



Title of meeting:	Full Council
Date of meeting:	16 July 2024
Subject:	Appointment of Statutory Scrutiny Officer
Report by:	Peter Baulf, City Solicitor
Wards affected:	N/A
Key decision:	No
Full Council decision:	Yes

1. Purpose of report

To appoint to the position of Statutory Scrutiny Officer, formalising the role already undertaken by the Senior Local Democracy Officer in respect carrying out the function of the Council's Statutory Scrutiny Officer.

2. Recommendations

- 2.1 That the designation of the Council's Statutory Scrutiny Officer to be included within the functions of the Senior Local Democracy Officer; and
- 2.2 The necessary amendments to the Constitution be made to reflect the designation of the Senior Local Democracy Officer as the Council's Statutory Scrutiny Officer.

3. Background

- 3.1 The City Council must appoint named individuals to particular roles, including the role of Statutory Scrutiny Officer.
- 3.2 This delegation exists to the Local Democracy Manager and since their departure has fallen to the Senior Local Democracy Officer. This report seeks to recognise and formalise that function as part of the role of the Senior Local Democracy Officer.
- 3.3 Originally introduced by the Local Democracy, Economic Development and Construction Act 2009, the requirement for English councils to designate a "statutory" scrutiny officer can now be found at s9FB of the Local Government Act 2000 (the legislative framework having been altered by the Localism Act 2011).
- 3.4 The statutory scrutiny officer's role is (these points paraphrase the precise wording of the Act, which can be found at:
<http://www.legislation.gov.uk/ukpga/2011/20/schedule/2>):



- To promote the role of the authority’s overview and scrutiny committee(s);
- To provide support to the authority’s overview and scrutiny function and to local councillors; and
- To provide guidance to members and officers of the council in relation to overview and scrutiny functions.

4. Reasons for recommendations

4.1 The Statutory Scrutiny Officer cannot be the authority’s Head of Paid Service, the Monitoring Officer or the Chief Finance Officer. It is therefore recommended that the position best fits within the role of the Senior Local Democracy Officer, as the most senior officer providing day to day support of the council's scrutiny function.

5. Integrated impact assessment

5.1. An Integrated Impact Assessment is not necessary, as no new policies are proposed.

6. City Solicitor comments

6.1 Failure to ensure appointment to these roles could lead to the council being challenged for failing to meet its statutory duties. Additionally, it would be wise to recognise an officer within PCC as the main point of reference. Compliance with the requirement as set out in this report is required per statute.

7. Director of Finance's comments

7.1. There are no finance implications arising from this report.

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Signed by: Peter Baulf, City Solicitor

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Local Government Act 2000	Local Government Act 2000 (legislation.gov.uk)



Local Democracy, Economic Development and Construction Act 2009	Local Democracy, Economic Development and Construction Act 2009 (legislation.gov.uk)
Localism Act 2011	Localism Act 2011 (legislation.gov.uk)
Constitution of the Council	Constitution - Portsmouth City Council