

Report Title:	Appointment of Statutory Scrutiny Officer
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Johnson, Leader of the Council
Meeting and Date:	Full Council 27 September 2022
Responsible Officer(s):	Emma Duncan, Director of Law, Strategy and Public Health / Karen Shepherd, Head of Governance
Wards affected:	All

www.rbwm.gov.uk



REPORT SUMMARY

Section 9FB of the Local Government Act 2000 (as amended by the Localism Act 2011) places a duty on county and unitary councils to designate an Officer to act as the council's Statutory Scrutiny Officer. This is an important role in ensuring an effective scrutiny function and therefore supports the Corporate Plan objective 'A council trusted to deliver its promises'

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That full Council notes the report and appoints Mark Beeley – Democratic Services Officer, as the council's Statutory Scrutiny Officer.

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
Appoint Mark Beeley as the council's Statutory Scrutiny Officer This is the recommended option	The council will have complied with the requirement in Section 9FB of the Local Government Act 2000
Do not appoint Mark Beeley as the council's Statutory Scrutiny Office	The council will not have complied with the requirement in Section 9FB of the Local Government Act 2000

2.1 In line with Section 9FB of the Local Government Act 2000, county and unitary authorities are required to designate an Officer to undertake the following statutory functions:

- Promote the role of the Council's Overview and Scrutiny Committees
- Provide support to the Council's Overview and Scrutiny Committees and the members of those bodies

- Provide support and guidance to Members and Officers of the Council and the Executive on the functions of its Overview and Scrutiny Committees

2.2 Following the departure of the Democratic Services Team Manager previously designated as the council's Statutory Scrutiny Officer, it is necessary for the council to make a new appointment. Mark Beeley, the Democratic Services Officer proposed to be appointed, has been shadowing the Democratic Services Team Manager in this specific role for the last two years. He will continue to be supported by the Head of Governance.

2.3 The Corporate Peer Review in early 2022 recommended that the Monitoring Officer provide dedicated support to the Overview and Scrutiny function. This proposal is subject to a growth bid for 2023/24. If successful, the new postholder would be expected to be proposed for appointment as the Statutory Scrutiny Officer.

3. KEY IMPLICATIONS

3.1

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Statutory Scrutiny Officer appointed	Statutory Scrutiny Officer not appointed	Statutory Scrutiny Officer appointed	n/a	n/a	27 September 2022

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 An allowance will be paid for the duration of the appointment to reflect the additional responsibilities; this is contained within current salary budgets.

5. LEGAL IMPLICATIONS

5.1 Originally introduced by the Local Democracy, Economic Development and Construction Act 2009, the requirement for councils to appoint a Statutory Scrutiny Officer can now be found at Section 9FB of the Local Government Act 2000 (following amendment pursuant to the Localism Act 2011).

5.2 The Statutory Scrutiny Officer cannot be the council's Head of Paid Service, Chief Finance Officer or Monitoring Officer.

6. RISK MANAGEMENT

6.1

Table 3: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Insufficient support of the Overview and Scrutiny function	Medium	Appointment of an appropriate officer as statutory Scrutiny Officer	Low

7. POTENTIAL IMPACTS

7.1 Equalities. An Equality Impact Assessment is attached as Appendix A.

7.2 Climate change/sustainability. None.

7.3 Data Protection/GDPR. None

8. CONSULTATION

8.1 N/A

9. TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in table 4.

Table 4: Implementation timetable

Date	Details
27 September 2022	Appointment of statutory Scrutiny Officer

10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A – Equality Impact Assessment

11. BACKGROUND DOCUMENTS

11.1 This report is supported by four background documents:

- Local Democracy, Economic Development and Construction Act 2009
- Local Government Act 2000
- Localism Act 2011
- Council's Constitution

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	22/8/22	23/08/22
Emma Duncan	Director of Law, Strategy & Public Health/ Monitoring Officer	2/8/22	03/08/22
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	22/8/22	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	22/8/22	22/8/22
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>			
Lyn Hitchinson	Procurement Manager	N/A	
<i>Mandatory: Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>			
Emma Young	Data Protection Officer	N/A	
<i>Mandatory: Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			
Ellen McManus	Equalities & Engagement Officer	22/8/22	
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive/DASS	22/8/22	
Andrew Durrant	Executive Director of Place	22/8/22	
Kevin McDaniel	Executive Director of People Services	22/8/22	
<i>Heads of Service (where relevant)</i>			
Nikki Craig	Head of HR, Corporate Projects and IT	22/8/22	5/9/22
<i>External (where relevant)</i>			
	N/A		

Confirmation relevant Cabinet Member(s) consulted	Councillor Johnson, Leader of the Council / Councillor Rayner Business, Corporate & Residents Services, Culture & Heritage, & Windsor	Yes
---	---	-----

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Council decision	No	No

Report Author: Karen Shepherd, Head of Governance, 07766 778286

APPENDIX A - EQUALITY IMPACT ASSESSMENT

Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project		Service/Procedure	X
----------	--	--------	--	------	--	---------	--	-------------------	---

Responsible officer	Karen Shepherd, Head of Governance	Service area	Governance	Directorate	Law, Strategy and Public Health
---------------------	---------------------------------------	--------------	------------	-------------	---------------------------------

Stage 1: EqIA Screening (mandatory)	Date created: 2/8/22	Stage 2 : Full assessment (if applicable)	Date created: N/A
--	----------------------	--	-------------------

Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): *K. Shepherd*

Dated: 2/8/22

Guidance notes

What is an EqIA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqIAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqIA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqIA?

The process for conducting an EqIA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

Stage 1: Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

To appoint a Statutory Scrutiny Officer

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Not relevant			<i>The decision to appoint an officer as Statutory Scrutiny Officer has no impact on individuals with a protected characteristic</i>
Disability	Not relevant			
Gender re-assignment	Not relevant			
Marriage/civil partnership	Not relevant			
Pregnancy and maternity	Not relevant			
Race	Not relevant			
Religion and belief	Not relevant			
Sex	Not relevant			
Sexual orientation	Not relevant			

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No			
Does the strategy, policy, plan etc require amendment to have a positive impact?	No			

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).