

Council Report

Annual Council 20 May 2016

Title

Review of the Council's Constitution and Appointment of a Statutory Scrutiny Officer.

Is this a Key Decision and has it been included on the Forward Plan?

Not applicable

Director Approving Submission of the Report

Assistant Director Legal Services

Ward(s) Affected

All

Executive Summary

Article 19 of the Council's Constitution provides for the Chief Executive, the Assistant Director (Legal Services) and the Director of Finance to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given effect. In addition the Assistant Director (Legal Services) may make clerical amendments to the Constitution to reflect any changes in legislation or changes in the title and responsibilities of Council officers or bodies without need for reference to the Council.

The recommendations of the Members Governance Review Working Group were reported to the meeting of Cabinet on 11 April 2016 and those recommendations are the subject matter of a separate report to this meeting of Council. It is a matter for Council as to whether it wishes to implement those recommendations. The Assistant Director (Legal Services) has taken the view that he should not carry out his own review of the operation of the Constitution until Council has made that decision and, depending upon that decision, until any further work recommended by the Working Group is in progress. To do otherwise would create a potential conflict between the the work of the Assistant Director and the further work recommended by the Working Group.

The recommendations in this report are therefore limited to matters which require a decision at this time, namely the designation of a scrutiny officer.

Recommendations:

- That Council designate the Council's Democratic Services Manager, as the Council's scrutiny officer for the purposes of section 9FB of the Local Government Act 2000 (as amended).

Background Papers

- Rotherham Council's Constitution

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Not applicable

Council Approval Required

Yes

Exempt from the Press and Public

No

Title (Main Report)

Review of the Council's Constitution and Appointment of a statutory scrutiny officer.

1. Recommendations

- 1.1 That Council designate the Council's Democratic Services Manager, as the Council's scrutiny officer for the purposes of section 9FB of the Local Government Act 2000 (as amended).

2. Background

- 2.1 Article 19 of the Council's Constitution provides for the Chief Executive, the Assistant Director (Legal Services) and the Director of Finance to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given effect. In addition the Assistant Director (Legal Services) may make clerical amendments to the Constitution to reflect any changes in legislation or changes in the title and responsibilities of Council officers or bodies without need for reference to the Council.
- 2.2 The recommendations of the Members Governance Review Working Group were reported to the meeting of Cabinet on 11 April 2016 and those recommendations are the subject matter of a separate report to this meeting of Council. It is a matter for Council as to whether it wishes to implement those recommendations. The Assistant Director (Legal Services) has taken the view that he should not carry out his own review of the operation of the Constitution until Council has made that decision and, depending upon that decision, until any further work recommended by the Working Group is in progress. To do otherwise would create a potential conflict between the duties of the Assistant Director and the work recommended by the Working Group.
- 2.3 The recommendations in this report are therefore limited to matters which require a decision at this time, namely the appointment of a scrutiny officer.

3. Key Issues

- 3.1 The Council is required to designate one of its officers to discharge the following functions:
 - 3.1.1 to promote the role of the authority's overview and scrutiny committee or committees
 - 3.1.2 to provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees
 - 3.1.3 to provide support and guidance to—
 - 3.1.3.1 members of the Council
 - 3.1.3.2 members of the executive of the Council: and
 - 3.1.3.3 officers of the authority

in relation to the functions of the Council's overview and scrutiny committees.

3.2 The designated scrutiny officer may not be the Council's Head of Paid Service, Monitoring Officer or Director of Finance.

3.3 The appropriate officer to be designated for the scrutiny officer role would be the Democratic Services Manager given the line management of the scrutiny team which is the responsibility of that post and the expertise in matters of scrutiny which are required of the postholder.

4. Options considered and recommended proposal

4.1 The Council must designate a scrutiny officer and the issue is which post should be designated.

4.2 Given the role of the Democratic Services Manager, and the expertise in scrutiny matters which is a requirement of that post, it is not considered appropriate to suggest an alternative post for designation. The recommended proposal is that Council designates the Democratic Services Manager as the Council's scrutiny officer for the purposes of section 9FB of the Local Government Act 2000 (as amended).

5. Consultation

5.1 No consultation has taken place due to the designation being a legal requirement.

6. Timetable and Accountability for Implementing this Decision

6.1 Any decision on designation will take effect as soon as it is made.

6.2 The Assistant Chief Executive will be responsible for implementing any designation.

7. Financial and Procurement Implications

7.1 None directly from this report

8. Legal Implications

8.1 The legislative requirements are set out at section 3 above.

9. Human Resources Implications

9.1 There are no human resources implications.

10. Implications for Children and Young People

10.1 The duties of the designated scrutiny officer set out at section 3 above will apply to the scrutiny of matters relating to children and young people. .

11 Equalities and Human Rights Implications

