

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

20 MAY 2010

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION

Corporate Management and Finance – Lead Cabinet Member – Councillor Laing

DESIGNATED SCRUTINY OFFICER

1. Summary

Recent legislation has been enacted to strengthen the role of overview and scrutiny in local authorities. This has included the requirement to allocate a specific officer from within the council to be the dedicated scrutiny officer with responsibility for promoting the role of the authority's overview and scrutiny committees and providing support to the committees and its members. In addition the dedicated scrutiny officer will provide support and guidance to executive members and officers in relation to the functions of the authority's overview and scrutiny committees.

2. Recommendations

The Head of Democratic Services be the designated scrutiny officer for Stockton Borough Council.

3. Reasons for the Recommendations/Decision(s)

To comply with The Local Democracy, Economic Development and Construction Act 2009 (Commencement No. 2) Order 2009.

4. Members Interests

Members (including co-opted members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or

giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;

- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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SUMMARY

Recent legislation has been enacted to strengthen the role of overview and scrutiny in local authorities. This has included the requirement to allocate a specific officer from within the council to be the dedicated scrutiny officer with responsibility for promoting the role of the authority's overview and scrutiny committees and providing support to the committees and its members. In addition the dedicated scrutiny officer will provide support and guidance to executive members and officers in relation to the functions of the authority's overview and scrutiny committees.

RECOMMENDATIONS

The Head of Democratic Services be the designated scrutiny officer for Stockton Borough Council.

DETAIL

1. Local authorities operating executive arrangements are required by section 21 of the Local Government Act 2000 to have at least one overview and scrutiny committee to review or scrutinise decisions made, and to make reports and recommendations about matters whether or not they are the responsibility of the Executive; and to make reports or recommendations on matters which affect the authority's area.
2. Section 31 of the Local Democracy, Economic Development and Construction Act 2009 inserted a new section into the Local Government Act 2000 requiring local authorities to designate one of their officers as a scrutiny officer to support the work of the authority's overview and scrutiny committees.
3. Subsection (2) set out the functions that a scrutiny officer may undertake. Typically, a scrutiny officer will promote the scrutiny function generally within the authority and local government partners more widely, and provide advice and support to members of the authority's committees in undertaking their work. This may include the provision, or management, of committee secretariat services, research, analysis of data and report preparation for example.

FINANCIAL IMPLICATIONS

4. No financial implications have been identified

LEGAL IMPLICATIONS

5. The proposals in the report will satisfy the requirement of the 2009 Act to designate one of the Council's Officers as a Scrutiny Officer.

RISK ASSESSMENT

6. The appointment of a dedicated scrutiny officer is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

7. Strengthened scrutiny arrangements will assist the promotion of stronger community participation, in particular within the democratic process.

EQUALITIES IMPACT ASSESSMENT

8. This report has not been subject to an Equality Impact Assessment as it seeks only to identify the appropriate officer to undertake the scrutiny requirements of the Local Democracy, Economic Development and Construction Act 2009.

CONSULTATION INCLUDING WARD/COUNCILLORS

9. No specific consultation exercise was undertaken.

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Background Papers

Local Government Act 2000
Local Democracy, Economic Development and Construction Act 2009
The Local Democracy, Economic Development and Construction Act 2009 (Commencement No. 2) Order 2009

Ward(s) and Ward Councillors:

Not ward specific.

Property

No implications.