

PART 9 PROPER OFFICE APPOINTMENTS

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Proper Officer Appointments for Specified Statutory Purposes

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
National Assistance Act 1948 (as amended)			
47	Removal to suitable premises of persons in need of care and attention	Consultant for Communicable Disease Control in Kent	Any equivalently medically qualified deputising officer (as designated by the Kent Health Protection Unit or any successor agency)
Local Government Act 1972			
13(3)	Parish Trustee	Chief Executive	Head of Governance & HR Strategic Director (Corporate & Regulatory)
83(1)	Witness and receipt of declaration of acceptance of office	Chief Executive	Solicitor to the Council
84	Receipt of declaration of resignation	Chief Executive	Head of Governance & HR Strategic Director (Corporate & Regulatory)
88(2)	Convening of meeting to fill a casual vacancy in the office of Chairman	Chief Executive	Solicitor to the Council
89(1)(b)	Receipt of notice of casual vacancy from local government electors	Chief Executive	Head of Governance & HR Strategic Director (Corporate & Regulatory)
100(B)(2)	To exclude from inspection by members of the public the whole or any part of a report during which, in his opinion, the meeting is likely not to be open to the public	The relevant Head of Service who originates the report (in consultation with the Solicitor to the Council)	Solicitor to the Council

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
100(B)(7)(C)	To supply newspapers with copies of any documents other than the agenda or reports supplied to members of the Council in connection with any item	Chief Executive	Section 151 Officer
100(C)(2)	If the minutes of proceedings during which a meeting was not open to the public disclose exempt information, and are therefore not open to inspection by the public, to make a written summary of such proceedings which provides such a record without disclosing the exempt information	Monitoring Officer	Head of Governance & HR Strategic Director (Corporate & Regulatory)
100(D)(1)(a) 100(D)(5)(a)	To determine the documents which constitute background papers for a report and to compile a list of such papers to be available for inspection by the public	The relevant Head of Service of the division which originates the report	Solicitor to the Council
100(F)(2)	To determine that a document is not required to be open for inspection by Members because it discloses exempt information falling within any of paragraphs 1 to 7 of Part 1 of Schedule 12A to the Act	Solicitor to the Council	Head of Governance & HR Strategic Director (Corporate & Regulatory)
115(2)	Receipt of money due from officers	Section 151 Officer	Head of Finance & Investment
146(1)(a)&(b)	Declarations and certificates with regard to securities	Section 151 Officer	Head of Finance & Investment
151	Administration of Financial Affairs	Section 151 Officer	Head of Finance & Investment
191	Functions with respect to Ordnance Survey	Chief Executive	Solicitor to the Council

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authority, or, if there is no such office, to proper officers	Chief Executive	Solicitor to the Council
225(1)	Deposit of Documents	Chief Executive	Solicitor to the Council
229(5)	Certification of Documents	Chief Executive	Solicitor to the Council
234	Signing any notice, demand, requisition, direction, order, regulation or similar documents which they are authorised to make	Chief Executive	Solicitor to the Council
234(1)	Authentication of Photographic Documents	Chief Executive	Solicitor to the Council
236(9) & (10)	Distribution of copies of Byelaws	Chief Executive	Solicitor to the Council
238	Certification of printed copies of Byelaws	Chief Executive	Solicitor to the Council
Schedule 12 paragraph 4(2)(b)	Summonses to Council Meetings	Chief Executive	Solicitor to the Council
Schedule 12 paragraph 4(3)	Receipt of notices regarding address to which summons to meetings is to be sent	Chief Executive	Solicitor to the Council
Schedule 14 paragraph 25(7)	Certification of Resolution relating to enactments applying	Chief Executive	Solicitor to the Council
Schedule 16 paragraph 28	Deposit of Lists of Buildings of Special Architectural Interest	Chief Executive	Head of Planning, Regeneration and Development
Local Government (Miscellaneous Provisions) Act 1976			

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
41	Authentication of Resolutions and Minutes of Proceedings, etc	Chief Executive	Solicitor to the Council
National Assistance Act 1948			
47	Persons in need of care and attention	Chief Executive	Head of Regulatory Services
Rent (Agriculture) Act 1976			
Schedule 4	Administration of provisions of Act	Chief Executive	Strategic Director (Corporate Resources Finance & Housing)
Public Health (Ships) Regulations 1979			
All		Consultant for Communicable Disease Control in Kent	Any equivalently medically qualified deputising officer (as designated by the Kent Health Protection Unit or any successor agency)
Representation of the People Act 1983			
8 & 52	Electoral Registration Officer and person to act in absence of Registration Officer	Chief Executive	Head of Governance & HR Strategic Director (Corporate & Regulatory)
83	Returning Officer for District, Parish & Community Council Elections	Chief Executive	Head of Governance & HR Strategic Director (Corporate & Regulatory)

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
The Parish and Community Meetings (Polls) Rules 1987			
Rule 4	Returning Officer for Parish and Community Meetings (Polls)	Chief Executive	Head of Governance & HR Strategic Director (Corporate & Regulatory)
The Health Protection (Notification) Regulations 2010			
2, 3 & 6	Control of Notifiable Diseases	Consultant for Communicable Disease Control in Kent	Any equivalently medically qualified deputising officer (as designated by the Kent Health Protection Unit or any successor agency)
Public Health (Control of Diseases) Act 1984			
10 & 11	Control of Notifiable Diseases and Food Poisoning	Consultant for Communicable Disease Control in Kent	Any equivalently medically qualified deputising officer (as designated by the Kent Health Protection Unit or any successor agency)
Local Elections (Parishes and Communities) Rules 2006			
Rule 8	Receipt of request by 10 local government electors for the electoral area to hold an election to fill a casual vacancy in the office of Parish Councillor	Chief Executive	Head of Governance & HR Strategic Director (Corporate & Regulatory)
Local Government Finance Act 1988			
114	Compilation of reports on actual or contemplated unlawful expenditure or if the Authority's expenditure, including proposed expenditure, is likely to exceed its resources	Section 151 Officer	Head of Finance & Investment
Local Government and Housing Act 1989			

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4	Head of Paid Service	Chief Executive	
5 & 5A	Monitoring Officer	Solicitor to the Council	Head of Governance & HR Principal Solicitor - Planning
15-17	Political Balance on Committees, etc	Chief Executive	Democratic & Corporate Services Manager
The Local Government (Committees and Political Groups) Regulations 1990			
All		Chief Executive	
Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000			
All		Chief Executive	
Freedom of Information Act 2000 Environmental Information Regulations 2004			
All	Provide information as stipulated in the Act	Head of Governance & HR Strategic Director (Corporate & Regulatory)	Democratic & Corporate Services Manager
General Data Protection Regulation			
Article 39	Designation of a Data Protection Officer	Solicitor to the Council	N/A

- Notes** (1) In the absence of both the Proper Officer and the Officer appointed to act in his/her absence, the person undertaking the appropriate duties of the respective posts at that time is employed to act.
- (2) In relation to any other statutory provision requiring the performance of any act or function by the "Proper Officer" and where the Council has not made specific provision, the Proper Officer shall be the Head of Service of the division whose functions are most closely associated with the act or function in question.

Proper Officer Appointments for Specified Purposes

(References in the Constitution)

PAGE	PARAGRAPH		Proper Officer	Deputy
<u>Council Procedure Rules</u>				
168	3.1	Calling extraordinary meetings	Chief Executive	Monitoring Officer
170	5	Time and place of meetings	Chief Executive	Monitoring Officer
170	6	Notice of and summons to meetings	Democratic & Corporate Services Manager	Solicitor to the Council
171	11.3	Notice of questions	Democratic & Corporate Services Manager	Solicitor to the Council
172	11.5	Scope of questions	Monitoring Officer	Deputy Monitoring Officer
172	11.6	Record of questions	Democratic & Corporate Services Manager	Solicitor to the Council
173	12.3	Notice of questions	Democratic & Corporate Services Manager	Solicitor to the Council
174	12.6	Timing	Democratic & Corporate Services Manager	Solicitor to the Council
174	13.1	Notice	Democratic & Corporate Services Manager	Solicitor to the Council
183	26	Cancellation of a Council meeting	Chief Executive	Monitoring Officer
<u>Access to Information Procedure Rules</u>				
184	6(c)	Supply of copies	Monitoring Officer	Deputy Monitoring Officer
185	8.1	List of background papers	Appropriate Head of Service	Appropriate Service Manager
188	11	Exclusion of access by the public to reports	Monitoring Officer	Deputy Monitoring Officer

PAGE	PARAGRAPH		Proper Officer	Deputy
189	14.2	Contents of Forward Plan	Monitoring Officer	Deputy Monitoring Officer
190	15	General exceptions	Monitoring Officer	Deputy Monitoring Officer
191	17.1	When an Overview and Scrutiny Committee can require a report	Monitoring Officer	Deputy Monitoring Officer
191	18	Record of decisions	Monitoring Officer	Deputy Monitoring Officer
192	20	Notice of private meetings of the Executive	Monitoring Officer	Deputy Monitoring Officer
192	21	Officers	Monitoring Officer	Deputy Monitoring Officer
193	22.3	Record of individual decision	Appropriate Head of Service	Appropriate Service Manager
<u>Budget and Policy Framework Procedure Rules</u>				
195	2(b)	Process for developing the framework	Democratic & Corporate Services Manager	Solicitor to the Council
196	2(f)	Process for developing the framework	Democratic & Corporate Services Manager	Solicitor to the Council
<u>Leader and Executive Procedure Rules</u>				
200	1.4(b)	The Council's Scheme of Delegations and Executive Functions	Monitoring Officer	Deputy Monitoring Officer
202	2.5	Who can put items on the executive agenda?	Chief Executive	Monitoring Officer
<u>Overview and Scrutiny Procedure Rules</u>				
205	4	Meetings of the Overview and Scrutiny Committee	Monitoring Officer	Deputy Monitoring Officer
206	11	Agenda items	Democratic & Corporate Services Manager	Solicitor to the Council
208	13	Reports from Overview and Scrutiny Committees	Democratic & Corporate Services Manager	Solicitor to the Council

PAGE	PARAGRAPH		Proper Officer	Deputy
209	14(a)	Making sure that Overview and Scrutiny reports are considered by the Executive	Democratic & Corporate Services Manager	Solicitor to the Council
209	14(c)	Making sure that Overview and Scrutiny reports are considered by the Executive	Democratic & Corporate Services Manager	Solicitor to the Council
210	16(b)	Members and officers giving account	Democratic & Corporate Services Manager	Solicitor to the Council
211	18(c)	Call-in	Democratic & Corporate Services Manager	Solicitor to the Council
212	18(h)	Call-in	Democratic & Corporate Services Manager	Solicitor to the Council
216	21	Matters within the remit of more than one overview and scrutiny committee	Democratic & Corporate Services Manager	Solicitor to the Council
<u>Prescribed Standing Orders</u>				
274	3(1)	Executive arrangements	Head of Governance & HR Strategic Director (Corporate & Regulatory)	Democratic & Corporate Services Manager
Declarations of Members Interests			Monitoring Officer	Deputy Monitoring Officer
Any proper officer function not dealt with elsewhere			Monitoring Officer	Deputy Monitoring Officer