

APPENDIX E – PART 7 (STATUTORY/PROPER OFFICERS)

Sheffield City Council – Constitution
Part 7 – Management Structure and Statutory/Proper Officers
(Revised December 2017)

2. STATUTORY/PROPER OFFICERS

- 2.1 The Local Government Act 1972 and other legislation require local authorities to make specific statutory appointments and designations (Statutory and Proper Officers) which carry specific responsibilities. For the avoidance of doubt, any post mentioned below will also include an interim appointment to that position.
- 2.2 In the event of the officers named below in 2.3 and 2.4 being unable to act or of any of the posts being vacant, the Chief Executive, or in his/her absence the relevant Executive Director, will appoint an officer to act in their place.
- 2.3 The following are the Statutory Officers of the Council for the purposes stated:-

Legislation	Description	Allocated To
Local Government and Housing Act 1989 Section 4	Head of Paid Service	Chief Executive
Local Government Act 1972 Section 151	Chief Finance Officer	Executive Director, Resources
Local Government and Housing Act 1989 Section 5	Monitoring Officer	Director of Legal and Governance
Local Authority Social Services Act 1970 Section 6	Director of Adult Social Services	Director of Adult Services
Children Act 2004 Section 18	Director of Children's Services	Executive Director, Children, Young People and Families <u>People</u>

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National Health Service Act 2006 Section 73A	Director of Public Health	Director of Public Health
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2.4 The following are the Proper officers of the Council for the purposes stated:-

Local Authority Social Services Act 1970	Description	Proper Officer
Section 6	Officer appointed as Director of Adult Social Services	Director of Adult Services
Local Government Act 1972	Description	Proper Officer
Section 83	Officer who takes declarations of acceptance of office	Director of Legal and Governance
Section 84	Officer to whom a person elected to any office listed in Section 83 may give written notice of resignation	Director of Legal and Governance
Section 88(2)	Officer who may convene a meeting of the Council for the election to fill casual vacancy of chairman of the Council	Director of Legal and Governance
Section 89(1)	Officer who may receive notice in writing of a casual vacancy in the office of Councillor from two local government electors for the area	Electoral Services Manager
Section 100B(2)	Officer who may think fit to exclude from reports open to inspection by members of the public parts relating to items	Director of Legal and Governance in consultation with the relevant

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	during which the meeting is likely not to be open to the public	Executive Director
Section 100B(7)(c)	Officer who makes available to the press copies of documents already supplied to Councillors in connection with an item on the agenda for a meeting of the Council	Head of Democratic Services
Section 100C(2)	Officer responsible for preparing a written summary of those parts of the committee proceedings which disclose exempt information	Head of Democratic Services
Section 100D(1)(a)	Officer responsible for identifying background papers for the report for a meeting of the Council and compiling a list of such documents	Relevant Executive Director
Section 100F(2)	Officer who makes decisions as to documents disclosing exempt information which are not required to be open to inspection by Councillors	Director of Legal and Governance in consultation with the relevant Executive Director
Section 115	Officer to whom all officers shall pay monies received by them and due to the Local Authority	Executive Director, Resources or their nominee
Section 146(1)(a)	Officer authorised to produce a statutory declaration specifying securities and verifying the change of name and identity of the authority	Director of Legal and Governance
Section 151	Officer responsible for the	Executive Director,

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	proper administration of the authority's financial affairs ("Chief Finance Officer")	Resources
Section 191	Officer who receives applications from Ordnance Survey Office in relation to examining, ascertaining and marking out reputed Local Authority boundaries	Director of Legal and Governance
Section 210(6) and (7)	Officer in whom power is vested to exercise any power with respect to a charity exercisable by any officer of a former corresponding authority	Director of Legal and Governance
Section 225	Officer with whom documents may be deposited pursuant to law, who can make notes or endorsements and give acknowledgements or receipts	Director of Legal and Governance
Section 229(5)	Officer who signs a certificate that a document is a photographic copy of a document in the custody of the Council	Director of Legal and Governance
Section 234(1)	Officer who signs notices, orders or other documents on behalf of the Council	Director of Legal and Governance
Section 238	Officer responsible for certifying copies of byelaws	Director of Legal and Governance
Schedule 12 Para 4(2)(b)	Officer who may sign and send to all Councillors a summons to attend Council meetings	Chief Executive

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Schedule 12 Para 4(3)	Officer who may receive notice in writing from a Councillor providing an address to which a summons to a meeting is to be sent other than their place of residence	Head of Democratic Services
Schedule 14 Para 25	Officer who may certify copies of resolutions passed under this Paragraph	Director of Legal and Governance
Local Government Act 1974	Description	Proper Officer
Section 30(5)	Officer responsible for arranging publication in newspapers of a notice that a Local Commissioner's report on an investigation of a matter is available for inspection by the public	Director of Legal and Governance
Local Government (Miscellaneous) Act 1976	Description	Proper Officer
Section 41	Officer responsible for certifying copies of resolutions, orders, reports, minutes of Council meetings and other documents or authorising a person in that behalf	Director of Legal and Governance
Highways Act 1980	Description	Proper Officer
Section 59	Officer responsible for certifying that extraordinary	Head of Highway Maintenance

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	expenses have been or will be incurred in maintaining the highway by reason of damage caused by excessive weight passing along the highway or other extraordinary traffic	
Section 205	Officer responsible for undertaking duties as specified in this Section and Schedule 16 in relation to private street works	Head of Highway Maintenance
Section 210	Officer responsible for certifying amendments to estimated costs and consequential provisional apportionment of costs under the private street works code	Head of Highway Maintenance
Sections 211, 212 and 216	Officer responsible for making a final apportionment of costs under the private street works code	Head of Highway Maintenance
Section 295	Officer responsible for issuing notices requiring removal of materials from non-maintainable streets in which works are due to take place	Head of Strategic Transport, Traffic and Infrastructure Parking Services / Highway Network Manager & Sheffield Traffic Manager
Section 321	Officer responsible for signing notices, consents, approvals, orders, demands, licences, certificates and other documents	Head of Strategic Transport, Traffic and Infrastructure Parking Services / Head of Highway Maintenance
Schedule 9 Para 4	Officer responsible for signing plans showing proposed prescribed	Head of Highway Maintenance

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	improvement lines or building lines	
Representation of the People Act 1983	Description	Proper Officer
Section 8	Officer appointed as Registration Officer for the registration of Parliamentary and Local Government Electors	Chief Executive
Section 28	Officer to discharge duties of the returning officer as Acting Returning Officer at Parliamentary Elections	Chief Executive
Section 35	Officer appointed as Returning Officer for local elections	Chief Executive
Section 52	Officer approved as deputy to perform the powers and duties of the Registration Officer and officer appointed to carry out any acts of the Registration Officer in the event of his incapacity or a vacancy	Electoral Services Manager
Section 67	Officer to whom declarations and public notice of election agents' appointments are made	Chief Executive for Parliamentary Elections; Electoral Services Manager for local elections
Section 131	Officer responsible for providing accommodation for holding election court	Electoral Services Manager
Building Act 1984	Description	Proper Officer

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Section 78(1) and (8)	Officer who may take immediate action in relation to dangerous buildings, structures or parts thereof	Director of Regeneration and Development Services <u>City Growth</u>
Local Government Finance Act 1988	Description	Proper Officer
Section 114	Officer responsible for making financial reports to the authority	Executive Director, Resources
Section 116	Officer responsible for notifying the authority's auditor of the date, time and place of meeting to consider s114 report and of decision of such meeting	Executive Director, Resources
Local Government and Housing Act 1989	Description	Proper Officer
Section 2(4)	Officer with whom the list of politically restricted posts shall be deposited	Chief Executive
Section 4	Officer designated as Head of Paid Service	Chief Executive
Section 5	Officer designated as Monitoring Officer	Director of Legal and Governance
Local Government (Committees and Political Groups) Regulations 1990	Description	Proper Officer
Regulation 8(1) and (5)	Officer to whom notice in	Head of

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	writing is delivered about the constitution of a political group or the change of name of a political group	Democratic Services
Regulations 9 and 10	Officer to whom notice in writing is delivered about a Councillor's membership, or cessation of membership, in a political group	Head of Democratic Services
Regulation 13	Officer to whom the wishes of a political group are expressed	Head of Democratic Services
Regulation 14	Officer responsible for notifying in writing the leader or deputy leader of a political group about allocations and vacancies of seats	Head of Democratic Services
Local Government Act 2000	Description	Proper Officer
Section 9FB	Officer designated to carry out the functions of Scrutiny Officer	Head of Elections, Equalities and Involvement
The Local Authorities (Standing Orders) (England) Regulations 2001	Description	Proper Officer
Schedule 1, Part 2, Paragraphs 5 and 6	Officer responsible for receiving notification of proposed appointment or dismissal of certain officers, notifying executive members of that proposed appointment or dismissal and for receiving and notifying of objections to	Director of Human Resources

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	the proposed appointment or dismissal	
Local Authorities (Referendums) (Petitions) (England) Regulations 2011	Description	Proper Officer
Regulation 4(1)	Officer who publishes the number that is equal to 5 per cent of the number of local government electors for the authority's area	Director of Legal and Governance / Electoral Services Manager
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	Description	Proper Officer
Regulation 7(2)	Officer who may think fit to exclude from the copy of a report open for inspection by the public information which relates to matters when the meeting is likely to be private	Director of Legal and Governance
Regulation 7(7)(c)	Officer who may think fit to supply to a newspaper a copy of any document supplied to Cabinet members in relation to an item on the agenda for a public meeting	Head of Democratic Services
Regulation 10(1) and (3)	Officer responsible for: <ul style="list-style-type: none"> • informing the chairman of the relevant Committee by 	Head of Democratic Services

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	<p>notice in writing of decision to be made where the publication under Regulation 9 is impracticable</p> <ul style="list-style-type: none"> making available for inspection by the public and published on the authority's website a copy of the above noticemaking available a notice setting out the reasons why compliance with Regulation 9 is impracticable and publishing that notice on the authority's website 	
Regulation 12	Officer responsible for producing a written statement of all executive decisions made at meetings of decision-making bodies	Head of Democratic Services
Regulation 13	Officer responsible for producing a written statement of all executive decisions made by individual Councillors	Head of Democratic Services
Regulation 14	<p>Officer responsible for ensuring that a copy of the following documents is available for public inspection:</p> <ul style="list-style-type: none"> Written statements referred to in 	Head of Democratic Services

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	<p>Regulations 12 and 13</p> <ul style="list-style-type: none"> • Part or all of any report considered by the decision maker and relevant to the decision made 	
Regulation 15	Officer responsible for compiling a list of background papers to the report referred to in Regulation 14	Relevant Executive Director
Regulation 16	Officer responsible for determining whether compliance with regulations 16(1) and 16(3) would involve the disclosure of either exempt information or advice provided by a political adviser or assistant	Director of Legal and Governance
Regulation 20	Officer who forms an opinion as to whether a document contains or is likely to contain confidential information, exempt information or the advice of a political adviser or assistant	Director of Legal and Governance
Health and Social Care Act 2012	Description	Proper Officer
Section 30	Officer to carry out the role of director of public health	Director of Public Health
Children Act 2004	Description	Proper Officer

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Section 18	Officer appointed as Director of Children’s Services	Executive Director of Children, Young People and Families, People
Local Authority Social Services and National Health Service Complaints (England) Regulations 2009	Description	Proper Officer
Regulation 4(1)(a) and (4)	Officer designated as Responsible Person to ensure compliance with arrangements made under these Regulations	Chief Executive
Regulation 4(2)	Officer authorised by the Council to perform the functions of the responsible person	Director of Care & Support Adult Services / Director of Commissioning
Regulation 4(1)(b) and (5)	Officer designated as complaints manager to manage the procedures for handling and considering complaints	Complaints Manager
Openness of Local Government Bodies Regulations 2014	Description	Proper Officer
Regulation 8	Officer who forms an opinion as to whether the documents relating to an officer delegated decision under Regulation 7(2) are background papers for the purpose of this Regulation	Director of Legal and Governance
Regulation 9	Officer who determines	Director of Legal

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	whether a document contains or is likely to contain either exempt or confidential information	and Governance