

Woking Borough Council

Proper Officers

Shaping the *future* of our borough



1. Proper Officers of the Council

- 1.1. The following officers are appointed proper officers and will carry out functions in relation to the statutory provisions specified. This list is not necessarily exhaustive and any omission shall not affect the validity of any action or decision taken by the proper officer.
- 1.2. Subject to the proper officer appointments set out below, the Chief Executive be authorised to act as the proper officer for the statutory responsibilities which fall within their area.
- 1.3. In any case where an officer is appointed or authorised, he or she may delegate such authorisations to such officer as he or she may determine and may make such arrangements for the carrying out of functions in the event of his or her absence or otherwise being unable to act by any other officer of the Council as he or she considers appropriate, subject to such arrangements being made in written form indicating the officers in power to exercise the functions and the functions involved.
- 1.4. Any reference in this document to an enactment is to be taken as including a reference to any enactment for the time being amending or replacing it.

Statute	Function	Proper Officer
Local Government Act 1972		
Section 83	To witness, and to receive, declarations of acceptance of office.	Chief Executive or the Monitoring Officer
Section 84	To receive notices from Members of resignation from office.	Chief Executive
Section 86	To declare any vacancy in any office under this section	Chief Executive
Section 87	To publish a notice of vacancy	Chief Executive
Section 88	To convene if necessary a meeting of the Council when the office of Mayor is vacant.	Chief Executive
Section 89	To receive notice by local government electors of a casual vacancy in the office of Borough Councillor.	Chief Executive
Section 100B	To take decisions as to whether information is likely to be "exempt" when coming before the Council, the Cabinet or a Committee. To decide if other copy documents supplied to councillors should be supplied to the press	Director of Democratic and Legal Services
Section 100C	To produce a written summary of proceedings taken by the Council, the Cabinet or a Committee in	Director of Democratic and

	private (i.e. Minute)	Legal Services
Section 100D	To compile a list of background papers for a Cabinet or a Committee report.	Director of Democratic and Legal Services
Section 100F	To decide if a requested document appears to contain exempt information	Director of Democratic and Legal Services
Section 115	To receive money due from Officers.	Finance Director
Section 146	To sign declarations and certificates with regard to securities.	Finance Director
Section 191	To receive applications made by the Ordnance Survey Office for assistance in determining boundaries	Chief Executive
Section 210	To exercise any power with respect to a charity exercisable by any officer of a former authority.	Chief Executive
Section 223	Authorising officers to attend court and appear on behalf of the Council under the Local Government Act 1972 and County Courts Act 1984	Director of Democratic and Legal Services
Section 225	To receive and retain any document deposited with the Council for custody.	Director of Democratic and Legal Services
Section 228	To keep accounts open for inspection by any member of the Authority.	Finance Director
Section 229	To certify, for the purpose of any legal proceedings, photographic copies of documents.	Director of Democratic and Legal Services
Section 233	The officer to receive documents required to be served on the authority	Director of Democratic and Legal Services
Section 234	To authenticate notices, orders or other documents on behalf of the Council.	Director of Democratic and Legal Services
Section 236	To send copies of confirmed byelaws made by the Council to the County Council.	Director of Democratic and Legal Services
Section 238	To certify copies of bye-laws.	Director of Democratic and Legal Services

Section 248	To keep the rolls of Honorary Aldermen and Honorary 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
Schedule 14(25)	To certify resolutions under this paragraph for the purpose of legal proceedings.	Director of Democratic and Legal Services

Local Land Charges Act 1975

Section 9	To act as local registrar for the registration of local land charges and the issue of official certificates of search.	Finance Director
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Representation of the People Act 1983

Section 8	To be the Electoral Registration Officer for the purpose of the registration of electors	Chief Executive
Section 24	To be the Acting Returning Officer for the conduct of Parliamentary Elections.	Chief Executive
Section 35	To be the Returning Officer for the conduct of Local Elections.	Chief Executive
Section 67	To receive appointments of Election Agents	Chief Executive
Section 67	To publish a notice of Election Agents	Chief Executive

Local Government And Housing Act 1989

Section 2	To retain on deposit a list of politically restricted posts.	Head of Human Resources
Section 3A	In consultation with the Monitoring Officer, to determine applications for exemption from political restriction or for designation of posts as politically restricted	Chief Executive
Section 4	Designation as the Head of Paid Service	Chief Executive
Section 5	Designation as the Council's Monitoring Officer	Director of Democratic and Legal Services
Section 9, 15, 16 and 17	To undertake all matters relating to the formal establishment of political groups within the membership of the Council.	Chief Executive

Local Authorities (Executive Arrangements)(Meeting and Access to Information) (England) Regulations 2012

Section 12	To produce a written statement of Cabinet decisions made at Meetings.	Director of Democratic and Legal Services
Section 13	To record executive decision made by individuals	Director of Democratic and Legal Services
Section 14	To make available for inspection by the public a copy of written statements of Cabinet decisions and associated reports.	Director of Democratic and Legal Services
Section 15	To make available for inspection a list of background papers	Director of Democratic and Legal Services
Section 9	To publish key decisions of the Authority	Director of Democratic and Legal Services

Local Government Finance Act 1988

Section 116	Notification to the Council's auditor of any meeting held under section 115 if the 1988 Act	Finance Director
Section 139A	Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required	Finance Director

Other Miscellaneous Proper Officer Functions

Any other miscellaneous proper or statutory officer functions not otherwise delegated by the authority	Chief Executive or his/her nominee
Any references to designations 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.	The Chief Executive or the Finance Director, whichever is most appropriate to their departmental responsibilities.