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## Scrutiny Management Committee

6<sup>th</sup> December 2010

Report of the Assistant Director – Legal, Governance & ICT

### Designation of Statutory Scrutiny Officer

#### Summary

1. This report seeks a recommendation to Council to designate an Officer as the “statutory scrutiny officer”.

#### Background

2. Section 31 of the Local Democracy, Economic Development and Construction Act 2009 requires the Council to appoint an Officer to cover the following functions:

- (a) to promote the role of the Authority’s overview and scrutiny committees;
- (b) to provide support to the Authority’s overview and scrutiny committees and the Members of those committees;
- (c) to provide support and guidance to:
  - (i) Members of the Authority;
  - (ii) Members of the Executive of the Authority; and
  - (iii) Officers of the Authority,

in relation to the functions of the Authority’s overview and scrutiny committees.

3. Section 31 goes on to state that a local authority may not designate any of the following statutory roles as its ‘scrutiny officer’:
  - Head of Paid Service (Chief Executive)
  - Monitoring Officer (Assistant Director Governance and ICT)
  - Chief Finance Officer (Director of Customer Business Support Services)
4. In York the provision of scrutiny support falls within the remit of the Democratic Services Manager and the functions described in section 31 are within the job description for that post. The postholder reports to the

Assistant Director Legal, Governance and ICT and in turn to the Director of CBSS. The latter has the lead role within the Corporate Management Team for scrutiny support.

5. It therefore seems appropriate to designate the Democratic Services Manager for the purposes of section 31.

### **Consultation**

6. As the Council's main Scrutiny Committee SMC is being consulted on this proposal and is asked to make a recommendation to Council.

### **Options**

7. SMC could invite the Chief Executive to consider nominating an alternative postholder to take this role.

### **Corporate Priorities**

8. The initiatives outlined in this report, if successful, will contribute to the Council's overall aim of being an effective organisation, 'a modern Council, with high standards in all we do'.

### **Implications**

9. The legal implications are described within the report. There are no financial, human resources or other implications associated with the contents of this report.

### **Risk Management**

10. The Council will not be complying with the law if it fails to designate an Officer for the purposes of section 31.

### **Recommendations**

11. Members are asked to recommend to Council that the Democratic Services Manager be designated as the scrutiny officer for the purposes of the 2009 Act.

REASON: To ensure legal compliance and because the functions are within the exiting role of the postholder.

## Contact Details

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Report Approved

Date 25.11.2010

**Specialist Implications Officer(s)** None

**Wards Affected:**

All

For further information please contact the author of the report

**Background Papers:**

None

**Annexes**

None