

# PART 3 – RESPONSIBILITIES FOR FUNCTIONS

## SECTION C

### PROPER OFFICERS OF THE COUNCIL

The following are the Proper Officers of the Council for the purposes stated:

	<u>Purpose of Appointment</u>	<u>Proper Officer(s)</u>
<b><u>Local Government Act 1972</u></b>		
Section 83	To witness, and to receive, declarations of acceptance of office.	Chief Executive Executive Head of Corporate
Section 84	To receive notices of resignations from office	Chief Executive
Section 88	To convene, if necessary, a meeting of the Council when the office of Mayor is vacant.	Chief Executive
Section 89(i)(b)	To receive notice by local government electors of a casual vacancy in the office of Borough or Parish Councillor.	Chief Executive
Section 100B(2)	To take decisions as to 'exempt' information coming before committees	Chief Executive Executive Head of Corporate
Section 100B(7)(c)	To take decisions relating to making available to the press copies of any other documents relating to agenda items.	Chief Executive Executive Head of Corporate
Section 100C(2)	To produce a written summary of proceedings taken by committees in private	Executive Head of Corporate
Section 100D(1)	To compile a list of background papers for a committee report	Chief Executive The Executive Head of Service or Head of Service over whose name the committee report appears

	<b><u>Purpose of Appointment</u></b>	<b><u>Proper Officer(s)</u></b>
Section 100(F)	To take decisions in relation to the disclosure of exempt information to Members.	Chief Executive Executive Head of Corporate
Section 115(2)	To receive all money due from officers.	Executive Head of Finance
Section 146	To sign declarations and certificates with regard to securities.	Executive Head of Finance
Section 191	To receive applications with respect to Ordnance Survey	Executive Head of Transformation
Section 210	To exercise certain residual functions relating to charities	Executive Head of Corporate
Section 225	To receive and retain any document deposited with the Council	Head of Legal Services
Section 229	To certify, for the purpose of any legal proceedings, photographic copies of documents	Chief Executive The Executive Head of Service or the Head of Service from whose Service the document originates
Section 234	To authenticate notices, orders or other documents on behalf of the Council	Chief Executive The Executive Head of Service or the Head of Service from whose Service the document originates
Section 236	To send copies of confirmed bylaws made by the Council to parish councils and to the County Council	Chief Executive
Section 238	To certify copies of byelaws	Head of Legal Services
Section 248	To keep a roll of Freemen	Chief Executive
Schedule 12(4)	To sign, and send to all Members of the Council, the summons to attend meetings of the Council	Chief Executive

	<b><u>Purpose of Appointment</u></b>	<b><u>Proper Officer(s)</u></b>
Schedule 14(Part II (7))	To certify resolutions under this paragraph for the purpose of legal proceedings	Chief Executive Head of Legal Services
30(5)	To arrange for the publication in newspaper of notice of the Local Government Ombudsman's report on investigation of a complaint.	Executive Head of Corporate
<b>Local Land Charges Act 1975</b>		
Section 9	To act as local registrar for the registration of local land charges and the issue of official certificates of search.	Executive Head of Regulatory
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
Section 41	To certify resolutions under this paragraph for the purpose of legal proceedings.	Chief Executive Head of Legal Services
<b>Building Act 1984</b>		
Section 78	To take action in relation to dangerous buildings and structures.	Executive Head of Transformation
<b>Local Government Finance Act 1988</b>		
Section 116	To give notice to the auditor in relation to unlawful decisions.	Section 151 Officer
<b>Local Government and Housing Act 1989</b>		
Section 2	To receive on deposit a list of politically restricted posts	Executive Head of Corporate
Section 19	To receive and record details of Members' interests	Monitoring Officer
<b>The Local Government (Committees and Political Groups) Regulations 1990</b>		
Sections 8, 9, 10, 13 and 14	To receive notices relating to political groups, and membership of political groups and in relation to notifying groups about allocations and vacation of seats.	Chief Executive
<b>Party Wall etc. Act 1996</b>		
	To make such appointments as are required under Section 10(8) in relation to the resolution of disputes between adjoining owners.	Executive Head of Transformation

	<b><u>Purpose of Appointment</u></b>	<b><u>Proper Officer(s)</u></b>
<b>The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000</b>		
Regulation 4	To publish the verification number of local electors for the purpose of petitions under the Local Government Act 2000.	Chief Executive
<b>The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012</b>		
Regulation 7 (2)	To make decisions relating to the exclusion of access by the public to reports.	Chief Executive
Regulation 7 (7) (c)	To make decisions relating to the supply to a newspaper or other media source, copies of any document supplied to Executive members.	Chief Executive
Regulation 10 (1) & (3)	To be responsible for consulting and giving the appropriate notices where it is impracticable to publish the intention to make a key decision in accordance with Regulation 9.	Chief Executive
Regulation 12 (1)	To be responsible for producing a written statement of all Executive decisions.	Chief Executive
Regulation 13 (1)	To be responsible for producing a written statement of all executive decisions made by individual members.	Chief Executive
Regulation 14 (1)	To be responsible for ensuring that the written statement or any report considered by the decision- maker relating to executive decisions is available for public inspection.	Chief Executive
Regulation 15	To compile a list of background papers and to make a copy of each document available for inspection.	Chief Executive
Regulation 16 (5) & (7)	To make decisions relating to the withholding of documents where exempt information could be disclosed.	Chief Executive
Regulation 20 (2)	To decide whether a document contains or is likely to contain exempt information.	Chief Executive
<b>Local Authorities (Standing Orders)(England) Regulations 2001</b>		
Schedule 1 (Part 2)	To make and receive notifications in relation to the appointment and dismissal of statutory and non	Executive Head of Transformation

	<b><u>Purpose of Appointment</u></b>	<b><u>Proper Officer(s)</u></b>
	statutory chief officers and deputy chief officers within the meaning of sections 2(7) and 2(8) of the 1989 Act.	

References in legislation pre-dating the Local Government Act 1972

In legislation predating the 1971/1972 Session of Parliament, other than the Local Government Act 1972, and in Statutory Instruments made prior to 26th October, 1972, references to the designations in the left hand column of the schedule below shall be construed as a reference to the Officers of the Council listed in the right hand column of the schedule below.

<b>Designation</b>	<b>Officer of the Council</b>
The Clerk of the Council	Chief Executive
The Town Clerk	Chief Executive
The Treasurer	Section 151 Officer
The Chief Financial Officer	Section 151 Officer
<b>Designation</b>	<b>Officer of the Council</b>
The Sanitary Inspector	Executive Head of Community
The Public Health Inspector	Executive Head of Community
The Medical Officer of Health	The Consultant in Communicable Diseases Control with responsibility for Surrey Heath Borough.

Notes

1. Local Government Act 1972 - Schedule 29(4) – in any act passed before, or during the same session as, this Act, and any instrument made before this Act, any reference to a specified officer of a local authority shall be construed as a reference to the proper officer of a local authority.
2. In the event of any of the officers appointed as Proper Officers being absent or otherwise unable to act, the Chief Executive is authorised to act as a Proper Officer in their place. If the Chief Executive is absent or otherwise unable to act, the Deputy Chief Executive, is authorised to act in his place.
3. The Executive Head of Finance is designated the Council's Tax Officer, responsible for ensuring the proper procedures are followed in the administration of the tax affairs of the Council.

## **Statutory Appointments**

The statutory appointments as designated at Article 12 of this Constitution are as follows:

<b><i>Post</i></b>	<b><i>Designation</i></b>	<b><i>Act</i></b>
Chief Executive	Head of Paid Service	Local Government and Housing Act 1989, Section 4
The Head of Legal Services	Monitoring Officer	Local Government and Housing Act 1989, Section 5
Executive Head of Finance	Section 151 Officer	The Local Government Act 1972, Section 151