

# CHESHIRE EAST COUNCIL

## REPORT TO: Governance and Constitution Committee

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**Date of Meeting:** 27 May 2010  
**Report of:** Borough Solicitor  
**Subject/Title:** Statutory Scrutiny Officer

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### **1.0 Report Summary**

- 1.1 To consider the appointment of the Authority's Statutory Scrutiny Officer

### **2.0 Recommendations**

- 2.1.1 That it be recommended to Council that the Democratic Services Manager be appointed as the Statutory Scrutiny Officer.

### **3.0 Reasons for Recommendations**

- 3.1 In accordance with Section 31 of the Local Democracy, Economic Development and Construction Act 2009, the Council has a statutory duty to designate one of its officers as the Councils Statutory Scrutiny Officer.

### **4.0 Wards Affected**

- 4.1 None

### **5.0 Local Ward Members**

- 5.1 None

### **6.0 Policy Implications**

- 6.1 The constitution will require amending to reflect the appointment of the Councils Statutory Scrutiny Officer.

### **7.0 Financial Implications for Transition Costs**

- 7.1 None

### **8.0 Financial Implications 2010/2011 and beyond**

- 8.1 None

### **9.0 Legal Implications**

- 9.1 There is a statutory requirement for all local authorities in England, except district councils, to designate an officer as the authority's Scrutiny Officer

## **10.0 Risk Management**

- 10.1 None

## **11.0 Background and Options**

- 11.1 Section 31 of the Local Democracy, Economic Development and Construction Act 2009 states that all authorities in England are to designate a Scrutiny Officer, with the exception of district councils in two tier areas. The functions of this role are to:

- Promote the role of the authority's Overview and Scrutiny Committee or Committees.
- Support the authority's Overview and Scrutiny Committee or Committees and the Members of those committees'
- Provide support and guidance to:
  1. Members of the authority
  2. Members of the executive of the authority, and
  3. Officers of the authority

In relation to the functions of the authority's Overview and Scrutiny Committee or Committees

- 11.2 An officer designated by a local authority under this section is to be known as the authority's 'Scrutiny Officer'.
- 11.3 A local authority may not designate any of the following under this section:
- The head of the authority's paid service designated under section 4 of the Local Government and Housing Act 1989;
  - The authority's Monitoring Officer designated under section 5 of that Act;
  - The authority's Chief Finance Officer, within the meaning of that section.
- 11.4 The appointment of an officer to this post will be made by Council following a recommendation by Governance and Constitution Committee.
- 11.5 The Corporate Scrutiny Committee considered the matter on 19 April 2010 and recommended that the Democratic Services Manager would be the most appropriate appointment within the Council.

## **12.0 Overview of Year One and Term One Issues**

- 12.1 None

## **13.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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