

## **PART 3**

### **2. PROPER OFFICER FUNCTIONS**

## **“PROPER OFFICER” FUNCTIONS**

The following officers are appointed the Proper Officer for the purposes of Section 270(3) the Local Government Act 1972, or in relation to any other statute as indicated, in relation to the matters herein indicated:

### **1(A) CHIEF EXECUTIVE**

(i) Any reference in any enactment passed before or during the 1971/72 session of Parliament, other than the Local Government Act 1972 or in any instrument made before 26<sup>th</sup> October 1972, to the Clerk of the Council or the Town Clerk of a Borough.

### **(ii) LGA 1972 Section 13(3)**

Parish Trustee (together with the Chairman of the Parish Meeting) for those parishes not having a separate Parish Council and shall be a body corporate by the name 'the Trustees' with the additions of the name of the Parish

### **(iii) Representation of the Peoples Act (RPA) 1983 Section 8**

The registration officer for the Register of Electors for the District of East Cambridgeshire.

### **(iv) RPA 1983 Section 35**

The Returning Officer for the election of District Councillors.

### **(v) LGA 1972 Section 83(1)-(4)**

The Officer in whose presence declarations of acceptance of office shall be made and to whom such declarations shall be delivered.

### **(vi) LGA 1972 Section 84**

The officer to whom a person elected to any office under the Act may deliver written notice of resignation.

### **(vii) LGA 1972 Section 88(2)**

The officer who may convene a meeting for the election of Chairman of the District Council following a casual vacancy in that office.

### **(viii) LGA 1972 Section 89(1)(b)**

The officer to whom notice in writing of a casual vacancy in the office of Councillor shall be given.

### **(ix) LGA 1972 Section 146 (paragraphs (a) and (b))**

The officer who shall procure the transfer of securities consequent upon any change in name, area of functions of a local authority.

### **(x) LGA 1972 Section 234(1)**

The officer who shall be authorised to sign on behalf of the District Council any notice, order or other document.

### **(xi) LGA 1972 Schedule 12, Part 1 Para 4(2)(b)**

The officer who shall sign a summons to attend a Council meeting.

(xii) **LGA 1972 Schedule 12 Part 1, Para 4(3)**

The officer to whom a member of the Council shall give notice in writing desiring summonses to attend meetings of the Council to be sent to an address specified in the notice other than his place of residence.

(xiii) **The Local Authorities (Conduct of Referendums) (England) Regulations 2001**

The Counting Officer.

(xiv) **The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 as amended**

Matters relating to the verification number and the receipt and handling of petitions.

(xv) **LG and Housing Act 1989.**

The Head of the Council's paid service

(xvi) **LG and Housing Act 1989**

The officer who holds the list of politically restricted posts.

(xvii) **LGA 1972 Section 210(6)**

The officer who shall exercise any power with respect to a charity exercisable by any officer of a former authority and who shall be deemed to be the holder of a corresponding office for the purpose of sub-section (7).

**2. DEMOCRATIC SERVICES MANAGER OR CHIEF EXECUTIVE**

(i) **LGA 1972 Section 100A to 100F**

Functions relating to committee administration and access to information.

(ii) **Local Democracy, Economic Development and Construction Act 2009**

The officer who will receive petitions and requests for reviews for handling of the petitions under the Petitions Scheme, verify number and direct to the relevant Council, Committee or Officer for a response.

(iii) **LG and Housing Act 1989, Sections 15 to 17**

Receipt of notices from political groups. Review of allocation of seats.

**3. DIRECTOR LEGAL OR CHIEF EXECUTIVE**

(i) **LGA 1972 Section 224**

The officer who shall have responsibility for the custody of Council documents.

(ii) **LGA 1972 Section 225**

The proper officer for the custody of the deposit and retention of documents.

(iii) **LGA 1972 Section 229(5)**

The officer who shall certify a photographic copy of a document in the custody of the Council, or of a document which has been destroyed while in the custody of the Council, or any part of any such document.



(iv) **LGA 1972 Section 236(9)(10)**

The officer responsible for sending copies of byelaws to County, Town and Parish Councils.

(v) **LGA 1972 Section 238**

The officer who shall certify a printed copy of the byelaws made by the Council.

(vi) **LG (Miscellaneous Provisions) Act 1976, Section 41**

The officer who shall certify copies of orders, reports and minutes.

(vii) **LGA 1972 Schedule 22 Para 17**

The officer who shall certify orders, notices, demands or other documents under Section 166 of the Housing Act 1957.

(viii) **Town and Country Planning Act 1990**

The officer who shall certify copies of a local plan available for inspection by the public at the Council's offices.

(ix) **LGA 1972 Section 222 and 223**

The officer who shall have responsibility for the conduct of legal proceedings on behalf of the Council.

**4. DIRECTOR LEGAL**

(i) **LG and Housing Act 1989**

The Monitoring Officer.

**5. S151 OFFICER/DIRECTOR FINANCE**

(i) **LGA 1972 Section 151**

The officer who shall have responsibility for the administration of the financial affairs of the Council.

(ii) **LG and Finance Act 1988 Section 114**

The responsibility of the Financial Services Manager of the authority.

(iii) **LGA 1972 Section 115(2)**

The proper officer for the purposes of receiving all money from other officers of the Council under Section 115(2).

(iv) **Local Government and Housing Act 1989**

The proper officer for the purpose of paying Members' Allowances.

(v) **Local Government Act 2003 Sections 25 & 27**

The officer who shall report on the robustness of estimates and the adequacy of reserves.

(vi) **Accounts and Audit Regulations 2011**

The officer who shall maintain arrangements for financial management and internal control.

**5. PLANNING MANAGER OR DIRECTOR COMMUNITY**

(i) **Planning (Listed Buildings and Conservation Areas) Act 1990 Section 2**

The officer who shall receive on deposit lists of buildings of special architectural or historic interest.

(ii) **LGA 1972 Section 191**

Duties in connection with Ordnance Survey.

**6. ENVIRONMENTAL SERVICES MANAGER**

(i) **Public Health Act 1936 – Sections 83, 84 and 85**

The proper officer of the Council who shall certify to the local authority that any premises, articles or clothing are filthy or verminous and who shall authorise a registered medical practitioner, or a woman duly authorised by the medical officer of health to carry out the cleaning of females under Section 85.

(ii) **Food Safety Act 1990**

The officer of the Council for all relevant purposes under the Act.

(iii) **Licensing Act 2003**

The Proper Officer to issue licenses and carry out administrative duties.

(iv) **The Clean Neighbourhood and Environmental Act**

The officer of the Council for all relevant purposes under the Act.

(v) **The Housing Act 2004**

The officer of the Council for all relevant purposes under the Act.

(vi) **Local Government Act 1972 – Section 101**

The officer who in the event of an outbreak of any epidemic of a notifiable infectious disease or food poisoning shall discharge the functions of the authority in relation to the prevention and control of such outbreak with over-riding authority to direct any officer of the Council as to the action to be taken by such officer in that behalf.

(vii) **Local Government Act 1972 – Section 270(3)**

**Public Health (Control of Disease) Act 1984 & all such Regulations made under Public Health (Control of Disease) Act 1984**

The proper officer for the purpose of taking medical decisions and undertaking specific duties.

(viii) **Public Health (Infectious Disease) Regulations 1988**

The proper officer for action to be taken regarding infectious diseases to be specially reported and making of weekly and quarterly returns.



(ix) **Public Health (Prevention of Tuberculosis) Regulations 1925**

The proper officer to provide local authority with written report that person suffering from tuberculosis is engaged in work connected with milk; and to give notice to discontinue employment.

(x) **The Food Safety (Live Molluscs and other Shellfish) Regulations 1992**

Proper officer to issue temporary prohibition orders on behalf of local authority when evidence that infectious or other disease is attributable to molluscs or shellfish.

(xi) **National Assistance Act 1948 – Section 47**

The proper officer who shall issue a certificate to the local authority and give oral evidence to a court of summary jurisdiction on application being made for an order authorising the removal of a person in need of care and assistance.

(xii) **National Assistance (Amendment) Act 1951 – Section 1**

The proper officer who with another medical practitioner shall certify that a person in need of care and assistance shall be removed without delay and the proper officer authorised to make an application for an order of removal to a court of summary jurisdiction or to a single justice.

(xiii) **The Health Protection (Notification) Regulations 2010 – Regulations 2, 3, 6**

The proper officer to appoint Consultants in Communicable Disease Control (CCDC) for the receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons.

(xiv) **Redress Schemes for Lettings Agency Work & Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014**

The proper officer to ensure persons involved in letting agency work and/or property management work are members of a Government approved property redress scheme.

(xv) **The Health Protection (Coronavirus) Regulations 2020**

The proper officer for the purpose of taking urgent medical decisions and undertaking specific duties.

(xvi) **The Health Protection (Coronavirus, Restrictions)(No. 2) (England) Regulations 2020**

Relevant Person for the purpose of closure and restriction of business premises  
Authorised Person for the purpose of serving Fixed Penalty Notices

**7. ENVIRONMENTAL SERVICES MANAGER OR DIRECTOR OPERATIONS**

(xvii) **Health & Safety at Work Act (HSAWA) 1974 – Sections 19 & 20**

The proper officer to authorise person(s) to accompany on site visits