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| Title of Report: | Appointment of a Designated Scrutiny Officer |
| Report to be considered by: | Council |
| Date of Meeting: | 09 December 2010 |
| Forward Plan Ref: | C2164 |

Purpose of Report: To advise Management Board on the statutory requirement to appoint a designated Scrutiny Officer.

Recommended Action: The appointment of a designated Scrutiny Officer.

Reason for decision to be taken: Statutory Requirement. See Local Democracy, Economic Development and Construction Act 2009.

Other options considered: None – It is a statutory requirement

Key background documentation: Local Democracy, Economic Development and Construction Act 2009
Local Authorities (Overview and Scrutiny) Bill.

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| The proposals will also help achieve the following Council Plan Themes: | |
| <input checked="" type="checkbox"/> | CPT12 - Including Everyone |
| <input checked="" type="checkbox"/> | CPT14 - Effective People |
| <input checked="" type="checkbox"/> | CPT15 - Putting Customers First |
| <input checked="" type="checkbox"/> | CPT16 - Excellent Performance Management |

| Portfolio Member Details | |
|---|--|
| Name & Telephone No.: | Councillor Graham Jones - Tel (01235) 762744 |
| E-mail Address: | gjones@westberks.gov.uk |
| Date Portfolio Member agreed report: | 12 October 2010 |

| Contact Officer Details | |
|-------------------------|------------------------------------|
| Name: | Rob Alexander |
| Job Title: | Policy Officer (Executive Support) |
| Tel. No.: | 01635 503042 |
| E-mail Address: | ralexander@westberks.gov.uk |

Implications

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| Policy: | The Constitution will require amending to reflect the appointment of the Council's Statutory Scrutiny Officer. |
| Financial: | None |
| Personnel: | N/A |
| Legal/Procurement: | To ensure compliance with the Local Democracy, Economic Development and Construction Act 2009 as well as the Local Authorities (Overview and Scrutiny) Bill, and further guidance from Central Government. |
| Property: | N/A |
| Risk Management: | N/A |
| Equalities Impact Assessment: | EIA completed, not needed to progress past stage 1. |
| Corporate Board's Recommendation: | Corporate Board approved the recommendation of the Scrutiny and Partnerships Manager to be appointed the designated Scrutiny Officer. |

| Is this item subject to call-in? | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
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| If not subject to call-in please put a cross in the appropriate box: | | |
| The item is due to be referred to Council for final approval | | <input checked="" type="checkbox"/> |
| Delays in implementation could have serious financial implications for the Council | | <input type="checkbox"/> |
| Delays in implementation could compromise the Council's position | | <input type="checkbox"/> |
| Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months | | <input type="checkbox"/> |
| Item is Urgent Key Decision | | <input type="checkbox"/> |

Executive Report

1. Introduction

- 1.1 The purpose of the report is to give information and seek a response on the appointment of a designated Scrutiny Officer, as required by the Local Democracy, Economic Development and Construction Act 2009.
- 1.2 The report will outline the post holder's statutory duties, the restrictions on appointment to the post and the options available, before finally proposing an appointment.

2. The Statutory Requirement

2.1 Section 31 of the Local Democracy, Economic Development and Construction Act (2009) inserts a new section into the Local Government Act 2000 requiring local authorities, with the exception of District Councils in areas where there is a County Council, to designate one of their officers as a Scrutiny Officer to support the work of the Authority's Overview and Scrutiny Committee(s).

2.2 The statutory duties of the Scrutiny Officer are to:

- promote the role of the Authority's Overview and Scrutiny Committees;
- provide support to the Authority's Overview and Scrutiny Committees and the members of those Committees;
- provide support and guidance to:
 - Members of the Council
 - Members of the Executive of the Council; and
 - Officers of the Council.

in relation to the functions of the Council's Overview and Scrutiny Committees.

2.3 The Council may not designate any of the following officers as the Scrutiny Officer:

- The Head of Paid Service;
- The Monitoring Officer;
- The Head of Finance.

3. Options

3.1 Examining other Local Authorities actions in the establishment of this role, there are two options as to who to appoint to the role of Scrutiny Officer in West Berkshire, these are:

- The Head of Policy & Communication.
- The Scrutiny and Partnerships Manager.

- 3.2 There appears to have been an even split amongst Local Authorities over who to appoint as the designated Scrutiny Officer, however it is important to consider the statutory duties, whilst also ensuring the Scrutiny Officer is successfully line managed, but also able to be held to account for their actions.
- 3.3 The Scrutiny and Partnerships Manager's current role includes the management of the Council's Overview and Scrutiny function, and the provision of advice and support to Members of the council, the Executive, officers and partner organisations in relation to the delivery of this function.
- 3.4 It may also be worth noting that there is nothing in the legislation which prevents a Principal/Senior Officer from fulfilling this role.

4. Proposal

- 4.1 In view of the similarities between the role of the Scrutiny and Partnerships Manager and the statutory duties of the Scrutiny Officer it is proposed that the Scrutiny and Partnerships Manager be appointed as the Council's Designated Scrutiny Officer.

5. Recommendations

- 5.1 Governance and Audit is requested to recommended to Council that the Scrutiny and Partnerships Manager be designated as the Council's Scrutiny Officer in accordance with the Local Democracy, Economic Development and Construction Act 2009.

Consultees

Local Stakeholders: N/A

Officers Consulted: N/A

Trade Union: N/A