# Public Document Pack

**Notice of Meeting**

# West Surrey Shadow Authority Constitution Sub Committee

| Date and Time | Place | Contact |
|---|---|---|
| Thursday, 6 August 2026 at 4.00 pm | Guildford Borough Council | Democratic Services committeeservices@spelthorne.gov.uk |

**Membership**

| Name | Ward |
|---|---|
| Councillor Jane Austin | Waverley Eastern Villages |
| Councillor Jonathan Hulley | Thorpe, Longcross & Ottershaw |
| Councillor Louise Morales | Woking South |
| Councillor Rory O'Brien | Sunbury Common & Ashford Common |
| Councillor Joanne Shaw | Guildford East |
| Councillor Sally Shorthose | Farnham South |
| Councillor Richard Wilson | Bagshot, Windlesham & Chobham Ward |

**MEETING SUMMONS**

**To the members of the CommitteeName:**

You are hereby summoned to attend a meeting of the CommitteeName to be held on Thursday, 6 August 2026 at 4.00 pm, for the transaction of the business set out in the following agenda.

Such meeting to be held in the Guildford Borough Council

For enquiries regarding this agenda contact: Democratic Services
committeeservices@spelthorne.gov.uk

**Susan Sale**
**Interim Monitoring Officer**
**West Surrey Shadow Authority**
Published: Date Not Specified

**www.surreylgrhub.gov.uk**

## AGENDA

**Page nos.**

**1. Election of a Chair for the Constitution Sub-Committee**

To elect the Chair of the Constitution Sub-Committee.

**2. Election of a Vice Chair for the Constitution Sub-Committee**

To elect the Vice Chair of the Constitution Sub-Committee.

**3. Apologies**

To receive any apologies for absence.

**4. Declarations of interest**

All members present are required to declare, at this point in the meeting or as soon as possible thereafter:

1. Any disclosable pecuniary interests and/or
2. Other interests arising under the Code of Conduct in respect of any items(s) of business being considered at this meeting.

**5. Terms of Reference and Procedures of the Constitution Sub-Committee** **1 - 10**

To consider and note the Terms of Reference and Procedure Rules of the West Surrey Shadow Authority's Standards Constitution Sub-Committee.

**6. Proposed Changes to Council Procedure Rules** **11 - 18**

To consider particular issues within the Council Procedure Rules that require member engagement e.g. questions, motions, statements, opposition business.

**7. Guidance for Councillors on Gifts and Hospitality** **19 - 36**

To consider a policy to support the provisions in the Member Code of Conduct.

**8. Member Conduct Complaints Procedure**

To consider suggested arrangements for dealing with allegations of member misconduct under the Code of Conduct, for adoption into the Constitution.

**9. Social Media Policy for Councillors** **37 - 50**

To consider a Social Media Policy for Members, to be included in the West Surrey Shadow Authority's Constitution.

**10. Member Requests Regarding the West Surrey Shadow Authority Constitution** **51 - 58**

To consider requests from councillors for areas of the West Surrey Shadow Constitution they would like to see reviewed and amended.

**11. Work Programme for the Constitution Sub-Committee** **59 - 68**

To consider a proposed work programme for the Constitution Sub-Committee.

**PLEASE NOTE:** members of the public are able to attend the meeting in person. The meeting will also be broadcast online at www.youtube.com/user/Spelthornecouncil

The whole of the meeting will be filmed except where there are confidential or exempt items. In attending any meeting, you are recognising that you may be filmed and consent to the live stream being broadcast online, and available for others to view. Members of the press/public may film or record proceedings, blog or tweet proceedings and take photographs providing they do not disturb the conduct of the meeting.

The Chair of the meeting has the discretion to terminate or suspend filming/recording if in her/his opinion continuing to do so would prejudice the proceedings of the meeting or, on advice, considers that continued filming/recording might infringe the rights of any individual.

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Thank you for your co-operation.

| West Surrey Shadow Authority | | |
|---|---|---|
| **Report title:** Terms of Reference & Procedures of the Constitution Sub Committee | | |
| **Report to:** Constitution Sub-Committee | | |
| **Date**: 6 August 2026 | | |
| **Executive Portfolio Holder:** Cllr Victoria Kiehl<br>Contact Email: Victoria.Kiehl@westsurrey.gov.uk | | |
| **Report of:**<br>Susan Sale, West Surrey Shadow Authority Monitoring Officer (interim)<br>Contact Email: Susan.Sale@westsurrey.gov.uk | | |
| **Report author(s):**<br>Susan Sale, West Surrey Shadow Authority Monitoring Officer (interim)<br>Contact Email: Susan.Sale@westsurrey.gov.uk | | |
| **Wards affected:** All<br>**Ward councillors informed:** No | | |
| **Exempt from publication:** No | | |
| **Key Decision:**<br>No | **If a Key Decision, date registered on Forward Plan:**<br>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** | Vicky Radford | 14 July 2026 |
| **Monitoring Officer** | Susan Sale | 15 July 2026 |
| **Executive Portfolio Holder consultation** | Cllr Victoria Kiehl | 14 July 2026 |
| **Committee Chair consultation** | Cllr Richard Wilson | 14 July 2026 |
| **Head of Paid Service** | Andy Brown | 14 July 2026 |

## 1. Executive Summary

**1.1** The purpose of this report is to present, for consideration and noting, the Terms of Reference and Procedure Rules of the West Surrey Shadow Authority's, Standards Committee's, Constitution Sub Committee.

## 2 Recommendations:

**2.1** That the Constitution Sub Committee resolves to:

*2.1.1* Note the extract from the Terms of Reference of the Standards Committee, relevant to the Constitution Sub Committee, as set out in Appendix 1 to this report; and

*2.1.2* Note the extract from the Standards Committee Procedure Rules, relevant to the Constitution Sub Committee, as set out in Appendix 2 to this report.

## 3 Reason(s) for recommendation:

**3.1** To ensure that the Constitution Sub Committee is clear of its role and responsibilities, and adopted procedures, and may use them effectively to manage and deliver its work programme.

## 4 Next steps

**4.1** The Constitution Sub Committee will rely upon its adopted terms of reference and procedure rules during the shadow period, particularly to inform its work and deliver its work programme.

## 5 Exemption from publication

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

## 6 Background and Proposal

**6.1** The terms of reference of the Standards Committee are set out in the 'Terms of Reference of the Standards Committee' document which can be found in Part 3-B4 of the West Surrey Shadow Authority Constitution.

**6.2** The Standards Committee has various functions and responsibilities including those relating to conduct and ethics, the constitution, recruiting independent persons, maintaining oversight of member interests and gifts and hospitality, member development, and dispensations.

**6.3** In respect of the Standard Committee's responsibilities regarding the Constitution, the Committee is responsible for advising the Shadow Authority on the development of a Constitution for West Surrey Council.

They are required to establish a Constitution Sub Committee of the Standards Committee, which they did on 21 May 2026.

**6.4** The terms of reference of the Constitution Sub Committee are set out at Appendix 1 to this report and include the responsibility to advise the Standards Committee and the Shadow Authority on: any necessary revisions to the West Surrey Shadow Authority Constitution; and the adoption of a Constitution for West Surrey Council post Vesting Day.

**6.5** The Procedure Rules for the Standards Committee can be found in Part 4-5 of the West Surrey Shadow Authority Constitution and the procedure rules particularly relevant to the Constitution Sub Committee can be found at Part B, and are set out in Appendix 2 to this report.

**6.6** It should be noted that it is the responsibility of West Surrey Shadow Authority to approve any amendments to the Shadow Authority's Constitution, except that the Monitoring Officer has delegated authority to make minor, administrative and consequential amendments to it.

## 7 Consultation

**7.1** Consultation has been undertaken with the Statutory Officers of West Surrey Shadow Authority.

**7.2** Consultation has been undertaken with the relevant Portfolio Holder who had no comments to make.

**7.3** Consultation has been undertaken with the Chair of the Standards Committee who simply commented that the Constitution Sub Committee Procedure Rules provide that the Sub Committee shall "Submit a final draft constitution to the Standards Committee by 31 December 2026", and that this may require an additional meeting of the Sub Committee in December 2026.

## 8 Key Risks

**8.1** A lack of clarity of purpose, or regard for parameters established, could result in ineffective scrutiny such as lost opportunity to influence key decisions, reduced transparency, and ineffective use of member and officer time.

**8.2** Further, decisions made, not in compliance with the Constitution could leave the Shadow Authority at risk of legal challenge.

## 9 Options

**9.1** To note the adopted terms of reference and procedure rules of the Constitution Sub Committee (recommended option).

**9.2** Not to note the adopted terms of reference and procedure rules of the Constitution Sub Committee (not recommended option).

## 10 Issues for consideration

### 10.1 Financial Implications

10.1.1 There are no direct financial implications arising from this report.

### 10.2 Section 151 Officer Commentary

10.2.1 West Surrey will operate in a very challenging financial environment, with significant budgetary pressures from increasing demand and costs of service delivery, coupled with limited financial resources and reducing government funding. West Surrey Council will be increasingly reliant on Council Tax as the primary source of income.

10.2.2 Decisions made by the sovereign councils in West Surrey and the West Surrey Shadow Authority will need to consider the ongoing financial impact and ensure that expenditure does not exceed the resources available. It is vital that significant importance is placed on effective financial management and medium-term financial sustainability to achieve a balanced budget position and protect delivery service.

### 10.3 Legal Implications

10.3.1 The Shadow Authority is required to have a Standards Committee, and a Constitution Sub Committee, by virtue of its adopted Constitution. The terms of reference ensure that the role and responsibilities of the Committee are clear, and its work is undertaken in accordance with those parameters agreed by the authority.

### 10.4 Monitoring Officer Commentary

10.4.1 The Monitoring Officer has nothing to add to paragraph 10.3.1 above.

### 10.5 People/Human Resources Implications

10.5.1 There are no direct workforce implications arising from this report.

### 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 An effective and well-designed Constitution helps to ensure that decisions are equitable and consider the needs of all residents, including those with protected characteristics.

### 10.7 Climate Change and Sustainability Implications

10.7.1 There are no climate change or sustainability issues arising from this report.

### 10.8 Stakeholders Implications

10.8.1 There are no implications for external stakeholders arising from this report.

## 11 Overview & Scrutiny Comments

**11.1** N/A

## 12 List of Appendices

**12.1** Appendix 1: Extract from Part 3-4 West Surrey Shadow Authority Constitution: Terms of Reference of the Standards Committee

**12.2** Appendix 2: Extract from Part 4-5 West Surrey Shadow Authority Constitution: Standards Procedure Rules

## *13* List of Background papers

**13.1** None

Appendix 1

Extract from Part 3-4 of the West Surrey Shadow Authority Constitution:

Terms of Reference of the Standards Committee

***Paragraph 5.0 Constitution Sub Committee***

*5.1 The Standards Committee shall establish a Constitution Sub Committee at its first meeting. The Constitution Sub Committee shall have 7 members and the Standards Committee shall appoint members to it, from amongst their own membership. The Constitution Sub Committee shall elect and appoint their own Chair and Vice Chair, as appropriate.*

*5.2 The Constitution Sub Committee will advise the Standards Committee and the Shadow Authority on any necessary revisions to the Shadow Authority Constitution and on the adoption of a Constitution for the new West Surrey Council. The quorum for the Sub Committee is 3 councillors.*

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Appendix 2

Extract from Part 4-5 of the West Surrey Shadow Authority Constitution

Standards Committee Procedure Rules

***Part B: Constitution Sub Committee Procedure Rules***

***1.0 Purpose***

*1.1 The Constitution Sub Committee 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*

*1.2 All recommendations of the Constitution Sub Committee 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 sub Committee 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;*
- *Work with the Monitoring Officer and legal advisers throughout the process;*
- *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 Sub Committee comprises of 7 members, who must be selected from the 15 members appointed to the Standards Committee. The Sub Committee 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 Sub Committee shall be 3 members.*

***5.0 Chair***

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

***6.0 Frequency of meetings***

*6.1 The Standards Committee, as soon as is reasonably practicable, shall schedule dates, times and location of Sub Committee meetings for the Shadow Period. The Sub Committee shall meet on at least four occasions.*

***7.0 Officer Support***

*7.1 The Monitoring Officer, or their representative, shall attend meetings of the Constitution Sub Committee in an advisory capacity and will provide legal and governance support throughout its work.*

| **West Surrey Shadow Authority** | | |
|---|---|---|
| **Report title:** Proposed Changes to Council Procedure Rules | | |
| **Report to:** Constitution Sub-Committee | | |
| **Date**: 6 August 2026 | | |
| **Executive Portfolio Holder:** Cllr. Victoria Kiehl<br>Contact Email: Victoria.Kiehl@westsurrey.gov.uk | | |
| **Report of Statutory Officer:** Susan Sale, Interim Monitoring Officer<br>Contact Email: Susan.Sale@westsurrey.gov.uk | | |
| **Report author(s):** Deborah Davies, interim Deputy Monitoring Officer<br>Contact Email: Deborah.Davies@guildford.gov.uk | | |
| **Wards affected:** All<br>**Ward councillors informed:** Yes | | |
| **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** | Vicky Radford | 28 July 2026 |
| **Monitoring Officer** | Susan Sale | 28 July 2026 |
| **Executive Portfolio Holder consultation** | Cllr Victoria Kiehl | 28 July 2026 |
| **Committee Chair consultation** | Cllr Richard Wilson | 28 July 2026 |
| **Head of Paid Service** | Andy Brown | Not available |

## 1. Executive Summary

**1.1** This report sets out suggested arrangements for dealing with proposed changes to the Council Procedure Rules in the West Surrey Shadow Authority Constitution.

## 2 Recommendations:

**2.1** That the Constitution Sub-Committee resolves:

*2.1.1* whether to consider the Council Procedure Rules as a whole at their meeting in September 2026 or in parts at their meetings in September, October and November 2026, and

*2.1.2* authorises the Monitoring Officer to amend the work programme for the Sub-Committee to give effect to its decision.

## 3 Reason(s) for recommendation:

**3.1** Council Procedure Rules ensure that the Shadow Authority has adequate arrangements in place to deal with the conduct of business at council and committee meetings, in an effective and efficient manner that meets statutory requirements.

**3.2** The Council Procedure Rules have a number of parts to them, and inter-relate to other areas of the Constitution. The Monitoring Officer requests that members should decide how they wish to consider amendments to the Council Procedure Rules, to maximise their input.

## 4 Next steps

**4.1** If this report is approved by the Constitution Sub-Committee, then the work programme will be updated and further reports brought back to the Sub Committee with detailed proposals in due course.

**4.2** When the Sub Committee considers the detailed amendments to the Council Procedure Rules, at its future meeting(s), it's recommendations will be considered by the Standards Committee who will decide whether to recommend the changes to the Shadow Authority at its next meeting.

**4.3** It is intended that any changes proposed by the Sub Committee for the Council Procedure Rules will be effective for the remainder of the Shadow Period and also be incorporated into the West Surrey Council Constitution to be effective post Vesting Day.

## 5 Exemption from publication

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

## 6 Background and Proposal

**6.1** The Shadow Authority adopted its constitution on 21 May 2026. It contains Council Procedure Rules at Part 4.1, and a change to these in respect of member questions has already been considered by the Standards Committee.

**6.2** The Council Procedure Rules ("CPRs") ensure that the following are covered:

(a) How to get an item considered by the meeting

(b) How to participate effectively in debate

(c) How decisions are made

(d) How to follow the correct procedures

**6.3** The CPRs should be considered by councillors to ensure that they are suitable for the purposes of both the West Surrey Shadow Authority and West Surrey Council post Vesting Day. They are in sections and members of the Constitution Sub Committee may wish to consider them in their sections rather than agree them in whole, due to the detailed nature of the CPRs. The CPR's also relate to other areas of the Constitution and so should be considered alongside those other areas.

**6.4** The main areas of the CPRs are:

| **Area** | **Covered** | **Why** |
|---|---|---|
| Before the Meeting | Notice & Summons<br>Questions<br>Motions<br>Substitutes<br>Access to Information | Members need to know what to do in advance to ensure business can be covered |
| At the Meeting | Quorum<br>Election of Chair (if needed)<br>Declarations of Interest<br>Order of Business | Establish whether the meeting is legally constituted |
| Debate | Speaking Rules<br>Personal Explanations<br>Points of Order<br>Motions & Amendments<br>Time limits | Help the meeting to run efficiently and ensures consistency |

| | | |
|---|---|---|
| Decision Making | Voting<br>Recorded Votes<br>Withdrawal of Motions<br>Rescinding decisions | Sets out how valid decisions are reached |
| Special business | Budget<br>Constitutional amendments<br>Urgent Business<br>Suspending Standing Orders<br>Extraordinary Meetings | Although used infrequently, these are critically important to business |
| After the Meeting | Minutes<br>Implementing Decisions<br>Publication | Sets out the wider governance process to complete decision making |

**6.5** Members are asked to consider whether they wish to look at the CPRs in sections. If so, it is recommended that the areas set out in paragraph 6.4 above seem a logical way of starting and officers would suggest that members consider those relating to before the meeting and at the meeting at their September Sub Committee meeting, those relating to Debate and Decision Making at their October meeting and those relating to Special business and After the Meeting at their November meeting. This would ensure that all Council Procedure Rules have been considered, reviewed and if, appropriate, amended, before the draft of the West Surrey Council constitution is considered by the Standards Committee in December 2026.

**6.6** Alternatively, members may prefer to consider the CPRs as a whole and officers could bring forward proposals to the Sub Committee meeting in September 2026.

**6.7** Alternatively, members of the Sub Committee may consider that they do not wish to consider and review all Council Procedure Rules and may be able to specify those rules that they would wish to review in detail, delegating the review of others to the Monitoring Officer.

## 7 Consultation

**7.1** The portfolio holder has been consulted and her comments will be reported to the Sub-Committee.

**7.2** The chair of the Standards Committee has been consulted and his comments will be reported to the Sub-Committee.

## 8 Key Risks

**8.1** There is a risk that if the CPRs are considered as a whole then members will not be able to give detailed time to the work. However there is a large work programme for the Constitution Sub-Committee and members may consider that they do not have adequate time to look at sections of the CPRs in detail.

## 9 Options

**9.1** To consider the CPRs as a whole; or

**9.2** To consider the CPRs in sections, as suggested in paragraph 6.4 and 6.5 above; or

**9.3** To specify which CPRs they wish to consider within their work programme and delegate review of the remaining to the Monitoring Officer.

## 10 Issues for consideration

### 10.1 Financial Implications

10.1.1 There are no financial implications to this report.

### 10.2 Section 151 Officer Commentary

10.2.1 West Surrey will operate in a very challenging financial environment, with significant budgetary pressures from increasing demand and costs of service delivery, coupled with limited financial resources and reducing government funding. West Surrey Council will be increasingly reliant on Council Tax as the primary source of income.

10.2.2 Decisions made by the sovereign councils in West Surrey and the West Surrey Shadow Authority will need to consider the ongoing financial impact and ensure that expenditure does not exceed the resources available. It is vital that significant importance is placed on effective financial management and medium-term financial sustainability to achieve a balanced budget position and protect delivery service.

10.2.3 Having robust and clear CPRs ensure good governance in West Surrey, which is essential to ensure the smooth running of the new Council.

## 10.3 Legal Implications

10.3.1 The Council Procedure Rules will need to meet the requirements for Standing Orders, as provided for by the Local Government Act 1972, Local Government and Housing Act 1989, and Local Government Act 2000.

10.3.2 The Local Government Act 2000 requires all Councils to have a Constitution which is kept up to date, and to make it available to the public.

10.3.3 The Surrey (Structural Changes) Order 2026 requires West Surrey to have a constitution both in the shadow period and post Vesting Day.

## 10.4 Monitoring Officer Commentary

10.4.1 The Sub-Committee has the responsibility for recommending changes in the Constitution, and the Council Procedure Rules form an important part of that, and are the foundation of ensuring that meetings are properly constituted and that decision making is lawful.

10.4.2 In the event that members decide to consider the Council Procedure Rules in sections, then this will be built into the work programme for the Sub-Committee.

## 10.5 People/Human Resources Implications

10.5.1 There are no HR implications arising from this report.

## 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 There are no implications arising from this report.

### 10.8 Stakeholders Implications

10.8.1 The Council Procedure Rules are a matter for members themselves to agree, whilst having in mind that they have an impact on the wider community and democratic accountability.

## 11 Overview & Scrutiny Comments

**11.1** N/A

## 12 List of Appendices

**12.1** None

## *13* List of Background papers

**13.1** None

| **West Surrey Shadow Authority** | | |
|---|---|---|
| **Report title:** Guidance for Councillors on Gifts and Hospitality | | |
| **Report to:** Constitution Sub-Committee | | |
| **Date:** 6 August 2026 | | |
| **Executive Portfolio Holder:** Cllr Victoria Kiehl<br>Contact Email: Victoria.Kiehl@westsurrey.gov.uk | | |
| **Report of Statutory Officer:** Susan Sale, Monitoring Officer (interim),<br>Contact Email: susan.sale@westsurrey.gov.uk | | |
| **Report author(s):** Faith Mwende, Joint Corporate Governance Officer, Guildford Borough Council and Waverley Borough Council<br>Contact Email: Faith.Mwende@guildford.gov.uk | | |
| **Wards affected:** All<br>**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** | Vicky Radford | 28 July 2026 |
| **Monitoring Officer** | Susan Sale | 28 July 26 |
| **Executive Portfolio Holder consultation** | Cllr Victoria Kiehl | 28 July 26 |
| **Committee Chair consultation** | Cllr Richard Wilson | 28 July 26 |
| **Head of Paid Service** | Andy Brown | Not available |

## 1. Executive Summary

**1.1** This report proposes the adoption of Guidance for Councillors on Gifts and Hospitality for West Surrey Council, both during the Shadow Period and post Vesting Day. The Guidance will support councillors in identifying, declaring and managing offers of gifts and hospitality connected with their role and establish a consistent approach across the new authority.

**1.2** In preparing the proposed Guidance, officers have reviewed the arrangements operated by predecessor councils in West Surrey as well as relevant national guidance. The proposed Guidance has been developed specifically for West Surrey Council.

**1.3** Adoption of the Guidance will promote transparency, support high standards of conduct and provide councillors with practical guidance on the acceptance, refusal and declaration of gifts and hospitality.

## 2 Recommendations:

**2.1 That the Constitution Sub-Committee resolves to:**

2.1.1 Consider the proposed Guidance for Members on Gifts and Hospitality attached at Appendix 1, and recommends its approval to the Standards Committee

**2.2 That the Standards Committee recommends that the Shadow Authority resolves to:**

**2.3** Adopt the Guidance for Councillors on Gifts and Hospitality, attached at Appendix 1 to this report, into the West Surrey Shadow Authority Constitution and for post Vesting Day, the West Surrey Council Constitution.

**2.4** Note that the Monitoring Officer will maintain a Register of Gifts and Hospitality declared by councillors and co-opted members and arrange for relevant entries to be published on the Future Surrey website.

2.4.1 Delegate authority to the Monitoring Officer, in consultation with the Chair of the Standards Committee, to make minor administrative, legislative and formatting amendments to the Guidance where these do not materially alter its purpose or effect

## 3 Reason(s) for recommendation:

**3.1** To establish a single, clear and consistent approach to the acceptance, refusal, declaration and registration of gifts and hospitality by councillors and co-opted members of West Surrey Shadow Authority and in due course, West Surrey Council.

**3.2** To support compliance with the Members' Code of Conduct and the Seven Principles of Public Life and to help councillors avoid circumstances that could give rise to actual or perceived influence, personal gain or impropriety.

**3.3** To promote openness and public confidence by providing for the maintenance and publication of a Register of Gifts and Hospitality.

## 4 Next steps

**4.1** Subject to the Standards Committee endorsing the recommendations from the Constitution Sub Committee, the proposed Guidance for Councillors on Gifts and Hospitality will be recommended to the Shadow Authority for approval.

**4.2** Following approval, the Guidance will be incorporated into the Constitution and will form part of the ethical governance framework both for the Shadow Authority and for West Surrey Council and will operate as supporting guidance to the Members' Code of Conduct.

**4.3** The Monitoring Officer will establish the arrangements required for councillors and co-opted members to declare gifts and hospitality and for relevant information to be recorded and published. Information on the requirements of the Guidance will be included as part of the Member Development Programme.

## 5 Exemption from publication

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

## 6 Background and Proposal

**6.1** The acceptance of gifts and hospitality by councillors can create a risk of actual or perceived influence over their conduct or decision-making. Even where an offer has no improper purpose, its acceptance may give rise to a public perception that a councillor has received a personal benefit because of their position or may be expected to show favour in return.

**6.2** Clear guidance assists councillors in deciding whether an offer should be accepted or refused and whether it must be declared. It also protects individual councillors and the authority by promoting openness, consistency and compliance with the Seven Principles of Public Life.

**6.3** The Local Government Association's Model Councillor Code of Conduct provides that councillors should not accept gifts or hospitality that could give rise to real or substantive personal gain or a reasonable suspicion of influence. It also provides for gifts and hospitality with an estimated value

of at least £50 to be registered with the Monitoring Officer within 28 days and for significant offers that have been refused to be registered.

**6.4** As the Shadow Authority does not have an existing policy or process for the declaration and registration of gifts and hospitality, it is necessary to establish a single set of arrangements for all councillors and co-opted members of the new Council. The proposed guidance does not replace or consolidate the policy of any predecessor authority but has been prepared specifically for the Shadow Authority and West Surrey Council.

**6.5** The current arrangements in predecessor authorities are set out below:

| **Authority** | **Policy/ Guidance** | **Registration Threshold** | **Declare refused Offers** | **Publication of Register** |
|---|---|---|---|---|
| Surrey County Council | Members' Code of Conduct | £50 | No | Gifts and hospitality over £50 published within each Member's Register of Interests |
| Guildford Borough Council | Guidance for Members on Gifts and Hospitality (Annex to Members' Code of Conduct) | £50 | Yes | Published online |
| Runnymede Borough Council | Policy on Gifts and Hospitality | £50 | No | Online declaration process / register maintained |
| Spelthorne Borough Council | Policy on Gifts, Hospitality and Sponsorship | £35 | Yes | Published online |
| Surrey Heath Borough Council | Members' Code of Conduct | £50 | No | Register available for public inspection at Council offices |
| Waverley Borough Council | Guidance for Members on Gifts and Hospitality (Annex to Members' Code of Conduct) | £50 | Yes | Published online |
| Woking Borough Council | Members' Code of Conduct. | £50 | No | Published online |

**6.6** The review demonstrates that a £50 registration threshold is widely used, including across West Surrey. However, there is variation in whether refused offers are recorded, whether more detailed practical guidance is provided and whether the register is published online, incorporated within Members' Registers of Interests or made available only on request.

**6.7** Drawing on the review of existing arrangements, the proposed Guidance will:

a) establish a clear presumption that gifts or hospitality should not be accepted where doing so could create an actual or perceived obligation or influence;

b) provide practical guidance to councillors on assessing and responding to offers;

c) establish a consistent £50 threshold for the registration of gifts and hospitality;

d) require declarations to be submitted within 28 days;

e) address significant gifts and hospitality that have been offered but refused;

f) provide access to advice from the Monitoring Officer where a councillor is uncertain; and

g) provide for relevant information to be made publicly available.

**6.8** A threshold does not mean that gifts or hospitality below that value can automatically be accepted. The nature of an offer, the identity and relationship of the person or organisation making it, the circumstances in which it is offered and how acceptance might reasonably be perceived are all relevant. A gift or hospitality below £50 may still need to be refused where acceptance could create an impression of influence or impropriety.

**6.9** Similarly, registration of a gift or hospitality does not make its acceptance appropriate. Registration is a transparency requirement and is separate from the initial decision about whether an offer should be accepted. The proposed Guidance therefore places primary emphasis on careful consideration and, where appropriate, refusal.

**6.10** Publishing relevant entries from the Register of Gifts and Hospitality will provide greater transparency than arrangements under which the register can only be inspected at council offices. It will also enable residents to access the information without making a separate request or attending a council office.

**6.11** The proposed Guidance brings together recognised good practice into a single framework tailored to the governance arrangements of West Surrey Council.

## 7 Consultation

**7.1** The proposed Guidance has been informed by a review of arrangements operated by the predecessor authorities across West Surrey.

**7.2** Consultation has also taken place with the Portfolio Holder for Governance, Democracy and Corporate Services.

**7.3** Consultation has also taken place with the Chair of the Standards Committee.

**7.4** No public consultation is proposed. The Guidance concerns the internal ethical governance arrangements applying to councillors and co-opted members and is based on established principles of public life, national guidance and existing local authority practice.

## 8 Key Risks

**8.1** Failure to adopt clear guidance on gifts and hospitality could result in inconsistent practice across the new Council, increasing the risk of actual or perceived conflicts of interest and undermining public confidence in the Council's ethical governance arrangements.

**8.2** Without clear guidance and a consistent process for declaring and recording gifts and hospitality, councillors may be uncertain about the circumstances in which offers should be accepted, refused or registered, creating a risk of inadvertent non-compliance with the Members' Code of Conduct.

**8.3** The proposed Guidance mitigates these risks by establishing a clear, consistent and transparent framework for the acceptance, refusal, declaration and publication of gifts and hospitality, supported by advice from the Monitoring Officer where required.

## 9 Options

**9.1** The Constitution Sub-Committee is asked to consider the proposed guidance and recommend it to the Standards Committee for onward recommendation to the Shadow Authority

**9.2** Option 1 – Approve the proposed Guidance (recommended). This option would adopt the proposed Guidance and establish the arrangements for declaring, recording and publishing gifts and hospitality at West Surrey Council, both during the Shadow Period and post vesting Day.

**9.3** Option 2 – Adopt one of the predecessor authority policies without amendment. This option was considered but is not recommended. Whilst the predecessor authorities have well-established arrangements, West Surrey Council is a new authority and requires governance documents that reflect its own constitutional framework. Officers have reviewed the arrangements operated by predecessor authorities and wider authorities to develop guidance specifically for West Surrey Council rather than reproducing the Policy of any one authority.

**9.4** Option 3 – Do not adopt guidance – This option is not recommended. Although the Members' Code of Conduct establishes general standards of behaviour, the absence of supporting guidance would provide less clarity for councillors, could lead to inconsistent practice and would reduce transparency in relation to the declaration and registration of gifts and hospitality.

**9.5** Option 4 – Instruct officers to prepare an alternative guidance. This would require additional officer time and resources and would delay implementation. There is no evidence that an alternative approach would provide greater benefit than the proposed guidance.

## 10 Issues for consideration

### 10.1 Financial Implications

10.1.1 There are no significant financial implications arising directly from this report.

10.1.2 Any administrative costs associated with maintaining and publishing the Register of Gifts and Hospitality will be met from existing resources.

### 10.2 Section 151 Officer Commentary

10.2.1 West Surrey will operate in a very challenging financial environment, with significant budgetary pressures from increasing demand and costs of service delivery, coupled with limited financial resources and reducing government funding. West Surrey Council will be increasingly reliant on Council Tax as the primary source of income.

10.2.2 Decisions made by the sovereign councils in West Surrey and the West Surrey Shadow Authority will need to consider the ongoing financial impact and ensure that expenditure does not exceed the resources available. It is vital that significant importance is placed on effective financial management and medium-term financial sustainability to achieve a balanced budget position and protect delivery service.

10.2.3 Adopting a gifts and hospitality register shows strong governance for West Surrey Council.

### 10.3 Legal Implications

10.3.1 Section 27 of the Localism Act 2011 requires local authorities to promote and maintain high standards of conduct by members and co-opted members and to adopt a Code of Conduct consistent with the Nolan Principles of Public Life.

10.3.2 Whilst there is no statutory requirement to adopt separate guidance on gifts and hospitality, local authorities have the power to adopt local governance arrangements to promote and maintain high standards of conduct.

**10.4 Monitoring Officer Commentary**

10.4.1 It is good practice to adopt a gifts and hospitality policy and this will help support the ethical framework across both the Shadow Authority and West Surrey Council, by setting clear expectations for members and giving clarity to the public.

**10.5 People/Human Resources Implications**

10.5.1 There are no direct human resources implications arising from this report

**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 The proposed guidance has no direct climate change or sustainability implications.

**10.8 Stakeholders Implications**

**10.9** The proposed guidance will apply to councillors and co-opted members of the Shadow Authority and West Surrey Council will be asked to adopt it. There are no direct implications for residents, businesses, parish and town councils or other external stakeholders.

10.9.1 The publication of the Register of Gifts and Hospitality will support transparency and provide assurance to residents and other stakeholders regarding the Council's ethical governance arrangements.

## 11 Overview & Scrutiny Comments

**11.1** Not applicable.

## 12 List of Appendices

**12.1** Appendix 1 - Draft Guidance for Councillors on Gifts and Hospitality

## *13* List of Background papers

**13.1** Surrey County Council – Members' Code of Conduct and published Register of Interests (Gifts and Hospitality).

**13.2** Guildford Borough Council – Guidance for Members on Gifts and Hospitality (Annex to the Members' Code of Conduct).

**13.3** Waverley Borough Council – Guidance for Members on Gifts and Hospitality (Annex to the Members' Code of Conduct).

**13.4** Spelthorne Borough Council – Policy on Gifts, Hospitality and Sponsorship (2019 review).

**13.5** Surrey Heath Borough Council – Members' Code of Conduct.

**13.6** Runnymede Borough Council – Gifts and Hospitality declaration arrangements.

**13.7** Woking Borough Council – Constitution and Members' Code of Conduct.

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# Guidance for Councillors on Gifts and Hospitality

## 1. Purpose of this Guidance

1.1. This Guidance supports the Members' Code of Conduct by providing practical advice to councillors and co-opted members on the acceptance, refusal, declaration and registration of gifts and hospitality received in connection with their role as a member of West Surrey Shadow Authority.

1.2. The purpose of this Guidance is to help councillors exercise sound judgement, maintain public confidence in the integrity of the Shadow Authority's decision-making and promote openness and transparency. It should be read alongside the Members' Code of Conduct and does not replace or amend the obligations contained within the Code.

1.3. This Guidance applies to all elected and co-opted members of West Surrey Shadow Authority.

1.4. This Guidance cannot cover every circumstance in which gifts or hospitality may be offered. Councillors are expected to exercise their own judgement, having regard to the principles set out in the Members' Code of Conduct and this Guidance. Where there is any doubt about whether a gift or hospitality should be accepted or declared, advice should be sought from the Monitoring Officer before accepting the offer wherever practicable.

## 2. Key Principles

2.1. Councillors should always remember that they are public office holders and must act in a way that maintains public confidence in the integrity of the Shadow Authority and its decision-making.

2.2. The acceptance of gifts or hospitality should always be exceptional rather than routine. Even where an offer is made with good intentions, councillors should carefully consider whether accepting it could create, or reasonably be perceived to create, an obligation or influence over the performance of their duties.

2.3. In deciding whether to accept or refuse a gift or hospitality, councillors should have regard to the Seven Principles of Public Life, particularly integrity, objectivity, openness and accountability.

2.4. When considering an offer, councillors should ask themselves:

- Why is this being offered to me?

- Would I have been offered it if I were not a councillor?
- Could accepting it reasonably be perceived as influencing my judgement or decision-making?
- Would I feel comfortable if the details were made public?
- Would accepting it undermine public confidence in the Shadow Authority or in my role as a councillor?

2.5. Where there is any doubt, the safest course is to seek advice from the Monitoring Officer before accepting the offer or, where that is not practicable, to decline it.

## 3. Deciding Whether to Accept Gifts and Hospitality

3.1. Each offer of a gift or hospitality should be considered on its own merits. There is no single rule that applies in every circumstance and councillors are expected to exercise sound judgement.

3.2. When deciding whether acceptance would be appropriate, councillors should take account of all the relevant circumstances, including:

- who is making the offer;
- why the offer is being made;
- the nature and estimated value of the gift or hospitality;
- whether the person or organisation making the offer currently has, or is likely to have, dealings with the Shadow Authority or West Surrey Council;
- whether the Shadow Authority is considering, or is likely to consider, a matter affecting the person or organisation making the offer;
- whether the offer is proportionate and consistent with normal business or civic practice; and
- how acceptance might reasonably be perceived by members of the public.

3.3. Councillors should not accept any gift or hospitality which:

- could reasonably be regarded as an inducement or reward for carrying out their duties;
- places them under an obligation to the person or organisation making the offer;
- could reasonably give rise to a perception of improper influence or preferential treatment;
- is excessive or disproportionate in the circumstances; or

- could otherwise undermine public confidence in the integrity of the Shadow Authority or its decision-making.

3.4. Particular care should be exercised where offers are made by, or on behalf of:
- prospective contractors with West Surrey Council;
- developers or applicants in relation to planning or licensing matters with the sovereign Councils;
- organisations who may seek funding, grants or other financial assistance from West Surrey Council;
- organisations involved in procurement or tendering exercises; or
- any individual or organisation involved in regulatory, enforcement or legal proceedings with the sovereign Councils.

3.5. Acceptance of gifts or hospitality from these individuals or organisations will not always be inappropriate. However, councillors should exercise particular caution and seek advice from the Monitoring Officer where there is any doubt.

**4. Registration Requirements**

4.1. Under the Members' Code of Conduct, councillors are required to notify the Monitoring Officer of any gift or hospitality offered or received in connection with their role as a councillor where the estimated value is £50 or more.

4.2. Notification must normally be made within 28 days of the gift or hospitality being offered or received.

4.3. The requirement to register applies whether the offer has been:
- accepted;
- politely declined; or
- accepted and subsequently donated or otherwise disposed of.

4.4. The declaration should include, where known:
- the date of the offer or receipt;
- the name of the individual or organisation making the offer;
- the nature of the gift or hospitality;
- the estimated value;
- the reason for the offer, if known; and
- the action taken (for example accepted, declined or donated).

4.5. Where a number of related gifts or offers of hospitality are received from the same source, councillors should consider their cumulative value. Where the

combined estimated value reaches or exceeds the registration threshold, the gifts or hospitality should be registered.

4.6. Gifts or hospitality received solely in a councillor's private capacity, and which are unrelated to their role as a councillor, do not need to be registered under this Guidance.

4.7. The Monitoring Officer will maintain a Register of Gifts and Hospitality and arrange for relevant entries to be published in accordance with the Shadow Council's agreed arrangements.

**5. Illustrative Examples of Gifts and Hospitality**

5.1. The following are examples of gifts and hospitality which may normally be accepted, provided councillors have considered the principles set out in this Guidance and, where applicable, comply with the registration requirements in the Members' Code of Conduct:

- civic hospitality provided by another local authority or public body;
- modest refreshments or working meals provided as part of meetings, conferences or official engagements;
- hospitality provided in connection with partnership working or joint projects where it is ancillary to the business being conducted;
- modest souvenir or commemorative gifts received during civic or ceremonial events;
- low-value promotional items, such as pens, diaries, calendars or similar items distributed generally to attendees; and

5.2. The following are examples of gifts or hospitality which should normally be declined:

- cash or cash equivalents;
- vouchers or gift cards;
- gifts of significant value;
- travel, accommodation or hospitality provided primarily for personal benefit;
- tickets to sporting, cultural or entertainment events offered primarily for personal benefit rather than in connection with official duties;
- discounts or preferential treatment not generally available to members of the public;
- gifts or hospitality offered during procurement exercises, planning, licensing or regulatory matters at sovereign Councils, or whilst another decision affecting the donor is under consideration; and
- any gift or hospitality which could reasonably be regarded as seeking to influence a councillor in carrying out their duties.

5.3. These examples are intended to assist councillors in exercising their judgement and are not exhaustive. Each offer should be considered on its own merits and in the context in which it is made.

## 6. Particular Circumstances

### 6.1. Civic and ceremonial events

6.1.1. Attendance at civic, ceremonial or community events forms part of a councillor's representative role. Modest hospitality offered as part of such events will often be appropriate, provided acceptance would not give rise to any actual or perceived conflict of interest.

### 6.2. Conferences, training and external events

6.2.1. Councillors may, from time to time, attend conferences, seminars, site visits or other events as part of their official duties. Attendance should normally be connected with the councillor's official duties and represent an appropriate use of public office.

6.2.2. Reasonable refreshments and hospitality which are incidental to attendance at such events will not normally give rise to concern. However, councillors should carefully consider any additional hospitality, accommodation or travel offered by third parties and satisfy themselves that acceptance would not compromise, or reasonably appear to compromise, their impartiality.

### 6.3. Gifts which cannot reasonably be refused

6.3.1. There may occasionally be circumstances where refusing a gift would cause offence or be inconsistent with accepted civic or diplomatic practice.

6.3.2. Where this occurs, councillors should notify the Monitoring Officer as soon as reasonably practicable. Consideration should then be given to whether the gift should be retained by the Shadow Authority, or otherwise disposed of by the Monitoring Officer in such ways as they consider appropriate, with a written record to be kept of the disposal decision.

## 7. Further Guidance

### 7.1. Gifts received in my private capacity

Gifts and hospitality received solely in a private capacity, which are unrelated to a councillor's role as a member of the Shadow Authority, do not need to be registered under the Members' Code of Conduct

7.2. **Estimating the value of gift or hospitality**
Where the value is not known, councillors should make a reasonable estimate. If there is any doubt as to whether the registration threshold has been met, the safest course is to register the gift or hospitality or seek advice from the Monitoring Officer.

7.3. **Declined offers**
Where the Members' Code of Conduct requires the registration of declined offers, these should be notified to the Monitoring Officer in the same way as accepted gifts or hospitality.

7.4. **What if several councillors receive the same gift or hospitality?**
Each councillor is individually responsible for complying with the Members' Code of Conduct. Where the same gift or hospitality is offered to several councillors, each councillor should make their own assessment and, where required, submit their own declaration.

7.5. **Holding other public offices**
This Guidance applies only to gifts and hospitality received in your capacity as a member of the Shadow Authority.

Where gifts or hospitality are received in another public role, they should be declared in accordance with the requirements of that organisation. If there is uncertainty about the capacity in which an offer has been made, advice should be sought from the Monitoring Officer.

7.6. **What if I am unsure?**
If there is any doubt about whether a gift or hospitality should be accepted, declined or registered, councillors should seek advice from the Monitoring Officer before accepting the offer wherever practicable.

## 8. Further Advice

8.1. The Monitoring Officer is responsible for maintaining the Register of Gifts and Hospitality and providing advice to councillors on the application of the Members' Code of Conduct.

8.2. Councillors are encouraged to seek advice at an early stage whenever they are uncertain about the acceptance, refusal or registration of any gift or hospitality. Seeking advice before accepting an offer can help avoid misunderstandings and ensure that public confidence in the Shadow Authority's decision-making is maintained.

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| **West Surrey Shadow Authority** | | |
|---|---|---|
| **Report title:** Social Media Policy for Councillors | | |
| **Report to:** Constitution Sub-Committee | | |
| **Date**: 6 August 2026 | | |
| **Executive Portfolio Holder:** Cllr Victoria Kiehl<br>Contact Email: Victoria.Kiehl@westsurrey.gov.uk | | |
| **Report of Statutory Officer:** Susan Sale, Monitoring Officer (interim)<br>Contact Email: susan.sale@westsurrey.gov.uk | | |
| **Report author(s):** Faith Mwende, Joint Corporate Governance Officer, Guildford Borough Council and Waverley Borough Council<br>Contact Email: Faith.Mwende@guildford.gov.uk | | |
| **Wards affected:** All<br>**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** | Vicky Radford | 28 July 2026 |
| **Monitoring Officer** | Susan Sale | 28 July 2026 |
| **Executive Portfolio Holder consultation** | Cllr Victoria Kiehl | 28 July 2026 |
| **Committee Chair consultation** | Cllr Richard Wilson | 28 July 2026 |
| **Head of Paid Service** | Andy Brown | Not available |

## 1. Executive Summary

**1.1** This report presents a proposed Social Media Policy for Councillors of West Surrey Shadow Authority, for inclusion in the Constitution. The Policy has been prepared having regard to the existing arrangements of the sovereign Councils and the Local Government Association's updated guidance on councillors' use of social media. By drawing on national guidance and good practice, the policy aims to ensure councillors are well-equipped to navigate the digital environment in a professional and inclusive manner, establishing a clear and consistent framework for Members' online activity.

**1.2** The policy aims to support councillors in engaging with residents effectively, whilst protecting the Council's reputation, ensuring compliance with legal obligations, and upholding the Member Code of Conduct. Adoption of the policy will minimise risks and promote consistent standards of behaviour across all online platforms.

**1.3** The Constitution Sub-Committee is asked to consider the proposed Policy and recommend to the Standards Committee for recommendation to the Shadow Authority for its inclusion in the Constitution, both during the Shadow Period and post Vesting Day. Adoption of the Policy will support Members to use social media safely and effectively, provide clarity about the standards expected of them and help maintain public confidence in the Council's ethical governance arrangements.

## 2 Recommendations:

**2.1 That the Constitution Sub-Committee resolves to:**

2.1.1 Consider the proposed Social Media Policy for Councillors, attached at Appendix 1, and recommend it to the Standards Committee;

**2.2 That the Standards Committee recommends that the West Surrey Shadow Authority resolves:**

2.2.1 To approve the Social Media Policy for Councillors for inclusion in the Constitution, both during the Shadow Period and for Post vesting Day; and

2.2.2 To authorise the Monitoring Officer, in consultation with the Chair of the Standards Committee, to make minor amendments to the Policy to reflect changes in legislation, statutory guidance, Local Government Association guidance or Council arrangements, provided that such amendments do not materially alter the purpose or effect of the Policy.

2.2.2.1 To note that training to support councillors in using social media is included within the Member Development Programme.

## 3 Reason(s) for recommendation:

**3.1** The Shadow Authority requires a clear and consistent framework to support all Members in using social media safely, effectively and responsibly.

**3.2** Effective communication is vital for councillors and social media can play a key role in achieving this. This policy aims to provide councillors with a clear and practical framework for responsible, ethical, and lawful use of social media. This in turn will protect the integrity and reputation of the Shadow Authority and its members while promoting open and professional digital engagement

**3.3** Inclusion of the Policy in the Constitution will provide a transparent and consistent basis for advising Members and considering concerns arising from their use of social media.

**3.4** Adoption of a single Policy will avoid inconsistent arrangements being carried forward from the predecessor councils and will support public confidence in the ethical governance arrangements of both the Shadow Authority and the new West Surrey Council.

## 4 Next steps

**4.1** Subject to the recommendations of the Constitution Sub-Committee, the proposed Social Media Policy for Councillors will be considered by the Standards Committee.

**4.2** If endorsed by the Standards Committee, the Policy will be recommended to the Shadow Authority for approval as part of the Constitution, both during the Shadow Period and post vesting Day.

**4.3** Following approval by the Shadow Authority, the Policy will be incorporated into the Constitution and published on the Future Surrey website.

**4.4** The Policy will form part of the Member Development Programme and appropriate training and guidance will be provided to support Members in understanding their responsibilities when using social media.

**4.5** The Monitoring Officer will keep the Policy under review and report any substantive amendments through the appropriate constitutional governance arrangements.

## 5 Exemption from publication

**5.1** All of this report is not exempt from publication.

## 6 Background and Proposal

**6.1** The Shadow Authority has adopted the Local Government Association (LGA) Model Code of Conduct for Councillors as part of its Constitution. The Code sets out the standards of conduct expected of Members and applies to all forms of communication and interaction, including electronic communications and social media activity where a Member is acting, or could reasonably be perceived to be acting, in their capacity as a councillor.

**6.2** Social media has become an important tool for councillors to engage with residents, share information about Council business and participate in local democratic debate. However, the increased visibility, permanence and reach of online activity can present legal, ethical and reputational risks if not managed appropriately.

**6.3** A review of the predecessor authorities in West Surrey identified that two District / Borough Councils have adopted dedicated guidance for councillors' use of social media. The remaining predecessor authorities relied on the Members' Code of Conduct and general governance arrangements.

**6.4** The proposed Social Media Policy for Councillors builds upon the guidance previously adopted by the predecessor councils and has been updated having regard to the LGA's latest guidance on councillors' use of social media.

**6.5** The Policy is intended to complement the Members' Code of Conduct by providing practical guidance on the appropriate use of social media. It explains how the principles of the Code apply in an online environment and supports Members in engaging with residents in a professional, respectful and lawful manner.

**6.6** The Policy includes guidance on acting in an official capacity, maintaining respectful dialogue, protecting confidential and personal information, complying with legal obligations, avoiding predetermination, managing online abuse, maintaining cyber security and the responsible use of emerging technologies, including artificial intelligence.

**6.7** The Policy is intended to support Members in carrying out their role confidently and effectively. Advice and guidance will continue to be available from the Monitoring Officer as required.

**6.8** Subject to approval by the Shadow Authority, the Policy will form part of the West Surrey Shadow Authority Constitution and, post Vesting Day, the West Surrey Council Constitution and will be supported by Member training as part of the ongoing development programme.

## 7 Consultation

**7.1** The proposed Social Media Policy has been developed having regard to the LGA’s guidance on councillors' use of social media, the existing

guidance adopted by predecessor authorities and a review of recognised good practice across local government.

**7.2** Consultation has taken place with the Chair of the Standards Committee and any comments will be updated verbally at the meeting.

**7.3** Consultation has also taken place with the Portfolio Holder for Governance, Democracy and Corporate Services and any comments will be updated verbally at the meeting.

## 8 Key Risks

**8.1** Without a clear policy, Members may be unsure how the Members' Code of Conduct applies to social media and may inadvertently expose themselves or the Shadow Authority to reputational damage through inappropriate online activity.

**8.2** Inappropriate use of social media may also expose individual Members or the Shadow Authority to legal risks, including breaches of data protection legislation, confidentiality obligations, copyright and defamation law.

**8.3** Adoption of the proposed Policy will assist in mitigating these risks by providing Members with practical guidance supported by training and advice from the Monitoring Officer.

## 9 Options

**9.1** The Constitution Sub-Committee is asked to consider the proposed Policy and recommend it to the Standards Committee for endorsement and onward recommendation to the Shadow Authority.

**9.2** Option 1 – (Recommended) Approve the proposed Social Media Policy for Councillors, as set out in Appendix 1, for inclusion within the Constitution and support the provision of Member training.

**9.3** Option 2 – Retain the current position and rely solely on the Members' Code of Conduct without adopting a dedicated Social Media Policy.

**9.4** Option 3 – Instruct officers to prepare an alternative Policy. This would require additional officer time and resources and would delay implementation. There is no evidence that an alternative approach would provide greater benefit than the proposed Policy, which reflects current LGA guidance and recognised good practice.

## 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.

10.1.2 Any Member training associated with implementation of the Policy will be delivered through existing Member development arrangements and existing budgets.

**10.2 Section 151 Officer Commentary**

10.2.1 West Surrey will operate in a very challenging financial environment, with significant budgetary pressures from increasing demand and costs of service delivery, coupled with limited financial resources and reducing government funding. West Surrey Council will be increasingly reliant on Council Tax as the primary source of income.

10.2.2 Decisions made by the sovereign councils in West Surrey and the West Surrey Shadow Authority will need to consider the ongoing financial impact and ensure that expenditure does not exceed the resources available. It is vital that significant importance is placed on effective financial management and medium-term financial sustainability to achieve a balanced budget position and protect delivery service.

10.2.3 A clear social media policy is a risk mitigation for West Surrey Council.

**10.3 Legal Implications**

10.3.1 Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by Members and to adopt a Code of Conduct consistent with the Nolan Principles of Public Life.

10.3.2 The proposed Social Media Policy supports the implementation of the Members' Code of Conduct by providing practical guidance on its application in an online environment. It does not create additional legal obligations but assists Members in complying with existing statutory and common law duties.

10.3.3 The Policy reflects relevant legislation and legal principles, including the Human Rights Act 1998, Equality Act 2010, Data Protection Act 2018 and UK GDPR, Defamation Act 2013, common law duties relating to confidentiality and bias, and other relevant legislation governing the conduct of public office holders.

**10.4 Monitoring Officer Commentary**

10.4.1 The Monitoring Officer is supportive of the adoption of a Social Media Policy, as research by the LGA shows that a high percentage of code of conduct complaints now arise from the use of social media. Having

an adopted policy will allow members to be clear and will provide consistency, and this should be supported by member training.

**10.5 People/Human Resources Implications**

10.5.1 There are no direct human resources implications arising from this report.

**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 The proposed Policy has no direct climate change or sustainability implications.

10.7.2 The adoption of a policy may provide greater confidence for more Members to utilise digital communication may reduce reliance on printed material and support more sustainable methods of engagement where appropriate.

**10.8 Stakeholders Implications**

10.8.1 The proposed Policy primarily affects elected Members and co-opted Members of West Surrey Council by providing a consistent framework for the responsible use of social media.

10.8.2 The Monitoring Officer will support the implementation of the Policy by providing advice, guidance and Member training where appropriate.

10.8.3 If the Policy is adopted by West Surrey Council, then it may be used by the Town and Parish Councils post vesting day, if they choose to do so.

## 11 Overview & Scrutiny Comments

**11.1** Not applicable.

## 12 List of Appendices

**12.1** Appendix 1 – Proposed Social Media Policy for Councillors.

## *13* List of Background papers

**13.1** West Surrey Council Constitution – Members' Code of Conduct.

**13.2** Local Government Association – Guidance for Councillors' Use of Social Media.

# Social Media Policy

The Shadow Authority recognises that social media is an important way for Members to engage with residents, communities and businesses. Used well, it promotes openness, transparency and participation in local democracy. This Policy has been developed to help Members use social media confidently, responsibly and lawfully while maintaining the high standards of conduct expected of elected representatives.

## 1. Introduction

1.1. Social media provides Members with valuable opportunities to communicate with residents, explain Shadow Authority decisions, raise awareness of local issues and encourage participation in local democracy. It enables Members to communicate directly with the communities they represent, respond to local concerns and promote greater public understanding of the Shadow Authority's work.

1.2. The purpose of this Policy is to provide practical guidance on the responsible use of social media. It complements the West Surrey Shadow Authority Members' Code of Conduct and should be read alongside the Shadow Authority's Constitution and any guidance issued by the Monitoring Officer. The Policy is intended to support Members in making informed decisions about their online activity. It does not seek to discourage legitimate political debate or restrict freedom of expression, provided that social media is used lawfully and consistently with the standards expected of elected Members.

1.3. Social media is constantly evolving. Accordingly, the principles set out in this Policy apply equally to existing and emerging digital communication platforms and should be interpreted broadly to reflect changes in technology and communication methods.

## 2. Scope of the Policy

2.1. This Policy applies to all elected and co-opted Members of West Surrey Shadow Authority whenever they use social media in connection with, or in circumstances that could reasonably be perceived as relating, to their role as a Councillor.

2.2. The Members' Code of Conduct applies whenever a Member is acting, claims to be acting, or could reasonably be regarded as acting in their official capacity. Examples include where a Member identifies themselves as a Shadow Councillor, comments on Shadow Authority business, engages with residents or officers on Shadow Authority matters, or uses Shadow Authority resources or Shadow Authority-managed social media accounts.

2.3. Members should recognise that the distinction between personal and official use of social media is not always clear. Even where an account is described as personal, it may still be associated with a Member's public role. Statements such as "views are my own" may help to clarify that a post expresses a personal opinion, but they do not remove a Member's responsibilities under the Members' Code of Conduct where that Code applies.

**3. Using Social Media Responsibly**

3.1. Having established when this Policy applies, the following sections set out the standards expected of Members when using social media and the principles that should guide their online conduct.

3.2. Members are expected to use social media in a manner that reflects the Seven Principles of Public Life and maintains public confidence in local government. The standards expected of Members in Shadow Authority meetings, correspondence and public events apply equally to online communication.

3.3. Social media provides an important forum for political discussion and democratic debate. Members are entitled to express political opinions, challenge policies and decisions, and engage in robust debate. However, criticism should be directed towards issues and decisions rather than individuals and should never amount to bullying, harassment, intimidation or personal abuse.

3.4. Members should communicate courteously and respectfully at all times. They should take reasonable care to ensure that information they publish is accurate, avoid disclosing confidential or personal information and be mindful that comments made online may be copied, shared or remain publicly available even after they have been deleted.

3.5. Particular care should be taken when commenting on matters where the Shadow Authority exercises a quasi-judicial function, such as planning or licensing. Members should avoid making comments that could give rise to a perception that they have predetermined an issue before all relevant information has been considered.

**4. Before You Post**

4.1. Before publishing content on social media, Members should consider whether the information is accurate, fair and respectful, whether it could disclose confidential or personal information, and whether it reflects the standards expected of someone holding public office. Members should also consider how a post might be interpreted by residents, colleagues and the wider public,

recognising that online content can be copied, shared and remain publicly available long after it has been deleted.

4.2. Members should exercise particular care before commenting on matters where the Shadow Authority is required to act impartially, including planning, licensing and other quasi-judicial functions. Comments that suggest a Member has reached a firm view before all relevant information has been considered may give rise to concerns about bias or predetermination.

4.3. Where there is any doubt about whether material is appropriate for publication, Members are encouraged to seek advice from the Monitoring Officer or Democratic Services before posting.

**5. Engaging with Others**

5.1. Social media provides an opportunity to engage openly and constructively with residents, businesses, community organisations and other stakeholders. Members should seek to encourage respectful discussion and recognise that positive engagement can help build trust and strengthen relationships with the communities they represent.

5.2. Members are entitled to disagree with others and to participate in robust political debate. However, discussions should remain courteous and proportionate. Members should avoid becoming involved in prolonged or hostile exchanges and should not respond in a manner that could reasonably be regarded as bullying, harassment, intimidation or personal abuse.

5.3. Members may use the moderation tools available on social media platforms where appropriate, including limiting replies, hiding comments or blocking users where behaviour is abusive, threatening, discriminatory or otherwise unacceptable. Such action should not be taken solely because an individual expresses criticism of the Shadow Authority or holds a different political opinion.

5.4. Where Members receive threatening or abusive communications, they should retain evidence where possible and report the matter to the relevant social media platform. Where appropriate, incidents should also be reported to the Monitoring Officer and, where necessary, the police.

**6. Legal Responsibilities**

6.1. Members remain personally responsible for complying with the law when using social media. The same legal obligations that apply to other forms of communication also apply online.

6.2. Members should take particular care to comply with legislation relating to data protection, confidentiality, defamation, copyright, equality, harassment and human rights. Confidential or exempt information must not be disclosed unless authorised by law or by the Shadow Authority.

6.3. Members should also exercise caution when commenting on criminal investigations, legal proceedings or matters before the courts, as online comments may prejudice proceedings or breach reporting restrictions.

6.4. During any pre-election period, Members should have regard to any guidance issued by the Monitoring Officer concerning publicity and the appropriate use of Shadow Authority resources and official social media accounts.

**7. Artificial Intelligence, Emerging Technology and Cyber Security**

7.1. Digital technology continues to evolve rapidly and Members may choose to use artificial intelligence or other emerging technologies when preparing material for publication. Members remain personally responsible for any content published in their name and should ensure that it is accurate, lawful and reflects their own views before publication.

7.2. Alongside the opportunities presented by emerging technologies, Members should also take reasonable steps to protect their online accounts and digital information unauthorised access. Good practice includes:

- using strong passwords;
- enabling multi-factor authentication where available;
- keeping software and devices up to date; and
- remaining alert to phishing attempts and online scams.

7.3. Where an account used in connection with Shadow Authority business is compromised, Members should notify the Monitoring Officer promptly so that appropriate advice and support can be provided.

**8. Advice and Support**

8.1. The Shadow Authority is committed to supporting Members in using social media effectively, responsibly and safely. Advice on the application of this Policy, the Members' Code of Conduct and related governance issues is available from the Monitoring Officer.

8.2. Members are encouraged to seek advice before publishing material where they are uncertain about its accuracy, legality or potential implications. Obtaining advice at an early stage can help avoid misunderstandings, protect both the Member and the Shadow Authority, and promote public confidence in local government.

8.3. The Shadow Authority may provide training and guidance from time to time to support Members in developing good practice and responding to changes in legislation, technology and social media platforms.

**9. Complaints and Breaches**

9.1. Concerns about a Member's use of social media will be considered in accordance with the Shadow Authority's standards arrangements where the Members' Code of Conduct applies. Whether the Code applies will depend on the circumstances of each case, including whether the Member was acting, claiming to act, or could reasonably have been perceived to be acting in their official capacity.

9.2. Members should recognise that deleting or editing online content does not necessarily remove it from the public domain. Where concerns arise, it may be appropriate to retain screenshots or other evidence to assist in establishing the facts.

9.3. A failure to follow this Policy will not automatically amount to a breach of the Members' Code of Conduct. However, the Policy may be taken into account when considering whether a Member has complied with the standards expected of elected representatives.

**10. Review of the Policy**

10.1. This Policy will be reviewed periodically by the Monitoring Officer to ensure that it remains consistent with legislation, national guidance and recognised good practice. The Monitoring Officer may issue supplementary guidance from time to time to assist Members in the practical application of this Policy, which should be read alongside this Policy and the Members' Code of Conduct.

## Appendix A – A Quick Sense Check Before Posting

This appendix provides practical reminders to support the principles set out in this Policy. It does not form part of the Policy itself. Before publishing content, Members may find it helpful to pause and ask themselves the following questions:

- Is the information accurate and up to date?
- Would I be comfortable if this post appeared in the local media or was discussed at a Shadow Authority meeting?
- Could the post disclose confidential or personal information?
- Could my comments give the impression that I have already made up my mind on a matter that I may later have to determine?
- Am I communicating respectfully, even where I disagree with others?
- Have I checked that any photographs, videos or other content can be shared lawfully?
- If I have used artificial intelligence to draft or edit content, have I checked it carefully for accuracy and suitability?
- Is my account protected by appropriate security measures, including multi-factor authentication where available?
- If I am unsure, have I sought advice before posting?

| **West Surrey Shadow Authority** | | |
|---|---|---|
| **Report title:** Member requests regarding the West Surrey Shadow Authority Constitution | | |
| **Report to:** Constitution Sub-Committee | | |
| **Date**: 6 August 2026 | | |
| **Executive Portfolio Holder:** Cllr. Victoria Kiehl<br>Contact Email: Victoria.Kiehl@westsurrey.gov.uk | | |
| **Report of Statutory Officer:** Susan Sale, Interim Monitoring Officer<br>Contact Email: Susan.Sale@westsurrey.gov.uk | | |
| **Report author(s):** Deborah Davies, deputy Monitoring Officer (interim)<br>Contact Email: Deborah.Davies@guildford.gov.uk | | |
| **Wards affected:** All<br>**Ward councillors informed:** Yes | | |
| **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** | Vicky Radford | 28 July 2026 |
| **Monitoring Officer** | Susan Sale | 28 July 2026 |
| **Executive Portfolio Holder consultation** | Cllr Victoria Kiehl | 28 July 2026 |
| **Committee Chair consultation** | Cllr Richard Wilson | 28 July 2026 |
| **Head of Paid Service** | Andy Brown | Not available |

## 1. Executive Summary

**1.1** This report sets out requests from councillors for areas of the West Surrey Shadow Authority Constitution they would like to see reviewed and amended.

## 2 Recommendations:

**2.1** That the Constitution Sub-Committee resolves to:

**Determine whether the requested items should be included in their work programme, and authorise the Monitoring Officer to update it accordingly, and to bring forwards further reports for consideration as appropriate.**

## 3 Reason(s) for recommendation:

**3.1** The Constitution Sub-Committee has responsibility for recommending changes to the Constitution to the Standards Committee.

## 4 Next steps

**4.1** If the areas for review, raised by members, as set out in this report are accepted, then they will be added to the work programme and will come forward in due course, with a report for consideration, containing professional officer advice and options.

## 5 Exemption from publication

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

## 6 Background and Proposal

**6.1** The Shadow Authority adopted its Constitution at its first meeting on 21 May 2026. It is inevitable that there will be changes needed to the Constitution as the work of the Shadow Authority develops and the Constitution is used. The Constitution should be kept under constant review to ensure it meets the needs of councillors, officers and the public and it will be a constantly evolving document.

**6.2** This is the first report on changes requested by members, and the Monitoring Officer can advise that the following requests have been received:-

| Councillor | Request | MO Response |
|---|---|---|
| Cllr Jane Austin | That the timescale for Motions on Notice at rule 6.1.1 of Part 4-1 be reviewed – "no later than noon seven clear working days prior to the date of the meeting" lacks clarity. | The current provision is consistent with the rest of the constitution.<br><br>"Clear working days" is defined in legislation.<br><br>If the sub committee wished to review this provision, it could be considered as part of the review of the Council Procedure Rules. |
| Cllr Jonathan Hulley | To amend CPR 15.2.1 (Attendance by Members at Meetings of which they are not a Member) to remove the requirement that the member must sit in the public gallery to enable them to better contribute to the deliberations of that committee and better participate in the debate. | The current provisions are that non members of a Committee may attend the committee meeting "as an observer", and that they may speak on a matter "at the discretion of the chair".<br><br>Non members of a Committee do not have a constitutional right to speak, participate nor debate a matter at a committee meeting where they are not a member.<br><br>If the sub committee wished to review this provision, it could be considered as part of the review of the Council Procedure Rules. |
| Cllr Jane Austin | To amend the terms of reference for the Overview & Scrutiny (O&S) committee to provide for 1 chair and 2 vice chairs of the committee, with one vice chair not being from the administration. | Paragraph 2 of the O&S terms of reference currently provide for 1 chair and 1 vice chair of all committees including for O&S. In respect of O&S there is a provision that the Chair shall not be from the largest political group on the Shadow Authority and that the Vice Chair shall not be from the same |

| | | |
|---|---|---|
| | | political group as the Chair.<br><br>If there were to be consideration of facilitating two vice chairs of the O&S committee, careful consideration would be needed as to which vice chair has the authority of the chair in their absence. There may also be an impact on members allowances and the council budget. |
| Cllr Shaun Macdonald | To amend procedure rules to enable committee members of Committees to participate and debate in business at a formal meeting of the Committee, by remote attendance (but not vote). | The law currently provides that unless a member is physically present for a Committee meeting they are recorded as being absent; their attendance does not count towards the 6 month rule not the quorum for attendance.<br><br>However, members could consider enabling absent members of a Committee to join the meeting remotely and speak, although arguably they can do so already with the Chair's discretion. |

## 7 Consultation

**7.1** The portfolio holder has been consulted and her comments will be reported to the Sub-Committee.

**7.2** The Chair of the Standards Committee has been consulted and his comments will be reported to the Sub-Committee.

## 8 Key Risks

**8.1** There is a risk of a lack of engagement if members requests for changes to the Constitution are not considered. However the Sub-Committee only has a limited time, and there are limited officer resources available, before the Constitution must be in an agreed form to recommend to the West Surrey Council.

## 9 Options

**9.1** Not to agree to consider the member requests.

**9.2** To agree to consider the member requests and set a timescale for the work programme.

## 10 Issues for consideration

### 10.1 Financial Implications

10.1.1 There are no financial implications to this report.

### 10.2 Section 151 Officer Commentary

10.2.1 West Surrey will operate in a very challenging financial environment, with significant budgetary pressures from increasing demand and costs of service delivery, coupled with limited financial resources and reducing government funding. West Surrey Council will be increasingly reliant on Council Tax as the primary source of income.

10.2.2 Decisions made by the sovereign councils in West Surrey and the West Surrey Shadow Authority will need to consider the ongoing financial impact and ensure that expenditure does not exceed the resources available. It is vital that significant importance is placed on effective financial management and medium-term financial sustainability to achieve a balanced budget position and protect delivery service.

10.2.3 Good governance is essential for West Surrey Council, as is proper scrutiny and challenge. This report provides this on constitutional arrangements.

### 10.3 Legal Implications

10.3.1 Local authorities have a duty under S37(1) Local Government Act 2000 to prepare and keep their Constitution up to date.

## 10.4 Monitoring Officer Commentary

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10.4.1 The Sub-Committee is asked to consider the requests to ensure that work can be undertaken by the Sub-Committee to meet the legal requirements in respect of the West Surrey Constitution.

## 10.5 People/Human Resources Implications

10.5.1 There are no HR 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

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10.7.1 There are no implications arising from this report.

## 10.8 Stakeholders Implications

10.8.1 The arrangements for the Constitution for both the Shadow Authority and West Surrey Council will impact on councillors, officers and members of the public.

## 11 Overview & Scrutiny Comments

**11.1** N/A

## 12 List of Appendices

**12.1** None

## *13* List of Background papers

None

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**WEST SURREY SHADOW AUTHORITY**

**CONSTITUTION SUB COMMITTEE OF THE STANDARDS COMMITTEE**

**WORK PROGRAMME**

**June 2026 – December 2027**

| Version History | | |
|---|---|---|
| **Version** | **Notes** | **Author** |
| V1 26/06/26 | First draft – cleared by Susan Sale | SCS/VH/DD |
| V2 14/07/26 | Version 2 – cleared by Susan Sale | AG & SCS |

| Meeting Date | Number of Items | Feeding Into |
|---|---|---|
| 6 August 2026 | 9 | Standards Committee 02/09/2026 and Shadow Authority 23/09/2026 (if required) |
| 27 August 2026 | 11 | Standards Committee 02/09/2026 and Shadow Authority 23/09/2026 (if required) |
| 17 September 2026 | 2 | Standards Committee 02/11/2026 and Shadow Authority 19/11/2026 (if required) |
| 8 October 2026 | 0 | Standards Committee 02/11/2026 and Shadow Authority 19/11/2026 (if required) |
| 19 November 2026 | 2 | Standards Committee 18/01/2027 and Shadow Authority 17/02/2027 |
| 3 December 2026 | | Standards Committee 18/01/2027 and Shadow Authority 17/02/2027 (for adoption) |

| Meeting Date | Item | Description | Portfolio Holder | Lead Officer | Contact | Date Added |
|---|---|---|---|---|---|---|
| 6 August 2026 | Election of Chair and Vice Chair | No report | N/A | N/A | N/A | 14/07/2026 |
| 6 August 2026 | Terms of Reference & Procedures of the Constitution Sub Committee | The purpose of this report is to present, for consideration and noting, the Terms of Reference and Procedure Rules of the West Surrey Shadow Authority's, Standards Committee's, Constitution Sub Committee. | Cllr Victoria Kiehl | Susan Sale | Susan Sale | 14/07/2026 |

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|---|---|---|---|---|---|---|
| 6 August 2026 | Council Procedure Rules | To Consider particular issues within the Council Procedure Rules that require member engagement e.g. questions, motions, statements, opposition business | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 6 August 2026 | Gifts & Hospitality Policy | To consider a Policy to support the provisions in the Member Code of Conduct | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies/Faith Mwende | 26/06/2026 |
| 6 August 2026 | Member Conduct Complaints Procedure | To consider arrangements for dealing with allegations that a Member has breached the Code of Conduct for Members | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 6 August 2026 | Social Media Policy for Members | To consider a Social Media Policy for Members to be included in the Constitution | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies/Faith Mwende | 26/06/2026 |
| 6 August 2026 | Standing Item: Responses to shadow authority member raised issues | Participation in Committee by non-Committee members and seating arrangements (Cllr Hulley); Chairs and Vice Chair roles eg for O&S Committee (Cllr Austin); and Remote attendance by committee members to debate but not vote (Cllr Macdonald) | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |

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| 6 August 2026 | Standing Item: Views from sub Committee members on any other constitutional issues | Various | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 6 August 2026 | Work Programme Update | | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 27 August 2026 | Joint Governance Arrangements during the Shadow Period | To consider any joint governance arrangements required for West Surrey Shadow Authority and East Surrey Shadow Authority for during the shadow period, including consideration of a Joint Committee if required (TBC) | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 27 August 2026 | Scrutiny Structure | Consideration of an initial future design | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 27 August 2026 | Budget Procedure Rules | To consider formal adoption of specific Budget Procedure Rules to be used in place of the usual Shadow Authority Procedure Rules for the SA Budget meeting | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |

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| 27 August 2026 | Budget and Policy Framework Rules | To review the existing Budget and Policy Framework Rules in Part 4 | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 27 August 2026 | Contract and Procurement Procedure Rules | To consider Contract and Procurement Procedure Rules for West Surrey rather than continued reliance on the adoption of the Surrey County Council Rules | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 27 August 2026 | Review of Member Code of Conduct and Member Officer Protocol | Consideration of the current and future Code of Conduct for members and also of the Protocol for relationships between Members and Officers | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 27 August 2026 | In consultation with the Executive review the executive delegations during the Shadow Period | To seek the Leader's wishes in respect of further officer delegations of executive functions during the Shadow Period and of any Portfolio Holder delegations during the Shadow Period; and to update the delegations arising from the s24 Consent Order approved by the Executive | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 27 August 2026 | Review of Proper Officer designations for the Shadow Period | To consider any additional proper officer designations during the shadow period or any amendments including designation of a Scrutiny Officer who is not | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |

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| | | also the MO to align with good practice | | | | |
| 27 August 2026 | Standing Item: Responses to shadow authority member raised issues | TBC | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 27 August 2026 | Standing Item: Views from sub Committee members on any other constitutional issues | TBC | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 27 August 2026 | Work Programme Update | | | | | |
| 17 September 2026 | Responsibility for Functions | Review of additional governance requirements for post vesting day to be included in the non-executive functions section, review of local choice functions and agree where new functions sit, and review of executive functions | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 17 September 2026 | Consideration of any additional governance arrangements needs for | To consider any specific governance arrangements that may be required for specific functions not within the remit of the Unitary Councils post vesting day | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |

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| | specific separate functions | eg arising from the Pension body and Fire and Rescue body | | | | |
| 17 September 2026 | Future Scrutiny Function | Detailed design of future Scrutiny arrangements | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 17 September 2026 | Standing Item: Responses to shadow authority member raised issues | TBC | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 17 September 2026 | Standing Item: Views from sub Committee members on any other constitutional issues | TBC | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 8 October 2026 | Responsibility for Functions | Development of Terms of Reference for additional post vesting day committees / boards (eg planning, licensing, corporate parenting, health & wellbeing board, safeguarding board, pensions board etc), governance arrangements for companies and shareholder role and joint governance arrangements for post vesting day | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |

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| 8 October 2026 | Initial Officer Scheme of Delegations | To develop a high level Officer Scheme of Delegations for post vesting day | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 8 October 2026 | Standing Item: Responses to shadow authority member raised issues | TBC | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 8 October 2026 | Standing Item: Views from sub Committee members on any other constitutional issues | TBC | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 28 October 2026 | Responsibility for Functions | To include further detailed consideration of the post vesting day Officer Scheme of Delegations and develop a post vesting day Scheme of Proper Officer Designations to ensure all post vesting day functions and legislation is covered | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 28 October 2026 | Committee Procedure Rules | To develop Committee Procedure Rules for post vesting day new Committee eg Planning Committee(s), Licensing Committee etc. | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 28 October 2026 | Articles | Final review of the articles of the constitution to ensure any changes to other | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies | 26/06/2026 |

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|---|---|---|---|---|---|---|
| | | sections are incorporated for consistency | | | / Deborah Davies | |
| 28 October 2026 | Standing Item: Responses to shadow authority member raised issues | TBC | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 28 October 2026 | Standing Item: Views from sub Committee members on any other constitutional issues | TBC | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 3 November 2026 | Contract and Procurement Procedure Rules | Final review to ensure consistency due to dependency with other services | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 3 November 2026 | Planning and Licensing Codes of Best Practice | To incorporate into Part 5 of the post Vesting Day Constitution to ensure compliance with statutory guidance and good practice | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 3 November 2026 | Wider Codes and Protocols | Other Codes and Protocols to be included in Part 5 of the Post vesting Day constitution as identified during the Shadow Period. | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 3 November 2026 | Petition Scheme | To consider public engagement with West Surrey Council and in particular developing a Petition Scheme if required | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |

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|---|---|---|---|---|---|---|
| 3 November 2026 | Standing Item: Responses to shadow authority member raised issues | TBC | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |
| 3 November 2026 | Standing Item: Views from sub Committee members on any other constitutional issues | TBC | Cllr Victoria Kiehl | Susan Sale | Susan Sale / Vicky Hibbert / Arabella Davies / Deborah Davies | 26/06/2026 |

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