

Surrey County Council Executive-Scrutiny Protocol

Purpose

This protocol describes the working arrangements between Cabinet (the Executive) and Scrutiny at the County Council and explains how Officers and Members should work, both formally and informally, to support effective oversight and scrutiny. The Protocol complements the rules and procedures in the Council's Constitution and the Member – Officer protocol. The content of the protocol has regard to the statutory guidance for councils and combined authorities on overview and scrutiny and sector good practice. A separate Scrutiny Guide (for councillors and staff) explains how scrutiny works.

This Protocol was agreed by the Council on xxx. The Monitoring Officer is responsible for overseeing compliance with the Protocol in consultation with the Statutory Scrutiny Officer.

Aims

To be effective Scrutiny needs an organisational culture which supports and recognises its value and purpose and a constructive relationship with the Cabinet where roles and responsibilities are understood. There should be a shared understanding of the principles underpinning the relationship and the ways of working that support it.

The aims of the Protocol are to:

1. Describe the roles and responsibilities of scrutiny committees and the Cabinet.
2. Ensure members and officers recognise scrutiny's legal and democratic legitimacy.
3. Set out an agreed vision, principles and ways of working with the Cabinet and Officers to facilitate effective Overview and Scrutiny.
4. Support focused, transparent and timely scrutiny of council business.
5. Facilitate effective scrutiny work planning and objective setting.
6. Enable scrutiny committees to influence Council business in a meaningful way.
7. Enable open, trusting relations between the Cabinet and Scrutiny and between scrutiny members and officers.

Roles and responsibilities

It is a statutory requirement for all councils operating executive arrangements (and for all combined authorities and combined county authorities) to put in place arrangements for overview and scrutiny. All members and officers should recognise

and appreciate the importance and legitimacy the scrutiny function is afforded by the law to act as a check and balance on the executive. Scrutiny committee members have a unique legitimacy derived from being democratically elected councillors. The unique insights that they can bring derived from their close connection to local people are what gives scrutiny its value.

The executive

The Cabinet is the political executive of the Council. It sets policy and takes all significant decisions collectively or individually. Officers are responsible for implementing the decisions of the executive. Cabinet engages with Scrutiny for work planning to identify where scrutiny might add value.

Scrutiny committees

Scrutiny provides a political check and balance on the authority of the executive and on executive decision-making. Scrutiny committees have statutory powers to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken or implemented. Overview and scrutiny committees may make reports or recommendations to the authority about the discharge of their functions and also on matters that affect the authority's area or the inhabitants of the area. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy and by monitoring performance. Scrutiny exercises influence and persuasion but does not take decisions and cannot override Cabinet.

Scrutiny structures

There are four scrutiny committees called 'Select Committees' that correspond broadly to the corporate structure of the Council and a Select Committee Chairs' and Vice-Chairs' Group. The Select Committee Chairs' and Vice-Chairs' Group is an informal group which meets in private to coordinate the work of the function at a strategic level, to review processes and undertake group problem-solving. Select Committees are formally constituted bodies that are politically proportionate. Each Select Committee is led by a Chair and two Vice-Chairs (who are expected to lead Committee Task Groups). Under this leadership, with support from a Scrutiny Officer and Democratic Services Assistant, each Select Committee will set a 12-month work programme and will usually meet in public five times a year at Woodhatch Place, Reigate. Each Select Committee will be responsible for holding the relevant portfolio holder (Cabinet Member) to account for executive decisions.

The Adults and Health Select Committee will fulfil the council's statutory health scrutiny responsibilities arising under Part 1 of the Health and Social Care Act, to review and scrutinise the planning, provision and operation of health services in Surrey, holding health partners including the NHS to account.

Scrutiny should be open and transparent, but may decide to work in private, outside the formal committee meeting when this helps address sensitive matters or enables more thorough analysis or a frank exchange of views.

Vision

The vision for scrutiny at Surrey is that it will have a positive impact on the work of the Council supporting the continuous improvement of the Council and the services it delivers. Scrutiny will:

- Act as a strategic function of the Council bringing additional capacity and insight to help council understand and address complex problems
- Assist the council to understand and act on the big strategic risks it faces
- Assist the council in better understanding the views and concerns of local people
- Support the proportionate and productive review of performance and finance information
- Assist in the development of major, strategic policies
- Provide assurance to council's leadership.

Principles

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities, April 2024, defines effective scrutiny as:

- Providing constructive 'critical friend' challenge
- Amplifying the voices and concerns of the public
- Being led by independent people who take responsibility for their role
- Driving improvement in public services

Communication and engagement must work well. Areas of disagreement should be managed with respect and there should be a shared understanding of the principles underpinning the relationship and the ways of working that support it.

Current overview and scrutiny legislation recognises that authorities are locally accountable and best placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.

a) Scrutiny should:

1. Provide purposeful challenge to the Cabinet and service performance.
2. Be objective, evidence-based and constructive.
3. Be Selective, to ensure limited scrutiny resource is focused where it can most add value to the work of the Council and benefits to residents.
4. Act as a critical friend to help sound decision-making.
5. Take a strategic perspective, focussing on the wider community outcomes.
6. Aim for consensus, drawing on political insight.
7. Work collaboratively with the Cabinet and recognise that it will not always agree with scrutiny conclusions and recommendations.

8. Be well informed, members being fully prepared for meetings with a good understanding of the issues before them.
9. Be independent minded and member-led.
10. Be mindful of the resource impact of its work and the requirements it places on officers and directorates.

b) Cabinet should:

1. Recognise and value Scrutiny and be open to constructive challenge.
2. Respect the independence of scrutiny committees and their chosen work programmes.
3. Keep scrutiny informed of significant proposals before they are finalised.
4. Identify opportunities for scrutiny committees to support and influence its work.
5. Properly and fully consider Scrutiny conclusions and findings.
6. Feedback and explain its response to Scrutiny recommendations.
7. Engage with Scrutiny early to enable it to add value in a timely way.

c) Together, Scrutiny and Cabinet should:

1. Communicate and engage early on plans and activities.
2. Work together to identify where scrutiny can add value to the Council and residents.
3. Foster a climate of trust, openness, honesty and integrity, sharing timely information including that which may be confidential or sensitive.
4. Be positive and respectful in their interactions with each other.
5. Manage any areas of disagreement in a constructive way.

Ways of working together

Cabinet and Scrutiny recognise the fact that they need to work together for the benefit of the Council and to improve decision-making for the benefit of residents.

<p>Communication and engagement</p>	<ul style="list-style-type: none"> • Cabinet will engage with scrutiny committees early on policy and plans, to enable meaningful and timely scrutiny input. • Cabinet members and Scrutiny Chairs will liaise regularly to update on plans and activities including via quarterly liaison meetings. • Scrutiny will communicate on its work and its work programme regularly to the Cabinet and all members.
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	<ul style="list-style-type: none"> • The Leader will attend the Select Committee Chairs Group bi-annually to share plans and priorities and discuss areas where scrutiny could add value.
Scrutiny work programme planning	<ul style="list-style-type: none"> • Scrutiny work programmes will be in line with Council priorities and balanced between policy development, pre-decision scrutiny and performance monitoring. • Committees will set a forward plan of scrutiny over the 12 months of a Council year. This will be a mix of topics identified by scrutiny members and new policies or decisions identified by Cabinet and directorates for scrutiny review. • All committee members own the work programme. This will be a ‘live’ document that is reviewed and agreed at each public committee meeting. • Any councillor (not just scrutiny members) may raise issues for the scrutiny work programme. • Cabinet members will assist scrutiny work programme planning at committee meetings and by attending Quarterly liaison meetings to outline emerging policies, risks or issues and upcoming cabinet decisions. • Quarterly liaison and forward planning meetings will be attended by Committee Chairs, lead Cabinet Members and Executive Directors and will provide an opportunity to review and discuss the Committee forward work plan, upcoming meeting agendas and ensure scrutiny is focused where it can most add value. Cabinet Members and Executive Directors will highlight major decisions, upcoming policy or strategy appropriate for scrutiny review or where member engagement would be beneficial. • The Select Committee Chairs and Vice Chairs Group will provide oversight of the overarching strategic scrutiny plan. • Scrutiny selection criteria will be applied in forward planning discussions to ensure scrutiny is focused effectively on the priorities of local people and where scrutiny can most add value. It is not possible to scrutinise everything.
Scrutiny Committee Chairs	<ul style="list-style-type: none"> • Chairs should ensure Scrutiny is member-led and independent. • Chairs set the tone for constructive ‘critical friend’ challenge ensuring areas of disagreement are managed with respect. • Chairs are responsible for managing meetings enabling debate and maintaining focus of Scrutiny. • They ensure effective work programme planning through open channels of communications with Cabinet Members and Executive Directors. • Collectively, they monitor the overall Scrutiny function to ensure best practice and learning are embedded.

<p>Task and finish groups (TFGs)</p>	<ul style="list-style-type: none"> • Scrutiny TFGs enable flexibility, the ability to explore an issue in more detail and an opportunity for early engagement. They may meet in private or in public, as determined by the relevant committee. • They can assist policy development, including where informal early engagement is required. • Cabinet members may attend Scrutiny TFG meetings to observe or contribute. • Scrutiny TFGs will be chaired by Select Committee Vice Chairs. • TFGs will report back to full Select Committee. • TFGs may be set up to preview key decisions in more depth where there is early engagement on say, the development of a new policy, and time allows. • TFGs may be long (over a period of several months) or short (spotlight review in a day) in format.
<p>Pre-decision scrutiny*</p>	<ul style="list-style-type: none"> • Select Committees will monitor the Cabinet Forward Plan to identify decisions that may be appropriate for scrutiny. • Cabinet Members and senior officers will keep members updated on significant upcoming key decisions which may be suitable for scrutiny. • Adequate early warning should be provided to enable appropriate timetabling of items for select committee sessions. Typically, a minimum of 3 months notice is required to schedule an item for scrutiny. • By exception, when the calendar of formal committees and decisions are not aligned and a decision cannot be scheduled for scrutiny at a formal select committee session, a standalone pre-decision meeting may be arranged. • Standalone pre-decision meetings will be held in private online. The draft paper will be provided and the Committee given the opportunity to ask questions and to test the assumptions and reasoning behind the reasons for the decision. Committees may make recommendations to Cabinet to consider alongside the decision in question and to seek to influence outcomes. • The principles of transparency and openness will be maintained by scheduling a report back to the next formal select committee session. • A courtesy discussion with the Chair and Cabinet Member (or Senior Officer) may take place in advance of a pre-decision meeting to ascertain the level of Committee interest and to identify if such a meeting is required. • Not all decisions can be scrutinised, nor should they be, for example where they are operational, non-controversial, or do not meet the scrutiny selection criteria. <p>*Further detail is set out in the Pre-decision Scrutiny Exercise Protocol (Annex B)</p>

Call-in	<ul style="list-style-type: none"> • A decision must be ‘called in’ within five days of publication of the decision by the Cabinet. • A decision can be called in for scrutiny by the Committee Chair or Vice-Chair or any two or more other Committee Members representing more than one political group. • Select Committees should use this measure only in exceptional circumstances. Members of Select Committees should be consulted and involved early in the decision-making process, overriding the need to use the measure. • Scrutiny Chairs, Cabinet Members and Senior officers will work together to maintain open and constructive dialogue to achieve this end. • Cabinet Members and Senior officers will engage Committees proactively on upcoming decisions to minimise call-in risk.
Member Reference Groups	<ul style="list-style-type: none"> • Member Reference Groups are principally convened to offer Member views and direction in real time for a long-term piece of work such as a commissioning or procurement exercise. • As such these Groups are supported directly by the Service in question with only organisational support coming from Democratic Services.
Public Committee Meetings	<ul style="list-style-type: none"> • Cabinet members will attend all relevant scrutiny committee meetings where possible, in person. • Senior officers will attend all relevant scrutiny committee meetings where possible, in person. • Members will prepare well for Select Committee sessions by reading reports in full. • Officers will draft clear and concise reports in line with scrutiny guidance and submit them on time to pre-agreed report deadlines. • Scrutiny members will meet in advance online to discuss the papers and identify key lines of inquiry (kloes). • Scrutiny Officers will circulate kloes to Cabinet Members and officers in advance of a meeting as a courtesy to enable preparation. (There is no requirement for written responses to kloes or further papers to be prepared).
Scrutiny Recommendations	<ul style="list-style-type: none"> • Scrutiny Committees may make recommendations to the executive following scrutiny to enable improvements to be made to policies and how they are implemented. Recommendations are the primary way by which scrutiny achieves impact. • Added value recommendations from committees should be the norm, but these may not always be necessary or appropriate. • The development and agreement of recommendations can be an iterative process. It will not always be possible for the committee to develop and agree recommendations immediately at the end of a scrutiny session, however enough evidence should have been

	<p>gathered to allow the Chair to draw together themes and set a clear direction.</p> <ul style="list-style-type: none"> • Recommendations should reflect the evidence that has been provided and the discussion that has taken place. • Recommendations can be finalised out of Committee if more time is needed. • Where significant recommendations are made to the Executive, Chairs or Task Group Leads will attend Cabinet to put forward the case for the recommendations to be accepted. • The Cabinet will respond to Committee recommendations in accordance with Standing Orders. Responses should clearly state whether a recommendation is agreed, not agreed or agreed in part. Clear reasons will be given where a recommendation is not accepted. • The Cabinet’s response to the recommendations will be published in the Select Committees’ next agenda to demonstrate impact, and for the Committee to test the efficacy of the response. • Select Committee recommendations will be included in the Committee’s Tracker document to enable implementation of recommendations to be monitored. The Tracker will be published on the agenda for each Select Committee session. • Scrutiny recommendations should be clear, reasoned and outcomes focused to assist response and monitoring. Recommendations should be evidence-based and SMART (specific, measurable, achievable, realistic and timebound). • Where appropriate Committees may wish to consider sharing recommendations in draft with interested parties. This is not to provide the executive with an opportunity to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check. • Select Committees should conduct an end of year assessment of the impact of their work and implementation of recommendations.
Policy Development	<ul style="list-style-type: none"> • Cabinet members and officers should draw to the attention of scrutiny committees any key policy plans at the earliest opportunity, either in Committee (under the standing Forward Work Programme agenda item) or in Quarterly forward planning/liaison meetings with Committee Chairs. • Cabinet members should discuss with scrutiny committees how and when scrutiny can best influence policy development. • The approach to scrutiny of policy development will be agreed by the relevant committee but may be carried out informally by a task and finish group. • Sometimes internal or business sensitivities may require policy development scrutiny to take place in private sessions. Reasons for this will be clear.

<p>Performance Monitoring and in-year financial scrutiny</p>	<ul style="list-style-type: none"> • Scrutiny committees will monitor performance in key service areas. • Regular performance reports will be provided in scrutiny sessions and where necessary in separate quarterly performance monitoring sessions. • Monthly Cabinet finance reports will be shared with Committees to keep them abreast of financial developments in their remit areas, particularly areas of significant under or overspend.
<p>Information</p>	<ul style="list-style-type: none"> • Scrutiny should have the information that underpins policy and decision-making to be able to perform its role and for assurance regarding the evidence used. • Cabinet and officers will be open and transparent and will provide the information scrutiny committees need to do their job effectively. Information will be provided in a timely way to enable meaningful input. • Information may be shared informally with scrutiny committees, on a confidential basis (e.g. proposals not possible to be shared publicly). This may be prior to determining whether and how a matter should be scrutinised or as part of scrutiny of policy development. • Information will be provided in line with scrutiny committees' and members' rights of access to information as set out in Standing Orders and in the Member-Officer Protocol, and in accordance with statutory guidance on overview and scrutiny¹. • The overriding principle is transparency. When information cannot be made available the reasons will be clearly explained. • Scrutiny committees will have background information on issues being scrutinised through pre-meetings, briefings and visits and through advice from Democratic Services or service leads. • Where possible all scrutiny members should have briefings on significant policies and proposals under development. • Members will keep themselves informed through research and will prepare for meetings by reading papers in advance. • Committee requests for information should be made through official channels.

Officer Support for scrutiny

There is dedicated support within Democratic Services for the Scrutiny function and all officers of the Council are available to provide impartial advice to scrutiny committees. Of particular importance is the role played by statutory officers: the Director of Law and Governance (Monitoring Officer), the Deputy Chief Executive & Executive Director Resources (the Section 151 Officer) and the Chief Executive (the Head of Paid Service). They have a particular role ensuring that timely, relevant and

¹ Para 42, New statutory guidance on overview and scrutiny in local government, published by the Ministry of Housing Communities and Local Government in April 2024: *“While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.”* [Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities - GOV.UK.](#)

high-quality advice is provided to scrutiny committees. In addition, the Statutory Scrutiny Officer (SSO) has a specific role to:

- promote the role of Scrutiny at the Council;
- provide support to scrutiny committees and its members; and
- provide support and guidance to members and officers relating to the functions of the scrutiny committee.

Awareness of the role and responsibilities of Scrutiny will be included in officer and member training.

Each select committee will have a dedicated Scrutiny Officer as well as democratic services assistant support.

Monitoring Compliance

The Monitoring officer (MO) is responsible for overseeing compliance with the Protocol in consultation with the Statutory Scrutiny Officer (SSO). The SSO will monitor adherence to the protocol day to day and elevate issues of concern to the MO. All parties share responsibility for ensuring the principles and ways of working are observed, with responsibility for each Select Committee area falling primarily on the scrutiny Chair, the lead Cabinet Member and lead Senior Officers of the Council who should work together for the benefit of the Council to improve decision-making and outcomes for residents.

ANNEXES

A Select Committee Chair and Vice Chairs Group Terms of Reference

B Pre-decision scrutiny Protocol

C Scrutiny Selection Criteria

D Call in – Process

ANNEX A

SELECT COMMITTEE CHAIRMEN AND VICE-CHAIRMEN'S GROUP - TERMS OF REFERENCE (AGREED 2019)

Purpose

To exercise oversight of the Council's Select Committees and to set the overall direction for the overview & scrutiny function ensuring that scrutiny focuses on key strategic issues, adds value, holds decision-makers to account, and contributes effectively to policy development.

The Group will be a forum for sharing good practice, collective problem solving and the identification of training needs. The group will further act as the liaison point between overview & scrutiny and the executive.

Membership of the Group

- The Chairmen of the four select committees;
- The Vice-Chairmen of the four select committees; and
- The Chairman of the Audit & Governance Committee

There will be no deputies.

Roles/Functions

1. To facilitate liaison between the Select Committees, by sharing information, good practice and innovative approaches, and to generally oversee improvements to scrutiny practices and procedures.
2. To develop effective links with the Cabinet and Corporate Leadership Team, including ensuring appropriate and timely input in budget-setting and policy development processes.
3. To champion the role of scrutiny and raise the profile of Select Committee work, both internally and externally and sign-off the annual report presented to Council.
4. To evaluate the effectiveness and impact of select committees individually and collectively against objectives identified in committee forward work programmes and task group scoping documents.
5. To explore issues or difficulties in relation to the provision of information to overview and scrutiny, or with the implementation of recommendations from their work.

6. To critically assess the skills and knowledge of Committee members to identify gaps and training solutions including making recommendations for inclusion of topics on the Member Seminar programme.
7. To monitor the availability of staff and financial resources for Select Committee work.
8. To serve as a support group for Chairmen and/or Vice-Chairman wishing to share issues of concern or difficulty.

Frequency of Meetings and Chairing Arrangements

The Group will meet six times a year, including six-monthly meetings with the Leader and Chief Executive.

The Chairman of the Group will be an opposition group member and will serve until the end of the Council or until such time that they are no longer in post.

Officer support will be provided by the Scrutiny Business Manager from Democratic Services.

NOTE: The Select Committee Chairman's Group is not a formally constituted group, and therefore the functions listed above do not take precedence over any conflicting provisions contained in the Constitution.

ANNEX B Pre-decision Scrutiny exercise Protocol

Introduction

1. This pre-decision scrutiny protocol provides guidance on the operation of standalone pre-decision scrutiny meetings.
2. This protocol should be read in conjunction with Article 7 of the Constitution which describes the scrutiny function and the role of select committees and the Executive Scrutiny Protocol agreed by Council.

What is pre-decision scrutiny?

3. Pre-decision scrutiny is where an authority's overview and scrutiny function considers a planned decision before it is made by the executive. This is an important part of good governance providing a means for members to influence and improve decisions before they are made, to challenge any pre-conceived notions and to check that adequate consideration has been given to the risks that might arise from the implementation of the decision, and how those risks might be mitigated.

“Scrutiny councillors bring a different perspective to the decision-making process than that provided by Cabinet members or officers, which can help decisions to be more robust.” [CfGS Pre-decision Scrutiny Practice Guide]

4. There are two common approaches to pre-decision scrutiny:

- a) immediately before a decision is made by the executive - this may be around two to three weeks before the decision is made at Cabinet and is usually based on the publication of the Forward Plan.

- b) Some time before the decision: carried out sometimes a matter of months before a decision is made. At this point decision-makers may still be assessing options and pre-decision may intersect with policy development. This approach is best applied to major decisions and significant strategic matters.

5. Surrey County Council operates a pro 'pre-decision' scrutiny culture with the expectation that major decisions should come through the relevant Select Committee for review before Cabinet makes a decision. A number of mechanisms exist for alerting select committees to upcoming decisions that may be suitable for scrutiny and to allow for these to be timetabled onto committee forward work programmes. These include but are not limited to quarterly liaison/forward planning meetings between select committee chairs and Cabinet Members and/or Executive Directors. These provide an opportunity for Cabinet Members and officers to highlight any forthcoming Cabinet Decisions, topical issues or new policies and for Chairs and scrutiny officers to factor these into forward work plans.

6. Through this and other horizon-scanning mechanisms, pre-decision scrutiny items are added to the Committee Forward Work Plan and timetabled for consideration at one of the five public select committee sessions per year. Typically, pre-decision scrutiny is scheduled well in advance of a Cabinet decision, with decisions brought to scrutiny early in the development phase or as drafts of the final cabinet report.

Late Notice items and Selection Criteria for Scrutiny

7. Scrutiny meetings convene less frequently than Cabinet, and some decisions may be operational or tactical in nature, meaning not every item on the Cabinet Forward Plan will or should come to a committee session for pre-scrutiny. Selection criteria exist to help Committees and Chairs decide which items are appropriate for scrutiny and, should be applied for selecting topics – Annex C. At times it may be necessary for Select committees to consider upcoming key decisions outside of the strict timetabling of select committee sessions. This is referred to as a standalone pre-decision scrutiny exercise. These are a further way of undertaking scrutiny in addition to the more traditional forums of select committee sessions and task and finish groups.

8. The expectation is that pre-decision exercises of this kind should be organised *by exception* where an item cannot be delayed to enable proper timetabling through scrutiny. Officers in directorates are encouraged to give adequate early warning of upcoming decisions before an item goes on the cabinet forward plan to enable proper and thorough select committee engagement on major decisions and appropriate timetabling of items for select sessions.

Standalone Pre-decision Scrutiny exercise

9. When the calendar of formal committees and decisions are not aligned and a decision cannot be scheduled for scrutiny at a formal select committee session, a standalone pre-decision exercise may be arranged.

10. Pre-decision scrutiny exercises are used to review specific upcoming decisions where consideration in select committee session or task group is inappropriate because:

- There is a need for more urgent scrutiny.
- The matter does not warrant a full task group review which is comparatively time and resource intensive.

11. A pre-decision scrutiny exercise is therefore appropriate for:

- Pre-decision scrutiny on a proposal when the matter is urgent e.g. when cabinet are scheduled to take a decision and the relevant select committee is not scheduled to meet prior to this.

These exercises will usually involve **one meeting** of a sub-set of the full committee membership.

12. A courtesy discussion with the Chair and Cabinet Member (or Senior Officer) may take place in advance of a pre-decision meeting to ascertain the level of Committee interest and to identify if such a meeting is required.

13. Not all decisions can be scrutinised, nor should they be, for example where they are operational, non-controversial, or do not meet the scrutiny selection criteria.

Establishing a pre-decision scrutiny meeting

14. A flexible approach should be taken to scheduling the meeting and providing evidence in advance, subject to specific circumstances. However the remit and objective of the meeting should be agreed as should arrangements for reporting back to the full Committee.

15. Typically, the draft decision paper will be circulated in advance and committee members given the opportunity to ask questions and to test the assumptions and reasoning behind the reasons for the decision at the pre-decision scrutiny meeting.

16. Like task groups, pre-decision scrutiny meetings tend to be less formal than committee sessions. Meetings will usually be held online in the interests of efficiency, and urgency.

17. Witnesses will usually include the relevant Cabinet Member and senior officers involved in drafting the decision paper. At the meeting, the Committee Chair or a nominated Vice-Chair will be expected to lead. Where they are not available, a lead member will be elected from the scrutiny exercise membership to

- Chair the meeting
- Lead production of any resultant report (with the Scrutiny officer)
- Attend relevant meeting of the decision-making body (normally cabinet)
- Report back to the relevant select committee.

Pre-decision scrutiny report

18. Having considered the evidence, the pre-decision scrutiny group should agree its findings and recommendations. These may include whether further scrutiny is required. A short summary report should be prepared.

19. The principles of transparency and openness will be maintained by tabling this report at the next formal select committee session.

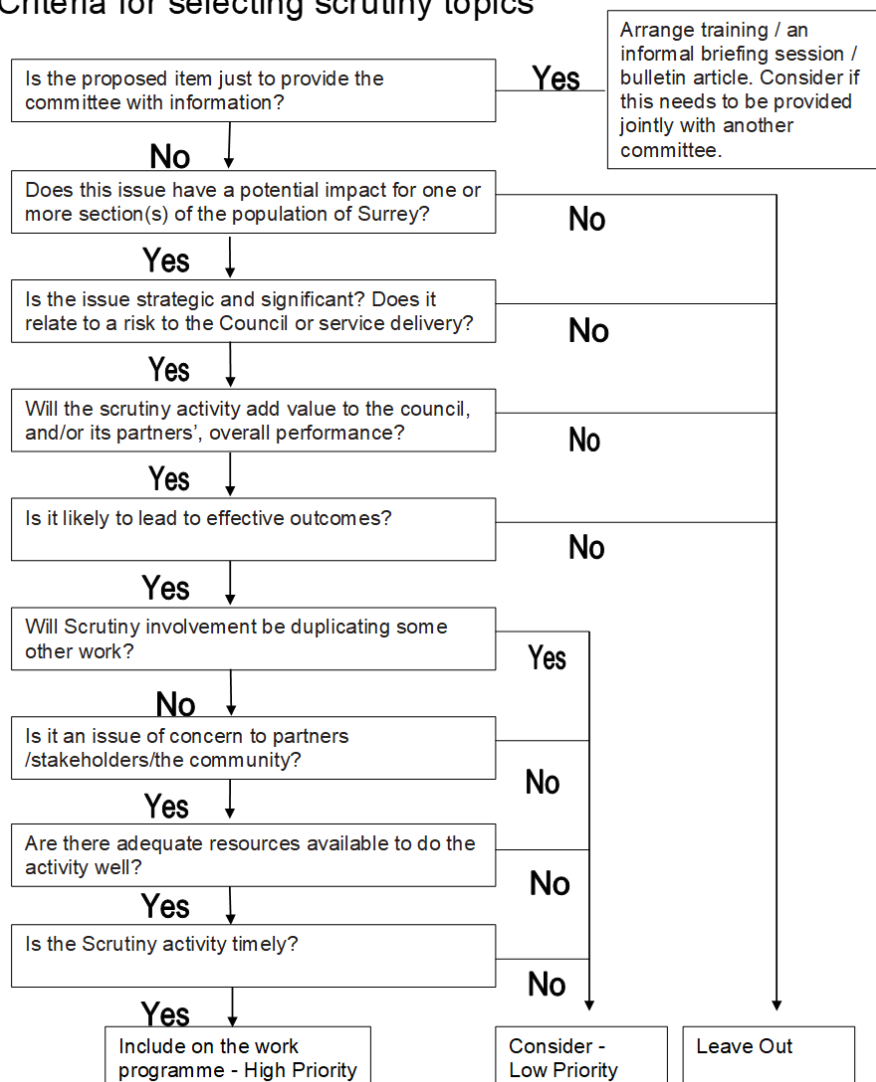
20. Where the report of a pre-decision scrutiny exercise includes recommendations. This may be shared with Cabinet to consider alongside the decision in question. The Chair of the pre-decision scrutiny meeting may attend Cabinet (or Council) to speak to the issue.

C Scrutiny Selection Criteria

Selection criteria exist to help Committees and Chairs decide which items are appropriate for scrutiny and, should be applied for selecting topics. These can be summarised as:

- Does this issue have a potential impact for one or more section(s) of the population of Surrey?
- Is the issue strategic and significant? Does it relate to a risk to the Council or service delivery?
- Is it an issue of concern to partners /stakeholders/the community?
- Will the scrutiny activity add value to the council, and/or its partners', overall performance? Is it likely to lead to effective outcomes?
- Will Scrutiny involvement be duplicating some other work?

Criteria for selecting scrutiny topics



D Call-in Process

Call in is a constitutional check and balance to ensure effective, high-quality decision making by the executive based on robust evidence.

Within their agreed portfolio, Select Committees can exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Leader/Cabinet/Cabinet Member. The process is set out in Standing Orders 117-127.

The intention is that call in powers will be used exceptionally by select committees. It should not be used solely for party political reasons.

When can a decision be called in by a Select Committee?

Any decision of the Cabinet can be called in within five working days of the publication of that decision. Decisions are required to be published within 3 working days after the decision is taken.

During this 5 working day period, the decision can be called in for scrutiny by the following persons of the relevant Select Committee:

- the Chairman alone; or
- the Vice-Chairman alone; or
- any two or more other committee members from more than one political group.

Calling – in process

Democratic Services should receive written notification of the Member(s) decision to call in the Cabinet decision. They will be asked to provide reasons for calling-in the decision. A call-in form must be completed. [INSERT LINK]

The Monitoring Officer will consider the request and confirm if the call-in request is valid and can go ahead.

The Cabinet Member and relevant Officers will then be notified that the decision has been called-in, together with any reasons provided.

The Select Committee Chairman will call a meeting of the Committee, to take place within 10 working days of the expiry of the call-in period (i.e. the expiry of the 5 working days period) and where possible after consultation with the decision maker(s).

The meeting

At the meeting, Members who have called-in the decision will explain their reasons. Any witnesses (if invited) will be asked to address the Committee. The Cabinet Member/Lead Officer will be given the opportunity to respond to the call-in to be followed by Member questions/discussion.

If having considered the decision the Select Committee is still concerned about it, they may refer the decision back to Cabinet for reconsideration or to Council. The

Chairman will round up the discussion and call a vote on whether or not to refer the decision back to the decision making person or body for reconsideration. If the Committee votes to do so, it must set out in writing the nature of its concerns.

If the decision is referred back to Cabinet, a meeting of the Cabinet must be held within seven working days of the Select Committee meeting. The Cabinet can then decide to amend the decision or not, before adopting a final decision.

If the Select Committee decides not to refer the matter back to Cabinet, the decision will take effect on the date of the Select Committee meeting.

The Exception

The call-in procedure set out above shall not apply where the decision being taken is considered urgent under SO56 and SO127 (Special Urgency). A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests.

The record of the published Cabinet decision will state whether in its opinion the decision is an urgent one, and therefore not subject to call-in. In this case, the Chairman of the relevant Select Committee must agree both:

- that the decision proposed is reasonable in all the circumstances; and
- to it being treated as a matter of urgency.

Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with reasons for urgency.