

Schedule 4:

PROPER OFFICER APPOINTMENTS

Proper Officer Appointments

The following Officers are appointed to perform the functions of Proper Officer in relation to the matters set out below:

1. Public Health Legislation

Section	Duties	Proper Officer
National Assistance Act 1948: Section 47	To initiate action for removal of persons in need of care and attention	All consultants and acting consultants in public health medicine engaged by the Council.
Public Health (Control of Disease) Act 1984: Section 48	Proper Officer to issue certificates relative to the removal of bodies to mortuaries or for immediate burial.	All Consultants in Communicable Disease Control or Health Protection working in the North Yorkshire & Humber Health Protection Unit together with any Consultants in Public Health Medicine who participate in the Public Health on-call rota for North Yorkshire and therefore have these Proper Officer responsibilities delegated by the North Yorkshire & Humber Health Protection Unit.
The Health Protection (Notification) Regulations 2010 sections 2 and 3 Public Health Act 1936: Sections 84 and 85	Proper Officer for the purpose of receiving and forwarding information about notifications	All Consultants in Communicable Disease Control or Health Protection working in the North Yorkshire & Humber Health Protection Unit together with any Consultants in Public Health Medicine who participate in the Public Health on-call rota for North Yorkshire and therefore have these Proper Officer responsibilities delegated by the North Yorkshire & Humber Health Protection Unit.
Public Health Act 1961; Section 37; And any enactments amending or replacing the aforementioned	Proper Officer for the purposes of dealing with verminous persons, clothing or articles.	All Consultants in Communicable Disease Control or Health Protection working in the North Yorkshire & Humber Health Protection Unit together with any Consultants in Public Health Medicine who participate in

d legislation		the Public Health on-call rota for North Yorkshire and therefore have these Proper Officer responsibilities delegated by the North Yorkshire & Humber Health Protection Unit.
National Assistance Act 1948 and National Assistance (Amendment) Act 1951 Section 47 and any enactments amending or replacing the above mentioned legislation.	Proper Officer to initiate action or make application for the removal of persons in need of care and attention. (In relation to any reference to Medical Officer of Health of a District or Borough in any enactment passed before of during the 1971/2 session of Parliament in any instrument made before 26 October 1972, power to sign and issue notices the signature of which is not otherwise provided for).	All consultants in Public Health Medicine in the NHS North Yorkshire & York with all other Consultants in Public Health Medicine or Communicable Disease Control who participate in the Public Health on-call rota for North Yorkshire and therefore have these Proper Officer responsibilities delegated to them by the Director of Public Health (the Director of Public Health may also delegate other specialists to act in the capacity of Proper Officer for this legislation).

2. Local Government Act 1972

Section	Duties	Proper Officer
13	To act with Chairman of Parish Council as Parish Trustee	Chief Executive
83	To receive and witness declarations of acceptance of office by members etc.	Chief Executive
84	To receive written notice of resignation of members etc.	Chief Executive
88	To convene a Council meeting for election of Mayor following casual vacancy	Chief Executive
89	To receive written notice of casual vacancies	Chief Executive
100B	To exclude from items from reports for inspection by the public	Head of Legal and Support Services
100B	To supply copies of documents to the press	Monitoring Officer (Head of Legal and Support Services)
100C	To make written summary in connection with unpublished minutes	Monitoring Officer (Head of Legal and Support Services)
100D	To compile list of background papers for any report open to inspection	Monitoring Officer (Head of Legal and Support Services)
100D	Definition of background papers – opinion of proper officer	Monitoring Officer (Head of Legal and Support Services)
100F	To determine whether a document does not require to be open to inspection	Monitoring Officer (Head of Legal and Support Services)
115	To receive money due from officers employed by the Council	s151 Officer (Head of Finance and Asset Management)
137A	To receive statements in connection with the provision of financial assistance	s151 Officer (Head of Finance and Asset Management)

Section	Duties	Proper Officer
146	To make a statutory declaration in connection with transfer of securities	s151 Officer (Head of Finance and Asset Management)
191	To receive applications concerning surveying under Section 1 of Ordnance Survey Act 1941	Head of Regeneration and Planning Services
204	To receive Notices of applications for Justices Licence	Chief Executive
210	To act in relation to charities	Chief Executive
225	To receive and deal with deposited documents	Chief Executive
229	To certify photographic copies of documents (for legal proceedings)	Monitoring Officer (Head of Legal and Support Services)
234	To sign any notice, order or other documents on behalf of the Council	The Officers authorised by the Constitution.
236	To send copies of Byelaws to other Councils	Monitoring Officer (Head of Legal and Support Services)
238	To certify printed copy of Byelaws	Monitoring Officer (Head of Legal and Support Services)
248	To keep the roll of freemen	Chief Executive
Schedule 12 Part I Para 4	To sign the summons to members to attend a Council meeting	Chief Executive
Schedule 12 Part I Para 4	To receive notice of desire for summons to attend meetings to be sent to address other than residence	Chief Executive
Schedule 14 Part II Para 25	To certify resolutions of the Council	Chief Executive

3. Local Government Act 1974

Section	Duties	Proper Officer
30	To give public notice of outcome of local commissioner's investigation.	Monitoring Officer (Head of Legal and Support Services)

4. Highways Act 1980

Section	Duties	Proper Officer
205(5)	To certify a copy of a resolution approving specifications, estimates and apportionment (re. private street works)	s151 Officer (Head of Finance and Asset Management)
210(2)	To certify a document giving details of amendment of any estimate and consequential amendment of any apportionment (re. private street works)	s151 Officer (Head of Finance and Asset Management)

5. Representation of the People Act 1983

Section	Duties	Proper Officer
8	To be Registration Officer for the Scarborough Borough Council Area	Chief Executive
35	To be the Returning Officer for election of Borough and Parish Councillors	Chief Executive

6. Buildings Act 1984

Section	Duties	Proper Officer
78	To carry out emergency measures in respect of dangerous buildings	Head of Regeneration and Planning Services

7. Rates Act 1984

Section	Duties	Proper Officer
7	To produce certificates of compliance	s151 Officer (Head of Finance and Asset Management)

8. Local Government Finance Act 1988

Section	Duties	Proper Officer
114	To inform external auditor of date, time, place of meeting held under Section 115	s151 Officer (Head of Finance and Asset Management)

9. Local Government and Housing Act 1989

Section	Duties	Proper Officer
15	To receive notification from Members of the formation of, and changes to, political groups	Chief Executive

10. Local Government Act 2000

Section	Duties	Proper Officer
66	Members' Code of Conduct Issues	Monitoring Officer (Head of Legal and Support Services)
81	Disclosure and registration of Members' interests	Monitoring Officer (Head of Legal and Support Services)

Unless otherwise specified

- (i) The Chief Executive, s151 Officer, Head of Legal and Support Services and Head of Regeneration and Planning shall be appointed and designated Proper Officer for the purpose of any statutory provisions allocating duties or responsibilities to Proper Officers which relate to functions for which they are responsible under the Constitution.
- (ii) In the absence of a Proper Officer his/her powers shall be exercised by the Deputy or one of the Deputies (as relevant) nominated in Paragraph 20 of the Scheme of Delegation to Officers set out in this Constitution or such officer as the Proper Officer in writing shall appoint.