

**Overview and Scrutiny Liaison Board
14 July 2010**

**Constitution Focus Group
29 July 2010**

**Council
9 November 2010**

Designated Scrutiny Officer

Purpose

1. To report on the requirement for the local authority to designate one of its officers as the “scrutiny officer”.

Background

2. Section 31 of the Local Democracy, Economic Development and Construction Act 2009 which came into force on 1 April 2010 requires the local authority to designate one of its officers as the “scrutiny officer”. This was one of a number of provisions in the Act designed to improve governance, democracy and involvement in local government.
3. The designated officer will be responsible to discharge 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;
 - (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 authorityin relation to the functions of the authority’s overview and scrutiny committees.
4. In order to give a clear message about the importance and transparency of the function, the Government determined that the local authority may not designate any of the following:
 - (a) the head of the authority’s paid service
 - (b) the authority’s monitoring officer
 - (c) the authority’s chief finance officer
5. This follows on from a series of national developments in overview and scrutiny over recent years in order to strengthen and broaden its powers including ensuring that it is sufficiently resourced.

Approach

6. The current overview and scrutiny function in Wiltshire is supported by a small dedicated officer team within Democratic and Members Services. The team is headed by a scrutiny manager who is line-managed by the Head of Service and ultimately through to the Service Director, Legal and Democratic Services (who is the Council's Monitoring Officer).
7. The scrutiny manager's current job description includes to a large extent the functions intended for the designated scrutiny officer and therefore operationally it would make sense that this post is designated formally in this way.
8. The current line-management arrangements would stay in place for staffing purposes but the scrutiny manager would now be statutorily responsible and accountable under the Act for the specific functions set out in paragraph 3. This would include direct reporting, responding to national inspections and contributing to annual governance statements.
9. The Council's Constitution sets out the statutory designated posts in Article 13 (currently those listed in paragraph 4 above) and therefore the new statutory post of "scrutiny officer" will need to be added.
10. In further recognition of the statutory responsibilities, it would seem sensible to make the scrutiny officer responsible for constitutional matters such as receiving member requests for items, giving formal invitation to witnesses, receiving responses from Cabinet members and acting on call-in requests.
11. Authorities who are represented on the national scrutiny network have been consulted on the action they have taken to implement this new requirement. A sample of the responses received is included as an appendix to the report.
12. The Liaison Board and Focus Group will be aware that the formal review of the overview and scrutiny articles and procedure rules in the Constitution are imminent (and referred to elsewhere on the agenda).

Proposals

13. To recommend Council to designate the current scrutiny manager post as Wiltshire Council's Scrutiny Officer to be responsible for the statutory functions set out in paragraph 3 with immediate effect, and to amend the Constitution accordingly.

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