

### 3.14 Appointment of Proper Officers and Statutory Officers

1. In this Constitution the posts set out below shall be the designated Statutory and Proper Officers for the Council and those posts shall undertake the specific responsibilities attached to the role as set out by statute. In the event of the statutory or Proper Officer being absent or for any reason otherwise unable to act or of any of their posts being vacant the Officer nominated as alternative statutory or Proper Officer shall act. In the event of both the designated and alternative Officers being absent or for any reason otherwise unable to act then any Director shall be entitled to act.
2. Until the Council decides otherwise the Chief Executive is appointed the statutory or Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express statutory or Proper Officer appointment has, for the time being, been made. If the Chief Executive is prevented by legislation from being the statutory or proper Officer then the Director of Corporate Services and Commercial Strategy is appointed as the relevant Officer. If she is prevented by legislation then it shall be the Director of Financial Resources. If he is prevented then it shall be the Solicitor to the Council.
3. "Proper Officer" is the term used in legislation where it is intended that functions shall be the responsibility of a particular Officer of the Council. Some legislation requires the authority to nominate an employee to undertake particular function but does not expressly refer to them as a Proper Officer. The head of paid service, monitoring officer and person responsible for financial matters are such statutory Officers. The table below uses the expression 'Proper Officer' to cover both types.
4. The following are the Proper Officers of the Council under the enactments shown below. The alternative Proper Officer is authorised to act when the Proper Officer is absent or otherwise unable to act.

Ref No.	Function	Proper Officer	Alternative Proper Officer
<b>Local Government Act 1972</b>			
1.	Section 13(3) – the Officer to act as a parish trustee in parishes having no parish council.	Director of Corporate Services and Commercial Strategy	Chief Executive
2.	Section 83(1) to (4) - the Officer to whom a person elected to the office of Councillor shall deliver a declaration of acceptance of office.	Director of Corporate Services and Commercial Strategy	Electoral and Democratic Services Manager
3.	Section 84 - the Officer to whom written notice of resignation of elected office shall be delivered.	Director of Corporate Services and Commercial Strategy	Electoral and Democratic Services Manager
4.	Section 88(2) - the Officer by whom a meeting of the Council for the election of the vacant office of	Director of Corporate Services and Commercial Strategy	Electoral and Democratic Services Manager

	Chairman of Council may be convened.		
5.	Section 89(1)(b) - the Officer to whom notice in writing of a casual vacancy occurring in the office of Councillor may be given by two local government electors for the Borough.	Chief Executive	Electoral & Democratic Services Manager
6.	Section 96 – receiving details of and recording Members’ interests	Director of Corporate Services and Commercial Strategy	Electoral & Democratic Services Manager
7.	Section 100B(2) - the Officer who shall determine the withholding of reports from public inspection on the basis of the existence of exempt information.	Director of Corporate Services and Commercial Strategy	Electoral and Democratic Services Manager
8.	Section 100B(7)(C) – the Officer who shall supply information to any newspaper	Director of Corporate Services and Commercial Strategy	Electoral and Democratic Services Manager
9.	Section 100C(2) – the Officer who shall supply summaries of proceedings of meetings considering reports containing exempt information	Director of Corporate Services and Commercial Strategy	Electoral and Democratic Services Manager
10.	Section 100D – compilation of list of background documents	Director of Corporate Services and Commercial Strategy	Electoral and Democratic Services Manager
11.	Section 100(F) (2) – the Officer who shall determine the withholding of exempt information from Members	Director of Corporate Services and Commercial Strategy	Electoral and Democratic Services Manager
12.	Section 115(2) - the Officer who shall receive all money due from every Officer employed by the Council.	Director of Financial Resources	Deputy S151
13.	Section 146 – the Officer who shall in the case of the Council changing its name, make a statutory declaration specifying the securities standing in the books of various companies in the name of the Council and verifying the change and identity of the Council.	Director of Financial Resources	Deputy S151
14.	Section 151 – The Officer who shall have responsibility for the proper administration of the Council’s financial affairs	Director of Financial Resources	Deputy 151
15.	Section 191(2) – applications under the Ordnance Survey Act 1841	Electoral and Democratic Services Manager	Chief Executive

	(nominating a person to assist with marking out of reputed boundaries of boroughs, parishes, etc.)		
16.	Section 210(6) and (7) – the Officer who shall exercise the charity functions of office holders with a predecessor authority where there is no equivalent office holder in the successor authority.	Director of Corporate Services and Commercial Strategy	Solicitor
17.	Section 225(1) – the Officer with whom a document of any description is deposited pursuant to the standing orders of either House of Parliament or to any enactment or instrument, and who shall receive and retain documents in the manner and for the purposes directed by the standing orders or enactments or instrument, and shall make notes or endorsements on, and give such acknowledgements and receipts, in respect of, the documents as may be so directed.	Solicitor	Director of Corporate Services and Commercial Strategy
18.	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 or in the custody of the Council, or of any part of such document.	Solicitor	Director of Corporate Services and Commercial Strategy
19.	Section 234 – the Officer who may, except as otherwise provided, sign on behalf of the Council any notice, or order or other document which the Council is authorised or required to give make or issue, by or under any enactment (including any enactment in the Local Government Act 1972) and where that other enactment does not make provision for signing such documents.	Solicitor	Director of Corporate Services and Commercial Strategy
20.	Section 236 (9) and (10) – the Officer who shall send copies of byelaws to parish councils and the proper Officers of the County Council.	Solicitor	Director of Corporate Services and Commercial Strategy

21.	Section 238 – the Officer who shall certify a printed copy of a byelaw of the Council	Solicitor	Director of Corporate Services and Commercial Strategy
22.	Section 248 – the Officer who shall keep a role of freemen	Elections and Democratic Services Manager	Director of Corporate Services and Commercial Strategy
23.	Schedule 12 paragraph 4 (2) (b) -the Officer who shall sign summonses to attend meetings of the Council.	Chief Executive	Any other Director or the Council’s Solicitor
24.	Schedule 12 Paragraph 4(3) –the Officer to whom a member of the Council shall give notice in writing requesting 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 and Commercial Strategy	Elections and Democratic Services Manager
25.	Schedule 14 Paragraph 25(7) - the Officer who shall certify a resolution of the Council under this paragraph (resolutions applying or dis-applying provisions of the Public Health Acts 1875-1961).	Solicitor	Director of Corporate Services and Commercial Strategy

<b>Other Acts</b>			
1.	Section 8 Representation of the People Act 1983 – The Registration Officer for the purpose of the registration of electors	Chief Executive	Electoral & Democratic Services Manager
2.	Section 35 Representation of the People Act 1983 – the Returning Officer at an election of Copeland Borough Councillors.	Chief Executive	Electoral & Democratic Services Manager
3.	Section 52 Representation of the People Act 1983 – appointment of Deputy Electoral Registration Officer	Electoral & Democratic Services Manager	Director of Corporate Services and Commercial Strategy
4.	Sections 82 and 89 – to receive declaration of election expenses and holding of documents for public inspection	Chief Executive	Electoral & Democratic Services Manager
5.	Sections 15 and 16 Local Government and Housing Act 1989 and the Local Government (Committees and	Electoral & Democratic Services Manager	Director of Corporate Services and Commercial Strategy

	Political Groups) Regulations 1990 – notification, etc. of constitution of political groups.		
6.	Section 41 Local Government (Miscellaneous Provisions) Act 1976 the Officer who shall certify true copies of resolutions and minutes of proceedings etc.	Solicitor	Director of Corporate Services and Commercial Strategy
7.	Section 30, Local Government Act, 1974 – the Officer who shall give public notice of receipt of reports of the Local Commissioner.	Solicitor	Director of Corporate Services and Commercial Strategy
8.	Section 4, Local Government and Housing Act 1989 – the Officer designated as the Head of the Paid Service	Chief Executive	None
9	Section 2, Local Government and Housing Act 1989 - proper Officer for holding lists of politically restricted posts.	Chief Executive	Director of Corporate Services and Commercial Strategy
10.	Section 5, Local Government and Housing Act 1989 – the Officer designated as the Monitoring Officer	Director of Corporate Services and Commercial Strategy	Can only be appointed by the Monitoring Officer within directorate
11.	Local Authorities (Members' Interest) Regulation 1992 – maintaining a list of Members' interests and keeping it open for public inspection	Director of Corporate Services and Commercial Strategy	Electoral & Democratic Services Manager
12.	Sections 28 and 29, Regulation of Investigatory Powers Act 2000 and the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 – the Officer who is designated for the purposes of granting, reviewing, renewing and cancelling authorisations and who shall maintain and keep under review a register of authorisations.	Director of Corporate Services and Commercial Strategy	Chief Executive
13.	Regulation of Investigatory Powers Act 2000, OSC code of practice –	Director of Corporate Services and Commercial Strategy	Electoral & Democratic Services Manager

	person who shall be the Senior Responsible Officer.		
14.	Section 38, Local Government Finance Act 1992 - the Officer who shall give notice of the amounts of council tax set	Director of Financial Resources	Deputy S151 Officer
15.	The Local Authority (Stocks and Bonds) Regulations 1974 – the Officer who shall act as registrar for maintenance of the stocks and bonds register and signing of certificates.	Director of Financial Resources	Deputy S151 Officer
16.	Section 321 Highways Act 1980 - the Officer who may give, make or issue any notice, consent, approval, order, demand, licence, certificate or other document which a council is authorised or required by or under the Highways Act 1980 to give, make or issue	Solicitor	Director of Corporate Services and Commercial Strategy
17.	Section 2 Planning (Listed Buildings and Conservation Areas) Act 1990 - the Officer with whom shall be deposited lists of protected buildings.	Planning & Place Manager	Senior Planning Officer
18.	Section 5 Food Safety Act 1990 – the Officer who is authorised to act in matters under the Act.	Public Protection Manager	Chief Executive
19.	Section 19 Health and Safety Act 1974 – the Officer who shall institute proceedings.	Public Protection Manager	Solicitor
20.	The Proper Officer in relation to any reference in any enactment passed before 1 <sup>st</sup> April 1974 (other than the Local Government Act 1972) relating to the Clerk of a Council or the Town Clerk of a Borough	Chief Executive	Any other Director
21.	The Proper Officer for the purposes of Part 4 (Access to Information Rules) of the Council’s Constitution.	Director of Corporate Services and Commercial Strategy	Electoral & Democratic Services Manager
22.	The Officer appointed for the purposes of the Local Authorities Cemeteries Order 1977 to carry out the functions of such Officer under the Order.	Parks & Open Spaces Manager	Director of Corporate Services and Commercial Strategy

23.	The Officer appointed as the Registrar for the purposes of the Cremation (England and Wales) Regulations 2008	Parks & Open Spaces Manager	Director of Corporate Services and Commercial Strategy
24.	The proper Officer for the purposes of the Building Act 1984 and regulations made thereunder	Building Control Manager	Chief Executive
25.	The person who may appoint authorised Officers for the purposes of the Building Act 1984 and regulations made thereunder	Building Control Manager	Chief Executive
26.	The proper Officer for the purposes of the Council Tax (Administration and Enforcement) Regulations 1992	Director of Financial Resources	Deputy S151
27.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 – regulations 2, 3, 4, 5, 6, 9, 11, 12, 15, 17 and 21.	Director of Corporate Services and Commercial Strategy	Electoral & Democratic Services Manager
28.	Smoke and Carbon Monoxide Alarm (England) Regulations 2015	Strategic Housing Manager	Public Protection Manager