

Appendix 10 Proper Officer and Other Officer Appointments

Contents

	Page
Proper Officer and Other Officer Appointments	2 - 6

Proper Officer and Other Officer Appointments

1. The Chief Executive is appointed Electoral Registration Officer for any constituency or part of a constituency co-terminous with or contained in the Chorley Borough.
2. The Chief Executive is appointed Returning Officer for the elections of Councillors for the Chorley Borough and of Councillors for Parishes within the Borough.
3. The Director of Public Protection, Streetscene and Community (D of PPS & C) is appointed as the officer having responsibility for the storage and charge of cemetery records pursuant to Article 12 of the Local Authorities' Cemeteries Order 1977 and the Chief Executive is appointed as the Officer having responsibility for the signature of grants under Paragraph 1 of Part II of Schedule 2 of that Order and the granting of permission for the various matters referred to in Paragraph 1 of Part I of that Schedule.
4. The officers specified in the Table below are appointed as the Proper Officers for the purpose of the functions stated:

Provision	Subject Matter	Proper Officer
Local Government Act 1972		
Section 83	Witness and receipt of declaration of acceptance of office.	Chief Executive
Section 84	Receipt of declaration of resignation of office.	Chief Executive
Section 88(2)	Convening of meeting of Council to fill casual vacancy in office of Chairman.	Chief Executive
Section 89(1)(b)	Receipt of notice of casual vacancy from two local government electors.	Chief Executive
Section 96(1)	Receipt of notices of pecuniary interest.	Chief Executive
Section 96(2)	Keeping record of disclosures of pecuniary interest made under Section 94 and of notices under Section 96(1).	Chief Executive
Section 100(b)	Exclusion of reports etc from inspection.	Chief Executive
Section 100(c)	Written summary where Minutes would disclose exempt information.	Chief Executive
Section 100(d)	Compilation of list of background papers	For each report, the officer named in it as its author or, if more than one, the first named.
Section 100(f)	Exclusion from production to members of documents disclosing exempt information.	Chief Executive
Section 115(2)	Receipt of money due from officers.	Chief Executive
Section 146(1)(a)	Declarations and certificates with regard to securities.	Chief Executive
Section 191	Functions with respect to ordnance survey.	Director of PPS&C
Section 204(3)	Receipt of application for licence under Schedule 2 Licensing Act 1964.	Director of PPS&C
Section 210	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities if there is no such office, to proper officers.	Chief Executive
Section 225(1)	Deposit of documents.	Chief Executive
Section 229(5)	Certification of photographic copies of documents.	Head of Governance
Section 234(1)	Authentication of documents.	Head of Governance

Section 238	Certification of byelaws.	Head of Governance
Section 234(2)	(a) Notices authorised by the Head of Housing Services to be served under one of the following legislation: <ul style="list-style-type: none"> • Public Health Act 1936 • National Assistance Act 1948 • Caravan Sites and Control of Development Act 1960 • Local Government (Miscellaneous Provisions) Act 1976 • Mobile Homes Act 1983 • Building Act 1984 • Housing Act 1985 • Housing Act 1989 • Environmental Protection Act 1990 • Home Energy Conservation Act 1990 • Housing Act 1996 • Housing Grants, Construction and Regeneration Act 1996. 	Head of Service
	(b) Notices authorised by the Head of Environmental Services to be served under any of the legislative provisions that relate to functions which under Part D of Appendix 2 to this Constitution are allocated to the Head of Environmental Services.	Director of PPS&C
	(c) Notices 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 PPS&C
	(d) Notices in respect of Council dwellings relating to the right to buy or proceedings for the termination of a secure tenancy.	Head of Housing
	(e) Any other matter.	Head of Governance
Schedule 6, paragraph 1	Deputy to registration officer.	Elections Manager
Schedule 12, paragraph 4(2)(b)	Signature of summons to Council meeting.	Chief Executive
Schedule 12, paragraph 4(3)	Receipt of notices regarding address to which summons to meeting is to be sent.	Chief Executive
Schedule 14, paragraph 25(7)	Certification of resolutions under Para 25	Chief Executive
Schedule 16, paragraph 28	Receipt of deposit of lists of buildings of special architectural or historical interest (Section 54(4) of the Town and Country Planning Act 1971 refers).	Director of PPS&C
Schedule 29, paragraph 41	Exercise of functions under Section 9(1) and (2), 13(2)(h) and 3(b) and 20(b) of the Registration Services Act 1953.	Chief Executive

Local Elections (Principal Areas) Rules 1986

Rule 44	Receipt from Returning Officer of the names of persons elected to the Council.	Chief Executive
---------	--	-----------------

Rule 46	Receipt from Returning Officer of election documents.	Chief Executive
Rules 47 and 48	Retention of election documents and making them available for public inspection.	Chief Executive

Local Government Act 1974

Section 30(5)	Publication of reports of Local Commissioner.	Chief Executive
---------------	---	-----------------

Local Government (Miscellaneous Provisions) Act 1976

Section 41	Certification of copies of resolutions, Minutes and other documents.	Chief Executive
------------	--	-----------------

Rates Act 1984

Section 7	Certification of Rate	Chief Executive
-----------	-----------------------	-----------------

Public Health (Control of Disease) Act 1984 and Regulations made thereunder, Section 47 National Assistance Act 1948, Part VII, (Regulations 18-20 relating to Pasteurisation Orders) Milk and Dairies (General) Regulations 1959

Various purposes with regard to infectious disease.	Medical practitioners from the Cumbria & Lancashire Health Protection Unit
---	--

Building Act 1984

(a) Various purposes with regard to drainage, water supply, sanitary accommodation.	Director of PPS&C
(b) Purposes relating to building control other than those comprised in (a) above.	Director of PPS&C

Local Government and Housing Act 1989

Section 2	Receipt of list of Politically Restricted Posts.	Chief Executive
Sections 15, 16 and 17	Receipt of notices relating to Political Groups.	Chief Executive
Section 19	Receipt of general notice of members' pecuniary interests.	Chief Executive

Environmental Protection Act 1990

Section 149	Discharging the functions in the section for dealing with stray dogs.	Director of PPS&C
-------------	---	-------------------

Local Government Act 2000 and Regulations made under it

All provisions	Executive arrangements – various functions	Chief Executive
----------------	--	-----------------

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

Schedule 1	Appointments of, and disciplinary action in relation to, Senior Officers	Chief Executive
------------	--	-----------------

5. The officer of the Council named in the second column below is appointed the proper officer of the Council in relation to references to the officer named in the first column in:
- i) 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 which reference is to be construed as a reference to the proper officer of the Council;

- ii) any reference in any local statutory provision which, by virtue of any Order made under the Local Government Act 1972, is to be construed as a reference to the proper officer of the Council.

1. Reference	2. Proper Officer
Town Clerk or Clerk of the Council	Chief Executive
Treasurer	Chief Executive as Chief Finance Officer
Surveyor	Director of PPS&C
Public Health Inspector	Director of PPS&C
Medical Officer of Health	Consultant in Health Protection, Cumbria & Lancashire Health Protection Unit

- 6. Every appointment hereby made in relation to a provision which is replaced or re-enacted shall be effective as an appointment of the same officer in relation to the corresponding new provision.
- 7. Until the Council otherwise determines, 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.
- 8. In the event of any of the officers mentioned in the foregoing paragraphs being for any reason unable to act or of any of their posts being vacant, the officer specified in column 2 of the Table hereunder opposite the designation of that officer in column 1 is appointed to act in his or her stead for the purpose of any appointment mentioned in paragraphs 4 or 5 above:

Column 1 (Officer)	Column 2 (Substitute Officer)
i) Chief Executive, except in relation to the Local Authorities (Standing Orders) (England) Regulations 2001	Director of Public Protection, Streetscene & Community or in his absence or inability to act, the Director of Customer & Advice Services (D of C&AS)
ii) Chief Executive, in relation to the Local Authorities (Standing Orders) (England) Regulations 2001	Director of PPS&C or in his absence or inability to act the Director of C&AS, such other officer as may be appointed to discharge the functions of the Head of Paid Service
iii) Chief Finance Officer	Relevant Head of Service
iv) Director of PPS&C	Relevant Head of Service
v) Director of C&AS	Relevant Head of Service

9. In the event of any officer mentioned in column 2 of the Table in paragraph 8 being unable to act or of the relevant post being vacant, the Chief Executive, if available and able to act, is appointed to act in the relevant appointment in his or her stead. If the Chief Executive is not available and able to act, the Director of PPS&C is appointed, or, failing him, the Director of C&AS.