

## Appendix 2

### Appointment of Statutory and Proper Officers

Legislation requires the Council to appoint specific Officers and to identify Officers for particular responsibilities. The principal appointments are detailed below:-

<b>Statutory Role</b>	<b>Statutory Requirements</b>	<b>Officer Appointed</b>
Head of Paid Service	Section 4 of the Local Government and Housing Act 1989	The Chief Executive
Chief Finance Officer	Section 114 of the Local Government Finance Act 1988 and responsibilities under Section 151 Local Government Act 1972	Director of Finance
Monitoring Officer	Section 5 of the Local Government and Housing Act 1989	Director of Legal
Director of Children's Services	Section 18 of the Children Act 2004	Managing Director Children and Young People (DCS)
Director of Adult Social Services	Section 6 of the Local Authority Social Services Act 1970	Director of Adult Social Care (DASS)

Director of Public Health	S73A of the National Health Service Act 2006	Director of Public Health
Returning Officer  Electoral Registration Officer	Section 35 of the Representation of the People Act 1983  Section 8 of the Representation of the People Act 1983	Chief Executive (or any Interim Chief Executive)

1. The posts set out below are the designated Proper Officer for the Council and will undertake the specific responsibilities attached to the role of the specific Proper Officer.
2. In the event of any Officers being for any reason unable to act or of any of their posts being vacant, the Chief Executive or, in their absence, the Deputy Chief Executive shall nominate an Officer to act in their place.
3. 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.

## Proper Officers

Legislation	Section	Provision	Proper Officer
		Any reference to 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 26th October 1972 to the Town Clerk 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.	Chief Executive
		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
Local Government Act 1972	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
	S225(1)	Deposit of documents	Chief Executive
Local Elections (Principal Areas) Rule 1986	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	Chief Executive

Local Government and Housing Act 1989	S2	Receipt of list of Politically Restricted Posts	Chief Executive
	S15, 16, 17	Receipt of notices relating to Political Groups	Chief Executive
The Local Authorities (Standing Orders) (England) Regulations 2000	Regs 3 and 4 and Schedule 1	Provision relating to the appointment and dismissal of staff	Chief Executive
Registration Services Act 1953	S9(1) S3(b) S13(2)(h) S20(b)	Registration of Births, Deaths and Marriages	Director of Legal
		Registration of Births, Deaths and Marriages Regulations 1968 - 1994	Director of Legal
Local Government Act 1972	S100(B)(2)	Circulation of reports and agendas	Director of Legal
	S100(C)(2)	Summary of minutes	Director of Legal
	S100(D)(5)(a)	Identification of background papers	Director of Legal
	S100(F)	Identification of confidential documents not open to Members	Director of Legal,

	S234	Authentication of documents	Director of Legal
	S236(9) & (10)	Service of Byelaws on other Authorities	Director of Legal
	S238	Certification of Byelaws	Director of Legal
	Schedule 14 Para 25(7)	Certification of resolutions - Para 25	Director of Legal
	S248 (2)	Keeping roll of Freeman	Director of Legal
	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	Director of Legal,
Local Government Act 1974	S30(5)	Notice of Local Government Ombudsman report	Chief Executive
Local Government (Miscellaneous Provisions) Act 1976	S41	Certification of copies of resolutions, Minutes, other documents	Director of Legal

Elections	N/A	Officers who in the event of the Chief Executive being for any reason unable to act or in his absence authorised to undertake the full range of duties	Director of Legal
Council Tax (Administration and Enforcement) Regulations 1992	Reg 7	Service of Attachment of Earnings Orders	Director of Legal and Director of Finance
The Local Authorities (Executive Arrangements) (Access to Information (England) Regulations 2000	Regs 3 and 4	Recording of collective Executive Decisions	Director Of Legal
Local Government Act 1972	S115(2)	Receipt of money due from Officers	Director of Finance
	S146(1) (a) & (b)	Declarations and certificates with regard to securities	Director of Finance
	S210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office	Director of Finance
		with new authorities, or if there is no such office, to the Proper Officer	
	S228(3)	Accounts - to be open for inspection	Director of Finance

	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	Director of Finance
	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 26th October 1972 to the Treasurer or a Treasurer of a Borough which virtue of any provision of the said Act is to be construed as a reference to the Proper Officer of the Council	Director of Finance
Rates Act 1984	S7	Certification of rate	Director of Finance
Local Government Act 1972	S96(1)	Receipt of notices of pecuniary interests	Director of Legal
	S94 & 96(2)	Keeping of record of disclosures and notice of pecuniary interests	Director of Legal
Local Government and Housing Act 1989	S19	Members interests - notification	Director of Legal

National Assistance Act 1948	All	Public Health (misc)	Director of Public Health
National Assistance (Amendment) Act 1951	All	Public Health (misc)	Director of Public Health
Public Health (Control of Diseases) Act 1984	S11(1) S11(3) S18(1) S20(1) S21(1) S22(1) S23(2) S24(1) S26(2) S29(4) S30(2) S31(1) S32(1) S34(3), (5) S35(1) S36(1) S37(1) S38(1) S39(1), (3) S40 S41(1) S42(1) S43(1) S48(1) S50(2)(b) S51(1)	Control of Diseases (various)	Director of Public Health
The Public Health (Infectious Diseases) Regulations 1988	Regs 6 Regs 8 Regs 9 Regs 10 Regs 11 Regs 12 Regs 13 Schedule 3 & 4	Infectious Diseases	Director of Public Health

Milk and Dairies (General) Regulations 1988	Part VII (Regulations 18 to 20)	Statutory Provision Pasteurisation Orders	Director of Public Health

Local Government Act 1972	S191	Functions in respect of Ordnance Survey	Executive Director of Place and Economic Growth
	S204(3)	Receipt of application for licence under Licensing Act 1964	Executive Director of Place and Economic Growth
	S234(2)	Statutory Notices under various Public Health and associated legislation	Director of Public Health
	Schedule 16 Para 28	Receipt of deposit lists of protected buildings	Executive Director of Place and Economic Growth
Rent (Agriculture) Act 1976	All	Provision of alternative accommodation Regeneration and Architecture	Executive Director of Place and Economic Growth
Local Authorities Cemeteries Order 1977	All	Officer of the burial authority	Director of Environment
	All	Registrar for various matters relating to cremation Health and to nominate a Medical Referee and Deputy Referees under the regulations	Director of Environment
Cremation Regulations	All	Registrar for various matters relating to cremation Health and to nominate a Medical Referee and Deputy Referees under the regulations	Director of Environment
Rent Act 1977	S15	Certificates of provision of suitable alternative Regeneration and Architecture Part IV accommodation	Executive Director of Place and Economic Growth

Highways Act 1980	S37(5)	Deposit of Certificate of Dedication or copy order	Director of Environment
	S205(3)	Preparation of specification estimate and provisional appointment	Director of Environment
	S205(3)	Certification of copies of resolution and approved documents	Director of Environment
	S210(2)	Certifications of document giving details of estimate and consequential amendment of provisional appointment	Director of Environment
	S211(1)	Making final appointment	Director of Environment
	S216(2) & (3)	Settlement of proportion of amount	Director of Environment
Building Act 1984	S61(2)	Repair etc., of drain	Director of Environment
	S78	To act as "the surveyor" empowered to take and authorise emergency action in respect of damage to dangerous buildings, walls etc.  To order the demolition of buildings rendered dangerous by damage, without prior authorisation of the Council	Director of Environment
Weights and Measures Act 1985	S72	Chief Inspector (Weights and Measures)	Director of Environment
Environmental Protection Act 1990	S149	Stray dogs	Director of Environment

Licensing Act 2003		Power to grant and vary premises licences and club premises certificates, under the provisions contained in the Licensing Act 2003, where there are no relevant representations from responsible authorities/interested parties.	Director of Environment
		Power to grant personal licences, under the provisions contained in the Licensing Act 2003, where there are no representations from the police.	Director of Environment
		Power to make Provisional Statements, under the provisions contained in the Licensing Act 2003, where there are no relevant representations from responsible	Director of Environment

		authorities/interested parties.	
Licensing Act 2003		Power to grant Interim Authorities, and to transfer premises licences, under the provisions contained in the Licensing Act 2003, where there are no representations from the police.	Director of Environment
		Power to vary designated premises supervisors on premises licences, under the provisions contained in the Licensing Act 2003, where there are no representations from the police.	Director of Environment
		Power to deal with requests to be removed as designated premises supervisors from premises licences, under the provisions contained in the Licensing Act 2003.	Director of Environment

		Power to decide whether a complaint, or request for review of a licence, is repetitious frivolous vexatious etc, under the provisions contained in the Licensing Act 2003	Director of Environment
Gambling Act 2005		Power to grant applications for premises licenses, under the provisions of the Gambling Act 2005, where no representations have been received or where representations have been withdrawn.	Director of Environment
		Power to vary a licence under the provisions of the Gambling Act 2005, where no representations have been received or where representations have been withdrawn.	Director of Environment
		Power to transfer a licence under the provisions of the Gambling Act 2005, where no representations have been received from the Commission.	Director of Environment
		Power to approve a provisional statement under the provisions of the Gambling Act 2005, where no representations have been received or where representations have been withdrawn.	Director of Environment
Gambling Act 2005		Power to grant applications for club gaming/club machine permits under the provisions of the Gambling Act 2005, where no objections have been made or where objections have been withdrawn.	Director of Environment
		Functions relating to the registration and regulation of small lotteries.	Director of Environment

Local Government Miscellaneous Provisions Act 1976 & Town Police Clauses Act 1847 and any other related regulation(s).	All	Power to grant, renew, suspend, revoke, addition of relevant conditions and transfer	Director of Environment
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