

Proper Officers and Authorised Officer Appointments

An officer with line management responsibility for an officer listed in the list of Proper Officer and Authorised Officer appointment may exercise the power in the absence of the Proper Officer / Authorised Officer. The relevant post holders listed below have been appointed or confirmed as Proper Officers / Authorised Officers for the purposes of the adjacent legislative provisions.

The Proper Officer (Medical) is Dr. Noel McCarthy from the Health Protection Agency but this shall be such other officer as the Health Protection Agency may wish to appoint in his place

Legislation in these tables includes any amendments, re-enactments and subordinate legislation. Legislation is listed in date order.

Legislation		Purpose of appointment	Proper Officer / Authorised Officer	
Act	Section			
Landlord and Tenant Act 1927	S.23	To serve and receive notice on behalf of the Council	Head of Housing Services	
Public Health Act 1936 (as amended)	S.45	To serve notice on owners of buildings with defective sanitary conveniences capable of repair	Head of Housing Services	
	S.50	To serve notice on owners of overflowing cesspools or leaking	Head of Building Control & Engineering Services	
NB prospectively removed by Control of Pollution Act 1974 s.109(2) but not yet in force	S.79	To serve notice to require removal of noxious matter	Head of Safer Communities, Urban and Rural Services	
	S.83	{ { { { { Service of any Notices for the taking of any other action for the cleansing of filthy or verminous premises.	Head of Housing Services or Head of Safer Communities, Urban and Rural Services	
	S.84 and	{	To serve notice requiring	Head of Housing

Legislation		Purpose of appointment	Proper Officer / Authorised Officer
Act	Section		
	S.85 (see also s.35 Public Health Act 1961	remedial action where there are filthy and verminous premises, persons or articles	Services or Head of Safer Communities, Urban and Rural Services
	s.275	By agreement to carry out works in default on sewers or drains	Head of Building Control and Engineering Services
Prevention of Damage by Pests Act 1949	S.2 – S.7	Duty to control rats and mice in district	Head of Environmental Services or Head of Housing Services
National Assistance (Amendment) Act 1951	S.1(1)	Certification of the need for a person in need of care and protection to be removed to suitable premises without delay	Medical officer/community physician
	S.1(3)	The person who may make application to court of summary jurisdiction or to a single justice to obtain an order authorising the removal of a person in need of care and protection	
Landlord and Tenant Act 1954	S.66	To serve and receive notices on behalf of the Council	Head of Housing Services
Milk and Dairies (General) Regulations 1959 (as amended)	Reg.20	Milk treatment orders	Medical officer/community physician
Public Health Act 1961	S.34	Accumulation of rubbish	Head of Safer Communities, Urban and Rural Services or Head

Legislation		Purpose of appointment	Proper Officer / Authorised Officer
Act	Section		
			of Environmental Services
	S.36, SS.83, 84 and 85 (2) Public Health	Service of any Notices for the taking of any other action for the cleansing of filthy or verminous premises including power to require vacation of premises during fumigation.	Head of Housing Services or Head of Safer Communities, Urban and Rural Services
	S.37	Prohibition of sale of verminous articles	Head of Housing Services
Local Government Act 1972	S.13 (3)	Appointment as a Parish Trustee	Head of Legal and Democratic Services
Local Government Act 1972	S.83 (1) to (4)	Witness and receipt of declaration of acceptance of office	Chief Executive
	S.84 (1)	Receipt of notice of resignation of councillor	Chief Executive
	S.88 (2) and Schedule 12	Convening a meeting of Council to fill casual vacancy in the office of Chairman	Chief Executive
	S.89 (1) (b)	Notice and filling of casual vacancy	Returning Officer
	Local Elections (Parishes and Communities) Rules 1986	Request for an election to fill a casual vacancy in respect of parish councils	Returning Officer
	S.96 (1) and (2)	Receipt of notices and recordings of disclosures of interests	Head of Legal and Democratic Services
	S.99	Convening of meetings	Chief Executive
	S.100 and	Access to information	Head of Legal and

Legislation		Purpose of appointment	Proper Officer / Authorised Officer
Act	Section		
	Schedule 12A		Democratic Services
	S.100 (except 100D)	Admission of public (including press) to meetings	Chief Executive
	S.100D	Listing background papers for reports and making copies available for the public to look at	Head of Legal and Democratic Services
Local Government (Access to Information) Act 1985	S.100D (1)A	Compilation of lists of background papers	Each Head of Service for their service area reports
	Section 100D (5)A	Identification of background papers	Each Head of Service for their service area reports

Local Government Act 1972	S.115 (2)	Receiving money due from officers	Chief Finance (section 151) officer
	S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Chief Finance (section 151) officer
	S.151	Financial administration	Chief Finance (section 151) officer
	S.173 - S178	Keeping of records of Members' Allowances	Chief Finance (section 151) officer
	S.191	To receive applications to undertake OS work under the Ordnance Survey Act, 1841	Head of Development Control and Major Developments

	S.204	Receipt of Licensing applications and make the appropriate representations in respect of the same	Head of Safer Communities, Urban and Rural Services
	S.210	To exercise powers in respect of charities	Head of Legal and Democratic Services
	S.214(3) and Article 9 of the Local Authorities' Cemeteries Order 1974	To grant exclusive rights of burial and sign the necessary certificate.	Head of Legal and Democratic Services
	S.223	Authorisation (appearance by persons other than solicitors in legal proceedings)	Head of Legal and Democratic Services
	S.225	Deposit of documents	Chief Executive
Local Government Act 1972	S.228	Inspection of documents	Head of Legal and Democratic Services
	S.228(3)	Accounts for inspection by any member of the Council	Chief Finance (section 151) officer
	S.229(5)	Certification of photographic copies of documents	Head of Legal and Democratic Services
	S.234	Authentication of documents	Head of Legal and Democratic Services
	S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and county council	Head of Legal and Democratic Services
	S.238	Certification of byelaws	Chief Executive
	S.251 and Schedule 29	Exercise all functions of any enactment passed before or during the same session of Parliament as the passing of the LGA 1972	Head of Legal and Democratic Services

	S.270	Except in the case of financial powers or matters, to act as the Proper Officer in respect of any other statute where specific arrangements have not been made in the Scheme	Head of Legal and Democratic Services
	Various Sections	Any requirement in relation to parish authorities specified in the Act (or other legislation).	Head of Legal and Democratic Services
Local Government Act 1972	Schedule 12 para 4 (2) (b)	Signing of summons to Council meeting	Chief Executive
	Schedule 12 para 4 (3)	Receipt of notice regarding address to which summons to meeting is to be sent	Chief Executive
	Schedule 14 Para 25	Certification of resolution passed under this paragraph	Head of Legal and Democratic Services
	Schedule 16 Para 28	Deposit of lists of buildings of special architectural or historic interest	Head of Planning Policy and Economic Development
	Schedule 16 S.191(2)	Applications under Section 1 of the Ordnance Survey Act 1841	Head of Planning Policy and Economic Development
		The purposes of issuing planning decision notices and for all building regulation purposes	Head of Development Control and Major Developments
	Schedule 16	Receipt of deposit lists of protected buildings	Head of Planning Policy and Economic Development
	Schedule 29	Adaptations, modifications and amendments of enactments.	Head of Legal and Democratic Services
	Part VA	Access to information	Head of Legal and Democratic Services
Health and Safety at	S.19 – S.25 /	Appointment of and termination	Head of Recreation

Work Act 1974	39	of appointment of Inspectors and various enforcement powers	and Health
Local Government Act 1974	S.30 (5)	To give notice that copies of a Local Commissioner's (Ombudsman) report are available	Monitoring Officer
Control of Pollution Act 1974	S.60 – S.61	Construction site noise	Head of Safer Communities, Urban and Rural Services
Local Land Charges Act 1975	S.9	To act as local registrar for the registration of local land charges and the issue of official search certificates	Head of Legal and Democratic Services
Local Government (Miscellaneous Provisions) Act 1976	S.16	Requests to obtain particulars of persons interests in land	Heads of Service
	S33	Restoration of supply of water, gas or electricity	Head of Housing Services
	S.41 (1)	To certify copy resolutions, orders, reports and minutes and copy instruments appointing officers to perform certain functions	Head of Legal and Democratic Services
Local Authorities Cemeteries Order 1977 (as amended)	Article 10	To sign exclusive rights of burial	Head of Legal and Democratic Services
Refuse Disposal (Amenity) Act 1978 (as amended)	S.2A	Fixed penalty notice in respect of abandoned vehicles	Head of Environmental Services
Local Government (Miscellaneous Provisions) Act 1982	S.13 – S.17	Skin piercing	Head of Recreation and Health
	S29	Protection of buildings	Head of Housing Services or Head of Building Control and Engineering Services (depending on type of premises)

	S.27	Repair of drains, private sewers etc	Head of Building Control and Engineering Services
	S.35	Blocked private sewers	Head of Building Control and Engineering Services
Local Government (Miscellaneous Provisions) Act 1982		Control of sex establishments	Head of Safer Communities, Urban and Rural Services
Representation of the People Act 1983	S.28	Acting Returning Officer at Parliamentary Elections	Returning Officer
	S.67(1)	Receipt of appointment of election agents	Returning Officer
	S.67(6)	Publication of names and addresses of agents	Returning Officer
	S67(7)(b)	Appropriate officer for local election purposes	Returning Officer
	S.81(1)	Receipt of return of election expenses	Returning Officer
	S.82(1)	Receipt of declaration of election expenses	Returning Officer
	S.87A(2)	Delivery of copy of returns to Electoral Commission	Returning Officer
	S89(3)	Copy and inspections of returns and declarations.	Returning Officer
	S.131	Providing accommodation for holding election count	Returning Officer
Building Act 1984	S.59 – S.61	Authorisation of repair, reconstruction or alteration of drains	Head of Building Control and Engineering Services
	S.64 – S.65	Replacement of sanitary conveniences	Head of Building Control and

			Engineering Services
	S76	Defective premises (expedited procedure relating to s80 EPA 1990)	Head of Housing Services
	S.78	To act as “the surveyor” empowered to take and authorise emergency action in respect of damaged and dangerous buildings.	Head of Building Control and Engineering Services
	S.84	Paved yards	Head of Building Control and Engineering Services
	S.93	Authentication of documents	Head of Building Control and Engineering Services
Public Health (Control of Disease) Act 1984	S.11	Cases of notifiable disease and food poisoning to be Reported	Medical officer/community physician
	S.11	To receive certificates from medial practitioners concerning patients suffering from notifiable diseases and to take all other action necessary relating to those certificates	Head of Recreation and Health
	S.18	Obtaining information from any occupier of premises concerning any person suffering from a notifiable disease or food poisoning	Head of Recreation and Health
	S.20	Stopping of work to prevent spread of disease	Medical officer/community physician
	S.21	Exclusion from school of child liable to convey notifiable disease	Medical officer/community physician
	S.22	List of day pupils at school having case of notifiable	Medical officer/community

		disease	physician
	S.23	Exclusion from places of entertainment	Medical officer/community physician
	S.24	Control of infected articles intended to be washed at laundry or wash houses	Head of Recreation and Health
	S.25	Library books to be disinfected or disposed of	Head of Recreation and Health
	S.26	Infectious matter not to be placed in dustbins	Head of Environmental Services
	S.29	To issue certificates in respect of houses or rooms to be let after being properly disinfected following a case of a notifiable disease	Medical officer/community physician
	S.31	Certification by officer of need for disinfection of premises	Head of Recreation and Health or Medical Officer
	S.32	Certification by officer of need to remove person from infected house	Head of Recreation and Health or Medical officer
	S.34	Duty of owner etc of public convenience	Head of Environmental Services
	S.35	To obtain a Justice's Order requiring a person to be medically examined	Medical officer/community physician
	S.36	Medical examination of group of persons believed to comprise carrier of notifiable disease	Medical officer/community physician
	S.37	To obtain a Justice's Order requiring a person with notifiable disease to be removed to hospital	Medical officer/community physician
	S.38	To obtain a Justice's Order requiring detention in hospital of	Medical officer/community

		a person with a notifiable disease	physician
	S.39 – S.40	Getting a warrant to examine residents of a common lodging house	Medical officer/community physician
	S.42	Closure of common lodging house on account of notifiable disease and certifying a common lodging house to be free from infection	Medical officer/community physician
	S.43	Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except taken to a mortuary or immediately buried or cremated	Medical officer/community physician
	S.48	Removal of body to mortuary or for immediate burial and certifying that it would be a health risk to keep a body in a building	Medical officer/community physician
	S.49 – S.51	Regulations concerning canal boats	Head of Housing Services
	S.59	Authentication of documents relating to matters within their province	Medical officer/community physician
	S.61	Power of entry	Medical officer/community physician
Food Act 1984	S.8	Enforcement of provision relating to working conditions	Head of Recreation and Health
	S.28	Service of notice to prevent spread of disease by ice-cream	Head of Recreation and Health
	S.31	Service of notice requiring food not to be used for human consumption where it appears to be infected	Head of Recreation and Health
Housing Act 1985	S.265	Demolition Order	Head of Housing

			Services
	S.289	Clearance Area Declaration	Head of Housing Services
	S.300	Determination to Purchase	Head of Housing Services
	S.606	Submitting reports on particular houses or areas	Head of Housing Services
Local Elections (Principal Area) Rules 1986	All	All functions	Returning officer
Local Elections (Parishes and Communities) Rules 1986	Rules 46, 47 and 48	Keeping documents after an election and making them available for the public to look at	Returning Officer
Public Health (Infectious Diseases) Regulations 1988	Reg.6	Special reporting of infectious diseases	Medical officer/community physician
	Reg.8	Statistical returns	Medical officer/community physician
	Reg.9	Prevention of spread of disease	Medical officer/community physician
	Reg.10	Immunisations and vaccination	Medical officer/community physician
	Reg.11	Measures against rats	Medical officer/community physician
	Schedule 3	Typhus and relapsing fever	Medical officer/community physician
	Schedule 4	Food poisoning and food borne infections	Medical officer/community physician
Local Government and Finance Act 1988	S.112 – S.115, S.115A	Responsible officer for the purposes of the financial	Chief Finance (section 151)

		administration of the Council's affairs	officer
	S.116	Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the Chief Finance Officer under this Act	Chief Finance (section 151) officer
Local Government and Housing Act 1989	S.2(4)	Maintenance and review of the Council's List of Politically Restricted Posts	Head of Human Resources
	S.4	Functions as Head of Paid Service.	Head of Paid Service
	S.5	Functions of Monitoring Officer within the meaning of this section of the Act	Monitoring Officer
	S.15 - 17	Allocating seats on Committees	Head of Legal and Democratic Services
	S.18	Arrangements in respect of the Scheme of Members' Allowances	Chief Finance (section 151) officer / Head of Legal and Democratic Services
	S.19	Arrangements in respect of the Register of Members' interests	Head of Legal and Democratic Services
	Part 7	Declaration of Renewal Areas	Head of Housing Services
Environmental Protection Act 1990 (as amended)	S.6 – S.15	Prescribed processes	Head of Environmental Services
	S.78	Contaminated land	Head of Environmental Services
	S.79 – S.82	Statutory nuisance	Head of Safer Communities, Urban and Rural

			Services or Head of Housing or Head of Environmental Services
	S.88	Fixed penalty notices for leaving litter	Head of Environmental Services
	S.149 – S.150	Officer responsible for dealing with stray dogs in the area and maintaining a register of dogs seized	Head of Environmental Services
Food Safety Act 1990	S.9	Seizure of food	Head of Recreation and Health
	S.29 – S.30	Sampling food	Head of Recreation and Health
	S.11, S37 – S.39	Improvement / prohibition notices	Head of Recreation and Health
	S.49(3)	To sign documents on behalf of the authority	Head of Recreation and Health
Town and Country Planning Act 1990	S.215	Waste land	Head of Development Control and Major Developments
Local Government (Committees and Political Groups) Regulations 1990	Regs.8, 9, 10, 13 and 14	Dealing with political balance on committees and nominations to political groups	Head of Legal and Democratic Services
Water Industry Act 1991	S.80 – S.83	Private water supply	Head of Recreation and Health
Clean Air Act 1993	S.1 – S.2	Prohibition of dark smoke	Head of Safer Communities, Urban and Rural Services
	S.51 and S.56	To exercise all functions conferred by these sections	Head of Safer Communities, Urban and Rural Services

Criminal Justice and Public Order Act 1994	S.77 – S.80	Removal of unauthorised encampments	Head of Regeneration and Estates
Environment Act 1995	S.80	Local air quality management	Head of Environmental Services
	S.84	Air quality management areas	Head of Environmental Services
Dogs (Fouling of Land) Act 1996	S.4	To issue fixed penalty notices	Head of Environmental Services
Housing Grants, Construction & Regeneration Act 1996	Part 1	Disabled Facilities Grants	Head of Housing Services
Noise Act 1996 (as amended)	S.8	Fixed penalty notices in respect of noise nuisance	Head of Safer Communities, Urban and Rural Services
Party Wall Act 1996	S.10(8)	To act as the ‘appointing officer’ as required by of the Party Wall Act 1996	Head of Building Control & Engineering Services
	S.10	To select a third surveyor, if required, during a neighbour dispute about building projects	Head of Building Control & Engineering Services
Local Government (Contracts) Act 1997	S.3	Signing certificates in respect of Certified Contracts	Head of Legal and Democratic Services
	S.4	To maintain a register of certificates in respect of Certified Contracts to be open to public inspection	Head of Legal and Democratic Services
Data Protection Act 1998	All	Ensuring compliance with the statutory provisions and principles of the Act	Head of Legal and Democratic Services
Crime and Disorder Act	S.5	To work in partnership with the	Head of Safer

1998		police and other responsible bodies to reduce crime	Communities, Urban and Rural Services
	S.17	To consider crime and disorder implications of any decisions	Head of Safer Communities, Urban and Rural Services
	S.115	Power to disclose information in the interest of community safety and other purposes of the Act	Head of Safer Communities, Urban and Rural Services
Local Government Act 2000	S.34	Determine whether a petition is valid	Electoral registration officer
	S.81	Establishment and maintenance of the Register of Members' Interests including voting co-opted members	Monitoring officer
	S.99 and S.100	Regarding Members' allowances and pensions and having regard to all relevant regulations, including The Local Authorities (Members' Allowances) (England) Regulations 2003, and The Local Government Pension Scheme and The Discretionary Compensation (Local Authority Members in England) Regulations 2003	Head of Legal and Democratic Services
	Various	Dealing with the holding of referendums	Returning officer / Electoral Registration Officer
		All other responsibilities in the Act and any subordinate legislation	Head of Legal and Democratic Services
Local Government Act 2000: Section 22: The Local Authorities (Executive Arrangements) (Access to Information)	Regs.3 - 5	Written statements of Executive / Cabinet decisions	Head of Legal and Democratic Services

Regulations 2000) (as amended)			
	Reg.6	Inspection of background papers	Head of Legal and Democratic Services
	Reg.11(2)	Exclusion of reports	Head of Legal and Democratic Services
	Reg.12	Annual notice relating to key decisions of the Authority	Head of Legal and Democratic Services
	Reg.13	Publish the Forward Plan	Head of Legal and Democratic Services
	Reg.16	Authority to seek agreement regarding decisions to be made which are not in the Forward Plan and where requisite notice required within Reg 15 cannot be given	Head of Legal and Democratic Services
	Reg.17	Determining whether documents contain exempt information	Head of Legal and Democratic Services
	Reg.(17)(c)	Provision to the press of documents supplied to the Executive / Cabinet	Head of Legal and Democratic Services
	Reg.18	Confidential / exempt information and exclusion of public from meetings	Head of Legal and Democratic Services
Freedom of Information Act 2000	S.36	Application from exemption disclosure	Monitoring Officer
	All others	All responsibilities associated with the act	Head of Legal and Democratic Services
Regulation of Investigatory Powers Act 2000 (RIPA)	S.27 – S.29	Designation of officer empowered to grant authorisations for the carrying out of directed surveillance and	Heads of Service in accordance with Council's RIPA policy

		authorize the use of covert human intelligence sources under the Act	Chief Executive to authorise operations against children and vulnerable adults
Local Authorities (Referendums) (Petitions and Directions) Regulations 2000 (as amended)	Reg. 4 and 5	Publishing the verification number of local government electors for the purpose of petitions under S.34 of the Local Government Act 2000	Chief Executive
	Reg.8 and all others	Amalgamation of petitions	Chief Executive
Local Authorities (Model Code of Conduct) (England) Order 2001	Schedule 1 para 17	Establish and maintain a Register of Gifts and Hospitality received by Members	Monitoring Officer
Local Authorities (Standing Orders) (England) Regulations 2001	Schedule 1 Part II	Giving notice of appointments and dismissal of officers to the Executive in accordance with the Regulations	Head of Legal and Democratic Services
Private Security Industry Authority Act 2001		Enforcement of actions by licensed door supervisors	Head of Safer Communities, Urban and Rural Services
Criminal Justice and Police Act 2001	S.19(2)	Power of closure where the sale of alcohol is not in accordance with any authorisation	Head of Safer Communities, Urban and Rural Services
The Representation of the People (England and Wales) (Amendment) Regulations 2002	Reg.107	Decisions on whether or not any particular proposed use of the electoral register meets the legislative requirements	Head of Legal and Democratic Services
Money Laundering Regulations 2003	Reg 7	Nominated officer to receive disclosures about suspected money laundering	Chief Finance (section 151) officer
Anti-Social Behaviour Act 2003 (as amended)	S.30	Approval for dispersal orders	Head of Safer Communities, Urban and Rural Services

	S.40	Immediate closure if there is a public nuisance caused by noise and closure is necessary to prevent it	Head of Safer Communities, Urban and Rural Services
	S.43	To issue penalty notices for graffiti and flyposting	Head of Safer Communities, Urban and Rural Services or Head of Environmental Services
Accounts and Audit Regulations 2003	All Regs	All responsibilities	Chief Finance (section 151) officer or person nominated by him/her under Section 114 of the Local Government Finance Act 1988 where the Chief Finance Officer is unable to act
Housing Act 2004	S.239	Determining if a survey or examination is necessary	Head of Housing Services
	Part 1	Enforcement of Housing Standards	Head of Housing Services
	Part 2	Licensing of HMOs	Head of Housing Services
	Part 3	Selective Licensing of Residential Accommodation	Head of Housing Services
	Part 4	Additional controls in relation to residential accommodation	Head of Housing Services
	Part 6	Other provisions about housing	Head of Housing Services
	Part 7	Supplementary and final provisions	Head of Housing Services
The Clean Neighbourhoods and Environment Act 2005	Part 2	Nuisance parking	Head of Safer Communities, Urban and Rural Services

	Part 3	Litter	Head of Environmental Services
	Part 4	Fly posting	Head of Environmental Services
	S.59	Dog control fixed penalty notices	Head of Environmental Services
Food Hygiene Regulations 2006	Reg.6	Hygiene improvement notice	Head of Recreation and Health
	Reg.7	Hygiene prohibition orders	Head of Recreation and Health
	Reg.8	Hygiene emergency prohibition orders	Head of Recreation and Health
	Reg.9	Remedial action/detention notice	Head of Recreation and Health
	Reg.12	Food sampling	Head of Recreation and Health
	Reg.14	Powers of entry	Head of Recreation and Health
	Reg.17	Food premises registration	Head of Recreation and Health
Smokefree (Premises and Enforcement) Regulations 2006		Enforcing smokefree legislation in premises and vehicles	Head of Recreation and Health
Criminal Justice and Police Act 2006	S.14	Broader definition of S.17 of the Crime and Disorder Act 1998, to consider crime and disorder implications of any decisions, to include anti social behaviour	Head of Safer Communities, Urban and Rural Services
	S.22	To share depersonalised data	Head of Safer Communities, Urban and Rural Services

The Chief Finance (section 151) officer shall act as the proper officer in respect of any other statute where specific arrangements for financial matters have not been made under this scheme.

The Head of Legal and Democratic Services shall act as the proper officer for any other legislative provisions where specific arrangements have not been made under this scheme.