

West Surrey Shadow Authority		
Report title: Future Scrutiny Arrangements		
Report to: Constitution Sub-Committee		
Date: 27 August 2026		
Executive Portfolio Holder: Cllr Victoria Kiehl		
Report of Statutory Officer: Susan Sale, Monitoring Officer (interim)		
Report author(s): Vicky Hibbert, Deputy Monitoring Officer (interim)		
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Ward councillors informed: No		
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Report cleared for publication by:		
People Workstream	N/A	N/A
Equalities Impact Assessment complete	N/A	N/A
Implementation Team Leader (or their delegate)	N/A	N/A
S151 Officer	Susan Sale on behalf of Vicky Radford	24 August 26
Monitoring Officer	Susan Sale	24 August 26
Executive Portfolio Holder consultation	Cllr Victoria Kiehl	24 August 26
Committee Chair consultation	Cllr Jo Shaw	24 August 26
Head of Paid Service	Susan Sale on behalf of Andy brown	24 August 26

1. Executive Summary

- 1.1** This report sets out the high level legislative requirements and responsibilities of local authority overview and scrutiny alongside background information on the scrutiny structures West Surrey predecessor councils have in place and what other unitary councils that have already been through Local Government Reorganisation have implemented.
- 1.2** Initial feedback is sought from members of the Constitution Sub-Committee to input into the future design of the post-vesting day scrutiny function for West Surrey so that more detailed proposals can be brought back to the sub-committee for further consideration in due course.

2 Recommendations:

- 2.1 That the Constitution Sub-Committee resolves to:**
 - 2.1.1 Consider the legislative requirements of a local authority scrutiny function alongside the Government's statutory scrutiny guidance and best practice information.**
 - 2.1.2 Note the post vesting day arrangements that were put in place for the scrutiny function of councils that have recently undergone Local Government Reorganisation (LGR) and those of the seven predecessor councils in West Surrey.**
 - 2.1.3 To provide feedback and steer to input into the development of the West Surrey Council post vesting day scrutiny arrangements and endorse the proposed approach to engagement with political groups on further development of these to come back to a future meeting of the Constitution Sub-Committee and Standards Committee for approval.**

3 Reasons for recommendation:

- 3.1** It is a statutory requirement for a local authority with a 'strong leader model' of governance to have appropriate scrutiny arrangements in place and in line with this, West Surrey Shadow Authority currently has one constituted Overview and Scrutiny Committee. This report sets out further detail of the legislative requirements alongside the statutory Government guidance and other best practice information that members should consider when considering the future scrutiny arrangements for West Surrey Council from 1 April 2027.
- 3.2** Information on the scrutiny arrangements other authorities have in place where Local Government Reorganisation has taken place has been

provided to members of the sub-committee to help shape and influence their views.

- 3.3** Input into the future structure of the scrutiny function by members is vital to ensure that it has member buy in and engagement and that future scrutiny enables constructive feedback, member involvement in policy development and that work undertaken is outcome focussed.

4 Next steps

- 4.1** Following discussion and feedback by members of the Constitution Sub-Committee, further work will be carried out to develop a detailed proposal for the future scrutiny arrangements of West Surrey Council. This work will look at grouping executive portfolios and service functions together in a complementary way and will look to ensure that legislative requirements are met.
- 4.2** Further input into the development of the arrangements will be sought from political groups as well as the current shadow Overview and Scrutiny Committee.
- 4.3** A developed scrutiny proposal will be presented to the 29 October 2026 meeting of the Constitution Sub-Committee and then to the 2 November 2026 meeting of the Standards Committee for endorsement and recommendation onto the Shadow Authority for approval and implementation from 1 April 2027.

5 Exemption from publication

- 5.1** None of this report is exempt from publication.

6 Background and Proposal

Legislative requirements of a scrutiny function and best practice guidance

- 6.1** The Local Government Act 2000 introduced a requirement for Local Authorities to introduce overview and scrutiny committees as part of the introduction of executive governance arrangements. The aim was to ensure that non-executive members of an authority were able to hold the executive to account for decisions taken. It made statutory provision for overview and scrutiny committees to scrutinise decisions that the executive is planning to take and implement and those decisions that have already been taken and implemented.
- 6.2** In May 2019, the Government published [statutory guidance for councils](#), combined authorities and combined county authorities on Overview and

Scrutiny. This has since been updated in April 2024 to reflect devolution and the Levelling Up and Regeneration Act 2023. Its purpose is to set out the policies, procedures and working practices that local authorities should adopt when deciding how to carry out their overview and scrutiny functions.

6.3 The Centre for Governance and Scrutiny sets out that effective overview and scrutiny should carry out the following functions:

- Review decisions and actions taken by the Council's executive including holding a watching brief over council services.
- Submit reports and recommendations to the executive on matters which relate to their functions.

6.4 Further guidance and best practice sets out that effective overview and scrutiny should:

- Provide constructive 'critical friend' challenge
- Amplify the voices and concerns of the public
- Be led by independent people who take responsibility for their role
- Drive improvement in public services and strategic decision-making

6.5 Common structure options for councils include:

- A single committee to do all the work – popular for smaller authorities and would meet frequently.
- Two committees – which could be divided up by subject matter for example, 'people' to cover adults and children's services and 'place' covering environmental and universal services or by function for example, 'internal' to look at the council and 'external' to look at partners and partnerships or one committee that looks at 'policy' and one that looks at 'performance'.
- Three or more committees divided up by subject matter – this is a common approach for unitary councils and examples would be 'Corporate services', 'Children's services', 'Health and Social Care' and 'Environment and Economy'.

Scrutiny functions in other LGR unitary authorities

6.6 Research has been undertaken into the scrutiny governance arrangements adopted by recently established unitary authorities in their first year post vesting day.

6.7 This research demonstrates that most new unitary authorities adopted relatively simple scrutiny arrangements during their shadow year before moving to more developed thematic scrutiny structures in their inaugural year which aligns to the approach taken by West Surrey Shadow Authority to date. Key common features included:

- Expansion from a single overview and scrutiny committee during transition to multiple themed scrutiny committees after vesting day.
- Use of chair and vice-chair coordination groups to manage work programmes and avoid duplication.
- Dedicated Corporate or Resource Scrutiny Committees taking responsibility for financial and budget scrutiny.
- Separate arrangements for health, adult social care, and children's services scrutiny in most authorities after LGR.
- Limited evidence of formal Executive/Scrutiny Protocols being adopted during inaugural years.
- Mixed approaches to dedicated scrutiny staffing, with some authorities identifying specialist Scrutiny Officer support while others relied primarily on Democratic Services resources.

Key findings from the research

6.8 Scrutiny Structures Expanded Significantly After Vesting Day: The main trend identified was the move from a single scrutiny body in the shadow year to multiple themed committees in the inaugural year. The most common model comprised between three and five thematic scrutiny committees, suggesting authorities sought greater specialisation once full council operations commenced. Authorities appear to favour a streamlined scrutiny structure during transition before introducing more specialised arrangements aligned to service portfolios.

Examples include:

Authority	Shadow Year Committees	Inaugural Year Committees
North Northamptonshire	1	2
West Northamptonshire	1	3
Cumberland	1	4
Westmorland & Furness	1	4
Somerset	4 thematic committees plus an LGR joint committee	5 thematic committees
North Yorkshire	6 committees	6 committees

6.9 Strong Emphasis on Scrutiny Coordination: All authorities recognised the need to coordinate scrutiny activity across multiple committees.

Common mechanisms included:

- Scrutiny Boards made up of committee chairs.
- Coordinating Overview and Scrutiny Groups.
- Regular meetings of scrutiny chairs and vice-chairs.
- Informal chair and vice-chair forums.

Examples include:

- North Yorkshire established a Scrutiny Board of committee chairs.
- West Northamptonshire created a Coordinating Overview and Scrutiny Group.
- Somerset developed an informal Chairs and Vice-Chairs Group.
- Cumberland held regular meetings between Scrutiny Chairs and Vice-chairs.

Effective coordination arrangements are an important component particularly where multiple thematic committees are operating.

6.10 Corporate and Financial Scrutiny as receiving dedicated Committees: Budget and financial scrutiny was generally separated within a dedicated corporate, resources, or finance-focused scrutiny committee.

Examples include:

- North Northamptonshire: Finance and Resources Scrutiny Committee.
- North Yorkshire: Corporate and Partnerships Scrutiny Committee.
- Somerset: Corporate and Resources Scrutiny Committee.
- West Northamptonshire: Corporate Scrutiny Committee.
- Cumberland: Business and Resources Overview and Scrutiny Committee.
- Westmorland & Furness: Corporate Overview and Scrutiny Committee.

6.10.1 In Somerset, wider member involvement in budget discussions was encouraged through participation by Members of other Scrutiny Committees.

6.10.2 A dedicated committee for financial scrutiny appears to be the dominant model among newly established authorities.

6.11 Health, Adult Social Care and Children's Services as also receiving dedicated Committees: Most authorities separated scrutiny of health, adult social care and children's services.

Examples include:

- North Yorkshire maintained dedicated committees for Health and for Children and Families, alongside Care and Independence.
- Somerset operated Adults and Health, and Children and Families scrutiny committees.
- Cumberland established separate People and Health committees.
- Westmorland & Furness created Health and Adults, and Children, Young People and Families committees.

6.11.1 The main exception was the North Northamptonshire shadow year and the West Northamptonshire inaugural year, where these responsibilities were grouped together.

6.11.2 There is a strong trend for children's services and health-related scrutiny to be given dedicated committee focus.

6.12 Limited Use of Formal Executive/Scrutiny Protocols During Shadow and Inaugural Years: Most authorities did not implement a formal Executive/Scrutiny Protocol during either the shadow or inaugural year. Findings show that work in this area was undertaken at a later date once scrutiny structures were implemented and embedded.

West Surrey and Surrey County Council predecessor scrutiny models

6.13 The seven predecessor councils in West Surrey have the following scrutiny models in place:

Authority	O&S Arrangements / Number of Committees	Further details
Guildford Borough Council	2 (one joint O&S committee)	Joint O&S committee with Waverley BC
Runnymede Borough Council	1	N/A
Spelthorne Borough Council	0 (committee model of governance)	N/A

Surrey County Council	4 (plus one Joint Health Overview and Scrutiny Committee and an informal chairman's group)	- Adults and Health - Children, Families and Lifelong Learning - Communities, Environment and Highways - Resources and Performance
Surrey Heath Borough Council	2	- External Partnerships - Performance and Finance
Waverley Borough Council	2 (one joint O&S committee)	Joint O&S committee with Guildford BC
Woking Borough Council	3	- Communities and Housing - Resources and Finance - Environment and Place

Further areas for consideration and discussion

6.14 Local authorities are required to ensure that there are appropriate arrangements in place to discharge health scrutiny functions under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, as amended, Regulation 21 legislation. The future proposals will need to incorporate this requirement and also pick up any joint health scrutiny arrangements such as the current Frimley Park Hospital Joint Health Overview and Scrutiny Committee.

6.15 There is also a need to consider the appointment of coopted members to certain areas that will be within the Council's remit such as appointment of education representatives and other representatives and will need to be included in the future proposals that come back to the Sub-Committee for consideration.

Conclusions

6.16 The findings from the research undertaken suggest that the future West Surrey scrutiny model should look to move from one overview and scrutiny committee to a model with three to five thematic committees that incorporates the health scrutiny function and coopted members in specialist areas where appropriate.

7 Consultation

- 7.1** Consultation has taken place with the Interim Statutory Officers and no objections have been raised.
- 7.2** Informal consultation has taken place with Chair of the Constitution Sub Committee, and any comments will be fed back to the meeting verbally.
- 7.3** Initial informal consultation has taken place with Cllr Kiehl, as the relevant portfolio holder, and any comments will be fed back to the meeting verbally.

8 Key Risks

- 8.1** Remit - A large unitary authority is accountable to its residents and has a duty to ensure that there are adequate checks and balances in place with regards to decision making. There is a risk that retaining one overview and scrutiny committee post-vesting day will mean that not all service areas and functions can be adequately scrutinised.
- 8.2** Resourcing - Scrutiny needs to be resourced appropriately to enable it to be effective and to ensure that it is able to provide assurance and challenge. It is important that the organisation considers resourcing to support overview and scrutiny when looking at future structures to enable effective outcomes.

9 Options

- 9.1** Option 1: To consider the best practice guidance and information from other LGR unitary authorities and provide feedback to officers to enable them to draw up detailed proposals for future consideration.
- 9.2** Option 2: To maintain one overview and scrutiny committee and look at revisions to the scrutiny function post vesting day.

10 Issues for consideration

10.1 Financial Implications

10.1.1 Additional overview and scrutiny committees will result in resourcing pressures on the organisation to ensure that meetings and members of any scrutiny committees are adequately supported and have the necessary resources to fulfil their role.

10.1.2 Additional budget may also be required in terms of member's allowances arising from having multiple chairs of overview and scrutiny committees.

10.2 Section 151 Officer Commentary

10.2.1 No additional comments

10.3 Legal Implications

10.3.1 Where a council has an executive form of governance in place, there is a statutory requirement for councils to have a separate overview and scrutiny committee to enable oversight and ensure transparency and accountability of decision makers.

10.3.2 Local authorities have discretion to design and establish constitutional procedures governing the scrutiny function. The Standards Committee is responsible for advising the Shadow Authority on the development of the scrutiny function that will be incorporated into the Constitution for West Surrey Council and this report is in line with that requirement.

10.4 Monitoring Officer Commentary

10.4.1 No additional comments

10.5 People/Human Resources Implications

10.5.1 There are no relevant implications.

10.6 Equality and Diversity Implications

10.6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

10.6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Act states that 'marriage and

civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

10.6.3 The Equalities Comprehensive Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

10.6.4 This duty has been considered in the context of this report and it has been concluded that there are no equality and diversity implications arising directly from this report.

10.7 Climate Change and Sustainability Implications

10.7.1 The future scrutiny arrangements for West Surrey Council will need to ensure that any climate change and sustainability issues are incorporated into future work programmes. This will be picked up through the ongoing development and future implementation of the arrangements once approved.

10.8 Stakeholders Implications

10.8.1 The future Overview and Scrutiny arrangements need to be accessible to residents, partners, other organisations that interact with the Council as well as members of the council.

10.8.2 Arrangements will need to ensure that there are mechanisms in place to enable access to a wide range of witnesses and organisations to ensure that a wide range of stakeholder views can input into work programmes, task and finish work and policy development.

11 Overview & Scrutiny Comments

11.1 The views of the shadow Overview and Scrutiny Committee will be sought and incorporated into the detailed proposals that will come back to the Sub-committee for review.

12 List of Appendices

12.1 None.

13 List of Background papers

13.1 [Local Government Act 2000](#)

13.2 [Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities](#)

- 13.3** [Centre for Governance and Scrutiny – Structures, resources and formal powers – a practical guide](#)
- 13.4** Meeting papers and research from North Northamptonshire, West Northamptonshire, Cumberland, Westmorland and Furniss, Somerset and North Yorkshire Councils.