

Designation Of Proper Officers And Authorised Officers

CHIEF EXECUTIVE

1. **Local Government and Housing Act 1989 - Head of Paid Service**

The Chief Executive is designated as 'Head of Paid Service'.

2. **Local Government Act 2000**

The Chief Executive is designated as 'Proper Officer' for the purposes of the Local Government Act 2000 and in accordance with the Council's Constitution.

3. **Designation of Proper Officer**

In accordance with the terms of Section 270(3) of the Local Government Act 1972, the Chief Executive is designated as 'the Proper Officer' for the carrying out of specified action or performance of certain specified duties on behalf of the District Council as follows:

Section 13 (3) - Constitution of Parish Meetings

In Parish not having a separate Parish Council, the Chairman of the Parish Meeting and Proper Officer of the District Council shall be a body corporate by the name of 'the Parish Trustees' with the additions of the name of the Parish.

Section 83 (1) - Declaration of Acceptance of Office

Declarations of acceptance of Office to be made within two months of day of election and delivered to the Proper Officer of the Council. The declaration shall be made before either:

- (a) two Members of the Council;
- (b) the Proper Officer of the Council;
- (c) JP etc.

Section 84 - Resignations

Persons elected to any office under the Act may resign at any time on written notice being delivered to the Proper Officer of the Council.

Section 146 (1) - Transfer of Securities on Alteration of Area etc.

Statutory declaration by the Proper Officer of the Authority.

Section 210 - Charities

Any power with respect to a charity vested in the holder of an office connected with a former constituent local authority.

Section 225 (1) - Deposit of Documents

Deposit of documents with the Proper Officer of an Authority.

Section 229 (5) - Photographic Copies of Documents

A certificate purporting to be signed by the Proper Officer of the local Authority "...that a document is such a photographic copy as is mentioned in sub. (4) above, shall ... be evidence to that effect".

Schedule 12 - Paragraph 4 (2) (b)

Summonses to attend meetings of the Council to be signed by the Proper Officer.

Paragraph 4 (3)

Notices regarding address to which summons to meetings is to be sent to be in writing to the Proper Officer.

4. Local Government (Access to Information) Act 1985

For the purposes of the Act, the Proper Officer is the Chief Officer originating a Report, with the Chief Executive having authority in respect of all Reports.

5. Electoral Duties

(a) The Chief Executive is appointed Electoral Registration Officer for the Staffordshire Moorlands District and Returning Officer for District and Parish Council Elections in accordance with Sections 8 and 35 of the Representation of the People's Act, 1983, including Parish Polls conducted in accordance with Schedule 12 of the Local Government Act 1972.

(b) Any fees received as Returning Officer, Acting Returning Officer, Deputy Acting Returning Officer shall be retained by the Chief Executive.

6. Nomination of 'Proper Officer' for the Purposes of Section 234(1) of the Local Government Act 1972 - Authentication of Documents

The Chief Executive, the Executive Director and Chief Finance Officer (Deputy Chief Executive) or the Executive Director and Monitoring Officer or (in the absence of the Executive Director and Monitoring Officer) the Head of Legal and Democratic Services and the Assistant Chief Executive are designated the 'Proper Officer' for the purposes of Section 234(1) of the Local Government Act 1972.

EXECUTIVE DIRECTOR AND MONITORING OFFICER7. Local Government and Housing Act 1989 - Monitoring Officer

The Executive Director and Monitoring Officer is designated as the Council's 'Monitoring Officer'.

8. Local Government Act 2000

(a) The Executive Director and Monitoring Officer is designated as 'Proper Officer: for the purposes of the Local Government Act 2000 and in accordance with the Council's Constitution.

- (b) The Executive Director and Monitoring Officer is authorised to amend the Constitution consequent upon any Council decision or in order to comply with a statutory or other legal requirement.

9. Designation of Proper Officer

In accordance with the terms of Section 270(3) of the Local Government Act 1972, the Executive Director and Monitoring Officer is designated as the 'Proper Officer' for carrying out of specified action or performance of certain specified duties on behalf of the District Council as follows:

Section 96 - General Notices and Recording of disclosures for Purposes of Section 94

General Notice given in writing to the Proper Officer.

Section 236(9) - Procedure etc. for Byelaws

The Proper Officer of a District Council shall send a copy of every byelaw made by the Council, and confirmed, to the Proper Officer of every parish or community to which they apply and also to the Proper Officer of Staffordshire County Council.

Section 238 - Evidence of Byelaws

The production of a printed copy of a byelaw purporting to be made by a local authority upon which is endorsed a certificate purporting to be signed by the Proper Officer ... shall be prima facie evidence of the facts stated in the certificate

Schedule 14 - Paragraph 25(7)

Certification of copies of resolutions by the Proper Officer.

10. Local Government (Miscellaneous Provisions) Act 1982 - Street Trading

The Head of Regulatory Services together with Officers in the Commercial Unit of the Environmental Services Section, are designated as approved Officers for the purposes of the Act.

11. Cinematograph (Amendment) Act 1982

The Head of Regulatory Services is appointed authorised Officers of the Council for the purposes of Cinematograph Acts 1909 to 1982 and for the Theatres Act 1968.

HEAD OF REGULATORY SERVICES12. The Dangerous Wild Animals Act 1976

The Executive Director is designated the authorised Officer for the purposes of administering the above Act on behalf of the Council and carrying out the inspection of premises.

13. Late Night Refreshment Houses Act 1969

(a) The Executive Director is designated the Proper Officer for the enforcement of the Late Night Refreshment Houses Act 1969 and for licensing such premises.

(b) He may grant or renew licences except those licences where a condition should be imposed under Section 7(i), i.e. prohibiting the opening and keeping open of the Refreshment House for public refreshment, resort or entertainment at any time between 11 o'clock at night and 5 o'clock in the morning.

14. Food Safety Act 1990

(a) The Head of Regulatory Services, Environmental Health Manager, Commercial Unit Manager, Food Lead Officer, Environmental Health Officer and Technical/Food Safety Officer are appointed authorised Officers under the Food Safety Act 1990.

(b) The Head of Regulatory Services is granted delegated authority to specify the extent of the powers of the authorised Officers under the above Act.

15. The Environmental Protection Act 1990 (Commencement No. 11) Order 1992
The Environmental Protection (Stray Dogs) Regulations 1990

The Head of Regulatory Services is appointed Officer for the purpose of discharging the functions imposed or conferred by Section 149(1) of the Environmental Protection Act 1990.

16. The Environment Act 1995 – Control of Pollution

The following are designated authorised Officers for the purposes of Section 108 of the Environment Act 1995 – powers of entry on behalf of the Council:-

Environmental Health Manager
Area Lead Officers Environmental Health
Environmental Health Officers
Pollution Officer

17. Building Regulations

(a) The Building Control Manager and the Construction Services Manager are designated authorised Officers for the purpose of Section 11(c) of the Safety of Sports Grounds Act 1975.

- (b) The following posts are designated as authorised Officers for the purposes of the Building Act 1984:

Building Control Manager
Team Leader Building Control
Building Control Surveyors

- (c) The following posts are designated as Inspectors under the Health and Safety at Work etc. Act 1974, Section 19, and are entitled to exercise powers of an Inspector specified in Sections 20, 21, 22, 23 and 25 of the Act insofar as they affect the enforcement of the Regulations:

Building Control Manager
Team Leader Building Control
Building Control Surveyors

- (d) Authorised Officers to sign Notices under Section 36 of the Building Act, 1984, for requiring removal or alteration of work not in conformity with the requirements of the Building Regulations (includes Building Control Manager, Team Leader Building Control and Building Control Surveyors).

18. The Building (Approved Inspectors etc.) Regulations 1985 - Proper Officer Provisions

The Head of Regulatory Services, the Building Control Manager, Team Leader Building Control and Building Control Surveyors are designated 'Proper Officers' for the purposes of notices issued or served under the provisions of Regulations 8 and 15 of the Building (Approved Inspectors etc.) Regulations 1985.

19. Local Government (Miscellaneous Provisions) Act 1982 - Street Trading

The Head of Regulatory Services and the Licensing Officer together with Officers in the Commercial Unit of the Environmental Services Section in the Directorate of Environment and Leisure, are designated as approved Officers for the purposes of the Act.

20. Schedule 16 - Paragraph 28

Lists of buildings of special architectural or historic interest to be deposited with the Proper Officer of the Council.

EXECUTIVE DIRECTOR (TRANSFORMATION)
(Chief Finance Officer)

21. Local Government and Housing Act 1989 - Chief Finance Officer

The Executive Director is designated as the Council's Chief Finance Officer.

22. Purchase and Improvement of Private Houses by the Local Authority

The Executive Director, in accordance with the recommendation contained in Circular 64/69, is designated as the Council's Improvement Officer.

23. The Secure Tenants (Right to Repair Scheme) Regulations 1985

The Executive Director is designated the Officer for the administration of the Secure Tenancies (Right to Repair Scheme) Regulations 1985. He may name and require repair works to be carried out by contractors designated by the Council from time to time where in his opinion it is considered necessary.

24. Local Government (Contracts) Act 1997

The Executive Director is designated as the Certifying Officer to sign the Certificates under Regulation 7(2)(a) of the Local Authority (Contracts) Regulations 1997.

25. Designation of Proper Officer

Section 212 - Local Land Charges

The Proper Officer to act as local registrar under Section 3 of the Land Charges Act 1975.

26. Licences

The Executive Director is appointed the authorised Officer of the Council for the purposes of Section 1 of the Local Government (Miscellaneous Provisions) Act 1982 and the Licensing Act 2003.

ALL EXECUTIVE DIRECTORS AND HEADS OF SERVICE

27. Local Government (Access to Information) Act 1985

For the purposes of the Act, the 'Proper Officer(s)' are the Chief Executive, the Executive Director and the Heads of Service for the Department originating a report to the Council or its Cabinet, Overview and Scrutiny Panels, Committees and Sub-Committees with the Chief Executive having authority in respect of all reports.