

Public Document Pack

West Surrey Shadow Authority Standards Committee – Supplementary Agenda

<u>Date and Time</u>	<u>Place</u>	<u>Contact</u>
Wednesday, 2 September 2026 at 2.00 pm	Council Chamber. Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB	Democratic Services committeeservices@spelthorne.gov.uk

Membership	
Name	Ward
Councillor Jane Austin	Waverley Eastern Villages
Councillor Chris Bateson	Staines
Councillor Harleen Boparai	Staines South & Ashford West
Councillor Steve Greentree	Knaphill & Goldsworth West
Councillor Jonathan Hulley	Thorpe, Longcross & Ottershaw
Councillor Nirmal Kang	Heatherside & Parkside
Councillor Sarbie Kang	Camberley West & Frimley
Councillor Scott Lewis	Woodham & New Haw
Councillor Carl Mann	Thorpe, Longcross & Ottershaw
Councillor Louise Morales	Woking South
Councillor Isabel Mullens	Egham
Councillor Rory O'Brien	Sunbury Common & Ashford Common
Councillor Joanne Shaw	Guildford East
Councillor Sally Shorthose	West Surrey Shadow Authority
Councillor Richard Wilson	Bagshot, Windlesham & Chobham Ward

AGENDA

Page nos.

6. Governance Arrangements for Constitution Work

1 - 10

To consider a proposal to disband the Constitution Sub-Committee and establish a Constitution Working Group to replace the Sub-Committee with immediate effect.

7. Amendments to the Terms of Reference of the Employment Committee

11 - 22

To consider changes to the Employment Terms of Reference

West Surrey Shadow Authority		
Report title: Governance of the Review and Preparation of the Constitution		
Report to: Standards Committee Shadow Authority		
Date: 2 September 2026 23 September 2026		
Executive Portfolio Holder: Cllr Victoria Kiehl Contact Email: Victoria.Kiehl@westsurrey.gov.uk		
Report of Statutory Officer: Susan Sale, Monitoring Officer (interim) Contact Email: susan.sale@westsurrey.gov.uk		
Report author(s): Susan Sale, Monitoring Officer (interim) Contact Email: susan.sale@westsurrey.gov.uk		
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	14 August 26
Monitoring Officer	Susan Sale	14 August 26
Executive Portfolio Holder consultation	Cllr Victoria Kiehl	14 August 26
Sub Committee Chair consultation	Cllr Jo Shaw	14 August 26

Head of Paid Service	Susan Sale on behalf of Andy Brown	14 August 26
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1. Executive Summary

- 1.1** The West Surrey Shadow Authority has established a Standards Committee and a Constitution Sub Committee of the Standards Committee.
- 1.2** The primary purpose of the Constitution Sub Committee is to keep under review the Shadow Authority's Constitution, make recommendations for change where appropriate and prepare a post Vesting Day version of the constitution for West Surrey Council.
- 1.3** Initial feedback from the Monitoring Officer and the members of the Constitution Sub Committee is that the governance arrangement is too inflexible and constraining, and that more efficient operation could be achieved by way of a Constitution Working Group.

2 Recommendations:

- 2.1** Notes that the Constitution Sub Committee resolved to recommend to the Standards Committee that they:
 - 2.1.1** **Subject to the resolution of Council to disband the Constitution Sub Committee, establish a Constitution Working Group with immediate effect, with the same membership, for the same purpose, with the same Chair and Vice Chair as the Constitution Sub Committee, and with the terms of reference as in appendix 1 to this report; and**
 - 2.1.2** **Recommend to Council that they resolve to:**
 - 2.1.2.1** **Disband the established Constitution Sub Committee of the Standards Committee and note that the Standards Committee will with immediate effect establish a Constitution Working Group with the same membership and for the same purpose, with the terms of reference as in appendix 1 to this report; and**
 - 2.1.2.2** **Delegate to the Monitoring Officer the authority to amend the constitution to reflect any consequential changes arising from this decision.**

3 Reason(s) for recommendation:

- 3.1** If the members responsible for review and preparation of the Constitution were able to meet as a working group this would maintain sufficiently robust governance whilst enabling agility of decision making.

4 Next steps

- 4.1** At its meeting on 27 August, the Constitution Sub Committee agreed to make recommendations to the Standards Committee that their Sub Committee is disbanded and they establish a working group in its place.
- 4.2** If the Standards Committee supports the proposals they will recommend to the Shadow Authority that the Sub Committee be disbanded, and the Standards Committee will establish a Working Group with the same membership and same purpose.
- 4.3** Following the resolution of the Shadow Authority, the members will start meeting as a working group.

5 Exemption from publication

- 5.1** This report is not exempt from publication.

6 Background and Proposal

- 6.1** At the inaugural meeting of the West Surrey Shadow Authority, on 21st May 2026, the Council formally adopted the West Surrey Shadow Authority Constitution, as recommended to them by the West Surrey Joint Committee.
- 6.2** The Shadow Authority established a Standards Committee with one of its functions being to advise the Shadow Authority on the development of a Constitution for West Surrey Council. The Constitution further provided that the a Constitutional Sub Committee of the Standards Committee would be established.
- 6.3** The West Surrey Shadow Authority Constitution provides that the Constitution Sub Committee would comprise 7 councillors from the appointment membership of the Standards Committee. It is established for the purpose of keeping the Shadow Authority Constitution under regular review and preparing a constitution for West Surrey Council to be adopted from Vesting Day.
- 6.4** All recommendations of the Constitution Sub Committee are made to the Standards Committee who may determine whether to recommend amendments, alterations, deletions and additions to the Constitution, to Council.

6.5 Both the Standards Committee and the Constitution Sub Committee are constituted under the Local Government Act 1972, which provides certain constraints aimed at upholding transparency, democracy and public engagement. However, such provisions are proving to restrict the agility of the Constitution Sub Committee, which has a significant programme of work to deliver in a relatively short period of time, and must be able to operate efficiently.

6.6 The table below sets out some of the differences between a sub committee and a working group:

Sub Committee	Working Group
Decisions made in a meeting open to the public (unless they are excluded due to exempt information being considered)	The meeting does not have to be accessible to the public
A summons for the meeting needs to be published at least 5 clear working days in advance of the meeting	It is not a legal requirement to publish a summons for the meeting, although adequate notice would be given to members
Items may not be added to the agenda once it is published with the summons, unless they meet the urgency requirement	Agenda items may be added within the 5 days prior to the meeting, although sufficient notice would always need to be given
Reports on agenda items are required to be published	Reports on agenda items would be circulated to relevant members, but would not be legally required to be published.
Members must be physically present for meetings to be able to vote on matters, leading to substitutes where members cannot attend, leading to a changing group of members working on one definitive constitution	Members unable to attend could participate in a working group meeting by joining remotely, optimising the chance of a consistent group of members working on this project.
Minutes must be produced of meetings, published and agreed as an accurate record	Minutes are not required to be produced or published, although an action log would be maintained.
Procedure Rules are adopted	Terms of Reference are in place but there is more discretion of the Chair to facilitate free discussion rather than formal debate

- 6.7** If the constitution work being undertaken by members were to be undertaken by them meeting as a Working Group rather than a Sub Committee, there would be less opportunity for public engagement, scrutiny and transparency. But the Group is not decision making; it's role is merely to make recommendations to the Standards Committee. The Standards Committee would operate in compliance with the legal requirements of being open and accessible meetings, published agendas and reports, and has the opportunity for the public to attend and ask questions. Sufficiently robust governance arrangements would remain in place should the constitution work be provided to the Standards Committee by a Working Group of their members rather than a Sub Committee.
- 6.8** Enabling members to operate as a Working Group would enable and facilitate a better quality conversation and discussion without being bound by procedure rules and rules of debate. It would also optimise consistency of membership and reduce the need for substitutes if members were able to attend remotely; members are well used to working in a hybrid way and although legislation has not yet been amended to enable this, we are aware that it aligns with the spirit of what the government intends to facilitate in the future. Members have very busy diaries during this shadow period, many are 'double hatters' and the geographical areas of West Surrey for travel is large. More members would be able to commit their time and fully engage with a working group than with a sub committee.

7 Consultation

- 7.1** Consultation has taken place with the Monitoring Officer and the Deputy Monitoring Officers and no objections have been raised.
- 7.2** Informal consultation took place with members of the Constitution Sub Committee at their meeting on 6 August 2026 and formally at their meeting on 27 August 2026.
- 7.3** Consultation has taken place with Cllr Kiehl, as the relevant portfolio holder.

8 Key Risks

- 8.1** If the group remains as a Sub Committee there is a risk that members may need to give apologies or use substitutes on more occasions, which is not ideal when outcomes of one meeting will feed into and impact the outcomes of the next, as several meeting will work on this one major project.

- 8.2** If the group remains as a Sub Committee, efficiency is unlikely to be optimised as compliance with the Local Government Act provisions would need to be complied with.
- 8.3** If the Group becomes a Working Group, their meetings will not be open to the public and their papers will not be published; but their recommendations will be considered by the Standards Committee at meetings accessible to the public, based on reports and agendas that are in the public domain.

9 Options

- 9.1** Option 1: To disband the Constitution Sub Committee of the Standards Committee and establish a Working Group of the Standards Committee to fulfil the same purpose (Recommended).
- 9.2** To make no changes to the Constitution and leave the Constitution Sub Committee of the Standards Committee fulfilling its existing purposes. (Not Recommended).

10 Issues for consideration

10.1 Financial Implications

- 10.1.1** There are unlikely to be any financial implications arising from the proposal as the same number of meetings would be required with the same officer support regardless of whether there is a Constitution Sub Committee or a Working Group.

10.2 Section 151 Officer Commentary

- 10.2.1** No further comments

10.3 Legal Implications

- 10.3.1** The Standards Committee and the Constitution Sub Committee are established in accordance with section 102 Local Government Act 1972. Section 100A of the Act provides for their meetings needing to be open to the press and public in most circumstances; section 100B provides arrangements for access to reports, agenda and minutes.

10.4 Monitoring Officer Commentary

- 10.4.1** No further 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 Enabling the constitution work to be undertaken by members attending remotely where necessary or more convenient should promote equalities issues by making participation in the meetings more accessible to members.

10.7 Climate Change and Sustainability Implications

10.7.1 Enabling members to attend meetings to undertake the constitution work remotely where convenient or necessary should reduce travel across the area and have a positive impact in terms of climate change.

10.8 Stakeholders Implications

10.8.1 If meetings become a Constitution Working Group, there is less opportunity for stakeholder engagement in proposing recommendations to the Standards Committee. But there is ample opportunity for public and stakeholder engagement when the recommendations are considered at the Standards Committee.

11 Overview & Scrutiny Comments

11.1 N/A

12 List of Appendices

- 12.1** Appendix 1: Proposed Terms of Reference for the Constitution Working Group

13 List of Background papers

- 13.1** West Surrey Shadow Authority Constitution

APPENDIX ONE:

TERMS OF REFERENCE FOR THE CONSTITUTION WORKING GROUP

1.0 Purpose

1.1 The Constitution Working Group is established by the Standards Committee for the purpose of:

- Keeping the Shadow Authority Constitution under regular review; and
- Preparing a constitution for West Surrey Council to be adopted from Vesting Day.

1.2 All recommendations of the Constitution Working Group shall be made to the Standards Committee, who may choose to recommend amendments, alterations, deletions and additions to the Shadow Authority Constitution to the Council.

1.3 In preparing a constitution for West Surrey Council, and recommending as such to the Standards Committee, for their recommendation to the Shadow Authority for adoption, the Working Group shall:

- Consider best practice in local authority constitutions and the governance requirements applicable to West Surrey Council as a unitary authority from Vesting Day;
- Engage with councillors, officers, and members of the public as appropriate;
- Prepare draft articles, procedure rules, codes and other constitutional documents for West Surrey Council;
- Report on progress to the Shadow Authority on a regular basis; and
- Submit a final draft constitution to the Standards Committee by 31 December 2026.

2.0 Composition

2.1 The Constitution Working Group shall comprise of 7 elected members, who must be selected from the 15 members appointed to the Standards Committee. The Working Group should be politically balanced as far as possible.

3.0 Substitutes

3.1 Substitutes may be appointed from within the membership of the Standards Committee.

4.0 Quorum

- 4.1 The quorum for any meeting of the Constitution Working Group shall be 3 members, who may be in attendance either by being physically present or by remote attendance.

5.0 Chair

- 5.1 The Constitution Working Group shall elect its own Chair and appoint the Vice Chair. The Chair shall preside over meetings of the Working Group and has a casting vote in the case of equality of votes. The Vice Chair shall preside and assume the responsibilities of the Chair, in their absence.

6.0 Frequency of meetings

The Working Group shall schedule dates, times and location of their meetings.

7.0 Officer Support

The Monitoring Officer, or their representative, shall attend meetings of the Constitution Working Group in an advisory capacity only and will provide legal and governance support throughout its work.

Officers will use best endeavours to circulate an agenda and reports for meetings of the Constitution Working Group 5 clear days in advance of a meeting, or as soon as possible thereafter.

West Surrey Shadow Authority		
Report title: Proposed Amendment to the Employment Committee Terms of Reference		
Report to: Standards Committee		
Date: 2 September 2026		
Executive Portfolio Holder: Cllr. Victoria Kiehl		
Contact Email: Victoria.Kiehl@westsurrey.gov.uk		
Report of: Constitution Sub-Committee and Susan Sale, Monitoring Officer (interim)		
Contact Email: susan.sale@westsurrey.gov.uk		
Report author(s): Deborah Davies, Deputy Monitoring Officer (interim)		
Contact Email: deborah.davies@westsurrey.gov.uk		
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
Senior Responsible Officer (or their delegate)	N/A	N/A
S151 Officer	Susan Sale on behalf of Vicky Radford	13 August 26
Monitoring Officer	Susan Sale	13 August 26
Executive Portfolio Holder consultation	Cllr Victoria Kiehl	13 August 26
Employment Committee Chair consultation	Cllr Vanessa King	13 August 26
Head of Paid Service	Susan Sale on behalf of Andy Brown	13 August 26

1. Executive Summary

- 1.1** This report proposes an amendment to paragraph 2.1(a) of the Terms of Reference of the Employment Committee contained in Part 3-B3 of the Constitution of West Surrey Council.
- 1.2** The current Terms of Reference provide that the Employment Committee is responsible for:-
- “formulating and recommending to the Shadow Authority policies, terms, and conditions of employment for the employees of West Surrey Council, for adoption before vesting day.”*
- 1.3** It is proposed that the words “recommending to the Shadow Authority” are removed and replaced with “approving”. This will enable the Employment Committee to approve employment policies, terms and conditions without requiring those matters to be referred separately to the Shadow Authority for adoption.
- 1.4** The proposed amendment will align the Employment Committee's Terms of Reference in Part 3-B3 with Part 3A (Responsibility for Functions), which identifies the Employment Committee as the body responsible for employment policy, strategy and terms.

2 Recommendations:

- 2.1** Notes that at its meeting on 27 August, the Constitution Sub-Committee resolved to recommend that the Standards Committee recommend to the Council:

- (a) that the revised Terms of Reference of the Employment Committee, as set out in Appendix 1, be approved and**
- (b) that the Monitoring Officer is authorised to make the necessary amendments to the Constitution.**

3 Reason(s) for recommendation:

- 3.1** Part 3A of the Constitution identifies the Employment Committee as the body responsible for employment policy, strategy and terms. The current wording of paragraph 2.1(a) in the Terms of Reference provide that those matters are recommended to the Shadow Authority for adoption, creating an additional approval stage.
- 3.2** The proposed amendment will align the Employment Committee's Terms of Reference with the allocation of responsibility in Part 3A and provide clarity as to the Committee's decision-making role.

- 3.3** If the Shadow Authority were to consider all employment policies, strategies and terms, there would be a need for a greater number of meetings to allow for this additional work.

4 Next steps

- 4.1** Subject to endorsement by the Constitution Sub-Committee, the proposed amendment will be considered by the Standards Committee.
- 4.2** If endorsed by the Standards Committee, the amendment will be presented to the Shadow Authority for approval.
- 4.3** Subject to the approval by the Shadow Authority, the Monitoring Officer will amend Part 3-B3 of the Constitution accordingly.

5 Exemption from publication

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

6 Background and Proposal

- 6.1** The Constitution of West Surrey Council sets out responsibility for the Council's functions in Part 3A and the Terms of Reference of its committees in Part 3-B. Part 3A identifies the Employment Committee as being responsible for employment policy, strategy and terms.
- 6.2** Paragraph 2.1(a) of the Terms of Reference currently requires the Committee to formulate and recommend to the Shadow Authority policies, terms and conditions of employment for adoption before vesting day.
- 6.3** The effect of the current wording is that employment policies, terms and conditions considered by the Employment Committee must subsequently be referred to the Shadow Authority for formal adoption, notwithstanding the allocation of responsibility to the Employment Committee in Part 3A.
- 6.4** It is therefore proposed to amend paragraph 2.1(a) so that it reads:
“formulating and approving policies, terms, and conditions of employment for the employees of West Surrey Council, for adoption before vesting day.”
- 6.5** The amendment will remove the requirement for these matters to be referred separately to the Shadow Authority for formal adoption and align the Committee's Terms of Reference with the Responsibility for Functions set out in Part 3A.

7 Consultation

- 7.1** The proposed change has been considered by the People & Workforce Workstream Leads, the Monitoring Officer (interim) and other relevant officers.
- 7.2** Consultation has also taken place with the Portfolio Holder for Governance, Democracy and Corporate Services and the Chair of the Employment Committee.

8 Key Risks

- 8.1** Retaining the current wording creates a potential lack of clarity between the allocation of responsibility to the Employment Committee in Part 3A and the decision-making process prescribed by its Terms of Reference in Part 3-B3.
- 8.2** Retaining the current wording creates an additional workload for the Shadow Authority and could cause unnecessary delay and additional meetings in order for the work of the Employment Committee to be approved by the Shadow Authority.
- 8.3** The proposed amendment mitigates this risk by aligning the Employment Committee's Terms of Reference with the Responsibility for Functions set out in Part 3A.

9 Options

- 9.1** The Standards Committee is asked to consider the proposed amendment Committee for onward recommendation to the Shadow Authority.
- 9.2** Option 1 – Recommended: Approve the proposed amendment to paragraph 2.1(a) of the Employment Committee Terms of Reference. This will align Part 3-B3 with the allocation of responsibility in Part 3A and remove the requirement for employment policies, terms and conditions approved by the Employment Committee to be referred separately to the Shadow Authority for adoption.
- 9.3** Option 2 – Retain the current wording: The Employment Committee would continue to formulate employment policies, terms and conditions and recommend them to the Shadow Authority for formal adoption. This would retain the existing additional decision-making stage.

10 Issues for consideration

10.1 Financial Implications

- 10.1.1** There are no direct financial implications arising from the recommendations contained in this report.

10.2 Section 151 Officer Commentary

- 10.2.1 No further comments.

10.3 Legal Implications

- 10.3.1 The Constitution provides the framework through which responsibility for the Council's functions is allocated and exercised.
- 10.3.2 Part 3A, identifies the Employment Committee as the body responsible for employment policy, strategy and terms. The proposed amendment aligns the detailed Terms of Reference of the Employment Committee in Part 3-B3 with that allocation of responsibility.
- 10.3.3 The proposed amendment relates only to the decision-making arrangements for the approval of employment policies, terms and conditions. It does not itself amend any employment policy or employees' terms and conditions.

10.4 Monitoring Officer Commentary

- 10.4.1 The proposed arrangements will provide greater clarity for the Council and will ensure that there is no duplication of effort by members.
- 10.4.2 Section 37 of the Surrey (Structural Changes) Order 2006 provides that the Council must take all such practicable steps as are expedient:
(a) to commence and sustain their running as a shadow authority;

(b) to prepare the authority for the assumption, as West Surrey Council, of local government functions and full local authority powers on 1st April 2027

The proposed change to the Constitution would enable the Council to undertake faster decision making in respect of employment issues and this would support the Council's duty under Section 37.

10.5 People/Human Resources Implications

- 10.5.1 There are no direct human resources implications arising from this report.
- 10.5.2 The proposed amendment relates to the governance arrangements for approving employment policies, terms and conditions. It does not itself alter the employment policies, terms or conditions applying to employees.

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 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 There are no direct climate change or sustainability implications arising from the recommendations contained in this report.

10.8 Stakeholders Implications

- 10.8.1 The proposed amendment primarily affects the governance arrangements through which employment policies, terms and conditions for West Surrey Council are approved.
- 10.8.2 The amendment will provide greater clarity regarding the decision-making responsibility of the Employment Committee.

11 Overview & Scrutiny Comments

- 11.1 Not applicable.

12 List of Appendices

- 12.1 Appendix 1 – Proposed Amendment to Part 3-B3, Employment Committee Terms of Reference

13 List of Background papers

13.1 West Surrey Council Constitution

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PART 3-B3: TERMS OF REFERENCE OF THE EMPLOYMENT COMMITTEE

These terms of reference are to be read alongside Article 8 of Part 1 and the Employment Procedure Rules in Part 4 of this Constitution.

1.0 Role

- 1.1 The Employment Committee is responsible for discharging or delegating all staffing matters relating to West Surrey Council during the Shadow Period, including the formulation of employment policies, terms and conditions, and workforce planning.

2.0 Functions

- 2.1 The Employment Committee is responsible for:
- a. formulating and ~~recommending to the Shadow Authority~~ approving policies, terms, and conditions of employment for the employees of West Surrey Council, for adoption before vesting day;
 - b. overseeing the development of a workforce strategy for West Surrey Council and ensuring that it is aligned with the Implementation Plan;
 - c. preparation of the annual Pay Policy statement to be agreed by the Shadow Authority.
 - d. overseeing the process of recruitment of the permanent senior workforce of West Surrey Council during the shadow period;
 - e. formulating policies for the management of the transfer of staff from Surrey County Council and the West Surrey councils to West Surrey Council on and from Vesting Day, having regard to the requirements of the Transfer of Undertakings (Protection of Employment) Regulations 2006 and all other applicable legislation;
 - f. with regard to the Head of Paid Service,
 - i. setting the performance objectives,
 - ii. commissioning and undertaking an annual performance review process, and
 - iii. determining the remuneration,
 - g. monitoring the equalities implications of workforce decisions during the Shadow Period; and

- h. such other staffing functions relating to West Surrey Council as the Shadow Authority may delegate to it.

2.2 The Employment Committee has no role in relation to the employees of Surrey County Council or the West Surrey councils, except in respect of employees seconded or otherwise engaged to support the work of the Shadow Authority.

3.0 Membership

3.1 The Employment Committee consists of 15 councillors. The membership of the Employment Committee must include two members of the Shadow Executive.

3.2 Membership will reflect the political composition of the Shadow Authority in accordance with sections 15 to 17 of the Local Government and Housing Act 1989.

3.3 The Chair and Vice Chair will be elected and appointed, as appropriate, by the Committee at its first meeting.

3.4 Quorum: 5 councillors.

4.0 Senior Officer Employment Sub Committee

4.1 The Employment Committee establishes a Senior Officer Employment Sub-Committee.

Functions

4.2 The Senior Officer Employment Sub Committee is responsible for:

- i. undertaking the selection process for, and recommending to the Shadow Authority the appointment of, the permanent Head of Paid Service, Monitoring Officer, and Chief Finance Officer of West Surrey Council in accordance with article 33(2) of the 2026 Order and the Employment Procedure Rules which can be found in Part 4-4 of the Constitution;
- j. undertaking the selection process for such other senior appointments as the Employment Committee may determine; and
- k. such other functions in relation to senior employee appointments as the Employment Committee may delegate to it.

Membership

4.3 The Senior Officer Employment Sub Committee consists of 7 councillors, appointed from the membership of the Employment

Committee, including the Chair of the Employment Committee. The Sub Committee must include one member of the Shadow Executive

4.4 Quorum: 3 councillors.

5.0 Investigating and Disciplinary Sub Committee

5.1 The Employment Committee establishes an Investigating and Disciplinary Sub Committee.

Functions

5.2 The Investigating and Disciplinary Sub-Committee conducts disciplinary proceedings in relation to the Head of Paid Service, Monitoring Officer, and Chief Finance Officer of West Surrey Council in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, and in accordance with the Employment Procedure Rules in Part 4-4 of this Constitution.

Membership

5.3 The Investigating and Disciplinary Sub Committee consists of 5 councillors, appointed from the membership of the Employment Committee. It must include at least one member of the Shadow Executive.

5.4 Quorum: 3 councillors.

6.0 Independent Persons Panel

6.1 The Shadow Authority establishes an Independent Persons Panel.

Role

6.2 The Independent Persons Panel provides the statutory independent element required under the Local Authorities (Standing Orders) (England) Regulations 2001 as amended. Its role is to consider any proposal for dismissal of the Head of Paid Service, Monitoring Officer, or Chief Finance Officer of West Surrey Council arising from the Investigating and Disciplinary Sub-Committee's recommendation. The Independent Persons Panel will review the Investigating and Disciplinary Sub Committee's recommendation and prepare a report for a meeting of the Shadow Authority.

Membership

- 6.3 The Independent Persons Panel consists of not fewer than 2 persons who are independent within the meaning of the 2001 Regulations as amended. Members of the Panel are not councillors nor employees.

7.0 Appeals Sub-Committee

- 7.1 The Employment Committee establishes an Appeals Sub-Committee.

Functions

- 7.2 The Appeals Sub-Committee hears appeals by the Head of Paid Service, Monitoring Officer, or Chief Finance Officer of West Surrey Council against any disciplinary decision of the Investigating and Disciplinary Sub Committee short of dismissal imposed by the Investigating and Disciplinary Sub Committee and takes a decision either to confirm the action or to impose no sanction or a lesser sanction.

Membership

- 7.3 The Appeals Sub-Committee consists of 5 councillors, none of whom were involved in the original disciplinary proceedings. A member of the Shadow Executive must be a member of the Appeals Sub-Committee.