

ARTICLE 6 THE SCRUTINY FUNCTION

A requirement of the Localism Act 2011 (Schedule 2, Chapter 5) is to include a statement to say whether the authority had resolved to have a Scrutiny Committee. Where the authority has so resolved, the Scrutiny Committee must have the powers set out in the 2012 Local Authorities (Committee system)(England) Regulations. Under Minute 286/12 the London Borough of Sutton has established a Scrutiny Committee under the new committee system.

Form and Composition

6.1 Full Council appoints at its Annual Meeting in May a Scrutiny Committee, which will comply with the political proportionality requirements of the Housing and Local Government Act (1989). In addition to the ten councillor members, there may also be advisory, non-voting members. The Committee may also include representative(s) from ~~the Local Involvement Network and Healthwatch.~~

6.2 Full Council will also appoint at its Annual Meeting a Chair of the Scrutiny Committee.

6.3 Procedure Rules for meetings of the Scrutiny Committee are set out in Section 4 of the Constitution.

6.4 A Councillor may not sit as a member of the Scrutiny Committee where that Committee is due to consider, or is likely to consider, something that has been or might be considered by a committee of which the Councillor is a member.

Role

6.5 The Scrutiny Committee can hold main Committees to account. It fulfils a critical role in demonstrating openness and accountability in the Council's decision-making process.

6.6 The Scrutiny Committee can make recommendations to the relevant Committee on policies, budget and service delivery. Upon conclusion of a scrutiny exercise it will produce a report containing recommendations for decision by the relevant Committee, which is required to provide and publish a formal response to the Scrutiny Committee.

6.7 The Scrutiny Committee will produce an annual report to a meeting of Full Council on its work and outcomes during the year.

6.8 The Scrutiny Committee is not an alternative or additional mechanism to appeals procedures in respect of the decisions of the Council's regulatory committees.

6.9 The role of the Scrutiny Committee extends to reviewing the decisions of relevant partner authorities on health service provision, on crime and disorder and on flood risk management. The Scrutiny Committee can produce reports ~~that~~ to which a relevant partner authority should must have regard in the exercise of its functions to.

6.10 The Scrutiny Committee in carrying out the scrutiny function and establishing any ~~working parties~~ Task and Finish Groups is not constrained by traditional working practices. There is wide scope for it to adopt innovative ways of doing things and its ability to do so is fundamental to its success. It

will may operate more like a Parliamentary select committee, taking evidence through oral witness hearings or in writing.

6.11 In carrying out reviews agreed under paragraph 6.13 the Scrutiny Committee will be able to set up informal cross-party Task and Finish Groups, which may include members from other committees, as well as advisory, non-voting, non-councillor members. Task and Finish Groups will make recommendations to the Scrutiny Committee, which will determine whether to adopt the recommendations for referral to the relevant Committee for decision.

SCRUTINY COMMITTEE

Purpose

6.12 The purpose of the Scrutiny Committee is:

- To investigate, take evidence and consult upon issues within their remit.
- To carry out the Council's responsibilities for scrutiny as stated in the Police and Justice Act 2006, the Health and Social Care Act 2006* as amended, the Local Government Act 2000 as amended, and the Localism Act 2011 and the subsequent Local Authority (Committee System) (England) Regulations 2012.

**Where the Committee has concerns over the merit of proposals for substantial variations in health services or believes that the process of consultation on any such proposals has been inadequate, it has the power of referral to the Secretary of State.*

Functions

6.13 The functions of the Scrutiny Committee are:

- To investigate major health issues identified by, or of concern to, the local population.
- To consult, be consulted on and respond to substantial changes to local health service provision, including assessing the impact on the local community and health service users.
- To scrutinise the impact of interventions on the health of local inhabitants, particularly socially excluded and other minority groups, with the aim of reducing health inequalities.
- To maintain an overview of health service delivery against national and local targets, particularly those that improve the public's health.
- ~~To encourage the development of integrated strategies for health improvement in Sutton.~~
- ~~To promote the accessibility of health services that impact on the health of local people to all parts of the local community.~~
- ~~To receive and consider referrals from the Local Involvement Network or local Healthwatch on health matters.~~

The Health and Social Care Act 2001 (subsequently amended by the 2006, 2007 and 2012 Acts) first introduced a statutory power for councils to: "Review and scrutinise, in accordance with regulations, matters relating to the health service in the authority's area and to make reports and recommendations on such matters in accordance with the regulations."

In the context of Sutton, this means that the Council has the power to scrutinise, among others, the activities of the following:

- ~~NHS Sutton Primary Care Trust Clinical Commissioning Group~~
- ~~Epsom and St Helier NHS University Trust~~
- ~~South West London and St George's NHS Mental Health Trust~~
- ~~Royal Marsden NHS Foundation Trust~~
- To carry out the crime and disorder function contained in the Police and Justice Act 2006:
 - (a) to review or scrutinise decisions made or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions; and
 - (b) to make reports or recommendations to the local authority with respect to the discharge of those functions

This means that the Council has the power to scrutinise the activities of those responsible for crime and disorder strategies – which is the Council and the police, as embodied in the Safer Sutton Partnership.

- To review and scrutinise the exercise by risk management authorities of flood risk management functions which may affect the local authority's area.
- ~~In exceptional circumstances, as determined by the Executive Head of Legal Services following consultation with the statutory scrutiny officer on a case by case basis,~~
- To carry out scrutiny reviews on behalf of Standing and Local Committees, the priorities for review to be agreed by the Scrutiny Committee following an annual meeting between the Scrutiny Committee, Standing and Local Committee Chairs and other key partners. Committees will also be able to refer matters for review and investigation to the Scrutiny Committee during the year, which will be considered as resources allow.
- To fulfil its role of holding other Committees to account through an agreed programme of Chairs' Question and Answer sessions or such other mechanism as shall be determined by the Scrutiny Committee each year.

Joint Health Scrutiny Committees

6.12 Joint Health Scrutiny Committees may be established under Regulations made under the Health and Social Care Act 2001 and directions issued by the Secretary of State for Health. These committees comprise representatives of the authorities in the area affected and are appointed to examine proposals by NHS Trusts and commissioners that affect more than one local authority area. They are authorised formally by the local authorities to scrutinise and report on the proposals and to consider whether, in the light of the decision of the NHS Board(s), the consultation process was flawed or that the decision is not in the interest of the residents and health needs in the area and, in either case, whether to refer the matter to the Secretary of State for Health.

6.13 Procedures at meetings of Joint Health Scrutiny Committees will be as decided by the Joint Committee, except where otherwise prescribed by legislation.

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