

PROPER OFFICERS

The Council has approved the appointment of the following officers as proper officers.

The Chief Executive shall act as the proper officer in relation to any other enactment where specific arrangements have not been made under the following provisions.

The Section 151 Officer who is currently the Deputy Chief Executive shall act as the proper officer in respect of any other statute where specific arrangements for financial matters have not been made under the following provisions.

The Monitoring Officer shall act as the proper officer in respect of any other statute where specific arrangements for legal matters have not been made under the following provisions.

Proper officer functions may be discharged by any other officers duly authorised to act in the name of the proper officer concerned.

If the officer to whom a function has been delegated is unable to act due to a conflict of interest or any other reason, then it is for the Chief Executive to determine who should exercise that function. If the Chief Executive is unable to act due to a conflict of interest, or any other reason, then it is for the Section 151 Officer to determine who should exercise that function. If both the Chief Executive and Section 151 Officer is unable to act then the powers shall be exercisable by any other Chief Officer of the Council.

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
PUBLIC HEALTH ACT 1936			
S.79	Power to require removal of noxious matter	Head of Public Protection	Chief Executive
S.84	Certificate relating to cleansing or destruction of filthy or verminous items	Head of Public Protection	Chief Executive
S.85(2)	Cleansing of verminous persons or articles	Head of Public Protection	Chief Executive
LOCAL GOVERNMENT ACT 1972			
S.83 (1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Monitoring Officer	Chief Executive
S.84	Receipt of notice of resignation of Elected Member	Chief Executive	Deputy Chief Executive
S.88(2)	Arranging a Council meeting to appoint to Chair of the Council	Chief Executive	Monitoring Officer

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
S.89(1)	Notice of casual vacancy	Chief Executive	Monitoring Officer
S.100B(2)	The officer also may exclude from agendas any information which is likely to be dealt with in the absence of press and public	Chief Executive	Monitoring Officer
S.100B(7)	Disclosure to newspapers (so far as is consistent with the rules of data protection)	Chief Executive	Deputy Chief Executive
S.100C(2)	The officer to prepare a written summary of the proceedings at committees and sub-committees	Chief Executive	Monitoring Officer
S.100D(1) and (5)	The officer responsible for identifying and compiling lists of background papers	Chief Executive and the director in whose name the report is written	Deputy Chief Executive and Heads of service who report directly to Directors
S.100F(2)	The officer making decisions as to documents disclosing exempt information which are not required to be open to inspection by Council members	Chief Executive	Monitoring Officer
S.115(2)	Receipt of money due from officers	Section 151 Officer	Head of Finance Services
S.137 and 137A	Receipt of statement provided in relation to financial assistance	Section 151 Officer	Head of Finance Services
S.146(1) (a) and (b)	Declarations and certificates with regard to transfer of securities	Section 151 Officer	Head of Finance Services
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs	Section 151 Officer	Head of Finance Services
S.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Head of Legal Services	Head of Neighbourhoods & Prosperity
S.210	Charity functions of predecessor authorities transferred to the Council	Chief Executive	Monitoring Officer
S.225	Deposit of documents	Head of Legal Services	Chief Executive

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
S.228(3)	Accounts for inspection by any member of the Council	Section 151 Officer	Chief Executive
S.229(5)	Certification of photographic copies of documents	Head of Legal Services	Chief Executive
S.234	Officer who may authenticate documents	Head of Legal Services	Chief Executive
S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council	Head of Legal Services	Chief Executive
S.238	Certification of byelaws	Head of Legal Services	Chief Executive
S.248	Officer who will keep the Roll of Freemen	Chief Executive	Monitoring Officer
Para 4(2)(b) of Schedule 12	Signing of summons to Council meeting	Chief Executive	Monitoring Officer
Para 25 of Schedule 14	Certification of resolution passed under this paragraph	Monitoring Officer	Chief Executive
Schedule 29	To undertake those duties which arise at District and Parish Council elections which, under the Representation of the People Acts, are required to be undertaken not by the Returning Officer but by the Proper Officer.	Chief Executive	Monitoring Officer
LOCAL GOVERNMENT ACT 1974			
S.30(5)	To give notice that copies of an Ombudsman's report are available	Monitoring Officer	Chief Executive
LOCAL LAND CHARGES ACT 1975			
	Local Land Charges Registrar under the Land Charges Rules	Head of Legal Services	Chief Executive
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976			
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Monitoring Officer	Chief Executive
REPRESENTATION OF THE PEOPLE ACT 1983			
S.8	Electoral Registration Officer	Chief Executive	Head of Administrative Services
S.35	Returning Officer for local elections	Chief Executive	Head of Administrative Services

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
S.52(2)	Deputy Electoral Registration Officer	Head of Administrative Services	Chief Executive
S.67	Acting as the appropriate person for the purposes of Part II	Chief Executive	Head of Administrative Services
S.128	Publishing a petition questioning a local election	Chief Executive	Head of Administrative Services
S.131	Providing suitable accommodation for election court	Chief Executive	Head of Administrative Services
S.145	Receipt of High Court Certificate at the conclusion of trial of local election petition	Chief Executive	Head of Administrative Services
S.200	Posting notices required in relation to local elections	Chief Executive	Head of Administrative Services
Paragraphs 3, 6 and 8 of Schedule 4	Receipt of an election expense declarations and returns and the holding of those documents for public inspection	Chief Executive	Head of Administrative Services
PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984			
S.48	To issue certificates relative to the removal of bodies to mortuaries or for immediate burial	All Lead Consultants from Public Health England (East Midlands)	
S.60	Service of notices and other documents	Head of Public Protection	Chief Executive
s.61	Powers to enter premises	Head of Public Protection	Chief Executive
BUILDING ACT 1984			
S.35A	Certifying evidence is sufficient to justify commencing proceedings for contravention of building regulations	Head of Legal Services	Chief Executive
S.61	Access to work to repair drain	Head of Legal Services	Chief Executive

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
S.78	Taking immediate action in relation to dangerous building	Head of Legal Services	Chief Executive
S.93	Authentication of documents	Head of Legal Services	Chief Executive
NOTTINGHAMSHIRE COUNTY COUNCIL ACT 1985			
S.3	Head of Legal Services	Head of Legal Services	Chief Executive
S.6	Head of Legal Services	Head of Legal Services	Chief Executive
LOCAL GOVERNMENT FINANCE ACT 1988			
S114A, 115	Responsibility for Chief Financial Officer Reports.	Section 151 Officer	Chief Executive
S. 116	Notify auditor of meeting to consider financial report to the authority and decision at that meeting	Section 151 Officer	Chief Executive
LOCAL GOVERNMENT AND HOUSING ACT 1989			
S.2(4)	Recipient of the list of politically restricted posts	Monitoring Officer	Chief Executive
S.4	Designation and reports of head of paid service	Chief Executive	
S.5 (as amended by para 24 of schedule 5 of the Local Government Act 2000)	Designation and reports of Monitoring Officer	Monitoring Officer	Chief Executive
S.15,16	To undertake all matters relating to the formal establishment of political groups within the membership of the council	Chief Executive	Deputy Chief Executive
LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990 NO. 1553			
	For the purposes of the composition of committees and nominations to political groups	Monitoring Officer	Chief Executive
FOOD SAFETY ACT 1990			
s.5(6)	Authorised officer for the purposes of the Council's functions	Environmental Health Officers and Environmental Health Technical Officers	Head of Public Protection
ENVIRONMENTAL PROTECTION ACT 1990			
S.149	Relating to stray dogs	Head of Public Protection	Chief Executive
DATA PROTECTION ACT 1998			
	Data Protection Officer/Senior Information Risk Owner	Chief Information Officer	Chief Executive

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
FREEDOM OF INFORMATION ACT 2000			
s.36 (2) and (5)	The qualified person for the purposes of deciding whether information is exempt from disclosure to the public relating to the prejudice to the conduct of public affairs	Monitoring Officer	Chief Executive
S.36	Determination of all exemptions apart from those relating to the prejudice to the conduct of public affairs	Monitoring Officer	Chief Executive
LOCAL GOVERNMENT ACT 2000			
S.52	Undertakings by members and co-opted members to observe the Council's Code of Conduct	Monitoring Officer	Chief Executive
REGULATION OF INVESTIGATORY POWERS ACT 2000			
	Authorising Officer and Designated Person for the use of surveillance and the acquisition and disclosure of communications data	Chief Executive, Deputy Chief Executive, Monitoring officer, Head of Public Protection, Head of Housing, Head of Rev's and Bens.	
LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) (ENGLAND) REGULATIONS 2011 NO. 2914			
Regulation 4	Publish the number that is equal to 5 per cent. of the number of local government electors for the authority's area	Chief Executive	Head of Administrative Services
Regulation 7	Post announcement and post directions – petitions	Chief Executive	Head of Administrative Services
Regulation 8	Amalgamation of petitions	Chief Executive	Head of Administrative Services
Regulation 11	Procedure on receipt of petition	Chief Executive	Head of Administrative Services
Regulation 13	Publicity for valid petitions	Chief Executive	Head of Administrative

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
			Services
Regulation 14	Publicity for invalid petitions	Chief Executive	Head of Administrative Services
Regulation 19	Action following direction	Chief Executive	Head of Administrative Services
THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) ACCESS TO INFORMATION (ENGLAND) REGULATIONS 2012 NO. 2089			
Regulation 12	Recording of Executive decisions made at meetings	Chief Executive	Monitoring Officer
Regulation 13	Recording of executive decisions made by individual members	Chief Executive	Monitoring Officer
Regulation 14	Making documents available for inspection following executive decisions	Chief Executive	Monitoring Officer
Regulation 5	Compiling list of background papers for inspection	Chief Executive	Monitoring Officer
Regulation 15	Making report and background papers relating to key decision available for inspection	Chief Executive	Monitoring Officer
Regulation 7	Access to agenda and connected reports	Chief Executive	Monitoring Officer
Regulation 9	Publicity in connection with key decisions	Chief Executive	Monitoring Officer
Regulation 10	General exception	Chief Executive	Monitoring Officer
Regulation 16	Members' rights of access to documents	Chief Executive	Monitoring Officer
Regulation 20	Confidential/exempt information and exclusion of public from meetings	Chief Executive	Monitoring Officer
LOCAL AUTHORITIES (MEMBERS' ALLOWANCES) (ENGLAND) REGULATIONS 2003			
Regulation 13	Receipt of notice in writing that a councillor wishes to forgo any part of his entitlement to an allowance	Chief Executive	Deputy Chief Executive
HOUSING ACT 2004			
Section 4	Where an official complaint about the condition of any residential premises in the district of a local housing authority is made to the proper officer of the authority, and the circumstances complained of	Head of Public Protection	Chief Executive

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
	indicate – a) That any category 1 or category 2 hazard may exist on those premises, or b) That an area in the district should be dealt with as a clearance area, the proper officer must inspect the premises or area.		
LOCAL ELECTIONS (PARISHES AND COMMUNITIES) (ENGLAND AND WALES) RULES 2006 NO. 3305			
Rule 5	Receipt of request to fill a casual vacancy in the office of a parish or community councillor	Chief Executive	Head of Administrative Services
Paragraph 50 of Schedule 2	Receipt of declaration of result in parish or community election	Chief Executive	Head of Administrative Services
THE LOCAL AUTHORITIES (MAYORAL ELECTIONS) (ENGLAND AND WALES) REGULATIONS 2007 NO.1024			
Paragraph 54 of Schedule 1	Receive declaration of result	Chief Executive	Head of Administrative Services
LOCAL AUTHORITIES (CONDUCT OF REFERENDUMS)(ENGLAND) REGULATIONS 2012 NO 323			
Regulation 4	Publicity in connection with referendums	Chief Executive	Head of Administrative Services
Paragraphs 41 and 43 of Schedule 5	Receive declaration of result	Chief Executive	Head of Administrative Services

Authentication of documents

Any notice, order or other document which the Council are authorised or required by or under any enactment (including the Local Government Act 1972) to give, make or issue shall be signed or sealed on behalf of the Council by the proper officer of the Council as defined below.

Proper Officer	Substitute	Purpose
Chief Executive	Appropriate member of GMT	In accordance with their functions highlighted in the Constitution and the Proper officer functions
Section 151 Officer current Deputy Chief Executive	Head of Finance Services	In accordance with their functions highlighted in the Constitution and the Proper officer functions
Monitoring officer	Head of Neighbourhoods & Prosperity Head of Administrative Services Head of Legal Services & Deputy Monitoring Officer	In accordance with their functions highlighted in the Constitution and the Proper officer functions
Head of Legal Services	Chief Executive	In accordance with their functions highlighted in the Constitution and the Proper officer functions.
Head of Public Protection	Chief Executive	In accordance with their functions highlighted in the Constitution and the Proper officer functions
Head of Property Services	Chief Executive	In accordance with their functions highlighted in the Constitution and the Proper officer functions
Head of Neighbourhood and Prosperity	Chief Executive	In accordance with their functions highlighted in the Constitution and the Proper officer functions