

**NORTH LINCOLNSHIRE COUNCIL  
OFFICER DECISION NOTICE AND RECORD  
(PUBLISHED)**

**1. DECISION TAKEN:** To make minor, prescribed amendments to the Council's Scheme of Proper Officer Appointments.

<b>EXECUTIVE</b>		<b>NON-EXECUTIVE</b>	<b>X</b>	<b>(Please mark either)</b>
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<b>IS THIS A 'KEY DECISION' ? (see definition overleaf)</b>	<b>Yes</b>	<b>No x</b>
<b>DOES THIS DECISION RELATE TO EXEMPT INFORMATION?</b>	<b>Yes</b>	<b>No x</b>
<b>EXEMPT PARAGRAPH REFERENCE (NOT TO BE PUBLISHED)</b>		

**2. OFFICER DECISION  
TAKER**

**NAME:** William Stuart Bell

**POSITION/POST:** Head of Legal and Democracy/Monitoring Officer

**SIGNATURE**



**DATE** 1 October 2021

**3. REASONS FOR  
THE DECISION  
(Please ref to any  
report/minute/background  
documents attached)**

The purpose of this decision record is to make minor, prescribed amendments to the Council's Scheme of Proper Officer Appointments following the transfer of functions from Public Health England to the UK Health Security Agency. The prescribed amendments are detailed in yellow in the attached extract from the Scheme of Proper Officer Appointments.

**4. ALTERNATIVE  
OPTIONS CONSIDERED  
AND REJECTED (BY  
DECISION TAKER(S))**

These changes are required under law following the transfer of function and notification from Public Health England to make the necessary amendments as prescribed.

*TO BE COMPLETED BELOW - ONLY WHEN A DELEGATED OFFICER DECISION REQUIRES PRIOR CONSULTATION WITH A MEMBER (LEADER OF THE COUNCIL, CABINET MEMBER/CHAIRMAN OF A COMMITTEE) IN ACCORDANCE WITH THE 'SCHEME OF DELEGATIONS TO OFFICERS' OR DECISION/MINUTE OF COUNCIL/COMMITTEE OR DECISION/MINUTE OF CABINET/CABINET MEMBER.*

**5. DECISION REQUIRED  
TO BE TAKEN IN  
CONSULTATION WITH  
RELEVANT MEMBER**

**COUNCILLOR** .....

**POSITION** .....

**SIGNATURE** .....

**DATE** .....

**6. ANY CONFLICT OF  
INTEREST DECLARED  
BY ANY EXECUTIVE  
(CABINET) MEMBER  
(S) CONSULTED,  
WHICH RELATES TO  
THE DECISION, OR  
(NON-EXECUTIVE) –  
ANY MEMBER OF THE**

No conflict of interest has been identified.

COMMITTEE THAT DELEGATED THE DECISION TAKEN	
7. WITH REFERENCE TO 6. ABOVE - HAS ANY DISPENSATION BEEN GRANTED TO THE EXECUTIVE (CABINET) MEMBER? (ONLY APPLIES TO EXECUTIVE)	Not applicable.

**PLEASE REMEMBER TO ATTACH ANY ACCOMPANYING REPORT.**

**WHEN COMPLETE, PLEASE SEND TO SERVICE MANAGER: DEMOCRACY FOR PUBLISHING.**

**(The definitions of a key decision** are when an **executive** decision is likely -

(i) to result in the Council incurring expenditure or the making of savings (including the receipt or loss of income) over £350,000 in any one financial year; or

(ii) to be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority).

## **12 HEAD OF LEGAL AND DEMOCRACY**

- 12.1 To be the Solicitor to the Council and the Council's designated Monitoring Officer and discharge Monitoring Officer functions set out in the Localism Act 2011, the Local Government Act 2000, the Local Government and Housing Act 1989 and elsewhere, including:
  - 12.1.1 Maintaining an up-to-date version of the Constitution, keeping it under review and ensuring that it is widely available for consultation by Members, officers and the public, including authority to amend the constitution to reflect re-organisations, changes in job titles/vacancies, minor legislative changes or requirements and to correct any typographical errors or inconsistencies subsequently identified.
  - 12.1.2 After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer reporting to the Full Council, or to the Executive in relation to an Executive function, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
  - 12.1.3 Contributing to the promotion and maintenance of high standards of conduct through provision of support, advice and training to the Standards Committee.
  - 12.1.4 Receiving complaints about member conduct (including Town and Parish Council members) determining whether local resolution is appropriate and/or authorising or carrying out investigations; making appropriate reports relating to member conduct and alleged breaches of the Members' Code of Conduct under the Standards arrangements adopted by the Council from time to time, including determining sanctions where an investigation does not proceed to a standards hearing.
  - 12.1.5 Granting dispensations to members on the grounds set out in sub-sections (a) and (d) of Section 33(2) of the Localism Act 2011.
  - 12.1.6 Establishing and maintaining the register of members' and co-opted members' interests pursuant to section 29 of the Localism Act 2011 and to consider and decide upon sensitive interests pursuant to section 32 of the Localism Act 2011.
- 12.2 To institute, settle, defend, withdraw, compromise or otherwise deal with claims or legal proceedings on behalf of the Council in cases where such action is necessary to give effect to decisions of the Council or in any case where the officer considers that that action is necessary to protect the Council's interests, following consultation with the relevant Director.
- 12.3 To sign or execute on behalf of the Council any pleading, information, complaint, contract, transfer, lease, licence, agreement, grant application,

agreement, notice, order or such other document which requires to be signed or executed pursuant to any Officer delegations, or other authority from the Council, unless some other person has been given authority to sign or execute such document or is required by law to sign or execute such document.

- 12.4 To certify the date when evidence came to the Council's notice for the purpose of health and safety at work and corporate manslaughter or other prosecutions and civil action.
- 12.5 To serve, publicise or advertise any notice, application or order, statutory or otherwise, following a recommendation from any Director and take any steps incidental to completing or obtaining the confirmation of any notice, application, order or other proceedings made by or against the Council.
- 12.6 To authorise officers of the Council to prosecute or defend proceedings in the civil and criminal courts.
- 12.7 To sign certificates under the Local Government (Contracts) Act 1997.
- 12.8 To attest the affixing of the Common Seal of the Council to any legal document required to be executed under seal and to authorise other senior officers to attest the Common Seal as required from time to time.
- 12.9 To sign contracts that exceed £100,000 which, unless determined otherwise by the Head of Legal and Democracy, shall be executed by way of deed under the Common Seal of the Council.

<b>Function</b>	<b>Legislative Provision</b>	<b>Proper Officer</b>	<b>Deputy</b>
Reference in legislation to the "Clerk"	Any legislation before October 1972	Chief Executive	Monitoring Officer
Director of Children's Services	Section 18 Children Act 2004	Director: Children & Community Resilience	Relevant Head of Service
Director of Adult Services	Section 6 Local Authority Social Services Act 1970	Director: Adults & Community Well-being	Relevant Head of Service
Director of Public Health	Section 73A NHS Act 2006	Director: Public Health	Relevant Head of Service
Appointment as Parish Trustee with Chairman of as body corporate for a Parish Meeting; Officer responsible for convening newly created Parish Councils	Local Government Act 1972 Section 13(3)	Chief Executive	Director: Governance and Partnerships
Witness and receipt of declaration of acceptance of office	Local Government Act 1972 Section 83	Chief Executive	Director: Governance and Partnerships

Receipt of notice of resignation by councillor	Local Government Act 1972 Section 84	Chief Executive	Director: Governance and Partnerships
Declare any vacancy in office	Local Government Act 1972 Section 86	Chief Executive	Director: Governance and Partnerships
Convening a meeting of Council to fill casual vacancy in office of Chairman	Local Government Act 1972 Section 88(2)	Chief Executive	Director: Governance and Partnerships
Receipt of notice of casual vacancy from two local government electors (Also for Parish and Community Councils)	Local Government Act 1972 Section 89(1)(b) Local Elections (Parishes and Communities) (England and Wales) Rules 2006/3305	Chief Executive	Director: Governance and Partnerships
Exclusion of reports, etc. from inspection	Local Government Act 1972 Section 100B Schedule 12A	Director: Governance and Partnerships	Monitoring Officer
Written Summary where minutes would disclose exempt information	Local Government Act 1972 Section 100C	Director: Governance and Partnerships	Relevant Head of Service
Compilation of list of background papers	Local Government Act 1972 Section 100D	For each report, the officer named in it as author, or if more than one, the first named	Second named in absence of first named
Exclusion from production to members of documents disclosing exempt information	Local Government Act 1972 Section 100F	Director: Governance and Partnerships	Monitoring Officer
Receipt of money due from officers	Local Government Act 1972 Section 115(2)	Director: Governance and Partnerships	Relevant Head of Service
Declarations and certificates with regard to securities	Local Government Act 1972 Section 146(1)(a)	Director: Governance and Partnerships	Relevant Head of Service
The Officer having responsibility for the proper administration of the financial affairs of the Council.	Local Government Act 1972 Section 151 Also Local Government Finance Act 1988 sections 112-116 and any reference in legislation before October 1972 to the "Treasurer" of a local authority	Director: Governance and Partnerships	Relevant Head of Service

Functions with respect to ordnance survey	Local Government Act 1972 Section 191	Director: Operations	Relevant Head of Service
Charity functions	Local Government Act 1972 Section 210	Director: Governance and Partnerships	Monitoring Officer/ Relevant Head of Service
Authorise Officers to appear in legal proceedings	Local Government Act 1972 Section 223 (Also Section 60 County Courts Act 1984)	Monitoring Officer and all Directors	Deputy Monitoring Officers
Deposit of documents pursuant to the Standing Orders of either Houses of Parliament or to any enactments/instruments and any action as may be directed	Local Government Act 1972 Section 225(1)	Director: Governance and Partnerships	Relevant Head of Service
Certification of photographic copies of documents	Local Government Act 1972 Section 229(5)	Director: Governance and Partnerships	Monitoring Officer
Authentication of documents	Local Government Act 1972 Section 234(1)	Director: Governance and Partnerships	Monitoring Officer
Sending confirmed byelaws to the proper officer of every Parish and Community Council to which they apply	Local Government Act 1972 Section 236	Director: Governance and Partnerships	Monitoring Officer
Certification of byelaws	Local Government Act 1972 Section 238	Director: Governance and Partnerships	Monitoring Officer
Keeping of roll of Freemen	Local Government Act 1972 Section 248	Chief Executive	Director: Governance and Partnerships
Signature of summons to council meetings	Local Government Act 1972 Section 99 & Schedule 12 Para.4(1A)(b)	Director: Governance and Partnerships	Monitoring Officer
Officer to whom members shall give notice of address desiring Council summonses to be sent where not place of residence	Local Government Act 1972 Schedule 12 Para.4(3)	Director: Governance and Partnerships	Relevant Head of Service
Certification of resolutions under paragraph 25 applying or disapplying	Local Government Act 1972 Schedule 14 Para.25(7)	Director: Governance and Partnerships	Relevant Head of Service



relating to births, deaths and marriages including appointment of superintendent registrars and local schemes and other ceremonies including citizenship ceremonies	Act 1949, Civil Partnership Act 2004		
Officer having responsibility for the storage and charge of cemetery records	Local Authorities' Cemeteries Order 1977 Article 12	Director: Operations	Relevant Head of Service
Officer having responsibility for the signature of grants under Paragraph 1 of Part II of Schedule 2 of that Order and the granting of permission for the various matters referred to in Paragraph 1 of Part I of that Schedule	Local Authorities' Cemeteries Order 1977 Paragraph 1 of Parts I & II of Schedule 2	Relevant Head of Service	Director: Operations
The Registration Officer for any constituency of part of a constituency coterminous or situated in the Borough.	Representation of the People Act 1983 Section 8 and 52	Chief Executive	Electoral Registration Officer/ Relevant Head of Service
The Returning Officer for elections of Councillors of the District and for elections of Councillors of Parishes within the District and to receive declarations of Election expenses	Local Government Act 1972 Section 35(1)  Local Government Act 1972 Section 82	Chief Executive	Electoral Registration Officer/ Relevant Head of Service
Receipt from Returning Officer of: the names of persons elected to the council; and election documents. Retention of election documents and making them available for public inspection	Local Elections (Principal Areas) (England and Wales) Rules 2006/3304	Chief Executive	Electoral Registration Officer/ Relevant Head of Service



Publication of reports of Local Commissioners	Local Government Act 1974 Part 3 Section 30	Director: Governance and Partnerships	Deputy Chief Executive and Executive Director: Commercial
(a) Various purposes with regard to drainage, water supply, sanitary accommodation.  (b) Purposes relating to building control other than those comprised in (a) above  (c) authorise action in relation to dangerous structures under Section 78	Building Act 1984	Director: Business Development	Relevant Head of Service
To determine applications for exemption from the list of politically restricted posts  Maintain a list of politically restricted posts	Local Government and Housing Act 1989 Section 3A  Section 2	Chief Executive	Monitoring Officer
Receipt of Notice re changes to Political Groups  Receipt of Notice of Cessation of Membership of Political Groups  To accept wishes of Political Groups in respect of proportionality  To notify Political Groups of allocations	Local Government and Housing Act 1989 Sections 15,16 & 17 Local Government Political Groups) Regulations 1990 Paras 9, 10, 13 & 14	Chief Executive	Director: Governance and Partnerships/ Relevant Head of Service
Discharging the functions for dealing with stray dogs	Environmental Protection Act 1990 Sections 149 - 151	Director: Operations	Relevant Head of Service

Service of notices requiring details of any interests in land.	Local Government (Miscellaneous Provisions) Act 1976 Section s 16	All Directors	Relevant Heads of Service
Certification of copies of resolutions, minutes and other documents	Local Government (Miscellaneous Provisions) Act 1976 Section 41	Director: Governance and Partnerships	Relevant Head of Service
Duty of local authority to supply forms to doctors for purposes of Section 48 - Removal of dead body to mortuary for burial. Section 58 - Authentication of documents Section 60 - Service of notices and other documents	Public Health Act 1936 Sections 11, 48, 58 & 60 Public Health (Control of Disease) Act 1984	Director: Operations	Director of Public Health
Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons.	Regulations 2, 3 and 6 of The Health Protection (Notification) Regulations 2010	Director of Public Health	Public Health Consultant
Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately.	Section 48 of the Public Health (Control of Disease) Act 1984 as amended by Health and Social Care Act 2008	Director of Public Health	Public Health Consultant
Power to enter premises	Sections 61 and 62 of the Public Health (Control of Disease) Act 1984	Director of Public Health	Public Health Consultant
The local registrar within the meaning of the Land Registration Act 2002 and Local Land Charges Act 1975 who shall register any	Land Registration Act 2002 and Local Land Charges Act 1975	Director: Governance and Partnerships	Relevant Head of Service and Local Land Charges Officer

matters specified by these Acts affecting land situate within the district.			
Entertainments, licensing control of sex shops and public health	Local Government (Miscellaneous Provisions) Act 1982	Director: Operations	Licensing Manager
Licensing and gambling functions	Licensing Act 2003 Gambling Act 2005	Director: Operations	Licensing Manager
Non-disclosure where potential to prejudice the effective conduct of public affairs	Freedom of Information Act 2000 Section 36	Chief Executive	Monitoring Officer
Scrutiny Officer	Local Government Act 2000 Section 9FB	Service Manager: Democracy	Relevant Head of Service
Proper Officer Functions for petitions and referenda	Local Authorities (Referendums) (Petitions) (England) Regulations 2011/2914	Director: Governance and Partnerships	Relevant Head of Service
29 – Establish and maintain a register of members' and co-opted members' interests 30 – 31 – Receipt of Members and co-opted members' declarations of interests and changes to those interests within 28 days 32 – Sensitive Interests 33 – Dispensations from restrictions under Section 31(4)	Localism Act 2011 Sections 29 - 33	Monitoring Officer / Head of Legal and Democracy	Director: Governance and Partnerships/ Deputy Monitoring Officers
Proper Officer functions in relation to referendums	Local Authorities (Conduct of Referendums) (England) Regulations 2012	Returning Officer as the Chief Executive	Director: Governance and Partnerships
Proper Officer functions anti-social behaviour and community protection	Anti-Social Behaviour Act 2003 and Anti-Social Behaviour, Crime and Policing Act 2014	Director: Operations	Relevant Head of Service

Proper Officer for notification to deal with objections by the Executive to appointments or dismissals of Chief and Deputy Chief Officers	Local Authorities (Standing Orders) (England) Regulations 2001/3384	Director: Governance and Partnerships	Service Manager: Democracy
Arrangements for network management and appointment of Traffic Manager	Section 17 of the Traffic Management Act, 2004	Director : Operations (or any contractor appointed by him)	Relevant Head of Service
Any other provisions for which arrangements are not made above or in the scheme of delegation to officers (whether made before or after this list was last updated) requiring a proper officer or authorised officer from time to time – either to nominate a proper officer or exercise the functions.	Any	Chief Executive	Director: Governance and Partnerships