

**OFFICER REPORT TO COUNCIL****AMENDMENTS TO THE CONSTITUTION – DESIGNATED SCRUTINY OFFICER****KEY ISSUE/DECISION:**

The Council is asked to agree the Designated Scrutiny Officer in accordance with the requirements of the Local Democracy, Economic Development and Construction Act 2009.

BACKGROUND:

1. 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.
2. 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.
3. The legislation further specifies that the local authority may not designate any of the following as the scrutiny officer:
 - the head of the authority’s paid service
 - the authority’s monitoring officer
 - the authority’s chief finance officer

4. Following the recent Public Value Review of the Chief Executive's Office, the team responsible for supporting the Council's select committees has been restructured to strengthen our support to scrutiny. The team (which includes two scrutiny managers, four scrutiny officers and two committee assistants) is led by the Senior Manager for Scrutiny who is line managed by the Democratic Services Lead Manager (Deputy Monitoring Officer) and ultimately the Head of Legal and Democratic Services (the Council's Monitoring Officer).
5. The Senior Manager for Scrutiny's job description includes the functions intended for the designated scrutiny officer and therefore operationally it would make sense that this post is designated formally in this way.
6. The current line management arrangements would stay in place for staffing purposes but the Senior Manager for Scrutiny would be statutorily responsible and accountable under the Act for the specific functions set out in paragraph 2. This would include direct reporting, responding to national inspections and contributing to annual governance statements as required.
7. The Council's Constitution sets out the statutory designated posts in Article 12 (currently those listed in paragraph 3 above) and therefore the new statutory post of "scrutiny officer" will need to be added. The amended section is included as Appendix A.

RECOMMENDATIONS:

It is recommended:

- (1) that the Council designates the Senior Manager for Scrutiny as Surrey County Council's Scrutiny Officer to be responsible for the statutory functions set out in paragraph 2 with immediate effect.
- (2) that the Constitution be amended accordingly as attached at Appendix A.

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Sources/background papers:

The Council's Constitution
Local Democracy, Economic Development and Construction Act 2009

**Amendment to the Constitution Part 2 – Articles of the Constitution,
Article 12**

Insert following section after paragraph 12.05 and renumber rest of Article 12 as appropriate:

12.06 Functions of the Designated Scrutiny Officer

- (a) Promote the role of the authority's overview and scrutiny committees.
- (b) Provide support to the authority's overview and scrutiny committees.
- (c) Provide support and guidance to:
 - i. Members of the authority
 - ii. Members of the Cabinet and
 - iii. Officers of the authorityin relation to the functions of the authority's overview and scrutiny committees.