

# List of Proper Officers

Under certain statutory provisions the Council has to appoint named persons who are responsible for statutory responsibilities.

## SCHEDULE OF APPOINTMENTS

### AGRICULTURE ACT 1970

Section	Brief Details of Responsibility	Proper Officer
67(3)	Appointment as Agricultural Analyst	Assistant Director: Regulatory Services

### LOCAL AUTHORITY SOCIAL SERVICES ACT 1970

Section	Brief Details of Responsibility	Proper Officer
6 (A1)	Director of Adult Social Services	Executive Director: Adults, Communities and Wellbeing

### LOCAL GOVERNMENT ACT 1972

Section	Brief Details of Responsibility	Proper Officer
13 (3)	Parish Trustee where no Parish Council	Director of Legal and Democratic
All appointments under sections 83, 84, 86, 88(2), 89((1)(b), 99 and sch 12, 100 A to F	To witness and receive declarations of acceptance of office of Chair, Vice-Chair or councillor, resignations of councillors, vacancy in office, convening meetings to declare a vacancy, receipt of notice from electors regarding a vacancy, to issue a summons for a council meeting, all matters concerning agenda, papers and reports and minutes of meetings	Director of Legal and Democratic
115 (2)	Person to whom all officers shall pay monies received by them and due to Council	Executive Director of Finance
137(a)	Gives the Proper Officer power to require a voluntary organisation or similar body to supply information to him, where a local authority uses its powers under Section 137 to give financial assistant to that voluntary organisation or similar body above a relevant	Executive Director of Finance

North Northamptonshire Council Constitution – Part 9.3 – List of Proper Officers

	minimum	
146 (1)(a)	Statutory declarations and issue any certificate in relation to securities on change of name of authority or change of area	Executive Director of Finance
151	To be responsible for the administration of the financial affairs of the Council	Executive Director of Finance
All appointments 191, 210(6) and (7), 223, 225 (1), 229 (5), 233, 234, 238, 248, Sch 12 para 4 (2) (b) and 4 (3) and Schedule 14 para 25(7)	Receipt of notices from Ordnance Survey in relation to boundaries, powers in respect of charities, authorising officers to attend court, receipt of documents to be deposited, certification of photographic copies, receipt of service, signing of notice order or other document required by law, certifying copies of byelaws and keeping the roll of freemen. Provisions in relation to summons for meetings and copy resolutions	Director of Legal and Democratic
Schedule 29 Para 41	Proper Officer for Births, Marriages and Deaths	Director of Legal and Democratic

**LOCAL GOVERNMENT ACT 1974**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
30	Provides that the Proper Officer must give public notice of the ombudsman's reports	Director of Legal and Democratic

**LOCAL ELECTIONS (PRINCIPAL AREA) RULES**

	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
	Retention and public inspection of documents after an election	Returning Officer (Chief Executive)

**LOCAL LAND CHARGES ACT 1975**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
3	Requires each registering authority to maintain a local land charges register. This duty falls on the local authority itself and not on the "Proper Officer"	Executive Director of Place, Economy and Environment
19	The officer to act as Local Registrar as defined in Section 3	Executive Director of Place, Economy and Environment

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
16	Notices requiring details of interest in land	Any Chief Officer of the Council
41(1)	The officer to certify copies of any resolution,	Director of Legal

North Northamptonshire Council Constitution – Part 9.3 – List of Proper Officers

	order, report or minutes of proceedings of the Authority as evidence in any legal proceedings	and Democratic
--	-----------------------------------------------------------------------------------------------	----------------

**LOCAL AUTHORITIES CEMETRIES ORDER 1977**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
10	To sign exclusive rights of burial	Executive Director of Place, Economy and Environment

**HIGHWAYS ACT 1980**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
59(1)	Certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight	Assistant Director: Highways and Waste
193 (1)	Certify that additional expenses have been incurred in the execution of wider than normal street works	Assistant Director: Highways and Waste
205 (3)-(5)	Undertake duties as specified in the schedules in relation to private street works	Assistant Director: Highways and Waste
210(2)	Certify amendments to estimated costs and provisional apportionment of costs under the private street works code	Assistant Director: Highways and Waste
211(1), 212(4), 216(2)-(3)	Make final apportionment of costs as detailed in the schedules under the private street works code	Assistant Director: Highways and Waste
295(1)	Issue notice requiring removal of materials from non - maintainable streets in which works are due to take place	Assistant Director: Highways and Waste
321	Authenticate notices and other documents	Assistant Director: Highways and Waste
Sch 9 para 4	Sign plans showing proposed prescribed improvement or building lines	Assistant Director: Highways and Waste

**REPRESENTATION OF THE PEOPLE ACT 1983**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
67 (7)(b)	Receipt of notice of an election agent for local elections	Returning Officer
82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Returning Officer
128	Provides that a copy of any petition questioning a local government election shall be sent to proper officer who shall publish it in the local authority area	Returning Officer

**BUILDING ACT 1984**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
61	Provides that the proper officer or any other authorised officer to be given free access to works of repairs to an underground drain	Executive Director of Place, Economy and Environment
78	To take action in relation to dangerous buildings and structures	Executive Director of Place, Economy and Environment
93	Provides that notices and other documents under this Act may be signed by the Proper Officer or by an officer authorised by him in writing	Executive Director of Place, Economy and Environment

**PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 AS AMENDED BY THE HEALTH AND SOCIAL CARE ACT 2008 AND THE MILK AND DAIRIES (GENERAL) REGULATIONS 1959**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
48	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately	Director of Public Health
61	Right to enter premises to ascertain whether there has been a contravention of a provision of the 1984 Act or a Part 2A order made pursuant to the 1984 Act	Director of Public Health
	Requirement to appoint a suitably qualified	Director of Public

North Northamptonshire Council Constitution – Part 9.3 – List of Proper Officers

	person as the Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases	Health
74	To act for such of the functions relating to notification, investigations, prevention and control of notifiable diseases and food poisoning.	Director of Public Health

**WEIGHTS AND MEASURES ACT 1985**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
72(1)(a)	Chief Inspector of Weights and Measures	Assistant Director: Regulatory Services

**LOCAL ELECTIONS (PARISHES AND COMMUNITIES) RULES 2006**

	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
	Retention and public inspection of documents after an election	Returning Officer

**LOCAL GOVERNMENT FINANCE ACT 1988**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
114, 115 and 115A	Responsibility for Chief Financial Officer Reports	Executive Director of Finance
116	Notification to auditor of date, time and place of meeting to consider Section 114 report and of decision of such meeting	Executive Director of Finance
139A	Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required	Executive Director of Finance
Schedule 4 (10)(1) Paragraphs 6 - 8 (10)(1) Paragraph 9	Where notice has to be served on the Council concerning: <ul style="list-style-type: none"> <li>• The acquisition of way leaves over Council - owned land</li> <li>• The felling and lopping of trees etc.</li> </ul>	Executive Director of Place, Economy and Environment
Schedule 8 36 (8) Paragraph 1	Where applications have to be made for consent to construct generating stations on Council - owned land	Executive Director of Place, Economy and Environment
36(8) Paragraph 2	Where applications for consent have to be served on the local planning authority	

---

### LOCAL GOVERNMENT AND HOUSING ACT 1989

Section	Brief Details of Responsibility	Proper Officer
2(4), 3A, 15 -17	Officer with whom the list of politically restricted posts shall be deposited; to grant exemptions from political restriction and matters relating to the establishment of political groups. Any responsibilities under the Local Government (Committees and Political Groups) Regulations 1990	Director of Legal and Democratic

### FOOD SAFETY ACT 1990

Section	Brief Details of Responsibility	Proper Officer
49(3)	Any document which a food authority are authorised or required by or under this Act to give, make or issue may be signed on behalf of the authority (a) by the proper officer of the authority as respects documents relating to matters within his province; or (b) by any officer of the authority authorised by them in writing to sign documents of the particular kind, or, as the case may be, the particular document	Assistant Director: Regulatory Services

### CIVIL EVIDENCE ACT 1995

Section	Brief Details of Responsibility	Proper Officer
9	To certify Council records for the purposes of admitting the document in evidence in civil proceedings	Director of Legal and Democratic

### EDUCATION ACT 1996

Section	Brief Details of Responsibility	Proper Officer
532	Appointment as Chief Education Officer	Director of Children's Services

### PARTY WALL ETC. ACT 1996

Section	Brief Details of Responsibility	Proper Officer
	To select a third surveyor, if required, during a neighbour dispute about building projects	Executive Director of Place, Economy and Environment

**LOCAL GOVERNMENT (CONTRACTS) ACT 1997**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
	Certification of relevant powers to enter into contracts	Executive Director of Finance

**CRIME AND DISORDER ACT 1998**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
12	To apply for the discharge or variation of a Child Safety Order	Director of Children's Services
17 and 37	To have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons	Director of Children's Services

**LOCAL GOVERNMENT ACT 2000**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
3	Producing a written statement of Executive decisions made at meetings	Director of Legal and Democratic
5	Making a copy of written statements of Executive decisions and associated reports available for inspection by the public	Director of Legal and Democratic
6	Making available for inspection a list of background papers	Director of Legal and Democratic
11(2)	Exclusion of whole or part of any report to the Executive where meeting is likely not to be open to the public	Director of Legal and Democratic
11(7)(c)	Provision to the press of other documents supplied to members of the Executive in connection with the item discussed	Director of Legal and Democratic
81	Establish and maintain a Register of Interests	Director of Legal and Democratic

**LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) REGULATIONS 2000**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
34	Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000	Director of Legal and Democratic

**REGULATION OF INVESTIGATORY POWERS ACT 2000 SECTION 30  
THE REGULATION OF INVESTIGATORY POWERS (PRESCRIPTION OF OFFICES,  
RANKS AND POSITION) ORDER 2000**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
2	Authorise the carrying out of directed surveillance of the conduct of a covert human intelligence source	Executive Directors, Director of Legal and Democratic, Chief Executive in accordance with Council's RIPA policy

**REGULATION OF INVESTIGATORY POWERS ACT 2000, SECTIONS 22(2)(B) AND 25(2)  
THE REGULATION OF INVESTIGATORY POWERS (COMMUNICATIONS DATA) ORDER 2010  
THE REGULATION OF INVESTIGATORY POWERS (COVERT SURVEILLANCE AND PROPERTY INTERFERENCE: CODE OF PRACTICE) ORDER 2010  
THE REGULATION OF INVESTIGATORY POWERS (COVERT HUMAN INTELLIGENCE SOURCES: CODE OF PRACTICE) ORDER 2010**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
Sch 2 Part 2	Grant authorisation or give notice to obtain or disclose communications data for the purpose of preventing or detecting crime or of preventing disorder	Director of Legal and Democratic

**FREEDOM OF INFORMATION ACT 2000**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
36	Person to confirm or deny whether the disclosure of information is likely to prejudice the effective conduct of public affairs	Director of Legal and Democratic

**LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
Sch 1 Part II paras 5 and 6	Functions in relation to notifying Executive appointments, dismissals etc .	Director of Legal and Democratic

**CHILDREN ACT 2004**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
18	Director of Children's Services	Director of Children's Services



**HEALTH ACT 2006**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
10(3)	Duty of an enforcement authority to enforce, as respects the premises, places and vehicles in relation to which it has enforcement functions, the provisions of this Chapter (smoke free premises) and regulations made under it	Assistant Director: Regulatory Services
10(5)	In this Chapter, “authorised officer”, in relation to an enforcement authority, means any person (whether or not an officer of the authority) who is authorised by it in writing, either generally or specially, to act in matters arising under this Chapter	Authorised Officers
10(7)	Refers to Schedule 2 which lists the powers of entry, etc.	Assistant Director: Regulatory Services
10(9)(1)	An authorised officer of an enforcement authority (see section 10) who has reason to believe that a person has committed an offence under section 6(5) or 7(2) on premises, or in a place or vehicle, in relation to which the authorised officer has functions may give him a penalty notice in respect of the offence	Authorised Officer

**SMOKE-FREE (PREMISES AND ENFORCEMENT) REGULATIONS 2006**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
3	To carry out the functions of an enforcement authority under Regulation 3	Assistant Director: Regulatory Services

**CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF STRATEGY) REGULATIONS 2007/1830**

<b>Regulation</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
4 (3)	Nominated officer to facilitate the sharing of information under an information sharing protocol	Assistant Director Housing and Communities

**LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
31	Statutory Scrutiny Officer	Democratic Services Manager

**HEALTH AND SOCIAL CARE ACT 2012**

<b>Section</b>	<b>Brief Details of Responsibility</b>	<b>Proper Officer</b>
	Responsible person for ensuring that the Council complies with statutory requirements relating to complaints made to the Council about its public health functions and, where necessary, action is taken in light of the outcome of such complaints	Director of Public Health
73A(1)(a)	The exercise by the authority of its functions under section 2B, 111 or 249 or Schedule 1 – health improvement duties to take steps to improve the health of the people in the area	Director of Public Health
73A(1)(b)	The exercise by the authority of its functions by virtue of section 6C(1) or (3) – The exercise of the Secretary of State’s public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – these include services mandated by regulations	Director of Public Health
73A(1)(c)	Anything done by the authority in pursuance or arrangements under section 7A – Any public health activity undertaken by the local authority under arrangements with the Secretary of State	Director of Public Health
73A(1)(d)	The exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health	Director of Public Health
73A(1)(e)	The functions of the authority under section 325 of the Criminal Justice Act 2003 - the local authority’s role in co-ordinating with the police, the probation service and the prison service to assess the risks posed by violent and sex offenders	Director of Public Health
73A(1)(f) -	Other public health functions that the Secretary of State may specify in regulations	Director of Public Health

### COUNTER-TERRORISM AND SECURITY ACT 2015

Section	Brief Details of Responsibility	Proper Officer
	The Officer responsible for ensuring that the Council, in the exercise of its functions, have due regard to the need to prevent people vulnerable from being drawn into terrorism	Executive Director Adults, Communities and Wellbeing

### LANDLORD AND TENANTS ACTS

	Brief Details of Responsibility	Proper Officer
	To be the Proper Officer to serve and receive notices on behalf of the Council for the purposes of S23 of the Landlord and Tenant Act 1927 and S66 of the Landlord and Tenant Act 1954	Executive Director of Place, Economy and Environment

### OTHER MISCELLANEOUS PROPER OFFICER FUNCTIONS

Section	Brief Details of Responsibility	Proper Officer
	Any other miscellaneous proper or statutory officer functions not otherwise delegated by the Authority	Chief Executive or his/her nominee

### WORKING TOGETHER TO SAFEGUARD CHILDREN: A GUIDE TO INTER-AGENCY WORKING TO SAFEGUARD AND PROMOTE THE WELFARE OF CHILDREN (DFE GUIDANCE, MARCH 2010)

Section	Brief Details of Responsibility	Proper Officer
	Local Authority Designated Officer (LADO)	Director of Children's Services
	Designated Caldicott Guardian	Executive Director Adults, Communities and Wellbeing

### GENERAL DATA PROTECTION REGULATIONS

	Brief Details of Responsibility	Proper Officer
	Designated Senior Information Risk Owner (SIRO)	Director of Legal and Democratic
	Data Protection Officer	Information Governance Manager
	Information Asset Owners	Director of Legal and Democratic

**IN THE ABSENCE OF THE DESIGNATED PROPER OFFICER:**

- In the event of the Head of the Paid Service not being available to deal with matters for which they have been designated the proper officer, an Executive Director may be authorised by them to act as proper officer in their absence.
- In the event of any other designated officer being unable to fulfil their duties as proper officer, their deputy may be authorised to undertake such duties.
- Notwithstanding the above, a proper officer may at any time delegate or authorise other officers to perform the designated duties on their behalf.

**END OF PROPER OFFICER LIST**

**FEBRUARY 2021**