West Surrey Shadow Authority		
Report title: Post Vesting Day Scrutiny Arrangements		
Report to: Constitution Working Group Standards Committee		
Date: Constitution Working Group - 29 October 2026 Standards Committee - 2 November 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)		
Wards affected: All **Ward councillors informed:** No		
Exempt from publication: No		
Key Decision: No	**If a Key Decision, date registered on Forward Plan:** N/A	
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	21 October 2026
Monitoring Officer	Susan Sale	21 October 2026
Executive Portfolio Holder consultation	Cllr Victoria Kiehl	21 October 2026
Committee Chair consultation	Cllr Joanne Shaw Cllr Richard Wilson	21 October 2026
Head of Paid Service	Susan Sale on behalf of Andy Brown	21 October 2026

1. Executive Summary

1.1 This report sets out the proposed overview and scrutiny arrangements for West Surrey to be implemented from 1 April 2027 when it assumes full responsibility for service delivery.

1.2 The Constitution Working Group, Standards Committee and Overview and Scrutiny Committee are asked to review and endorse the proposed scrutiny structure as set out in the report for inclusion in the post-vesting day Constitution for West Surrey Council.

2 Recommendations:

2.1 **<u>Notes that the Constitution Working Group resolved to</u>**:

2.1.1. **Endorse the proposed Overview and Scrutiny arrangements to be implemented from 1 April 2027 to include the establishment of an informal Scrutiny Chairs and Vice-Chairs Group alongside four themed formal Overview and Scrutiny Committees with the following remits: (1) Adults and Health, (2) Children and Education, (3) Growth, Place, Housing and Communities and (4) Finance and Resources.**

2.1.2 **Recommend to the Standards Committee the proposed Overview and Scrutiny structure, effective from Vesting Day, for recommendation to the West Surrey Shadow Authority for approval and inclusion in the post-vesting day West Surrey Council Constitution.**

2.2 **<u>That the Standards Committee resolves to</u>:**

2.2.1 **Recommend to the West Surrey Shadow Authority the approval and inclusion in the West Surrey Council constitution, of the Overview and Scrutiny Structure, with effect from 1 April 2027.**

2.2.2 **Subject to approval, authorise the Monitoring Officer to make the required changes to the Constitution as a result of the proposed structure being approved.**

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 the proposed scrutiny arrangements for West Surrey Council from 1 April 2027.

3.2 Best practice guidance, legislative requirements and information on the scrutiny arrangements other authorities have in place where Local Government Reorganisation has taken place has been considered when developing these proposals and shared with members 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 Working Group, the proposals are being presented to the Standards Committee for their endorsement and onward recommendation onto the Shadow Authority for approval and implementation from 1 April 2027.

4.2 Further work will need to be undertaken post vesting day to put in place protocols setting out ways of working such as putting in place an Executive Scrutiny Protocol, the handling of reports from scrutiny committees to the Executive, the scrutiny of contracts and other areas of work. It is anticipated that this work is led by the proposed Informal Scrutiny Chairs and Vice-Chairs Group.

5 Exemption from publication

5.1 None of this report is exempt from publication.

6 Background:

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.

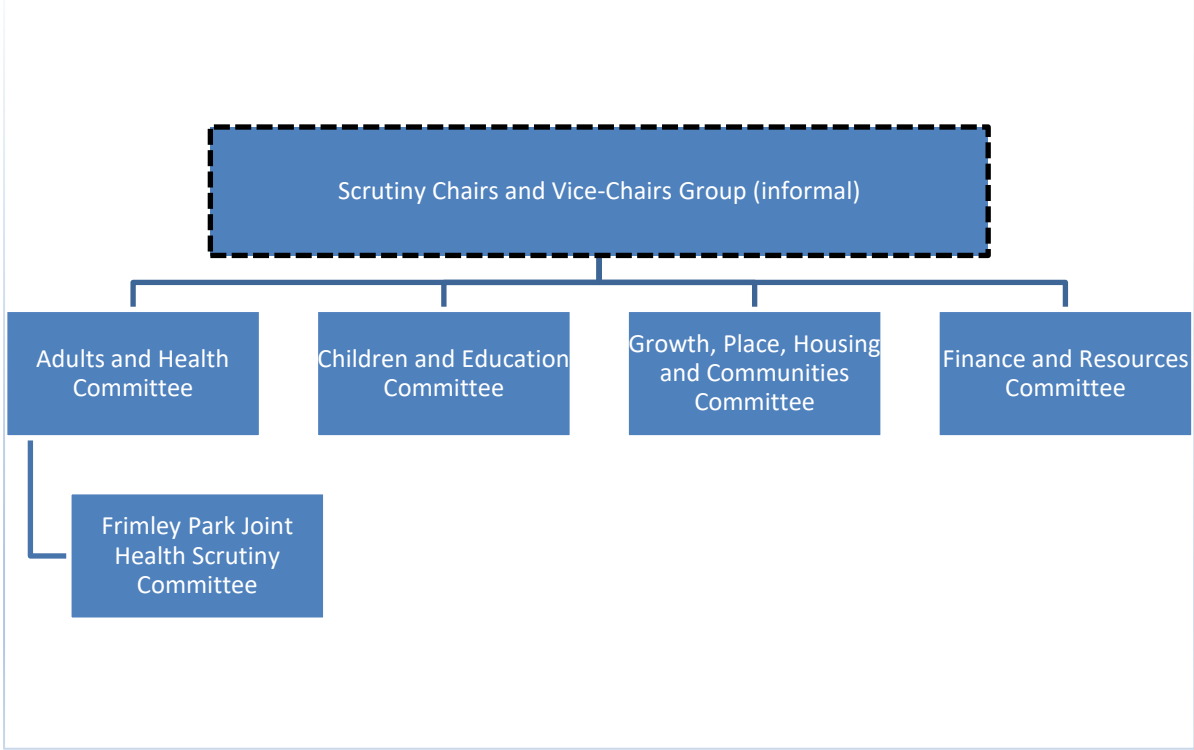
6.3 Overview and Scrutiny committees should undertake three specific roles:

- Scrutiny of decisions;
- Overview, policy review and development; and
- Performance management

Proposed Scrutiny Structure from Vesting Day**:**.

6.4 It is proposed that four thematic scrutiny committees are established for West Surrey Council and for these to be implemented from 1 April 2027.

6.5 The diagram below sets out the four proposed scrutiny committees:



6.6 This structure has been matched against the remits of the Executive Portfolio Holders' and the proposed senior officer structure and the table below sets out how they align:

Scrutiny Committee	**Executive Portfolios within remit***	**Senior Officers within remit****
Adults and Health	- Portfolio Holder for Adult Social Care and Health	- Executive Director Adult Social Care & Health (DASS)
Children and Education	- Portfolio Holder for Children, Families and Education	- Executive Director Children's and Education (DCS)
Growth, Place, Housing and Communities	- Portfolio Holder for Transport, Infrastructure and Regulatory Services - Portfolio Holder for Environment, Place and Economy - Portfolio Holder for Housing and Communities	- Executive Director Sustainable Growth and Place - Executive Director Housing and Communities
Finance and Resources	- Portfolio Holder for Governance, Democracy and Corporate Services - Portfolio Holder for Finance - Portfolio Holder for Transformation, Digital and Customer Experience	- Chief Operating Officer - Executive Director Finance and Assets (Section 151) - Executive Director Legal and Governance (Monitoring Officer)

**The Leader and Deputy Leader of the Council can be called to any scrutiny committee meeting.*

***Senior officers reporting into the Executive Directors also fall within that committee remit.*

A dedicated Finance and Resources committee**:**

6.7 Budget and financial scrutiny is extremely important for West Surrey so it is proposed that this is managed within a dedicated corporate resources and finance-focused scrutiny committee. This committee can take responsibility for scrutinising the Council's budget and all other 'back office' functions.

6.8 This approach is common in many authorities and allows a specific focus on finance and avoids any duplication with service specific committees taking on a role in budget scrutiny. Initial member feedback also supported the establishment of a separate finance committee.

Dedicated Adult Social Care and Health and Children and Education Committees**:**

6.9 Due to the size and scale of the Council, it is proposed that scrutiny of the social care, health and education remits are split into two dedicated committees to allow adequate and appropriate scrutiny to take place. This aligns to many other large authorities and allows a dedicated focus on these important areas. Members provided a clear steer that these areas should be separated out due to both the importance of the services provided and to ensure appropriate committee time can be dedicated to

6.10 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 incorporate this requirement and includes joint health scrutiny arrangements for the Frimley Park Hospital Joint Health Overview and Scrutiny Committee.

Committee Sizes and Coopted Members

6.11 It is proposed that the membership of each scrutiny committee is 11 members and that the seats for each committee will be allocated in line with political proportionality.

6.12 It is also proposed that coopted members be appointed to the Children and Education Scrutiny Committee (with voting rights in relation to education matters only):

i. 1 Church of England diocesan representative;

ii. 1 Roman Catholic diocesan representative; and

iii. A minimum of 2 parent governor representatives.

Establishment of an Informal Scrutiny Chairs and Vice-Chairs Group:

6.13 Effective coordination arrangements are an important component particularly where multiple thematic committees are operating. It is therefore proposed that an informal Scrutiny Committee Chairs and Vice-Chairs Group is established.

6.14 This group will comprise the chair and vice-chair of all four proposed scrutiny committees and the Chair of the Audit and Governance Committee and will set the direction for strategic scrutiny, have general oversight of the scrutiny forward work programmes (including any future task and finish groups) as well as provide a platform to share best practice, problem solve and develop future scrutiny protocols.

Frequency of meetings:

6.15 It is proposed that each of the four scrutiny committees meets formally three times within the inaugural council year however, where there is business need, additional meetings can be set up in line with the procedure rules within the West Surrey Council Constitution.

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 the Executive and Group Leaders and their views have been incorporated into the proposed structure set out in the report.

7.3 The final proposals have also been shared with members of the Shadow Overview and Scrutiny Committee to ensure that any additional feedback is incorporated.

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 if the scrutiny structure is not expanded post-vesting day 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 proposed post vesting day scrutiny proposals and recommend these to the Standards Committee and Shadow Authority for endorsement and approval. This is the **preferred option** to enable adequate scrutiny of council functions.

9.2 Option 2: To maintain one overview and scrutiny committee and look at revisions to the scrutiny function post vesting day. This is **not recommended**.

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 will 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 scrutiny arrangements for West Surrey Council will incorporate any climate change and sustainability issues into work programmes. This

will be picked up through the 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 There will need to be mechanisms in place to enable witnesses and organisations to engage with the scrutiny function post-vesting day 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 have been sought and incorporated into the detailed proposals set out within the report. The final proposals were also shared with the Overview and Scrutiny Committee in late October and their feedback has been incorporated.

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 Constitution Sub-Committee report on Future Scrutiny Arrangements 27 August 2026