

PROPER OFFICERS

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Introduction

Throughout primary and secondary legislation, reference is found to 'the proper officer of the council' in respect of various local government functions. This document indicates those officers who are designated as 'proper officer' in respect of the functions identified.

Where reference is found in primary or secondary legislation to the 'proper officer of the council' and the officer is not specifically designated in the following list then the Chief Executive is the 'proper officer' in respect of that function.

The designation of the title 'proper officer' is not exclusive to one individual and additional Officers can be designated as proper officers' in respect of specified functions.

CHIEF EXECUTIVE AND ALL EXECUTIVE DIRECTORS

The Chief Executive and all Executive Directors are designated as the 'proper officers' for the purposes of the following provisions of the Local Government Act 1972, (as amended by Part III of the Local Government Act 2000):-

Section 100 B (2)	the determination of which Committee reports are likely to be held in private.
Section 100 B(7) (c)	the question of provision to the press of documents additional to Committee reports.
Section 100 D (1)(a)	the compilation of lists of background papers to reports.
Section 100 D (5)(a)	identifying and determining what are background papers

provided that the Chief Executive and Executive Directors are such 'proper officers' only in respect of Committee reports sent out in their names. In the case of joint reports the first named Chief Officer is to be the 'proper officer'.

CHIEF EXECUTIVE

In accordance with Section 4, Local Government and Housing Act 1989 the Chief Executive is appointed as the Head of Paid Service. In discharging this function the Chief Executive will have due regard to the statutory responsibilities contained in the Local Government Act 1989 and other legislation.

The Chief Executive is designated the 'Proper Officer' in relation to:-

(1) Any reference in any enactment passed before or during the 1971/72, Session in Parliament other than the Local Government Act 1972, or in any instrument made before 26 October 1972, to the Clerk of a Council or the Town Clerk of a Borough which by virtue of any provisions of the said Act is to be construed as a reference to the proper officer of the Council.

(2) the Local Government Act 1972 (as amended by Part III of the Local Government Act 2000):-

Section 83 (1-4)	Declaration of acceptance of office
Section 84	Resignation of Members
Section 85	Declaration of vacancy of office
Section 88 (2)	Convening of a Meeting of the Council when a Casual vacancy occurs in the Office of Mayor
Section 89(1)(b)	The calling of an election when a casual vacancy occurs amongst Councillors
Schedule 12 Para 4(2)(b) + 4(3)	Signing of a Summons to attend a Meeting of a Principal Council

(3) For the purposes of Sections 51, 52, 53 & 54 of the Local Elections (Principal Areas) Rules 2006 (1986 rules revoked 2nd January 2007) and Sections 51, 52, 53 & 54 of the Local Elections (Parishes and Communities) Rules 2006 (1986 rules revoked as of 2nd January 2007) in relation to the receipt, retention and making available of election materials.

(4) The purposes of Section 116 of the Local Government and Finance Act 1988 – notifying the external auditors of the date, time and place of a meeting to consider a report under Section 114 and of the decision(s) taken.

(5) Declarations of acceptance of office by Members under Section 83 of the Local Government Act 1972. (Note: The Executive Director of Corporate Resources, Executive Director Change and Transformation, The Borough Solicitor and Secretary and the Head of Democratic Services are also designated as a Proper Officer for this purpose)

EXECUTIVE DIRECTOR OF CHANGE AND TRANSFORMATION

The Executive Director of Change and Transformation is designated the 'proper officer' in relation to declarations of acceptance of office by members under section 83 of the Local Government Act 1972.

EXECUTIVE DIRECTOR OF REGENERATION AND ECONOMIC DEVELOPMENT

The Executive Director of Regeneration and Economic Development is designated 'proper officer' in relation to:-

- (1) The signing of notices and documents arising under the following provisions of the Building Act 1984

Section 36	Removal or alteration of offending work
Section 36	Notice to open up work
Section 8 and 39	Relaxation of Building Regulations and refusal of relaxation of Building Regulations
Section 77	Take legal action against owners of dangerous buildings.
Section 78	Notice of intention to carry out emergency measures to deal with dangerous buildings and structures
Section 79	Notices relating to ruinous and dilapidated buildings and neglected sites
Section 81	Notices relating to demolitions

- (2) The signing of notices and documents arising under the following provisions:-

- (a) the Town and Country Planning Act 1990 and any subsequent amending legislation.
- (b) the Planning (Listed Buildings and Conservation Areas) Act 1990 and any subsequent amending legislation.
- (c) the Planning (Hazardous Substances) Act 1990, and any subsequent amending legislation.
- (d) Building Act 1984 and Building Regulations 1991 - issues of notices of approval or refusals of plans.
- (e) Land Compensation Act 1961 – Section 17 – Certificate of appropriate alternative development;

- (3) Powers and duties under the Highways Act 1980, including the signing of notices and documents except those within the remit of the Executive Director of Corporate Resources.

- (4) Powers and duties including the signing of notices and documents under the Traffic Management Act 2004 [save for the exercise of functions as “traffic manager” as provided for in paragraph C below] and the Countryside and Rights Of Way Act 2000 in so far as they are not delegated to a Committee or another Chief Officer.
- (5) Powers and duties including the signing of notices and documents under the Clean Neighbourhoods and Environment Act 2005 in so far as they relate to the Council’s functions as Highway Authority and in so far as they are not delegated to a Committee or another Chief Officer
- (6) Section 4(2) of the Housing Act 2004 to deal with official complaints from JP’s, parish councils or community councils concerning Category 1 or 2 hazards in residential premises, or for including properties in a Clearance Area

The Head of Housing, Planning and Building Control is designated ‘proper officer’ in relation to:-

- (a) The signing of decision notices in respect of applications submitted by the Borough Council under the Planning Acts.

The Head of Highways and Transportation is designated ‘proper officer’ in relation to :-

- (a) The exercise of functions as “traffic manager” pursuant to section 17 Traffic Management Act 2004

EXECUTIVE DIRECTOR OF CORPORATE RESOURCES

(1) **Local Government Act 1972 (as amended by Part III of the Local Government Act 2000):-**

Sections 94 & 96(1) + (2)	- Recording of disclosure of interest
Section 100C(2)	- Preparing summaries of minutes of items containing 'exempt' information.
Section 100F(2)	- Inspection of documents by Members
146 (1)(a) + (b)	- The transfer of securities upon changing the name, or altering the area of the authority, etc
210 (6) + (7)	- Trusteeship with the Chairman of Parish meetings
	- Charities
191	- Ordnance Survey
204(3)	- Justices' Licences
210(6) + (7)	- Charities
225(1)	- Deposit of documents
229(5)	- Photographic copies of documents
234(1)	- Authentication of documents (except those documents and notices in respect of which another Officer of the Council has been appointed proper officer)
236(9) + (10)	- Procedures for byelaws
238	- Evidence of byelaws
248	- Keeping of the roll of freeman of the Borough
Schedule 14	
Para 25(7)	- Certification of a resolution being a true copy
Schedule 29	
Para 41	- Registration Services

(2) **Highways Act 1980**

Section 289	- Signature of notices
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(3) The following posts are authorised signatories to the Council's seal:-

Executive Director of Corporate Resources
Borough Solicitor and Secretary
Deputy Borough Solicitor
Assistant Borough Solicitor
Corporate Legal Advisor

(4) Declarations of acceptance of office by Members under Section 83 of the Local Government Act 1972.

(Note: The Chief Executive, the Executive Director of Change and Transformation, the Executive Director of Corporate Resources, the

Borough Solicitor and Secretary and the Head of Democratic Services are also designated as a proper officer for this purpose).

- (5) The keeping of the lists of posts classed as politically restricted under Sections 2 and 3 of the Local Government and Housing Act 1989.
- (6) The purposes of Section 15 to 17 of the Local Government and Housing Act 1989 – Political Balance on Committees and Allocation of Seats to Political Groups.
- (7) The receipt of notices and maintenance of the register of Members financial and other interests required to be kept under Part III of the Local Government Act 2000.
- (8) The Registration of Births, Deaths and Marriages under the Registration Services Act 1953 and subsequent Regulations.
- (9) The Registration of local land charges under Local Land Charges Act 1975 and subsequent regulations.
- (10) The Local Authorities (Standing Orders) (England) Regulations 2001.
- (11) The Executive Director of Corporate Resources is designated the 'proper officer' of the Council in relation to:
 - 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 a specified officer in respect of any Environmental Health functions which by virtue of any provisions of the Local Government Act 1972 is to be construed as a reference to the 'proper officer' of the Council, except those functions which involve the giving of medical advice or which require the person specified to have such qualifications as may be prescribed by Regulations made by the Secretary of State.
 - b). Any reference in any enactment passed in any Session of Parliament subsequent to 1971/72 to a 'proper officer' so far as such reference applies to an environmental health function, except those which involve the giving of medical advice or which require the person specified to have such qualifications as may be prescribed by Regulations.

(Notes:

- (1). The Consultant in Communicable Disease Control, Cheshire & Merseyside Health Protection Committee, is appointed as the Council's Medical Advisor on Environmental Health and as the 'proper officer' of the Council for all functions of the Council

relating to notifiable diseases and food poisoning and for the purposes of Section 47 of the National Assistance Act 1948 as amended. Any doctor employed by Cheshire and Merseyside Health Protection Committee and specifically nominated by the Consultant in Community Medicine as additional 'proper officer' be so authorised to act in that capacity for the Council for emergency purposes in respect of the capacity for the Control of Infectious Diseases and Food Poisoning and Section 47 of the National Assistance Act 1948 as amended.

- (2) Mr N Henry MRCVS and Mrs E Gorse are appointed as 'proper officers' in relation to the inspection of premises on behalf of the Council pursuant to the Riding Establishments Acts 1964 and 1974.)

BOROUGH SOLICITOR AND SECRETARY

In accordance with Section 5, Local Government and Housing Act 1989, the Borough Solicitor and Secretary is appointed as the Monitoring Officer. In discharging this function, the Borough Solicitor and Secretary will have due regard to the statutory responsibilities contained in the Local Government and Housing Act 1989, Local Government Act 2000 and other legislation.

BOROUGH TREASURER

In accordance with Section 151 of the Local Government Act 1972, the Borough Treasurer is the officer responsible for the proper administration of the Council's financial affairs. In discharging the functions set out below the Borough Treasurer will have due regard to relevant statutory responsibilities, including those contained in Section 114 of the Local Government Act 1972 and the prevailing Accounts and Audit Regulations.

The Borough Treasurer is designated the 'Proper Officer' in relation to:-

- (1) Section 115(2) and 234 of the Local Government Act 1972 relating to the authentication of any notice or order of a financial nature and of any cheque, receipt, rate demand, financial return or other document given, made or issued on behalf of the Council pursuant to the Borough Treasurer's function as proper officer for the financial administration of the Council's affairs.
- (2) For receipt of notice by Members foregoing any entitlement to any allowances – Local Government and Housing Act 1989 – Section 18.

EXECUTIVE DIRECTOR OF CHILDREN AND FAMILY SERVICES

The Executive Director of Children and Family Services (or in his/her absence one of the Service Directors within Children and Family Services) is appointed as the Proper Officer in respect of the Council's powers and duties in relation to the provision of Children's Services within the Borough of Knowsley.

EXECUTIVE DIRECTOR OF NEIGHBOURHOOD DELIVERY

The Executive Director of Neighbourhood Delivery is designated the 'proper officer' in relation to the letting, terminating and signing of allotment agreements.

EXECUTIVE DIRECTOR OF WELLBEING SERVICES

- (1) The Executive Director of Wellbeing Services is designated 'proper officer' in relation to the provisions of Section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986.
- (2) The Executive Director of Wellbeing Services or in his/her absence any one of the Service Directors within Wellbeing Services are the 'Proper Officers' in respect of the Council's powers and duties in relation to the provision of Social Services within the Borough of Knowsley.