

Part 2.6 – Proper Officers

There are a number of specific references in the legislation applicable to local government which call for functions to be undertaken by what is termed the 'Proper Officer'. The following lists such references and identifies the Chief Officers responsible for their discharge.

1. Head of Paid Service

- 1.1 The Head of Paid Service is responsible for the corporate and overall strategic management of the Authority's staff in accordance with section 4 of the Local Government and Housing Act 1989.
- 1.2 The Head of Paid Service cannot be the Monitoring Officer.

2. Chief Finance Officer

- 2.1 The Chief Finance Officer has responsibility for ensuring lawfulness and financial prudence of decision making. The Chief Finance Officer is appointed Proper Officer in relation to the following:
 - 2.1.1 receipt of money due from officers (Local Government Act 1972, section 115(2)); and
 - 2.1.2 administration of the financial affairs of the Authority (Local Government Act 1985 section 73).

3. Monitoring Officer

- 3.1 Under the provisions of the Local Government and Housing Act 1989, the Cabinet shall appoint a Monitoring Officer who will be responsible for promoting and maintaining high standards of conduct. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budgetary issues to all Members and provide a comprehensive administrative service to the Authority.
- 3.1 The Monitoring Officer to the Authority is appointed the Proper Officer in relation to the following under the Local Government Act 1972:
 - 3.1.1 Determination of those reports which should be available for public inspection prior to a meeting of the Cabinet or committee or subcommittee of the Authority, and those which are likely to be heard in private and consequently which should not be released to the public (section 100B (2));
 - 3.1.2 Provision of documents to the press, additional to committee reports (section 100B(7));
 - 3.1.3 Preparing written summaries of proceedings (section 100C (2));
 - 3.1.4 Making arrangements for list of, and background papers to reports, to be made available for public inspection (section 100D (1))
 - 3.1.5 Determination of documents disclosing exempt information which may not be inspected by Members (section 100F (2)).

- 3.1.6 Signature of Summonses to the Authority (paragraph 4 (2) (b) of Schedule 12).
- 3.1.7 Receipt of notices regarding address to which Summonses to meetings of the Authority are to be sent (paragraph 4 (3) of Schedule 12).
- 3.1.8 Declaration and Certificates with regard to securities (section 146 (1)(a) and (b)).
- 3.1.9 Deposit of documents (section 225 (1)).
- 3.1.10 Certifications of photographic copies of documents (section 229 (5)).
- 3.1.11 Issuing and signing of formal notices (section 234 (1) and (2)).
- 3.1.12 Serving copies of Byelaws (section 236 (9) and (10)).
- 3.1.13 Certification of Byelaws (section 238).
- 3.3 The Monitoring Officer will maintain an up to date Register of Members' interests and an up to date version of the Constitution and will ensure that it is widely available for consultation by Members, officers and the public.
- 3.4 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Standards Committee and be the Proper Officer for receipt and acknowledgement of complaints of failure by a Member of the Authority to comply with the Members Code of Conduct.
- 3.5 The Monitoring Officer cannot be the Head of Paid Service or the Chief Finance Officer.

4. Scrutiny Officer

- 4.1 The Authority must designate one of its officers as the scrutiny officer of the Overview and Scrutiny Committee to:
 - 4.1.1 promote the role of the Overview and Scrutiny Committee;
 - i. provide support and guidance to the Overview and Scrutiny Committee and its members;
 - ii. provide support and guidance to members of the Authority and to the Mayor in relation to the functions of the Overview and Scrutiny Committee.
- 4.2 The Authority may not designate any officer of a constituent council as the scrutiny officer.

5. General

- 5.1 All officers in whose name reports are submitted to the Cabinet, and any Committee or sub-committee via the Monitoring Officer and Chief Finance Officer are appointed the Proper Officers in relation to the following under the Local Government Act 1972:
 - 5.1.1 Compilation and retention of lists of background papers and copies of the relevant documents and reports (section 100D (1) (a))
 - 5.1.2 Identifying and determining what are background papers (section 100D (5)).