

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> |
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| 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 |
| 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 | Executive Director of People and Neighbourhoods |
| 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 | | 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

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| <p><u>Director of Public Health Dr. David Baxter, or in his absence, a consultant in public health engaged by the Chief Executive</u></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)

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| <p><u>Director of Public Health Dr. David Baxter, or in his absence, a consultant in public health engaged by the Chief Executive</u></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

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| <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

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

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| 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 | S115(2) | Receipt of money due from officers |
| Borough Treasurer | 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 | 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

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| Chief Executive | S225(1) | Deposit of documents |
| Borough Treasurer | 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 |
| Assistant Director of Head of Legal and Democratic Governance 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. |
| Assistant Director of Legal and Democratic Governance 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 | N/A | Any reference in any local statutory provision to the Treasurer of a specified Council or the Treasurer of 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 | 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

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| Chief Executive | S30(5) | Notice of Local Government Ombudsman report |
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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

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| Chief Executive | S41 | Certification of copies of resolutions, minutes, other documents |
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RENT ACT 1977

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| <u>Executive Corporate Director, People and Neighbourhoods</u> | Schedule 15 Part IV | Certificates of provision of suitable alternative accommodation |
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LOCAL AUTHORITIES CEMETERIES ORDER 1977

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| Corporate Director for Place Management <u>and Regeneration</u> | All | Officer of the burial authority |
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CREMATION REGULATIONS

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| Corporate Director for Place Management <u>and Regeneration</u> | All | Registrar for various matters relating to cremation AND to nominate a Medical Referee and Deputy Referees under the Regulations |
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HIGHWAYS ACT 1980

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| Corporate Director for Place Management <u>and Regeneration</u> | S37(5) | Deposit of Certificate of dedication or copy order |
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| Corporate Director for Place Management <u>and Regeneration</u> | S205(3) | Preparation of specification estimate and provisional appointment |
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| Corporate Director for Place Management <u>and Regeneration</u> | S205(5) | Certification of copies of resolution and approved documents |
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| Corporate Director for Place Management <u>and Regeneration</u> | S210(2) | Certification of document giving details of estimate and consequential amendment of provisional appointment |
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| Corporate Director for Place Management <u>and Regeneration</u> | S211(1) | Making final appointment |
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| Corporate Director for Place Management and Regeneration | S216(2) & (3) | Settlement of proportion of amount |
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GREATER MANCHESTER ACT 1981

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| 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

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| Borough Treasurer | S7 | Certification of rate |
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PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 (as amended)

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| 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

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|------------------------|--|---|
| 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 Representat ion 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

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| 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

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| <u>Director of Public Health Dr. David Baxter, or in his absence, a consultant in public health engaged by the Chief Executive</u> | All | Control of Diseases (various) |
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| <u>Director of Public Health Dr. David Baxter, or in his absence, a consultant in public health engaged by the Chief Executive</u> | Health Protection (Part 2A) Regulations 2010 | Control of Diseases (Various) |
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LOCAL GOVERNMENT AND HOUSING ACT 1989

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| 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

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

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| Borough Treasurer | Reg 37 and Schedule 3 | Service of Attachment of Earnings Orders |
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THE LOCAL AUTHORITIES (REFERENDUMS)(PETITIONS AND DIRECTIONS)(ENGLAND) REGULATIONS 2000

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| 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

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| Chief Executive | Reg 12 | Recording of executive decisions. |
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Chief Executive

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| 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. |
| | Regs 16 and 17 | Rights of access to documents for councillors. |

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

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|-----------------|-------------------------|---|
| 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

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| Democratic Services Manager | Section 9FB | Designated Scrutiny Officer |
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ALL

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| 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. |
| 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. |