p>	<p>Democratic and Electoral Services Manager</p> <p>Director of Corporate Services (Monitoring Officer)</p> <p>Democratic and Electoral Services Manager</p> <p>Democratic and Electoral Services Manager</p>



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<p><b><u>COUNCIL PROCEDURE RULES</u></b></p> <p>Rules 1-4 – Calling and Cancellation of Meetings (including extraordinary meetings).</p> <p>Rule 8 – Time and place of meetings.</p> <p>Rule 9 – Give notice to the public of the time and place of meeting and at least five clear days before a meeting send a summons signed by him or her to every Member of the Council.</p> <p>Rule 11 - Set a date in consultation with the Mayor or the remaining business of an inquorate meeting to be conducted, where there is no agreement between a majority of the Members present.</p> <p>Rule 13 Receipt of petitions wording in writing</p> <p>Rule 14 – Receipt of questions from members in writing or by e-mail no later than the Friday before the meeting or in response to the urgency provision in Rule14(ii)</p>	<p>Director of Corporate Services (Monitoring Officer)</p> <p>Director of Corporate Services (Monitoring Officer)</p> <p>Director of Corporate Services (Monitoring Officer)</p> <p>Director of Corporate Services (Monitoring Officer)</p> <p>Director of Corporate Services (Monitoring Officer)</p> <p>Director of Corporate Services (Monitoring Officer)</p>	<p>Democratic and Electoral Services Manager</p> <p>Democratic and Electoral Services Manager</p> <p>Democratic and Electoral Services Manager</p> <p>Democratic and Electoral Services Manager</p> <p>Democratic and Electoral Services Manager</p> <p>Democratic and Electoral Services Manager</p>

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Rule 15 - Receipt of notices of motion and ruling of notices of motion out of order or illegal.	Director of Corporate Services (Monitoring Officer)	Democratic and Electoral Services Manager
<b><u>ACCESS TO INFORMATION PROCEDURE RULES</u></b>		
Rule 4 – Notice of meetings	Director of Corporate Services (Monitoring Officer)	Democratic and Electoral Services Manager
Rule 6 - Supply of copies of papers to the public.	Director of Corporate Services (Monitoring Officer)	Democratic and Electoral Services Manager
Rule 7 – Access to minutes, agendas and reports following meetings.	Director of Corporate Services (Monitoring Officer)	Democratic and Electoral Services Manager
Rule 8.2 – Public inspection of background papers.	Director of Corporate Services (Monitoring Officer)	Democratic and Electoral Services Manager
Rule 11 - Exclusion of access by the public to reports.	Director of Corporate Services (Monitoring Officer)	Democratic and Electoral Services Manager

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Rule 14.2 - Publication of rules about the forward plan.	Director of Corporate Services (Monitoring Officer)	Democratic and Electoral Services Manager
Rule 15 - General exception to the rules relating to the forward plan.	Director of Corporate Services (Monitoring Officer)	Democratic and Electoral Services Manager
Rule 17.1 - Power to request the Executive to submit a report to Council.	Director of Corporate Services (Monitoring Officer)	Democratic and Electoral Services Manager
Rule 18 - Producing records of decision after a meeting of the Executive or any of its Committees.	Director of Corporate Services (Monitoring Officer)	Democratic and Electoral Services Manager
Rule 22.3 - Producing records of decision after a decision has been made by an individual Member of Executive.	Director of Corporate Services (Monitoring Officer)	Democratic and Electoral Services Manager
<p><b><u>BUDGET AND POLICY FRAMEWORK PROCEDURE RULES</u></b></p> <p>Rule 2) – arrangements for consultation on Cabinet initial budget and policy proposals.</p>	Democratic and Electoral Services Manager	Director of Corporate Services (Monitoring Officer)

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<p><b><u>EXECUTIVE PROCEDURE RULES</u></b></p> <p>Rule 1.4(b) - Receipt of written notice that the Leader wishes to amend the scheme of delegation relating to Executive functions and ensuring a report setting out the Leader’s proposals for amending the Executive scheme of delegations is brought before the first available meeting of the Council.</p> <p>Rule 3.5 - Items for agendas of the Cabinet.</p>	<p>Democratic and Electoral Services Manager</p> <p>Democratic and Electoral Services Manager</p>	<p>Director of Corporate Services (Monitoring Officer)</p> <p>Director of Corporate Services (Monitoring Officer)</p>

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<p><b><u>OVERVIEW AND SCRUTINY PROCEDURE RULES</u></b></p> <p>Rule 4 - Calling Overview and Scrutiny Committee meetings.</p> <p>Rule 8 - Including items on the next Agenda for an Overview and Scrutiny Committee meeting at the request of any Member</p> <p>Rule 10 - Receipt of reports from Overview and Scrutiny Committees for submission to the Executive or Council.</p> <p>Rule 13 - Receipt of notice that a Member or Officer is required to attend a meeting of an Overview and Scrutiny Committee.</p> <p>Rule 15 - Call in of decision for scrutiny after a request by an Overview and Scrutiny Committee.</p>	<p>Democratic and Electoral Services Manager</p> <p>Democratic and Electoral Services Manager</p> <p>Democratic and Electoral Services Manager</p> <p>Democratic and Electoral Services Manager</p> <p>Democratic and Electoral Services Manager</p>	<p>Director of Corporate Services (Monitoring Officer)</p> <p>Director of Corporate Services (Monitoring Officer)</p> <p>Director of Corporate Services (Monitoring Officer)</p> <p>Director of Corporate Services (Monitoring Officer)</p> <p>Director of Corporate Services (Monitoring Officer)</p>
<p><b><u>OFFICER EMPLOYMENT PROCEDURE RULES</u></b></p> <p>Rule 3 Appointment to certain posts.</p>	<p>Director of Corporate Services</p>	<p>Democratic and Electoral Services Manager</p>

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Rule 7 Dismissal from certain posts.	Director of Corporate Services	Democratic and Electoral Services Manager