

**COMMITTEE:** ADMINISTRATION & REGULATION

**DATE:** 19<sup>th</sup> JUNE 2019

**SUBJECT:** APPOINTMENT OF STATUTORY SCRUTINY OFFICER

**REPORT BY:** DEMOCRACY MANAGER

**CONTACT OFFICER:** DEBBIE JANES 01582 546038

**IMPLICATIONS:**

<b>LEGAL</b>	✓	<b>COMMUNITY SAFETY</b>
<b>EQUALITIES</b>		<b>ENVIRONMENT</b>
<b>FINANCIAL</b>	✓	<b>CONSULTATIONS</b>
<b>STAFFING</b>		<b>OTHER</b>

**WARDS AFFECTED:** All

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## **PURPOSE**

1. To appoint a Statutory Scrutiny Officer in accordance with the requirements of the Local Democracy, Economic Development and Construction Act 2009 (as amended).

## **RECOMMENDATION**

2. **Administration & Regulation Committee is recommended to appoint the Democracy Manager as the Council's Statutory Scrutiny Officer, with immediate effect.**

## **BACKGROUND**

3. In England, the Local Democracy, Economic Development and Construction Act 2009 introduced a new statutory position of "scrutiny officer" – an officer of the council with responsibility for promoting the role of overview and scrutiny.

## **REPORT**

4. Specifically, the role of the Statutory Scrutiny Officer is to:
  - promote the role of the authority's overview and scrutiny committee(s);

- provide support to the authority's Overview & Scrutiny's function and to local councillors;
  - provide guidance to members and officers of the council in relation to Overview & Scrutiny's functions.
5. The Statutory Scrutiny Officer cannot be the authority's Head of Paid Service, the Monitoring Officer or the Chief Finance Officer (Section 151 officer).
  6. Different councils have taken different approaches to who they designate as their Statutory Scrutiny Officer. Some have chosen a Chief Officer, usually the Chief Officer for the department in which the scrutiny function sits, as long as that person isn't also the Monitoring Officer. Others have chosen the most senior person in the authority with a day-to-day responsibility for providing support to the scrutiny function.
  7. Either of these options are acceptable. A senior officer appointment gives scrutiny a high profile at a corporate level and is commensurate with other statutory posts. A more junior officer appointment empowers those involved in scrutiny day-to-day with a statutory role and duty, bolstering visibility to the rest of the organisation. Those with responsibility for providing advice and guidance on, and with practical experience of, delivering scrutiny is a good fit in terms of skill set. The other statutory posts relate to corporate functions across the authority, whereas the scrutiny officer role relates specifically to the council's non-executive activity.
  8. The Service Director, Policy, Communities and Engagement has acted as the Council's Statutory Scrutiny Officer in the recent past. However, the post holder has been appointed to the role of Interim Corporate Director, Customer & Commercial and it is considered timely to appoint a new Statutory Scrutiny Officer to ensure that the role continues to be delivered seamlessly.
  7. The role of Service Director, Policy, Communities and Engagement is filled on an interim basis. In order to maintain continuity for the scrutiny function it is proposed that the Democracy Manager be appointed as the Statutory Scrutiny Officer as the next most senior person in the authority with a day-to-day responsibility for providing support to the scrutiny function.

### **PROPOSAL/OPTION**

9. It is proposed that the Democracy Manager be appointed to the role of Statutory Scrutiny Officer, with immediate effect.

### **LEGAL IMPLICATIONS**

10. Originally introduced by the Local Democracy, Economic Development and Construction Act 2009, the requirement for councils to appoint a Statutory Scrutiny Officer can now be found at Section 9FB of the Local Government Act 2000 (following amendment pursuant to the Localism Act 2011). Any failure to do so could lead the Council being challenged for failing to meet its statutory duties. This has been agreed by Raj Popat, Principal Solicitor in Legal Services on 4<sup>th</sup> June 2019.

## **FINANCIAL IMPLICATIONS**

11. There are no direct financial implications for the Council in this report and this has been agreed by the Finance Business Partner (Place, Customer & Commercial and Chief Executive) on 4<sup>th</sup> June 2019.

## **HUMAN RESOURCE IMPLICATIONS**

12. There are no HR implications in this report and this has been agreed by the Service Director (Human Resources) & Monitoring Officer on 4<sup>th</sup> June 2019.

## **LIST OF BACKGROUND PAPERS**

### **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

Local Democracy, Economic Development and Construction Act 2009  
Section 9FB of the Local Government Act 2000  
Localism Act 2011