

## Section 17 Proper Officer Provisions

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The Chief Executive is appointed Acting Returning Officer for any constituency or part of a constituency coterminous with or contained in the Borough of Blackburn with Darwen.

The Chief Executive is appointed Returning Officer for the elections of Councillors for the Blackburn with Darwen Borough Council.

The Director of Finance & IT is appointed as the officer having responsibility for the administration of the Council's financial affairs pursuant to Section 151 of the Local Government Act 1972.

The Director of Environment & Leisure is appointed as the officer of the burial authority for the various matters referred to in The Local Authorities Cemeteries Order 1977 (as amended).

The Director of Environment & Leisure is authorised to appoint an officer as the registrar for the various matters referred to in the Cremation Regulations 2008

The Director of Growth & Prosperity is appointed the proper officer of the Council in relation to the references to the proper officer in the Highways Act 1980 and the Building Act 1984.

The Director of Environment & Leisure is appointed the proper officer of the Council in relation to the references to the proper officer in the Food Safety Act 1990

The Director of Public Health is appointed as proper officer under sections 48, 61 and 62 of the Public Health (Control of Diseases) Act 1984; Regulations 2 and 3 of the Health Protection (Notification) Regulations 2010; Section 84 and 85 of the Public Health Act 1936; and Section 37 of the Public Health Act 1961.

(Note: In relation to the powers and duties of "Proper Officer" under the Public Health (Control of Disease) Act 1984 the Director of Public Health may delegate to appointees approved by Public Health England (Cumbria and Lancashire.)

The Director of Environment & Leisure is appointed the proper officer of the Council in relation to references to the proper officer in the Licensing Act 2003.

The Director of Housing and Localities is appointed the proper officer of the Council in relation to references to the proper officer in the Housing Act 1985, 1996, 2004.

The officers specified in the Table hereunder are appointed the proper officer for the purpose of the respective functions therein specified in relation to them:-

Statutory Provision	Description	Proper Officer
<b>National Assistance Act 1948</b>	The removal to suitable premises of persons in need of care and attention	Director Housing & Localities
<b>Local Government Act 1972</b>		
S13(3)	Chairman of Parish Council and	Chief Executive

	Proper Officer shall become a body corporate where there is no separate parish council.	
S83(1)-(4)	Officer to whom persons elected to any of the following offices of the Borough Council shall make declaration of acceptance of office: Mayor, Deputy Mayor, Councillor.	Chief Executive
S84	The Officer to whom a person elected to any office under the Borough Council may give written notice of resignation.	Chief Executive
S88(2)	The Officer who may convene a meeting of the Council for the election to fill a vacancy.	Chief Executive
S89(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
S115(2)	The Officer who shall receive all money due from every officer employed by the Council.	Director of Finance & IT
S146(1)(a) and (b)	The Officer who shall give statutory declarations and certificates with regard to securities on the change of name or status.	Director of Finance & IT
S151	The Officer responsible for the proper administration of financial affairs.	Director of Finance & IT
S191	Functions with respect to ordnance survey	Director of HR, Legal & Corporate Services /Council Solicitor
S210(6) and (7)	Charities	Director of HR, Legal & Corporate Services/Council Solicitor
S225(1)	Deposit of Documents with the Proper Officer the making of notes or	Director of HR, Legal & Corporate Services/Council

	endorsements and receipts.	Solicitor
S229(4) and (5)	The Officer who shall certify that a document is a photographic copy of a document in the custody of the Council.	The Director having custody of the original or the Chief Executive or the Director of HR, Legal & Corporate Services/Council Solicitor.
S234(1) and (d)	The Officer who may authenticate documents.	The Director having custody of the original or the Chief Executive or the Director of HR, Legal & Corporate Services/Council Solicitor.
S234(2)	(a) Statutory notices under the Public Health Act 1936 and 1961, the Public Health (Recurring Nuisances) Act 1969, the Clean Air Acts 1956 and 1968, the Control of Pollution Act 1974, the Housing Acts 1957 to 1988 and the Local Government and Housing Act 1989 (other than for Council Houses), the Local Government (Miscellaneous Provisions) Act 1976 (except as specified in the next paragraph), the Prevention of Damage by Pests Act 1948, the Food Act 1984 and the Environmental Protection Act 1990 (as it relates to statutory nuisances).	Director of Environment & Leisure
	(b) Notice under the Building Regulations and the Building Act 1984 and under the Local Government (Miscellaneous Provisions) Act 1976 with regard to dangerous trees and excavations.	Director of Growth & Prosperity
	(c) Any other matter.	Director of HR, Legal & Corporate Services/Council Solicitor
S236(9)	The Officer who is responsible for sending certified copies of byelaws to appropriate bodies.	Director of HR, Legal & Corporate Services/Council Solicitor
S238	The Officer who shall certify copies of Byelaws as true copies.	Director of HR, Legal & Corporate Services/Council Solicitor
S248	Keeping the roll of freemen.	Chief Executive
Sch 12/Para.4 (2)(b)	Receipt of notices regarding address to which Summons to meeting is to be sent.	Chief Executive
Sch.12/para.4 (2)(b)	The Officer who may sign a summons to Council meetings.	Chief Executive
Sch.12/para.4	The Officer who may receive notice	Chief Executive

(3)	from a member of the address to which a summons to a meeting is to be sent.	
Sch.14/para.25 (7)	The Officer who may certify copies of resolutions passed under the Public Health Acts as true copies for production in legal proceedings.	Director of HR, Legal & Corporate Services/Council Solicitor
S100B(2)	Exclusion from reports open to inspection parts relating to items during which the meeting is likely not to be open to the public.	Chief Executive
S100B(7)(C)	The supply to the press of additional material supplied to Members of the Council in connection with items of business to be discussed.	Chief Executive
S100C(2)	Preparation of a written summary of those parts of the proceedings of a Committee which disclose exempt information.	Chief Executive
S100D(1)(a) and (5)(a)	Identification of background papers and compilation of list of such documents.	Director responsible for the Report.
S100F(2)(b)	Making of decisions as to documents disclosing exempt information which are not required to be open to inspection by Members of the Council.	Chief Executive
<b>Local Elections (Principal Areas)(England &amp; Wales Rules 2006</b>	All references to the Proper Officer in these rules.	Director of HR, Legal & Corporate Services/Council Solicitor
<b>Local Government Act 1974 S30(5)</b>	Publication in newspapers of reports of Local Commissioner.	Chief Executive
<b>Local Government (Miscellaneous Provisions) Act 1976 S41</b>	Certification of copies of resolutions, minutes and other documents.	Director of HR, Legal & Corporate Services/Council Solicitor
<b>Local Government Finance Act 1988 S114</b>	Financial Report to the Authority	Director of Finance & IT
<b>Local</b>		

**Government  
and Housing  
Act 1989**

Monitoring  
Officer

Director of HR, Legal &  
Corporate Services

Head of Paid  
Service

Chief Executive

S2

Receipt of list of Politically Restricted  
Posts

Chief Executive

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

Functions in relation to notifying  
Executive of appointments  
dismissals etc.

The Chief Executive except in  
connection with an appointment  
as Head of Paid Service when  
it shall be the Director of HR,  
Legal & Corporate Services

**Local  
Government  
Act 2000,  
Part 1A, section  
9FB**

Designated scrutiny officer

Executive Director Resources

**National Health  
Service Act  
2006, section  
73A**

Director of Public Health

Director of Public Health

**Registration  
Service Act 1953,  
the Marriage  
Act 1949, Civil  
Partnership Act  
2004, and the  
Marriages and  
Civil Partnerships  
(Approved  
Premises)  
Regulations 2005**

Registration of births, deaths,  
marriages and civil partnerships  
and approval of premises for the  
solemnization of marriages and the  
formation of civil partnerships.

Director of HR, Legal &  
Corporate Services

## **“DEPUTY PROPER OFFICER” PROVISIONS**

The Executive Director Resources is authorised to act 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:-

- a) For the Chief Executive, the Deputy Chief Executive or an Executive Director, or any Director, as appropriate
- b) For the Executive Director Resources, the Director of Finance & IT or Director of HR, Legal & Corporate Services
- c) For the Director of HR, Legal & Corporate Services a Deputy Monitoring Officer or an appropriate Head of Service
- d) For the Director of Finance & IT, Deputy Section 151 Officer or an appropriate Head of Service
- e) For the Director of Growth & Localities an appropriate Head of Service.
- f) For the Director of Environment & Leisure an appropriate Head of Service
- g) For the Director of Public Health, a Consultant in Public Health
- h) for the Director of Housing & Localities an appropriate Head of Service

If neither the designated Proper Officer nor the Deputy Proper Officer is able to act, then subject to any legal requirements the Chief Executive may designate an appropriate person to act as Proper Officer or Deputy Proper Officer. If the Chief Executive is unable to act, then subject to any legal requirements this power shall then be exercised by one of the Executive Directors, or should they be unable to act, the Director of HR, Legal & Corporate Services or an officer nominated by the Director of HR, Legal & Corporate Services.