

Council Constitution

Part 3d - Appointment of Statutory and Proper Officers

1. In this Constitution the posts set out below shall be the designated Statutory and Proper Officer for the Council and those posts shall undertake the specific responsibilities attached to the role of the specific Statutory and Proper Officer.
2. In the event of any Officers mentioned below being for any reason unable to act or of any of their posts being vacant, the Chief Executive or in his or her absence, the Monitoring Officer, and in the absence of both, the Section 151 Officer, shall nominate an Officer to act in their stead.
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.

Statutory Officers

Legislation	Section	Statutory Officer	Allocated To
Local Authority Social Services Act 1970	S6	Director of Social Services (Adult Services only)	Director (Adult's Services)
Local Government Act 1972	S151	Chief Finance Officer	Director (Resources)
Local Government and Housing Act 1989	S4	Head of Paid Service	Chief Executive
Local Government and Housing Act 1989	S5	Monitoring Officer	Assistant Director (Legal Services)
Education Act 1996	S532	Chief Education Officer	Director (Children's Services)
Children Act 2004	S18	Director of Children's Services	Director (Children's Services)
National Health Service Act 2006	S73	Director of Public Health	Director of Population Health

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
National Assistance Act 1948	All	Public Health (misc)	Head of the Greater Manchester Health

			Protection Unit and/or his/her duly authorised nominees
National Assistance (Amendment) Act 1951	All	Public Health (misc)	Head of the Greater Manchester Health Protection Unit
Registration Services Act 1953	S9(1) S3(b) S13(2)(h) S20(b)	Registration of Births, Deaths and Marriages	Director (Governance and Pensions)
		Registration of Births, Deaths and Marriages Regulations 1968 - 1994	Director (Governance and Pensions)
Local Government Act 1972	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
	S96(1)	Receipt of notices of pecuniary interests	Chief Executive
	S94 & 96(2)	Keeping of record of disclosures and notice 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(D)(5)(a)	Identification of background papers	Chief Executive
	S100(F)	Identification of confidential documents not open to Members	Chief Executive
	S115(2)	Receipt of money due from Officers	Director (Governance and Pensions)
	S146(1) (a) & (b)	Declarations and certificates with regard to securities	Director (Governance and Pensions)

	S191	Functions in respect of Ordnance Survey	Director (Place)
	S204(3)	Receipt of application for licence under Licensing Act 1964	Director (Place)
	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	Director (Governance and Pensions)
	S225(1)	Deposit of documents	Chief Executive
	S228(3)	Accounts - to be open for inspection	Director (Resources)
	S229(5)	Deposit of documents - certification	Director (Governance and Pensions)
	S234	Authentication of documents	Director (Governance and Pensions)
	S234(2)	Statutory Notices under various Public Health and associated legislation	Director (Place)
	S236(9) & (10)	Service of Byelaws on other Authorities	Director (Governance and Pensions)
	S238	Certification of Byelaws	Director (Governance and Pensions)
	Schedule 14 Para 25(7)	Certification of resolutions - Para 25	Director (Governance and Pensions)
	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 16 Para 28	Receipt of deposit lists of protected buildings	Director (Place)
	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	Director (Resources)

		to the Proper Officer of the Council	
	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 (Resources)
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	Chief Executive
Rent (Agriculture) Act 1976	All	Provision of alternative accommodation Regeneration and Architecture	Director (Place)
Local Authorities Cemeteries Order 1977	All	Officer of the burial authority	Director (Place)
	All	Registrar for various matters relating to cremation Health and to nominate a Medical Referee and Deputy Referees under the regulations	Director (Place)
Cremation Regulations	All	Registrar for various matters relating to cremation Health and to nominate a Medical Referee and Deputy Referees under the regulations	Director (Place)
Rent Act 1977	S15	Certificates of provision of suitable alternative Regeneration and Architecture Part IV accommodation	Director (Place)
Highways Act 1980	S37(5)	Deposit of Certificate of Dedication or copy order	Director (Place)
	S205(3)	Preparation of specification estimate and provisional appointment	Director (Place)
	S205(3)	Certification of copies of resolution and approved documents	Director (Place)
	S210(2)	Certifications of document giving details of estimate and consequential amendment of provisional appointment	Director (Place)

	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
Elections	N/A	Registration Officer for any constituency or part of a constituency coterminous with or contained in the Tameside Metropolitan Borough	Chief Executive
	N/A	Returning Officer for the election of Councillors for the Tameside Metropolitan Borough	Chief Executive
	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 (Governance and Pensions) and Head of Democratic Services
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	Head of the Greater Manchester Health Protection Unit
Milk and Dairies (General) Regulations 1988	Part VII (Regulations 18 to 20)	Statutory Provision Pasteurisation Orders	Head of the Greater Manchester Health Protection Unit and his/her duly authorised nominees
Local Government and Housing Act 1989	S2	Receipt of list of Politically Restricted Posts	Chief Executive
	S19	Members interests - notification	Chief Executive
	S15, 16, 17	Receipt of notices relating to Political Groups	Chief Executive
Environmental Protection Act 1990	S149	Stray dogs	Director (Place)
Council Tax (Administration and Enforcement) Regulations 1992	Reg 7	Service of Attachment of Earnings Orders	Director (Governance and Pensions)
The Local Authorities (Executive Arrangements) (Access to	Regs 3 and 4	Recording of collective Executive Decisions Verification etc. of Mayoral Petitions	Chief Executive

Information (England) Regulations 2000			
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