



City of Westminster Cabinet Member Report

Decision Maker:	Leader of the Council
Date:	13 September 2017
Status:	For General Release
Title:	Designation of the Council's Section 31 Officer
Wards Affected:	N/A
Policy Context:	Legal Requirement
Financial Summary:	There are no financial implications
Report of:	Julia Corkey Director of Policy Performance and Communications Tel: 020 7641 2354 Email: ppcpa@westminster.gov.uk

1. Executive Summary

- 1.1 This report seeks approval to the formal designation of Aaron Hardy as the City Council's designated Scrutiny Officer as required by Section 31 of the Local Democracy, Economic Development and Construction Act 2009.

2. Recommendation

- 2.1 That Aaron Hardy be formally designated as the Council's Scrutiny Officer and assigned the duties as required by Section 31 of the Local Democracy, Economic Development and Construction Act 2009 and Schedule 2 of the Localism Act 2011 and set out in paragraph 4.1 below.

3. Background

- 3.1 As part of the City Council's re-organisation, approved by Cabinet on 23 September 2009, responsibility for providing research and support (other than the formal clerking) to the Council's Policy and Scrutiny Committee's transferred to the Director of Policy, Performance and Communications,. Accordingly, the statutory duty was formally assigned to a Scrutiny Officer within the Policy, Performance and Communications team.

3.2 The Leader previously appointed Mark Ewbank, to the designated Scrutiny Officer role but following his departure from the City Council, it is proposed that Aaron Hardy be formally designated to replace him.

4. Legal Implications

4.1 Section 31 of the Local Democracy, Economic Development and Construction Act 2009 came into effect on 1st April 2010. It inserts Section 21ZA into the Local Government Act 2000, which requires the City Council to designate an officer to discharge the following functions:

(a) *to promote the role of the authority's overview and scrutiny committee or committees;*

(b) *to provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those 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 authority,*

in relation to the functions of the authority's overview and scrutiny committee or committees.

4.2 The reference to committees also includes sub-committees. The officer is to be known as the City Council's "Scrutiny Officer". The Scrutiny Officer cannot be the Chief Executive, the Monitoring Officer or the Chief Finance Officer. The requirement to designate an officer to this position was further included in schedule 2 of the Localism Act 2011.

5. Financial Implications:

None.

6. Other Implications:

None.

7. Reasons for Recommendation:

7.1 A Scrutiny Officer must be appointed to satisfy a legal requirement set out in section 31 of the Local Democracy, Economic Development and Construction Act 2009 and the Localism Act 2011.

If you have any queries about this Report or wish to inspect any of the Background Papers, Please Contact Julia Corkey; email: ppcpa@westminster.gov.uk

Background Papers

- Report to Leader dated 10 December 2010
- Report to Leader dated 23 August 2012

For completion by the **Leader of the Council**

Declaration of Interest

I have <no interest to declare / to declare an interest> in respect of this report

Signed: _____ Date: _____

NAME: **Councillor Nickie Aiken**

State nature of interest if any

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(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled
Appointment of Scrutiny Officer and reject any alternative options which are referred to but not recommended.

Signed

Leader of the Council

Date

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:
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If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Head of Legal and Democratic Services, Chief Operating Officer and, if there are resources implications, the Acting Director of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.