

BABERGH DISTRICT COUNCIL / MID SUFFOLK DISTRICT COUNCIL

From: Joint Member Integration Board	Report Number: L164
To: Council	Date of Meeting: 23 February 2012

PROPER OFFICER DELEGATIONS

1. Purpose of Report

1.1 To approve revised Proper Officer delegations.

2. Recommendations to Council

2.1 That the revised Proper Officer Delegations in Appendix 1 be adopted.

2.2 That the Monitoring Officer be authorised to update the Constitution to correspond with the posts identified in the Scheme of Delegations and Proper Officer Delegations.

3. Financial Implications

None.

4. Risk Management

Risk Description	Likelihood	Impact	Mitigation Measures
The Proper Officer provisions are out-of-date	Low	High	Adopt updated scheme asap

5. Consultations

5.1 None.

6. Equality Analysis

6.1 None.

7. Shared Service / Partnership Implication

7.1 The changes are necessary to take account of the introduction of joint posts.

8. Key Information

8.1 Arising from the Babergh and Mid Suffolk Integration Programme it is necessary to produce a single set of Proper Officer Delegations for both Councils. These are attached at Appendix 1.

9. Appendices

Title	Location
1 Proper Officer Delegations.	Attached

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PROPER OFFICER PROVISIONS

“Proper Officer” appointments in accordance with the relevant provisions of the specified legislation are as set out hereunder:-

Local Government Act 1972

<u>Section</u>	<u>Description</u>	<u>Proper Officer</u>
13(3)	Chairman of Parish Meeting and Proper Officer shall become a body corporate where there is no separate parish council.	Chief Executive
83(1)	Receipt of Declaration of Acceptance of Office.	Monitoring Officer/Chief Executive
84	The Officer to whom a person elected to any office under the Council may give written notice of resignation.	Monitoring Officer/Chief Executive
88(2)	The Officer who may convene a meeting of the council for the election to fill a vacancy.	Chief Executive
89(1)(b)	The Officer who may receive notice in writing of a casual vacancy in the office of Councillor from two local government electors.	Chief Executive
91	The officer to make temporary appointments to Parish Councils	Strategic Director (Corporate)
96(1)	Receipt of notices of pecuniary interest.	Monitoring Officer
96(2)	The Officer who shall keep the record of disclosures of interest under Section 94 and of notices under Section 96(1) and of Section 19 of the Local Government and Housing Act 1989.	Monitoring Officer
100A-100K	Access to Information	Strategic Director (Corporate)
115(2)	The Officer who shall receive all money due from every officer employed by the Council.	Section 151 Officer
146(1)(a) and (b)	The Officer who shall give statutory declarations and certificates with regard to securities on the change of name or status.	Section 151 Officer
151	The Officer responsible for the proper administration of financial affairs.	Section 151 Officer
191	The Officer to whom applications under Section 1 of the Ordnance Survey Act 1842 should be sent.	Strategic Director (Place)

<u>Section</u>	<u>Description</u>	<u>Proper Officer</u>
225(1)	Deposit of Documents with the Proper Officer and making of notes or endorsements and receipts	Head of Corporate Organisation
229(5)	The Officer who shall certify that a document is a photographic copy of a document in the custody of the Council.	Monitoring Officer
234	The Officer who may authenticate documents.	Monitoring Officer
236(9) and (10)	The Officer who is responsible for sending certified copies of byelaws to appropriate bodies.	Monitoring Officer
238	The Officer who shall certify copies of Byelaws as true copies.	Monitoring Officer
Sch 12 Para 4(2)(b)	The Officer who may sign a summons to Council meetings.	Strategic Director (Corporate)
Sch 12 Para 4(3)	The Officer who may receive notice from a Member of the address to which a summons to a meeting is to be sent.	Strategic Director (Corporate)
Sch 14 Para 25(7)	The Officer who may certify copies of resolutions passed under the Public Health Acts 1875 to 1925 as true copies for production in legal proceedings.	Monitoring Officer

Local Government Act 1974

S30(5)	Publication in newspapers of reports of Local Commissioner.	Chief Executive
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Local Government (Miscellaneous Provisions) Act 1976

S41	Certification of copies of resolutions, minutes and other documents.	Monitoring Officer
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Building Act 1984

S 93	Authentication of documents	Head of Economy
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Note: Infectious disease legislation for which Babergh is the enforcing Authority is co-ordinated to a large extent by the joint approaches of the Head of Environment and the Consultant in Communicable Diseases Control (CCDC). The CCDC is appointed to act as a Proper Officer on behalf of Babergh District Council.

Public Health Acts - Health Protection Functions

The CCDC, where nominated below shall be the Consultant in Communicable Disease Control for Suffolk as designated by the Health Protection Agency's Norfolk, Suffolk and Cambridgeshire Health Protection Unit (NSCHPU), or by any successor agency or unit, or any equivalently medically qualified deputising officer, also as designated by any successor agency or unit.

Public Health Act 1936

<u>Section</u>	<u>Description</u>	<u>Proper Officer</u>
Section 84	Cleansing of filthy and verminous articles.	CCDC (as Medical Officer of Health)
Section 85	Cleansing of filthy and verminous persons and their clothing.	CCDC (as Medical Officer of Health)

Public Health (Control of Disease Act) 1984 as amended, and any subordinate Regulations or Orders

<u>Section</u>	<u>Description</u>	<u>Proper Officer</u>
Wherever Proper Officer is referenced or specified:-		CCDC
Section 61	Powers of entry	CCDC or Head of Environment
Section 62	Supplementary powers of entry	CCDC or Head of Environment

National Assistance Act 1948 (as amended) and Section 61 of the National Assistance Act 1951

<u>Section</u>	<u>Description</u>	<u>Proper Officer</u>
Section 47	Removal to suitable premises of persons in need of care and attention	Head of Environment to appoint consultant(s) as necessary to act as the Medical Officer of Health

Powers of entry and authorisation of officers

The Head of Environment is appointed to authorise officers to exercise powers of entry given under Section 61 of the Public Health (Control of Diseases) Act 1984 and Section 55 of the National Assistance Act 1948.

<u>Section</u>	<u>Description</u>	<u>Proper Officer</u>
Food Safety Act 1990		
S49	Proper Officer of the Authority as regards documents relating to matters within his province.	Head of Environment
Representation of the People Act 1983		
S 8	The electoral registration Officer for any constituency or part of a constituency co-terminus with the District	Chief Executive
S 35	The Returning Officer for the elections of councillors of the District and of councillors of Parishes within the District.	Chief Executive
Housing Act 1985		
S606(1) and (2)	Reports on unfitness and clearance.	Head of Environment
Local Government Finance Act 1988		
S114	Financial Report to the Authority	Section 151 Officer
Local Government and Housing Act 1989		
S4	Head of Paid Service	Chief Executive
S5	Monitoring Officer	Joint Monitoring Officer
S19	Receipt of information about Members' interests	Monitoring Officer
Localism Act 2011		
S. 33	The officer to receive a written request for a dispensation to be granted.	Monitoring Officer

DEPUTY PROPER OFFICER PROVISIONS

In respect of the purposes for which the Chief Executive is the Proper Officer of the Council, the Strategic Director (Corporate) for the time being be authorised to act as such Proper Officer and as Deputy Returning Officer for Elections when the Chief Executive is unable to act.

In other cases where the designated Proper Officer is unable to act, the following are designated Deputy Proper Officers:-

For any Head of Service, a Strategic Director.

For a Strategic Director, the Chief Executive or another Strategic Director.

For the Section 151 Officer, the Mid Suffolk S. 151 Officer.

For the Monitoring Officer, a Deputy Monitoring Officer.

For the Consultant in Communicable Diseases (CCDC), any equivalently medically qualified officer as designated by the Health Protection Agency's Norfolk, Suffolk and Cambridgeshire Health Protection Unit (NSCHPU), or by any successor agency or unit.

For the Head of Environment in respect of sections 61 and 62 of the Public Health (Control of Disease) Act 1948, any officer duly authorised by the Head of Environment.

Any Proper officer may appoint any other person in writing to act on their behalf.