

PART 4 - PROPER OFFICER APPOINTMENTS

APPOINTMENT OF STATUTORY AND PROPER OFFICERS

- 1.1 The Local Government Act 1972 and other legislation requires local authorities to make specific statutory appointments which carry specific responsibilities. These are identified in Appendix A.
- 1.2 Earlier local government legislation required local authorities to appoint officers with specified titles but the Local Government Act 1972, in the main, abolished the procedure. This was in order to give local authorities freedom in deciding what officer posts to establish. It follows that the officers responsible for certain statutory duties can no longer be identified by the post they occupy. Consequently, the 1972 Act makes provision for certain officers to be designated by their employing authority as the "Proper Officer" to carry out particular functions under various Acts of Parliament.
- 1.3 In this Constitution the posts designated in Appendix A and B are the designated Statutory and Proper Officers for the Council and the post holders will undertake the specific responsibilities attached to the role.
- 1.4 In the event of any officers mentioned above being for any reason unable to act or of any of their posts being vacant, the Chief Executive or in their~~his~~ absence, the Deputy Chief Executive (if appointed), will appoint an officer to act in their place.
- 1.5 Every appointment hereby made in relation to a provision that is replaced or re-enacted shall be effective as an appointment of the same officer in relation to the corresponding new provision.
- 1.6 Until the Council decides otherwise the Chief Executive is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has, for the time being, been made.

APPENDIX A**STATUTORY OFFICERS**

	<u>LEGISLATION</u>	<u>STATUTORY OFFICER</u>	<u>ALLOCATED TO</u>
S6	Local Authority Social Services Act 1970 (as amended by the Children Act 2004)	Director of Adult Social Services	Director of Adult Social Care
S151	Local Government Act 1972	Chief Financial Officer	Borough Treasurer <u>Director of Finance / Section 151 Officer</u>
S4	Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
S5	Local Government and Housing Act 1989	Monitoring Officer	Assistant Director of Head of Legal and, Democratic Governance and Estate & Asset Management
S18	Children Act 2004	Director of Children's Services	<u>Executive Director of People and Neighbourhoods</u>
S30	Health and Social Care Act 2012	Director of Public Health	Director of Children's Services Director of Public Health

APPENDIX B

<u>PROPER OFFICER</u>	<u>LEGISLATION</u>	<u>ROLE</u>
Chief Executive	N/A	Any reference in any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the town clerk which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.
Chief Executive	N/A	Any reference in any local statutory provision to the clerk of the Council or similar which, by virtue of an order made under the Local Government Act 1972 or the Local Government Act 1992 is to be construed as a reference to the Proper Officer of the Council.
Chief Executive	N/A	Any reference in any public or local statutory provision to the Proper Officer of the Council, except as provided in this Appendix.
Borough Treasurer <u>Director of Finance / Section 151 Officer</u>		Any reference in any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the Treasurer which, by virtue of any provision of the said Act, is to be construed as a reference to the Chief Financial Officer of the Council.

HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2010

<p>Director of Public Health Dr. David Baxter, or in his absence, a consultant in public health engaged by the Chief Executive</p>	<p>Regs 2,3 and 6</p>	<p>Receipt and disclosure of notification of suspected notifiable disease in patients and dead persons</p>
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PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984 (AS AMENDED)

<p>Director of Public Health Dr. David Baxter, or in his absence, a consultant in public health engaged by the Chief Executive</p>	<p>Section 48</p>	<p>Preparation of certificate to Justice of the Peace for removal of body to mortuary and for burial within a prescribed time or immediately</p>
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REGISTRATION SERVICES ACT 1953

<p>Superintendent Registrar</p>	<p>S9(1) S3(b) S13(2)(h) S20(b)</p>	<p>} }</p>	<p>Registration of Births, Deaths and Marriages</p>
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<p>Superintendent Registrar</p>	<p>Registration of Births, Deaths and Marriages Regulations 1968 – 1994</p>	<p>}</p>	<p>Registration of Births, Deaths and Marriages</p>
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<p>Section 46A of the Marriage Act 1949 and Marriages and Civil Partnerships (Approved Premises) Regulations 2005</p>	<p>Approval of premises for the solemnization of marriages</p>
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MILK AND DAIRIES (GENERAL) REGULATIONS 1959

Director of Public Health Dr. David Baxter, or in his absence, a consultant in public health engaged by the Chief Executive	Part VII (Regs 18-20)	Pasteurisation Orders
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LOCAL GOVERNMENT ACT 1972

Chief Executive	S13(3)	Parish Trustee
Chief Executive	S83(1)-(4)	Witness and receipt of declaration of acceptance of office
Chief Executive	S84	Receipt of declaration of resignation of office
Chief Executive	S88(2)	Convening of meeting of Council to fill casual vacancy in office of Chair/Mayor
Chief Executive	S89(1)(b)	Receipt of notice of casual vacancy from two local government electors
Chief Executive	S94 & 96(2)	Keeping of record of disclosures and notices of pecuniary interests
Chief Executive	S96(1)	Receipt of notices of pecuniary interests
Chief Executive	S100(B)(2)	Circulation of reports and agendas
Chief Executive	S100(B)(7)	Supply of papers to press
Chief Executive	S100(C)(2)	Summary of minutes
Chief Executive	S100(D)(1)(a)	Compilation of background papers
Chief Executive	S100(F)	Identification of confidential documents not open to Members
Borough Treasurer <u>Director of Finance / Section 151 Officer</u>	S115(2)	Receipt of money due from officers
Borough Treasurer <u>Director of Finance / Section 151 Officer</u>	S146(1)(a) & (b)	Declarations and certificates with regard to securities

Corporate Director for Place Management and Regeneration	S191	Functions in respect of Ordnance Survey
Borough Treasurer <u>Director of Finance / Section 151 Officer</u>	S210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities – or if there is no such office, to the Proper Officer
Chief Executive	S225(1)	Deposit of documents
Borough Treasurer <u>Director of Finance / Section 151 Officer</u>	S228(3)	Accounts – to be open for inspection
Chief Executive	S229(5)	Certification of documents
Chief Executive	S234	Signature of documents
Corporate Director for Place Management and Regeneration	S234(2)	Statutory Notices under various Public Health and associated legislation
<u>Assistant Director of Legal and Democratic Governance</u> and Estate & Asset Management	S234(2)	Notices in respect of Council dwellings relating to the right to buy, or proceedings for the termination of a secure tenancy.
<u>Assistant Director of Legal and Democratic Governance</u> Head of Legal, Democratic Governance and Estate & Asset Management	S238	Certification of Bye-laws
Chief Executive	S248(2)	Keeping roll of Freeman
Chief Executive	Schedule 12 para. 4(2)(b)	Signature of summons to Council
Chief Executive	Schedule 12 para. 4(3)	Receipt of notices regarding addresses which summons to meeting are to be sent
Chief Executive	Schedule 14 para. 25(7)	Certification of resolutions under para. 25 applying certain provisions of the Public Health Acts throughout the Council's area.
Corporate Director for Place Management and Regeneration	Schedule 16 para. 28	Receipt of deposit lists of protected buildings
Borough Treasurer <u>Director of</u>	N/A	Any reference in any local statutory provision to the Treasurer of a specified Council or the Treasurer of

Finance / Section 151
Officer

a specified borough which, by virtue of order made under Section 254 of the Local Government Act 1972 or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council

~~Borough
Treasurer~~ Director of
Finance / Section 151
Officer

N/A

Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the Treasurer or a Treasurer of a borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council

LOCAL GOVERNMENT ACT 1974

Chief Executive S30(5) Notice of Local Government Ombudsman report

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Chief Executive S41 Certification of copies of resolutions, minutes, other documents

RENT ACT 1977

~~Executive Corporate~~ Director, People and
Neighbourhoods Schedule 15
Part IV Certificates of provision of suitable alternative accommodation

LOCAL AUTHORITIES CEMETERIES ORDER 1977

~~Corporate~~ Director for All Officer of the burial authority
Place Management
and Regeneration

CREMATION REGULATIONS

~~Corporate~~ Director for All Registrar for various matters relating to cremation
Place Management AND
and Regeneration to nominate a Medical Referee and Deputy Referees
under the Regulations

HIGHWAYS ACT 1980

~~Corporate~~ Director for S37(5) Deposit of Certificate of dedication or copy order
Place Management
and Regeneration

~~Corporate~~ Director for S205(3) Preparation of specification estimate and provisional
Place Management appointment
and Regeneration

Corporate Director for Place Management and Regeneration	S205(5)	Certification of copies of resolution and approved documents
Corporate Director for Place Management and Regeneration	S210(2)	Certification of document giving details of estimate and consequential amendment of provisional appointment
Corporate Director for Place Management and Regeneration	S211(1)	Making final appointment
Corporate Director for Place Management and Regeneration	S216(2) & (3)	Settlement of proportion of amount

GREATER MANCHESTER ACT 1981

Corporate Director for Place Management and Regeneration	S60(5)(a)	Receipt of objections to proposals to designate places for touting, hawking, photographing etc.
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RATES ACT 1984

Borough Treasurer Director of Finance / Section 151 Officer	S7	Certification of rate
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PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 (as amended)

Director of Public Health Dr. David Baxter, or in his absence, a consultant in public health engaged by the Chief Executive	Parts II, III, IV and VI	Control of Diseases (various)
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ELECTIONS

Chief Executive	N/A	Registration Officer for any constituency or part of a constituency coterminous with or contained in the Stockport Metropolitan Borough
Chief Executive	S35 Representation of the People Act 1983	Returning Officer for the election of councillors for the Stockport Metropolitan Borough
Deputy Chief Executive	N/A	Officer who may do acts in respect of Registration in the event of the Chief Executive's incapacity or of a vacancy

LOCAL ELECTIONS (PRINCIPAL AREAS) RULE 1986

Chief Executive	Rule 44	Receipt from Returning Officer of names of persons elected to Council
Chief Executive	Rule 46, 47	Receipt from Returning Officer of election documents
Chief Executive	Rule 48,49,51	Retention of election documents and making them available for public inspection

HEALTH PROTECTION (LOCAL AUTHORITY POWERS) REGULATIONS 2010

Director of Public Health Dr. David Baxter, or in his absence, a consultant in public health engaged by the Chief Executive	All	Control of Diseases (various)
Director of Public Health Dr. David Baxter, or in his absence, a consultant in public health engaged by the Chief Executive	Health Protection (Part 2A) Regulations 2010	Control of Diseases (Various)

LOCAL GOVERNMENT AND HOUSING ACT 1989

Chief Executive	s.2	Receipt of list of politically restricted posts
Chief Executive	s.15, 16	Receipt of Notice relating to political groups.
Chief Executive	s.19	Receipt of general notice of members pecuniary interests.

ENVIRONMENTAL PROTECTION ACT 1990

Corporate Director for Place Management and Regeneration	S149	Stray dogs
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COUNCIL TAX (ADMINISTRATION AND ENFORCEMENT) REGULATIONS 1992

Borough Treasurer Director of	Reg 37 and Schedule 3	Service of Attachment of Earnings Orders
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Finance / Section 151
Officer**THE LOCAL AUTHORITIES (REFERENDUMS)(PETITIONS AND DIRECTIONS)(ENGLAND)
REGULATIONS 2000**

Chief Executive	Regs various	Verification etc. of Mayoral petitions
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**LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO
INFORMATION) (ENGLAND) REGULATIONS 2012**

Chief Executive	Reg 12	Recording of executive decisions.
Chief Executive	Regs 5, 6, 7, 13, 14, 15	Compilation and availability of background papers, agenda and connected reports in relation to executive decisions.
Chief Executive	Regs 9, 10, 11	Publicity in connection with Key Decision and giving notice etc. in cases of urgency.
Chief Executive	Regs 16 and 17	Rights of access to documents for councillors.

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

Chief Executive	Reg 3, 4 and Schedule 1	Provision relating to the appointment and dismissal of staff.
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LOCAL GOVERNMENT ACT 2000

<u>Head of Democratic and Electoral Services</u> Manager	Section 9FB	Designated Scrutiny Officer
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ALL

Chief Executive	The Chief Executive is appointed Alternative Proper Officer in respect of all functions in the event that the appointed Proper Officer is unable to act.
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Deputy Chief Executive/Monitoring Officer	The Deputy Chief Executive and the Monitoring Officer are the appointed Alternative Proper Officer for those functions where the Chief Executive is the Proper Officer and is unable to act.
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