

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 Members of the statutory requirement to appoint a designated Scrutiny Officer.
Recommended Action:	To appoint the Scrutiny and Partnerships Manager as West Berkshire Council's 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.

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	
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Date Portfolio Member agreed report:	12 October 2010

Contact Officer Details	
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Implications

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"/>
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 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 Committee(s);
- provide support to the Authority's Overview and Scrutiny Committee(s) and the members of those Committee(s);
- 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 Committee(s).

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 as to 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 Council designates the Scrutiny and Partnerships Manager as the Council's Scrutiny Officer in accordance with the Local Democracy, Economic Development and Construction Act 2009.

Appendices

There are no appendices to this report.

Consultees

Local Stakeholders: N/A

Officers Consulted: Corporate Board, Andy Day, David Lowe

Trade Union: N/A