

**PART 3            RESPONSIBILITY FOR FUNCTIONS**

**SECTION 6:**  
**Proper officer functions**

The following tables show the Proper Officers appointed for the functions specified.

The deputy proper officer is shown after the proper officer. The deputy proper officer is appointed to act where the proper officer is absent and/or unable to act. Where neither the designated proper officer nor the designated deputy proper officer is able to act, or if there is no specified designated proper officer, the Chief Executive is appointed to act or may designate an appropriate person to act as proper officer or deputy proper officer. If the Chief Executive is unable to act, this power shall be delegated to the Deputy Director of Legal and Governance or, if the Deputy Director of Legal and Governance is unavailable, to the next most senior lawyer employed by the Council available to act.

### Public Health Act 1936

| Section | Description   | Proper officer   |
|---------|---|--|
| 84      | Officer authorised to issue a certificate requiring an article to be cleansed purified, disinfected or destroyed. | The Council hereby appoints any person for the time being employed by the North East London Health Protection Unit as Consultant in Communicable diseases (CCDC) or by the North East London Primary Care Trusts (PCTs) as Consultant in Public Health Medicine (CPHM) for the authority's area as proper officer.<br><br>Public Protection Manager. Strategic Director, Place |
| 85      | Officer authorised to issue report to take measures to cleanse verminous clothing.                                | As above<br><br>Public Protection Manager. Strategic Director, Place   |

### National Assistance Act 1948

| Section | Description   | Proper officer  |
|---------|---|---|
| 47      | Officer authorised to issue a certificate to enable a local authority to apply for a court order to remove a person from insanitary living conditions | The Council hereby appoints any person for the time being employed by the North |

|  |  |                                       |
|--|--|---------------------------------------|
|  |  | East London Health Protection Unit as |
|--|--|---------------------------------------|

| Section | Description | Proper officer   |
|---------|-------------|--|
|         |             | Consultant in Communicable diseases (CCDC) or by the North East London Primary Care Trusts (PCTs) as Consultant in Public Health Medicine (CPHM) for the authority's area as proper officer. |

#### National Assistance (Amendment Act) 1951

| Section | Description   | Proper officer |
|---------|---|----------------|
| 48      | Amends section 47 of the National Assistance Act 1948 (as above) to enable a local authority to apply for a court order to remove a person from insanitary living conditions without giving notice of intention to apply for the order. | As above       |

#### Public Health Act 1961

| Section | Description   | Proper officer   |
|---------|---|--|
| 37      | Officer authorised who may cause verminous articles to be disinfected or destroyed. | The Council hereby appoints any person for the time being employed by the North East London Health Protection Unit as Consultant in Communicable diseases (CCDC) or by the North East London Primary Care Trusts (PCTs) as Consultant in Public Health Medicine (CPHM) for the authority's area as proper officer. |

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|  |  | Public Protection<br>Manager. Director of<br>Public Health |
|--|--|--|

## Local Government Act 1972

| Section   | Description  | Proper officer  |
|-----------|--|---|
| 83(1)-(4) | Officer to whom persons elected to any of the following offices of the Council shall make declaration of acceptance of office: mayor, deputy mayor, councillor | Chief Executive<br>Deputy Director of<br>Legal and Governance |

| Section                  | Description  | Proper officer  |
|--------------------------|--|---|
| 84                       | Officer to whom a person elected to any office under the Council may give written notice of resignation  | Chief Executive<br>Deputy Director of Legal<br>and Governance               |
| 88(1)                    | Receiving notice of casual vacancy in office of councillor   | Chief Executive<br>Deputy Director of Legal<br>and Governance               |
| 88(2)                    | Officer who may convene a meeting of the Council for the election to fill a vacancy  | Chief Executive<br>Any Strategic Director                                   |
| 89(1)(b)                 | Officer who may receive notice in writing of a casual vacancy in the office of councillor from two local government electors                                 | Chief Executive<br>Deputy Director of Legal<br>and Governance               |
| 100B(2)                  | Officer who may think fit to exclude from reports open to inspection parts relating to items during which the meeting is likely not to be open to the public | Head of Committee and<br>Election Services<br>Committee Services<br>Manager |
| 100B(7)(c)               | Officer who may think fit to supply to the press additional material supplied to members of the Council in connection with items of business to be discussed | Deputy Director of Legal<br>and Governance<br>Deputy Monitoring<br>Officer  |
| 100C(2)                  | Officer responsible for preparing a written summary of those parts of the committee proceedings which disclose exempt information                            | Head of Committee and<br>Election Services<br>Committee Services<br>Manager |
| 100D(1)(a)<br>and (5)(a) | Officer responsible for identifying background papers and compiling list of such documents   | Head of Committee and<br>Election Services<br>Committee Services<br>Manager |
| 100F(2)                  | Officer making decision as to documents disclosing exempt information which are  | Chief Executive   |

| <b>Section</b> | <b>Description</b>   | <b>Proper officer</b>                                 |
|----------------|--|---|
|                | not required to be open to inspection by council members   | Deputy Director of Legal and Governance               |
| 115            | Officer to whom all officers shall pay monies received by them and due to the local authority                      | Strategic Director of Resources / Head of Procurement |
| 146(1)         | Officer authorised to produce a statutory declaration specifying securities and verifying name change of authority | Strategic Director of Resources / Head of Procurement |

| <b>Section</b>            | <b>Description</b>   | <b>Proper officer</b>  |
|---------------------------|--|--|
| 210(6) and (7)            | Officer in whom power in respect of a charity will vest as at 1 April 1974   | Deputy Director of Legal and Governance<br>Deputy Monitoring Officer |
| 225(1)                    | Officer with whom documents may be deposited pursuant to law to make notes or endorsements and give acknowledgements or receipts | Deputy Director of Legal and Governance<br>Deputy Monitoring Officer |
| 229(4) and (5)            | Officer who shall certify that a document is a photographic copy of a document in the custody of the Council                     | Deputy Director of Legal and Governance<br>Deputy Monitoring Officer |
| 234(1)                    | Officer who may authenticate documents   | Deputy Director of Legal and Governance<br>Deputy Monitoring Officer |
| 236(9)                    | Officer responsible for sending certified copies of bylaws to appropriate bodies   | Deputy Director of Legal and Governance<br>Deputy Monitoring Officer |
| 238                       | Officer who shall certify copies of bylaws as true copies  | Deputy Director of Legal and Governance<br>Deputy Monitoring Officer |
| 248(2)                    | Officer who shall keep the roll of freemen of the borough  | Chief Executive<br>Deputy Director of Legal and Governance           |
| Para 4(2)(b) of Part I of | Officer who may sign a summons to council meetings   | Monitoring Officer   |

| <b>Section</b>                       | <b>Description</b>  | <b>Proper officer</b>   |
|--------------------------------------|---|---|
| Schedule 12                          |   |   |
| Para 4(3) of Part I of Schedule 12   | Officer who may receive notice from a member of address to which a summons to a meeting is to be sent   | Head of Committee and Election Services<br>Committee Services Manager |
| Para 25(7) of Part II of Schedule 14 | Officer who may certify copies of resolutions passed under the Public Health Acts 1875 to 1925 as true copies for production in legal proceedings | Deputy Director of Legal and Governance<br>Deputy Monitoring Officer  |

#### **Local Government Act 1974**

| <b>Section</b> | <b>Description</b>   | <b>Proper officer</b>   |
|----------------|--|---|
| 30(5)          | Officer responsible for arranging publication in newspapers of notice of Local Commissioner's report on investigation of a complaint | Head of Committee and Election Services<br>Committee Services Manager |

#### **Local Government (Miscellaneous Provisions) Act 1976**

| <b>Section</b> | <b>Description</b>  | <b>Proper officer</b>   |
|----------------|---|---|
| 41             | Officer responsible for certifying copies of resolutions, minutes and other documents | Head of Committee and Election Services<br>Committee Services Manager |

#### **Local Government (Miscellaneous Provisions) Act 1982**

| <b>Section</b>           | <b>Description</b>   | <b>Proper officer</b>   |
|--------------------------|--|---|
| Para 13(6) of schedule 3 | Certification, for legal proceedings, of copy of any regulations made by the appropriate authority | Director of Legal and Governance<br>Deputy Monitoring Officer |

#### **Representation of the People Act 1983**

| <b>Section</b> | <b>Description</b>   | <b>Proper officer</b> |
|----------------|--|-----------------------|
| 8              | Officer acting as registration officer for registration of parliamentary and local government electors | Chief Executive       |

|    |   |  |
|----|---|--|
|    |   | Deputy Director of Legal and Governance                    |
| 35 | Officer acting as returning officer for council elections | Chief Executive<br>Deputy Director of Legal and Governance |

### Building Act 1984

| Section | Description  | Proper officer              |
|---------|--|-----------------------------|
| 78(8)   | Officer responsible for taking immediate action in relation to dangerous buildings | Strategic Director of Place |

### Public Health (Control of Diseases) Act 1984

| Section | Description  | Proper officer  |
|---------|--|---|
| 11      | Officer to be informed of a notifiable disease or food poisoning                                       | The Council hereby appoints any person for the time being employed by the North East London Health Protection Unit as Consultant in Communicable diseases (CCDC) or by the North East London Primary Care Trusts (PCTs) as Consultant in Public Health Medicine (CPHM) for the authority's area as proper officer.<br><br>Strategic Director of Place |
| 18      | Officer responsible for furnishing information with regard to notifiable diseases or food poisoning    | As above  |
| 20      | Officer empowered to prevent someone working in order to stop spread of disease                        | As above  |
| 21      | Officer empowered to exclude a child from school if the child is liable to convey a notifiable disease | As above  |

|    |  |          |
|----|--|----------|
| 22 | Officer responsible for maintaining a list of day pupils at school having a case of notifiable diseases  | As above |
| 24 | Officer responsible for ordering that infected articles not be sent to any laundry   | As above |
| 29 | Officer responsible for letting of house or room after recent case concerning a notifiable disease   | As above |
| 31 | Officer responsible for ordering disinfection of premises  | As above |
| 32 | Officer responsible for ordering a person removed from an infected house   | As above |
| 36 | Officer who may issue certificate stating that a person is believed to carry an organism capable of causing a notifiable disease and that a medical examination is expedient | As above |
| 40 | Officer who may apply for a warrant to enter a common lodging-house and examine any person for a notifiable disease  | As above |

| <b>Section</b> | <b>Description</b>   | <b>Proper officer</b> |
|----------------|--|-----------------------|
| 42             | Officer who may certify a common lodging-house which has been closed to be free from infection   | As above              |
| 43             | Officer who may certify that a person who has died in hospital while suffering from a notifiable disease should not be removed from the hospital except to be taken directly to a mortuary or to be buried or cremated | As above              |
| 48             | Officer responsible for ordering removal of body to a mortuary or for immediate burial   | As above              |
| 59             | Officer responsible for authenticating documents   | As above              |
| 60             | Officer responsible for serving notices and other documents  | As above              |

## The Health Protection (Notification) Regulations 2010

| Section                                     | Description | Proper officer |
|---|-------------|----------------|
| Regulations 6, 8, 9 10 and Schedule 3 and 4 |             | As above       |

## Housing Act 1985

| Section        | Description   | Proper officer              |
|----------------|---|-----------------------------|
| 606(1) and (2) | Officer responsible for making reports on unfitness and clearance | Strategic Director of Place |

## Local Elections (Principal Areas) Rules 1986

| Rule | Description  | Proper officer   |
|------|--|--|
| 44   | Officer [to whom returning officer gives notice] giving public notice of name of successful candidate/s in Council elections | Chief Executive<br>Deputy Director of Legal and Governance |
| 46   | Officer to whom, after election, returning officer forwards ballot papers and related documents for safe custody             | Chief Executive<br>Deputy Director of Legal and Governance |

| Section | Description   | Proper Officer   |
|---------|---|--|
| 47      | Officer whom court may order to produce ballot papers and related documents   | Chief Executive<br>Deputy Director of Legal and Governance |
| 48      | Officer responsible for retaining ballot papers and related documents for public inspection, prior to destroying the documents after a six month period | Election Services Manager                                  |

## Local Government Finance Act 1988

| Section | Description  | Proper officer                  |
|---------|--|---------------------------------|
| 114     | Officer responsible for making financial report to the authority | Strategic Director of Resources |

## Local Government & Housing Act 1989

| Section | Description   | Proper officer                  |
|---------|---|---------------------------------|
| 2       | Officer responsible for receiving deposit of list of politically restricted posts | Strategic Director of Resources |

## Local Government (Committees and Political Groups) Regulations 1990

| Regulation   | Description   | Proper officer  |
|--------------|---|---|
| 8(1) and (5) | Officer to whom notice is delivered about the constitution of a political group, or the change or name of a political group | Head of Committee and Election Services<br>Committee Services Manager |
| 9 and 10     | Officer to whom notice is delivered about a councillor's membership of, or cessation of membership of, a political group    | Head of Committee and Election Services<br>Committee Services Manager |
| 13           | Officer to whom the wishes of a political group are expressed   | Head of Committee and Election Services<br>Committee Services Manager |
| 14           | Officer responsible for notifying a political group about allocations and vacancies of seats                                | Head of Committee and Election Services<br>Committee Services Manager |

## Environmental Protection Act 1990

| Section | Description   | Proper officer              |
|---------|---|-----------------------------|
| 149     | Officer for discharging functions for dealing with stray dogs | Strategic Director of Place |
|         | Dogs Act 1871 and Dangerous Dogs Act 1991                     | Strategic Director of Place |
|         | Guard Dogs Act 1975   | Strategic Director of Place |

## Food Safety Act 1990

| Section | Description  | Proper officer              |
|---------|--|-----------------------------|
| 49      | Officer authorised to sign any document that the Council, as food authority, is authorised or required to make under the Act | Strategic Director of Place |

## Party Wall etc. Act 1996

| Section | Description  | Proper officer              |
|---------|--|-----------------------------|
| 10(8)   | Officer responsible for appointing a third surveyor where this becomes necessary | Strategic Director of Place |

## The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000

| Regulation | Description   | Proper officer  |
|------------|---|---|
| 3(1)       | <p>Officer responsible for producing a written statement of all executive decisions made at a public or private meeting of Cabinet, including the information specified in regulation 3(2)</p> <p>This officer is the proper officer referred to in rule 18 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p> | Head of Committee and Election Services<br>Committee Services Manager |
| 4(1)       | <p>Officer responsible for producing a written statement of all executive decisions made by an individual Cabinet member, including the information specified in regulation 4(2)</p> <p>This officer is the proper officer referred to in rule 20(c) of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>        | Head of Committee and Election Services<br>Committee Services Manager |

| <b>Regulation</b> | <b>Description</b>  | <b>Proper officer</b>   |
|-------------------|---|---|
| 5(1)              | <p>Officer responsible for ensuring that a copy of the following documents is available for public inspection:</p> <ul style="list-style-type: none"> <li>• the written statement referred to in regulations 3 and 4 above</li> <li>• part or all of any report considered by the decision-maker and relevant to the decision made</li> </ul> <p>This officer is the proper officer referred to in rule 6 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p> | <p>Head of Committee and Election Services<br/>Committee Services Manager</p> |
| 6                 | <p>Officer responsible for compiling a list of background papers to the report referred to in regulation 5 above</p> <p>This officer is the proper officer referred to in rule 8 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>  | <p>Head of Committee and Election Services<br/>Committee Services Manager</p> |
| 9(2)              | <p>Officer responsible for making publicly available any report which an individual Cabinet member or member of staff intends to consider when making a key decision</p>  | <p>Head of Committee and Election Services<br/>Committee Services Manager</p> |
| 9(4)              | <p>Officer responsible for including a list of background papers for the report referred to in regulation 9(2) above and for making available copies of those papers where appropriate</p>  | <p>Head of Committee and Election Services<br/>Committee Services Manager</p> |
| 11(2)             | <p>Officer who may exclude whole or part of any report provided for public inspection under regulation 11(1), where the part excluded relates to a matter for which the proper officer considers a meeting is not likely to be open to the public</p> <p>This officer is the proper officer referred to in rule 11 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>  | <p>Head of Committee and Election Services<br/>Committee Services Manager</p> |
| 11(7)(c)          | <p>Officer who may supply to a newspaper a copy of any document supplied to Cabinet members, if he or she thinks fit</p>  | <p>Head of Committee and Election Services<br/>Committee Services Manager</p> |

| <b>Regulation</b> | <b>Description</b>  | <b>Proper officer</b>   |
|-------------------|---|---|
| 12(1)             | <p>Officer responsible for publishing the information relating to key decisions specified in regulation 12(1)</p> <p>This officer is the proper officer referred to in rule 14 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>  | Head of Committee and Election Services<br>Committee Services Manager |
| 15(1)             | <p>Officer responsible for doing the following where the inclusion of a matter on the forward plan is impracticable and the matter would be a key decision:</p> <ul style="list-style-type: none"> <li>• giving notice to the Chairman of the Overview and Scrutiny Board or relevant Sub-Committee</li> <li>• making that notice available for public inspection</li> </ul> <p>This officer is the proper officer referred to in rule 15 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p> | Head of Committee and Election Services<br>Committee Services Manager |
| 17(3) and (4)     | Officer responsible for determining whether compliance with regulations 17(1) or 17(2) would involve the disclosure of either exempt information or advice provided by a political adviser or assistant   | Head of Committee and Election Services<br>Committee Services Manager |
| 21(4)(a) and (b)  | Officer who may form an opinion as to whether a document contains or is likely to contain information confidential information, exempt information or the advice of a political adviser or assistant  | Head of Committee and Election Services<br>Committee Services Manager |

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

| <b>Regulation</b> | <b>Description</b>   | <b>Proper officer</b>     |
|-------------------|--|---------------------------|
| 4(2)              | Officer who publishes the number that is equal to 5 per cent of the number of local government electors for the authority's area | Election Services Manager |

## The Local Authorities (Standing Orders) (England) Regulations 2001

| Regulation                                  | Description  | Proper officer  |
|---|--|-----------------|
| Paragraphs 5 and 6 of Part II of Schedule 1 | <p>Officer for receiving notification of proposed appointment of certain officers, notifying executive members of that proposed appointment and for receiving and notifying of objections to the proposed appointment</p> <p>This officer is the proper officer referred to in rules 9 and 10 of the Staff Employment Procedure Rules set out in Part 4 of this constitution</p> | Chief Executive |

Proper officer functions referred to in guidelines issued by the Secretary of State under section 38 of the Local Government Act 2000 and set out in Part 3 of this constitution

| Rule  | Description   | Proper officer  |
|---|---|---|
| <b><i>Access to Information Procedure Rules</i></b> |   |   |
| 4(c)  | Officer who may supply copies of documents supporting reports that are open to public inspection  | Head of Committee and Election Services<br>Committee Services Manager |
| <b><i>Committee Procedure Rules</i></b>             |   |   |
| 3(a)  | Officer who may summon a special meeting of the committee at any time   | Head of Committee and Election Services<br>Committee Services Manager |
| 3(b)  | Officer who may summon a special meeting of the committee on the requisition in writing of a quarter of the members of the committee, delivered not less than fourteen days before the date of the next ordinary meeting of the committee, specifying the business to be considered at the special meeting. | Head of Committee and Election Services<br>Committee Services Manager |
| <b><i>Executive Procedure Rules</i></b>             |   |   |
| 4(b)  | Officer who will summon all Members of the Cabinet to meetings by sending an agenda and accompanying papers to each Cabinet Member and by publishing the Agenda in accordance with the statutory requirements   | Head of Committee and Election Services<br>Committee Services Manager |
| 5   | Officer notified of the portfolio designations by the Leader, setting out   | Head of Committee and Election Services                               |

| <b>Rule</b> | <b>Description</b>   | <b>Proper officer</b>      |
|-------------|--|----------------------------|
|             | what individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Executive functions | Committee Services Manager |

| <b>Rule</b>   | <b>Description</b>   | <b>Proper officer</b>   |
|---|--|---|
| 6   | Officer responsible for contents of Cabinet agendas, including items where full Council resolve that the item be considered by the Cabinet, where relevant Overview and Scrutiny Sub-Committee refer an item for consideration, or at the request of a Champion. | Head of Committee and Election Services<br>Committee Services Manager |
| 14  | Officer responsible for publishing the Forward Plan  | Head of Committee and Election Services<br>Committee Services Manager |
| 15  | Officer responsible for publishing a written statement as soon as reasonably practicable after an individual Executive decision has been made.   | Head of Committee and Election Services<br>Committee Services Manager |
| 16  | Officer responsible for making available for public inspection as soon as reasonably practicable after the Cabinet Member or Officer receives them   | Head of Committee and Election Services<br>Committee Services Manager |
| <b><i>Overview and Scrutiny Procedure Rules</i></b> |  |   |
| 7   | Officer who may call a meeting of the Overview and Scrutiny Board or relevant Sub-Committee meeting if he or she considers it necessary or appropriate.  | Head of Committee and Election Services<br>Committee Services Manager |
| 9   | Officer who may place an item on the next available agenda of the Overview and Scrutiny Board or Sub-Committee upon receiving notice from any member of the committee  | Head of Committee and Election Services<br>Committee Services Manager |
| 11(a)   | Officer to whom the Overview and Scrutiny Board or Sub-Committee must submit any report containing recommendations on proposals for policy development, if the committee wishes the Cabinet to consider the report   | Head of Committee and Election Services<br>Committee Services Manager |

| <b>Rule</b> | <b>Description</b>  | <b>Proper officer</b>   |
|-------------|---|---|
| 11(d)       | The Council or Cabinet must consider the report of the Overview and Scrutiny Board or Sub-Committee within two months of being submitted to the officer.  | Head of Committee and Election Services<br>Committee Services Manager |
| 14(b)       | Officer to whom: <ul style="list-style-type: none"> <li>• an Overview and Scrutiny Board or Sub-Committee must submit any report relating to a matter for which an individual Cabinet member has delegated decision- making power</li> <li>• the individual Cabinet member must provide a copy of his or her written response to the Overview and Scrutiny Board or Sub-Committee's report</li> </ul> | Head of Committee and Election Services<br>Committee Services Manager |

### **The Local Democracy, Economic Development and Construction Act 2009**

| <b>Section</b> | <b>Description</b>  | <b>Proper officer</b>                   |
|----------------|---|---|
| 31             | Officer responsible for promoting and providing support and guidance to Overview & Scrutiny Board or Sub-Committees and its Members | Head of Committee and Election Services |

### **Notes on the proper officer functions**

- The Chief Executive may sign any notice, order or other document that the Council is authorised or required to give, make or issue. The Chief Executive may not exercise this power if:
  - it would require him or her to undertake a statutory or professional function that he or she is not qualified to undertake
  - the Council has designated a proper officer (other than the Chief Executive) responsible for signing the notice, order or document in question.
- The Chief Executive shall be the proper officer in respect of any statutory functions not referred to in this constitution.
- In the absence of the Chief Executive, any Strategic Director and the Deputy Director of Legal and Governance shall be empowered to act, where legally permissible.