

FULL COUNCIL	AGENDA ITEM No. 14
16 OCTOBER 2024	PUBLIC REPORT

Report of:	Neil McArthur, Director of Legal and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Mohammed Jamil, Deputy Leader and Cabinet Member for Finance and Corporate Governance	
Contact Officer(s):	Rachel Edwards, Head of Constitutional Services Matt Makin, Senior Democratic Services Officer	01733 384641

APPOINTMENT OF A STATUTORY SCRUTINY OFFICER

RECOMMENDATIONS	
FROM: Neil McArthur, Director of Legal and Governance and Monitoring Officer	Deadline date: 16 October 2024
<p>It is recommended that Full Council:</p> <ol style="list-style-type: none"> 1. Appoint the Democratic and Constitutional Services Manager as the authority’s Statutory Scrutiny Officer. 2. Approves the amendment to Clause 3 of Article 7 of the Peterborough City Council Constitution (Overview and Scrutiny) as set out in Appendix A to the report. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to Full Council following a request from the Director of Legal and Governance and Monitoring Officer to appoint a Statutory Scrutiny Officer for the authority.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to appoint the Council’s Statutory Scrutiny Officer in accordance with legislative requirements.

2.2 In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Mayor agreed on 9 October 2024 for this urgent item of business to be considered as the proposed changes are required prior to the Monitoring Officer taking an extended period of absence during November 2024, to ensure proper governance arrangements are maintained during this period.

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

4.1 Peterborough City Council operates executive arrangements in the form of a “Leader and Cabinet” model as permitted under Section 9B of the Local Government Act 2000 (as amended) (the Act).

4.2 Under Section 9F of the Act, any local authority operating executive arrangements must include provision for the appointment of one or more overview and scrutiny committees, with the power to review and scrutinise executive decisions and make reports or recommendations to the authority or the executive.

The Council has appointed four overview and scrutiny committees for the following areas:

- Adults and Health
- Children and Education
- Climate Change and Environment
- Growth, Resources and Communities

Joint meetings of two or more of these committees are convened when necessary.

4.3 Section 9FB of the Act requires the Council to appoint a Statutory Scrutiny Officer to discharge the following functions:

- Promote the role of the authority’s overview and scrutiny committee or committees
- Provide support to the authority’s overview and scrutiny committee or committees and members of that committee or committees
- Provide support and guidance in relation to the functions of the authority’s overview scrutiny committee or committees to:
 - Members of the authority
 - Members of the executive of the authority, and
 - Officers of the authority

4.4 The Council’s Constitution currently designates the role of Statutory Scrutiny Officer to the Head of Constitutional Services. It is considered, however, appropriate to transfer this role to the Council’s Democratic and Constitutional Services Manager to allow for a development opportunity for the Democratic and Constitutional Services Manager and to allow for the Head of Constitutional Services to be appointed by the Monitoring Officer as one of their Deputy Monitoring Officers.

This proposed change will also require an amendment to Article 7 of the Council’s Constitution, as set out in Appendix A to this report.

5. CORPORATE PRIORITIES

5.1 The proposal links to the following Corporate Priority:

4. Sustainable Future City Council

- How we Work
- How we Serve
- How we Enable

6. CONSULTATION

6.1 The Monitoring Officer has consulted with the Head of Paid Service.

7. ANTICIPATED OUTCOMES OR IMPACT

- 7.1 It is considered the appointment of the Democratic and Constitutional Services Manager as the Council's Statutory Scrutiny Officer will not only allow for a development opportunity for the Democratic and Constitutional Services Manager but will in turn allow for the Head of Constitutional Services to be appointed as one of the Council's Deputy Monitoring Officers, to support the Monitoring Officer in ensuring good governance across the authority.

8. REASON FOR THE RECOMMENDATION

- 8.1 To ensure that the Council has an appointed Statutory Scrutiny Officer as required by Section 9F of the Local Government Act 2000 (as amended).

9. ALTERNATIVE OPTIONS CONSIDERED

- 9.1 An alternative option was to keep the Statutory Scrutiny Officer role with the Head of Constitutional Services. This was rejected as this would not allow for the Head of Constitutional Services to be appointed as one of the Council's Deputy Monitoring Officers.

10. IMPLICATIONS

Financial Implications

- 10.1 There are no financial implications.

Legal Implications

- 10.2 The Council must designate one of its officers to discharge the functions of Statutory Scrutiny Officer, as required under Section 9FB of the Local Government Act 2000 (as amended). The Statutory Scrutiny Officer cannot be the Council's Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.

Equalities Implications

- 10.3 There are none.

11. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 11.1 Local Government Act 2000

<https://www.legislation.gov.uk/ukpga/2000/22/contents>

Peterborough City Council Constitution

<https://democracy.peterborough.gov.uk/ieListDocuments.aspx?CId=643&MId=3851&Ver=4&info=1>

12. APPENDICES

- 12.1 Appendix A – Proposed Changes to Article 7 of the Peterborough City Council Constitution

Report Sign Off Sheet				
Pre-Drafting Comments	Section	Name	Comments	Date
	Finance <i>If your report contains budgetary implications, please ensure you liaise with Finance prior to drafting your report.</i>	N/A	N/A	N/A
Date Report Submitted Into 365 Folder				Date 09/10/2024
I have checked that the report adheres to accessibility regulations <i>Further information below</i>				Yes
Post-Drafting Final Approvals Shared Service? <i>If you are writing a report as an officer from a shared service authority, all approvals will need to be provided by Peterborough City Council officers.</i>	Section	Name	Approved	Date
	Legal	Israr Ahmed	Approved	10/10/24
	Finance	Chris Yates	Approved	09/10/24
	Procurement <i>(approval must be sought from Procurement if your decision is contract / procurement related)</i>	N/A	N/A	N/A
	Democratic Services	Dan Snowdon	Approved	09/10/24
	Environment and Climate Change	N/A	N/A	N/A
Director's Approval <i>Directors are requested not to sign if the above section is incomplete</i>	Neil McArthur			Date
				10/10/24

Please delete this page before submitting your final report

CHECKLIST -

*Give consideration to the impact of the decision in respect of the following:

Financial
Legal
Corporate Priorities
Crime and Disorder / Community Safety
Discrimination and Equality
Human Resources
ICT
Property
Procurement
Children In Care and Care Leavers

Cross-Service Implications

How does your proposal affect colleagues providing related services? Have they been consulted?

Risk Assessment

Have you evaluated risks and identified remedial actions?

Consultees

Ward Councillor(s)
Parish Council(s)
Community Association(s)
Partner Organisation(s)
Partnerships
Trade Unions

Background Papers

Have you included all the Background Papers used in the report?

Accessibility

Have you checked that your inclusions within the report remain accessible? You will need to consider:

1. Colour and contrast (make sure that colour is not the only way to convey information)
2. Use of images (only in support of text, and with "alt text")
3. Links (easily identified with a clear and accurate title)
4. Plain English (clear, concise and devoid of jargon)
5. Table structure (simple, with column headers)

Further information on how to ensure your document is accessible can be found in the committee meeting accessibility guidance – [link to committee meeting accessibility guidance document](#).

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