

Subject: REVISION TO LIST OF STATUTORY PROPER OFFICERS

Report to: Constitution Working Party – 15 February 2021

Council – 23 February 2021

Report by: Monitoring Officer

SUBJECT MATTER

This report recommends revisions to the list of Proper Officers detailed within the Council's Constitution

RECOMMENDATION

It is recommended that Council :

- (1) Note and approve the revision to the list of statutory Proper Officers.
- (2) Give delegated authority to the Council's Monitoring Officer to make any consequential revisions to the Constitution

1. Summary

- 1.1 Local Government legislation requires Local Authorities to make and maintain appointments to a number of specified offices. Individuals who are appointed to these offices are commonly referred to as 'Proper Officers'. This term is generally used to refer to those officers who alongside their day to day roles have specific responsibilities, as set out in legislation.
- 1.2 Proper Officers are appointed to act in capacities specified across a range of statutes and are generally at senior leadership level within the organisation. An example of a matter reserved with by statute to be dealt with by a Proper Officer is the resignations of councillors, which are required to be submitted in writing to the "Proper Officer" under s84 of the Local Government Act 1972.
- 1.3 It is apparent that the Council's Constitution which currently lists the Chief Executive, Directors, Monitoring Officer and Deputy Monitoring Officer (and any persons authorised by them) as designated by the Council as such proper Officers, could be seen as too broad and therefore requires reviewing to ensure the correct Senior Officers are designated to these posts. This change would provide improved clarity

and certainty as to the officers who are to be approached when certain decisions or actions are required.

2 Conclusion

2.1 It is recommended to ensure the list of Statutory Officers listed within Article 24.8 of the Council's Constitution be revised to the following posts:-

1. The Chief Executive Officer
2. The Monitoring Officer
3. Finance Director

2. Background Papers

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	Consulted
Section 151 Officer Consultation:	Consulted
Existing Council Policies:	Constitution
Financial Implications (including VAT and tax):	None
Legal Implications (including human rights):	Considered
Risk Implications:	None
Equality Issues/EQIA assessment:	N/A
Crime & Disorder:	N/A
Every Child Matters:	N/A