

## **ARTICLE 7 – SCRUTINY FUNCTION (SELECT COMMITTEES)**

The Council will appoint a number of select committees to discharge the functions conferred by section 21 of the [Local Government Act 2000](#) and any other applicable legislation or regulation.

### **7.01 Select Committees - Terms of Reference**

The number of select committees will vary from time to time as agreed by the Council. The select committees will between them cover all of the executive functions. The portfolio of responsibility of each select committee is summarised in the Schedule.

The terms of reference of the select committees appointed by the Council are set out as follows:

#### **(a) General role**

Within their agreed portfolio, select committees will:-

- (i) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any executive functions wherever they may be exercised;
- (ii) Make reports and/or recommendations to the Council and/or the Leader/Cabinet/Cabinet Member and/or any joint or local committee in connection with the discharge of any functions; make reports and/or recommendations to partners.
- (iii) Exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Leader/Cabinet/Cabinet Member and/or any joint or local committees;
- (iv) Consider any matter affecting the County, part of the County or its inhabitants.

#### **(b) Specific role**

The select committees have three specific roles – scrutiny; overview, policy review and development; and performance management:

Within their agreed portfolios, the select committees will fulfil these roles by:-

##### **Scrutiny**

- i. Reviewing and scrutinising the decisions made by the Leader/Cabinet/Cabinet Members, any joint or local committee and/or officers both in relation to individual decisions and over time;

- ii. Questioning the Leader, Deputy Leader and members of the Cabinet and officers about their decisions and performance whether generally in relation to corporate plan policies and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- iii. Reviewing the performance of statutory partners with regard to the achievement of improvement targets to which they are signed up. The select committee can require partner organisations to provide information in relation to the particular target.
- iv. Scrutinising the Strategic Investment Board in respect of the performance of the companies for which the Council is the majority shareholder.
- v. Making reports and/or recommendations to the Leader/Cabinet/Cabinet Member and/or Council arising from the outcome of the scrutiny process.
- vi. Making reports and/or recommendations to partner authorities arising from the outcome of the scrutiny process.

### **Overview, policy development and review**

- vii. Reviewing current policies and strategies and making recommendations to the Leader/Cabinet and/or the Council;
- viii. Undertaking in-depth analysis of policy issues and options to assist the Council and the Leader/ Cabinet in developing and setting of budget and the policy framework;
- ix. Considering matters referred to them by the Leader/Cabinet and reporting to the Leader/Cabinet with proposals;
- x. Monitoring the Leader's Cabinet forward plan and advising the Leader/Cabinet on matters within the remit of the select committee;
- xi. Reviewing and investigating matters which are not the direct responsibility of the County Council but which affect the economic, environmental and social well-being of the County.

### **Performance and Finance**

- xii. Reviewing and commenting on draft service delivery plans and budgets including priorities, targets and performance indicators.

- xiii. Undertaking in-depth performance reviews with the relevant Cabinet Member, Executive Director and Heads of Service.
- xiv. Monitoring service risk management measures and identifying to the Leader, Deputy Leader or Cabinet Members significant risks and concerns;
- xv. Anticipating and advising the Leader/Cabinet/Cabinet Member or Council on areas of performance which give rise to concern.

## 7.02 Health Scrutiny (Adults and Health Select Committee)

### Terms of Reference

The Adults and Health Select Committee will fulfil the council's statutory health scrutiny responsibilities.

The select committee may review and scrutinise health services commissioned or delivered in the authority's area within the framework set out below:

- (a) arrangements made by NHS bodies to secure hospital and community health services to the inhabitants of the authority's area;
- (b) the provision of both private and NHS services to those inhabitants;
- (c) the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
- (d) the public health arrangements in the area;
- (e) the planning of health services by NHS bodies, including plans made in co-operation with local authorities, setting out a strategy for improving both the health of the local population, and the provision of health care to that population;
- (f) the plans, strategies and decisions of the Health and Wellbeing Board;
- (g) the arrangements made by NHS bodies for consulting and involving patients and the public under the duty placed on them by Sections 242 and 244 of the NHS Act 2006;
- (h) any matter referred to the scrutiny select committee by Healthwatch under the Health and Social Act 2012;

- (i) social care services and other related services delivered by the authority.

The select committee may require partner authorities to provide information in respect of matters relating to the health service in the authority's area.

In addition, the select committee will be required to act as consultee to NHS bodies within their areas for:

- (a) substantial development of the health service in the authority's area; and
- (b) any proposals to make any substantial variations to the provision of such services.

These terms of reference include health services provided from a body outside the local authority's area to inhabitants within it.

The Adults and Health Select Committee may refer to the Secretary of State for Health any contested proposals for substantial change or variation in service. The Chairman of that select committee will ensure all Members are notified when this power is utilised.

The Adults and Health Select Committee shall appoint a joint committee where an NHS body intends to consult on a substantial development or variation to health services that extends beyond the area covered by the select committee and agree:

- a) the size of any joint committee appointed for this purpose in consultation with other appropriate authorities which have an interest as consultees;
- b) the share of the Council's seats on each such joint committee; and
- c) the County Council's membership of any such joint committee in accordance with the wishes of political groups.

### **7.03 Select Committee Procedure Rules**

#### **a) Membership of select committees**

Any Member of the Council (except the Leader, Deputy Leader and members of the Cabinet and Deputy Cabinet Members) may serve on a select committees. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

## **b) Co-optees**

Select committees may co-opt non-councillors, as and when required, to provide a degree of independent advice and expertise. Co-opted members cannot have voting rights unless allowed by law.

## **c) Education representatives**

The select committee dealing with education matters shall include in its membership the following voting representatives:

- (i) 1 Church of England diocesan representative;
- (ii) 1 Roman Catholic diocesan representative; and
- (iii) A minimum of 2 parent governor representatives.

This shall apply where the select committee's functions relate wholly or in part to any education functions which are the responsibility of the Leader/Cabinet/Cabinet Member. If the select committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

## **d) Meetings of select committees**

The committees shall meet regularly following an agreed calendar of meetings. In addition, extraordinary meetings may be called from time to time as and when appropriate. A select committee meeting may be called by the select committee chairman, by any three members of the select committee.

## **e) Quorum**

The quorum for select committees shall be one quarter of the total number of voting Members. A quorum may not be fewer than three voting Members.

## **f) Election of select committee chairmen**

The chairmen and vice-chairmen of the select committees will be elected by the Council. The appointments of the Chairmen and Vice-Chairmen of the Adults and Health Select Committee and the Children, Families, Lifelong Learning and Culture Select Committee will be subject to a valid enhanced criminal records check.

## **g) The party whip**

When considering any matter in respect of which a member of the select committee is subject to an official party whip, the Member must declare the existence of the whip, and the nature of it before the commencement of the select committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

## **h) Setting work programmes**

Each select committee will be responsible for setting its select committee work programme. The work programmes will be reviewed at each select committee meeting and may include business for review on the Leader's/Cabinet's/Cabinet Member's or Council's behalf.

## **i) Requests from select committee members for inclusion of items on work programmes**

Any member of a select committee shall be entitled to give notice to the proper officer that he/she wishes to include an item relevant to the functions of the select committee on the agenda for the next available meeting.

On receipt of such a request the proper officer will ensure that the relevant select committee is notified and that the item is included on the agenda for the next available meeting of the appropriate select committee.

## **j) Referral of matters to select committees ('councillor call for action')**

- (i) Under the Councillor Call for Action arrangements, any Member of the Council may refer for scrutiny any local government matter which is relevant to the functions of a select committee by giving notice to the proper officer.
- (ii) On receipt of such a request the proper officer will ensure that the relevant select committee is notified and that it includes an item on the agenda for the next available meeting of the appropriate select committee.
- (iii) If requests are received which require a decision before the next scheduled select committee meeting, the views of the Committee will be sought by email and decided by a simple majority of the Members responding (which must include the Chairman and/or Vice-Chairman).
- (iv) The Member referring the matter may make representations as to why it would be appropriate to scrutinise the matter.
- (v) If the select committee decides that the matter should not be scrutinised, it must notify the Member of its decision and the reasons for it.
- (vi) The select committee must provide the Member with a copy of any report or recommendations which it makes to the Leader/Cabinet/Cabinet Member or Council in relation to the matter.

### k) Select Committee Remits

| Name   | Relevant Services   |
|--|---|
| Adults and Health Select Committee                               | <ul style="list-style-type: none"> <li>➤ Statutory Health Scrutiny</li> <li>➤ Adult Social Care (including safeguarding)</li> <li>➤ Health Integration and devolution</li> <li>➤ Review and scrutiny of all health services commissioned or delivered within Surrey</li> <li>➤ Public Health</li> <li>➤ Review delivery of the Health and Wellbeing Strategy</li> <li>➤ Health and Wellbeing Board</li> <li>➤ Future local delivery model and strategic commissioning</li> </ul>  |
| Name   | Relevant Services   |
| Children, Families, Lifelong Learning & Culture Select Committee | <ul style="list-style-type: none"> <li>➤ Children's Services (including safeguarding)</li> <li>➤ Early Help</li> <li>➤ Corporate Parenting</li> <li>➤ Education</li> <li>➤ Special Educational Needs and/or Disabilities</li> <li>➤ Adult Learning</li> <li>➤ Apprenticeships</li> <li>➤ Libraries, Arts and Heritage</li> <li>➤ Voluntary Sector</li> </ul>  |
| Name   | Relevant Services   |
| Place Select Committee   | <ul style="list-style-type: none"> <li>➤ Waste and recycling</li> <li>➤ Highways</li> <li>➤ Major infrastructure</li> <li>➤ Investment/Commercial Strategy (including Assets)</li> <li>➤ Economic Growth</li> <li>➤ Housing</li> <li>➤ Local Enterprise Partnerships</li> <li>➤ Countryside</li> <li>➤ Planning</li> <li>➤ Aviation and Sustainable Transport</li> <li>➤ Flood Prevention</li> <li>➤ Emergency Management</li> <li>➤ Community Engagement and Safety</li> <li>➤ Fire and Rescue</li> <li>➤ Trading Standards</li> </ul> |
| Name   | Relevant Services   |
| Performance and Resources Select Committee                       | <ul style="list-style-type: none"> <li>➤ Finance</li> <li>➤ Orbis Partnership Functions including Orbis Public Law</li> <li>➤ HR&amp;OD</li> <li>➤ IT and Digital</li> </ul>  |

|  |   |
|--|---|
|  | <ul style="list-style-type: none"><li>➤ Business Ops</li><li>➤ Property</li><li>➤ Procurement</li><li>➤ Equalities and Diversity</li><li>➤ Internal/External Communications</li><li>➤ Legal and Democratic Services</li><li>➤ Coroner</li><li>➤ Customer Services</li></ul> |
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Each select committee will have responsibility for performance, finance and risk monitoring for service areas within their remit.