

## Appendix A – Proposed Amendments to the Constitution

Proposed change to the Proper Officer for the Registration service, effective from 1 March 2021:

### APPENDIX 4

#### Proper Officers

The following officers shall be the proper officer for the purposes of the specified legislation.

#### PROPER OFFICER PROVISIONS

The following definitions are used in this Table:-

LGA 1972	=	Local Government Act 1972
LG(MP)A 1976	=	Local Government (Miscellaneous Provisions) Act 1976
RPA 1983	=	Representation of the People Act 1983
LGFA 1988	=	Local Government Finance Act 1988
LGHA 1989	=	Local Government and Housing Act 1989
LGA 2000	=	Local Government Act 2000
FOIA 2000	=	Freedom of Information Act 2000

<b><i>(1) statutory provision</i></b>	<b><i>(2) Function</i></b>	<b><i>(3) Proper Officer</i></b>
Section 83 LGA 1972	Witness and receipt of declarations of acceptance of office of Mayor, Deputy Mayor and Councillors.	Director of Law and Governance
Section 84 LGA 1972	Receipt of notice of resignation of office of Mayor, Deputy Mayor and Councillors.	Director of Law and Governance
Section 88 LGA 1972	Convening of meeting for the election of Mayor in the event of a casual vacancy.	Director of Law and Governance

Section 89 LGA 1972	Receipt of notice of casual vacancies in the council membership.	Director of Law and Governance
Section 100 LGA 1972	All references to proper officer in connection with the access to information provisions of the Local Government Act.	Director of Law and Governance
Section 115 LGA 1972	Receipt of monies from accountable officers.	Chief Finance Officer
Section 146 LGA 1972	Certificates as to securities on alteration to local authority area or name.	Director of Law and Governance
Section 225 LGA 1972	Deposit of any documents pursuant to any enactment, instrument or parliamentary standing orders.	Director of Law and Governance
Section 229 LGA 1972	Certification of any photographic copy of a document in the custody of the council or of any document destroyed while in which custody, or any part of any such document.	Director of Law and Governance
Section 233 LGA 1972	Receive documents required to be served on the Council.	The Chief Executive or the Director of Law and Governance
Section 234(1) LGA 1972	Signature or authentication of any notice or other document which the local authority is authorised or required to give or make or issue.	The Chief Executive, Corporate Directors, Monitoring Officer or Chief Finance Officer.
Section 238 LGA 1972	Certification of printed copies of by-laws.	Director of Law and Governance
Section 41 LG(MP)A 1976	Certification of Minutes, Resolutions, Orders and Reports of the Council.	Director of Law and Governance
Section 35 RPA 1983	The Returning Officer at an election of Councillors of the borough.	Chief Executive

Section 8 RPA 1983	The Electoral Registration Officer of any constituency in the borough.	Chief Executive
Section 72 Weights and Measures Act 1985	Functions of Chief Inspector of Weights and Measures.	Trading Standards Manager
Section 2 LGHA 1989	Deposit of list of "politically restricted posts" under LGHA 1989.	Corporate Director of Resources
Regulation 23 Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989	Certification of the Local Non-Domestic List.	Chief Finance Officer
Accounts and Audit Regulations 2015	The responsible financial officer.	Chief Finance Officer
Births deaths and marriages	Any reference to the proper officer in any enactment relating to registration of births, death or marriages.	<a href="#">Service Director Public Protection</a> <del>Assistant Director of Financial Operations and Customer Service</del>
LGA 1972, Schedule 12, Part 1, Paragraph 4(2)(b)	Signature of summonses to Council meetings and receipt of notices of addresses to which summonses to meetings to be sent.	Chief Executive
Local Government (Committees and Political groups) Regulations 1990	Receipt of notification from members.	Director of Law and Governance
Local Authorities (Standing Orders) Regulations 2000	Notices under regulations 5 and 6 regarding proposed appointments of staff.	Director of Law and Governance
Local Authorities (Referendums) (Petitions and Directions) Regulations	Functions relating to verification and publicity of petitions.	Director of Law and Governance
Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	All references to the proper officer.	Director of Law and Governance

Local Authorities (Conduct of Referendums) (England) Regulations 2001	All references to the proper officer.	Chief Executive
Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988	All references to the proper officer	Corporate Director of Environment and Regeneration
Section 36 FOIA 2000	Qualified person for decision on exempt information not to be disclosed	Director of Law and Governance
Local Democracy, Economic Development and Construction Act 2009	Designated Proper officer for scrutiny role	Head of Democratic Services and Governance

## Part 2, Article 13 – Decision Making

It is proposed that the following text describing the definition of a Recordable Decision, replace the existing text (inserted below):

### (c) Recordable Decisions

#### This definition only applies to non-Key Decisions.

If the decision meets the criteria for a Key Decision, in paragraph (b) above, the Key Decision procedures must be followed.

A Recordable Decision is any non-Key decision made by an officer, regardless of how they are authorised to make it, which:

- i. Grants a licence or a permission;
- ii. Affects the rights of an individual;
- iii. Is likely to result in the local authority incurring expenditure of an amount in excess of £250,000 for revenue expenditure or £500,000 for capital expenditure, including by award of a contract;
- iv. Would have a significant impact on communities in a single ward;
- v. Would result in the setting up of a company or entering into a partnership arrangement with any other body;

vi. Relates to major individual service reorganisation decisions likely to involve 20 or more redundancies;

vii. Waives the procurement rules in respect of contracts between the value of £100,000 to £500,000 revenue spend and £100,000 to £1M capital spend;

A decision which relates to the placement of an individual, be that an adult or child, is not a recordable decision.

~~(c) — **Recordable Decisions**~~

~~Those officer decisions, which if not delegated by the constitution or at a member meeting would be required to be taken by the Council, a committee or the Executive, and which fall within the following criteria:~~

~~i. Decisions to grant a licence or a permission;~~

~~ii. Decisions which affects the rights of an individual~~

~~iii. Decisions likely to result in the local authority incurring expenditure of an amount in excess of £500,000 for capital expenditure or £250,000 for revenue expenditure including by award of a contract;~~

~~iv. Decision specifically delegated to an officer at a Council or Committee meeting.~~

~~and decisions by an Executive member or an officer which are or the following non key decisions:~~

~~a) Decisions likely to result in the local authority incurring expenditure, obtaining a receipt or making savings of an amount in excess of £500,000 for capital expenditure or £250,000 for revenue expenditure;~~

~~b) Decisions that would have a significant impact on communities in a single ward~~

~~c) Decisions that would or would be likely to conflict with or result in a change or departure from any decision or policy agreed by the Executive~~

~~d) Decisions that would result in the setting up of a company or entering into a partnership arrangement with any other body~~

~~e) Major individual service reorganisation decisions likely to involve 20 or more redundancies~~

~~f) Decisions to waive the procurement rules in respect of contracts over the value of £100,000.~~

~~g) Any decision specifically delegated to an officer at an Executive meeting~~

~~h) Urgent decisions on matters that are otherwise reserved to the Executive~~

~~A decision which relates to the placement of an individual, be that an adult or child, is not a recordable decision.~~