Minutes of West Surrey Shadow Authority Constitution Sub Committee

17 September 2026

Present:

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 Richard Wilson, Bagshot, Windlesham & Chobham Ward

Substitutes:
Councillor Steve Greentree, Knaphill & Goldsworth West

Apologies:
Councillor Sally Shorthose, Farnham South

21 Apologies

Apologies were received from Councillor Shorthose and Councillor Greentree attended as substitute.

22 Declarations of interest

There were none.

23 Minutes of previous meeting

The Sub-Committee considered the minutes of the previous meeting held on 27 August 2026.

It was requested that the minutes be amended under item 15 on the Member and Officer Protocol to reflect that the question of whether a duty of candour should be included had been raised.

Subject to this amendment, the minutes were agreed.

24 West Surrey Constitution: Financial Procedures Rules

The Sub-Committee considered the proposed approach to the West Surrey Council Financial Procedure Rules. Members noted that the document remained at an early stage of development and that a number of areas would need to be updated as the Council's organisational structure, governance arrangements and scheme of delegation were developed.

The feedback previously provided by the Audit and Governance Committee was noted and endorsed. Members recognised that further iterations of the Financial Procedure Rules would be required as the supporting governance arrangements became clearer.

During discussion, Members:

- highlighted the need for further consideration of the proposed officer delegations and associated financial thresholds, recognising the need to achieve an appropriate balance between effective financial control and avoiding unnecessary delays to Council business;
- requested that the wording relating to urgent or exceptional expenditure where there was insufficient approved budget be reviewed to ensure that appropriate safeguards and controls were clear and that the provisions could not be interpreted as permitting unrestricted overspending;
- suggested that the drafting should make clearer that expenditure outside normal budget arrangements would only arise in exceptional circumstances;
- sought clarification regarding the arrangements for bad debt write-offs and noted that it was normal practice for officers to have delegated authority to write off debts up to specified limits;
- noted the importance of ensuring that the Financial Procedure Rules, Scheme of Delegation and other elements of the Constitution were aligned, particularly in relation to delegations and financial thresholds; and
- requested a clear audit trail demonstrating how feedback from both the Audit and Governance Committee and the Sub-Committee had been considered and reflected in subsequent drafts.

Members requested that the Chair and, where available, Vice-Chair of the Audit and Governance Committee be invited to attend the future meeting at which the revised rules were considered, to provide context on that Committee's consideration and feedback.

The Sub Committee **RESOLVED:**

1. to note and endorse the feedback provided by the Audit and Governance Committee;
2. to agree the proposed high-level approach, subject to the comments and concerns raised during the meeting;
3. to request that the points raised regarding delegations, financial thresholds, exceptional expenditure and alignment with the Scheme of Delegation be considered as part of the next draft;
4. to request that subsequent reports clearly demonstrate how previous Member feedback had been addressed; and
5. to agree to receive a further report before final consideration of the Financial Procedure Rules.

25 Contract & Procurement Procedure Rules

The Sub-Committee considered the proposed approach to the West Surrey Council Contract and Procurement Procedure Rules and noted the feedback previously provided by the Audit and Governance Committee.

Members recognised that the proposals remained at a relatively high level and that further work would be required before the detailed arrangements and thresholds could be fully assessed.

During discussion, Members:

- agreed that the proposed procurement and governance thresholds required further consideration and benchmarking before Members could reach a view on their appropriateness;
- discussed the proposal to initially align thresholds with those used by Surrey County Council, noting the potential operational benefits during transition but also the need to ensure that the arrangements were appropriate for the new authority rather than simply replicating existing arrangements;
- requested comparative benchmarking with other unitary or similarly sized authorities to provide context for the proposed thresholds;
- emphasised that thresholds within the Contract and Procurement Procedure Rules would need to be consistent with those contained within the Financial Procedure Rules and wider Scheme of Delegation;
- highlighted the importance of appropriate controls around contract variations, scope changes and cumulative increases in contract value, including clarity over when further approval would be required;
- noted that the level of detail currently available limited Members' ability to provide substantive feedback or endorse individual thresholds at this stage;
- endorsed the relevant feedback previously provided by the Audit and Governance Committee, including the need for value for money to be explicit within the arrangements; and
- requested that consideration be given to whether the Finance Commissioners supporting Woking and Spelthorne had been, or should be, consulted on the developing financial and procurement arrangements.

Members also supported inviting the Chair and, if available, Vice-Chair of the Audit and Governance Committee to the future meeting when the revised proposals were considered, to support alignment between the two Committees.

It was confirmed that both the Financial Procedure Rules and Contract and Procurement Procedure Rules were scheduled to return to the Sub-Committee on 29 October 2026.

The Sub Committee **RESOLVED:**

1. to note the proposed approach to developing the Contract and Procurement Procedure Rules;

2. to endorse the feedback provided by the Audit and Governance Committee;
3. to provide the additional comments set out above, including the need for benchmarking of proposed thresholds against comparable authorities;
4. to request that future drafts demonstrate alignment between financial, procurement and delegated authority thresholds;
5. to request consideration of consultation with the relevant Finance Commissioners; and
6. to agree that the Chair and, where possible, Vice-Chair of the Audit and Governance Committee be invited to attend the future meeting when the revised Financial Procedure Rules and Contract and Procurement Procedure Rules were considered.

26 Council Procedure Rules

The Sub-Committee considered the first tranche of the draft Council Procedure Rules, covering arrangements and activities taking place before Council meetings. It was noted that further tranches would address matters arising during meetings, including petitions and recorded votes.

The draft had been developed with reference to arrangements in comparable authorities, with the intention of balancing opportunities for Member participation, scrutiny and transparency with the need to ensure that Council could conduct its business effectively within the available meeting time.

It was noted that the proposed deadline for urgent questions had been amended from one hour before the meeting to lunchtime on the day of the meeting, recognising the practicalities of identifying appropriate officers and preparing a response.

Concern was raised that detailed feedback previously submitted by Members on motions, questions and wider meeting arrangements had not been reflected in the current draft. It was acknowledged that this had been omitted in error and it was confirmed that the previous feedback would be revisited and taken into account in both the current and subsequent drafting of the Procedure Rules.

Members discussed introducing provision for Member statements on local ward matters, similar to arrangements operating elsewhere. There was broad support for the principle as a means of enabling Members to highlight matters of local relevance without initiating a wider debate.

Discussion suggested:

- statements should relate to a local or ward matter;
- each statement should be limited to two minutes;
- there should be no right of reply;
- advance notice should be required;
- consideration should be given to a maximum of five statements per meeting, providing an overall allocation of up to ten minutes; and

- an appropriate and transparent mechanism would be required if the number of requests exceeded the available places.

The positioning of Member statements within the agenda and the overall time allocation would be considered further alongside the other proposed meeting time limits.

Members discussed the proposal for the Leader to make an announcement of up to three minutes and whether provision should also be made for opposition/group leaders to respond. Views differed on the extent of any provision. Some Members considered that a formal right of reply was an important element of democratic accountability and scrutiny, while others highlighted the need to protect sufficient meeting time for the Council's substantive decision-making business. There was support for considering a defined and time-limited arrangement for Leader and group leader contributions, potentially within an overall allocation of approximately ten minutes. It was agreed that this should be considered further in the round with the other proposed meeting time allocations.

The Sub-Committee considered the proposed arrangements for questions submitted by Members. There was general support for retaining the ability for a Member to submit up to three questions, rather than limiting each Member to a single question. To ensure fairness:

- each Member's first question would be taken before second questions;
- second questions would similarly be taken before third questions; and
- Members submitting multiple questions should indicate their order of priority.

This was considered to provide a fair opportunity for different Members to participate while retaining the existing overall limit on individual questions.

Members discussed the proposed deadline of five clear working days for submitting questions. While recognising the additional time officers may require coordinating accurate responses across the new organisation, there was concern that five clear working days could prevent Members from submitting questions arising from published meeting papers. A four clear working day deadline was supported as a compromise, with the potential for this to be reviewed once the new Council's arrangements had become established.

Members considered whether supplementary questions should be restricted to the Member who submitted the original question. There was support for retaining the ability for other Members to ask a relevant supplementary question, recognising its role in supporting scrutiny and accountability. Members agreed in principle that:

- supplementary questions should arise directly from the original question or response;
- the Chair should ensure that supplementary questions remained relevant;
- the overall process for each question, including supplementary questions and responses, should be limited to a maximum of three minutes; and

- this time would form part of the overall allocation for Member questions.

The Sub-Committee considered whether opposition and group leaders should receive priority when Member questions were taken. Following discussion, Members considered that the clearest and fairest approach would be to retain the order in which questions were received, particularly as each Member's first question would be taken before subsequent questions from the same Member.

Members discussed the proposal to reduce the overall allocation for Member questions from 45 minutes in the interim arrangements to 30 minutes. There were differing views. Some Members considered that retaining 45 minutes was important to support scrutiny, while others considered 30 minutes more appropriate, particularly during the early operation of West Surrey Council when significant substantive business was expected to require consideration by Full Council. The possibility of placing Member questions later in the agenda was also discussed, potentially allowing additional flexibility where the Council's substantive business was completed early. No final position was reached on the overall time allocation, and it was agreed that this should be considered alongside all other proposed meeting time allocations.

Members discussed the existing allocation of up to 30 minutes for public questions and supported public questions remaining towards the beginning of the meeting, recognising that members of the public should not be expected to wait until the end of a potentially lengthy Council meeting. There was support for introducing a maximum number of questions that could be submitted by an individual member of the public, with three suggested as an appropriate limit.

Members also discussed how very similar or repetitive questions might be dealt with, including the potential for closely related questions to be grouped for the purposes of providing a response. The overall arrangements would be considered further as part of the review of meeting timings.

Members discussed whether motions should be subject to a word limit. While the current arrangements provided for a limit of 200 words, Members considered that 300 words could provide an appropriate balance between allowing sufficient explanation and avoiding unnecessarily lengthy motions. The proposed arrangements for supplementary questions, including a limited response time, were also supported.

Members identified an inconsistency in the draft concerning the number of Councillors required to request an extraordinary meeting, with references to both five and ten Members. It was explained that five Members was consistent with a number of comparable authorities, although Members considered whether a proportionate threshold might be more appropriate for a Council of 90 Members. There was support for exploring a threshold of 10% of the Council's membership.

The process was explained in full e.g. where the required number of Members submitted a valid requisition, the Chair would be asked to call an extraordinary meeting. If the Chair refused or failed to do so within the specified period, the requesting Members could cause the meeting to be called, with Democratic Services supporting the necessary arrangements.

Members requested that, when the provisions relating to recorded votes were considered in a future tranche, specific consideration be given to retaining the existing ability for an individual Councillor to request that their own vote be recorded.

The wider arrangements and thresholds for requesting a full recorded vote would be considered at that stage.

The Sub-Committee recognised that the Council Procedure Rules would continue to develop and that the arrangements agreed for the establishment of West Surrey Council would not be fixed permanently.

It was acknowledged that the new Council was likely to have a particularly significant volume of business during its initial period of operation. Members therefore supported taking a pragmatic approach initially, with the opportunity to review the Procedure Rules once the Council's operating arrangements had become more established.

Officers would take the comments made during the meeting, together with the Member feedback previously submitted, and reflect these in the next iteration of the Council Procedure Rules.

In particular, further consideration would be given to the overall allocation of meeting time, including:

- public questions;
- Member questions;
- Member statements;
- Leader and group leader contributions;
- motions; and
- substantive Council business.

This would enable the Sub-Committee to consider the arrangements collectively and achieve an appropriate balance between effective scrutiny, Member participation, openness and transparency, and the efficient conduct of Council business.

27 Review of Proper Officer Designations for the Shadow Period

The Sub-Committee considered a proposed amendment to the Proper Officer designations within the Constitution for the shadow period. It was explained that additional resource had been identified to provide a dedicated scrutiny officer for West Surrey Council. This reflected best practice and would provide

appropriate separation between the scrutiny function and the Council's three statutory officers.

Members supported the principle of having a dedicated officer responsible for scrutiny and noted the importance of maintaining the independence and effectiveness of the scrutiny function. It was explained that the proposal represented a designation rather than a new appointment. The Monitoring Officer, in consultation with the other statutory officers, had identified an officer currently working at Runnymede Borough Council and supporting the West Surrey Overview and Scrutiny Committee to undertake the role.

Members sought assurance that the proposed arrangement was supported by the scrutiny function and were advised that the Chair of the Overview and Scrutiny Committee was aware of and content with the proposed designation.

The Sub Committee **RESOLVED:**

1. To endorse the proposed change to the Proper Officer designation within the Constitution and recommended its approval to the Standards Committee.

28 Responsibility for Functions

The Sub-Committee considered the proposed allocation of Local Choice Functions, being those functions which legislation allowed to be allocated either to Full Council or the Executive. It was explained that the proposed allocations identified where responsibility for each function would sit at the highest level. This did not mean that Full Council or the Executive would necessarily exercise the function directly, as individual functions could subsequently be delegated to an appropriate committee or officer through the relevant scheme of delegation.

Members considered the proposed allocations and were generally satisfied that the recommendations provided an appropriate framework. It was noted that the arrangements could be reviewed in the future should experience demonstrate that a different allocation would be more effective.

Members sought assurance that the schedule represented the full suite of Local Choice Functions. It was confirmed that the schedule had been developed through a review of the relevant primary legislation and represented all current Local Choice Functions. Functions not included were either specifically reserved to Council by legislation or would otherwise fall to the Executive.

Members sought further clarification regarding Local Choice Function 1, relating to functions arising under a Local Act which were not otherwise specified within the relevant regulations. It was noted that there was existing legislation specific to Surrey which was being reviewed as part of the preparations for Local Government Reorganisation. Members considered that

further information was required to understand the potential implications of allocating this function to the Executive.

The Sub Committee **RESOLVED:**

1. to endorse the proposed allocation of the Local Choice Functions, with the exception of Local Choice Function 1, where further clarification was requested; and
2. to request that further information on the relevant Surrey Local Act and the implications of Local Choice Function 1 be provided as the arrangements were developed.

29 Responses to Shadow Authority Member Raised Issues

The Sub-Committee received an update on issues previously raised by Shadow Authority Members and the actions being taken in response. It was confirmed that no further requests had been received since the previous meeting.

Members raised a request concerning the potential introduction of a Special Responsibility Allowance for group leaders. It was clarified that the Council could not amend its Members' Allowances Scheme without first considering recommendations from the Independent Remuneration Panel (IRP). The IRP had not yet been convened but was due to begin its work in preparation for the arrangements to apply following vesting day. Members noted the position and requested that the issue be progressed at the earliest opportunity.

A Member raised concern regarding the handling of a recent question at an Executive meeting, where the question had been taken as read. This meant that members of the public viewing the meeting would not necessarily have understood the context of the response. It was clarified that the existing Executive Procedure Rules provided for the question to be put at the meeting, with a response given either at the meeting or subsequently in writing. It was acknowledged that the procedure had not been followed on this occasion and that this had reduced transparency for those observing the meeting. It was confirmed that the position had been clarified with the Leader ahead of future Executive meetings.

A Member sought an update on a previous request concerning the ability of Members who were not appointed to a committee to sit with the committee and participate in proceedings, rather than being seated in the public gallery. It was confirmed that this had not been lost and would be considered as part of the forthcoming tranche of Council Procedure Rules relating to the conduct of meetings.

30 Work Programme

The Sub-Committee reviewed its forward Work Programme.

It was noted that a number of constitutional matters were being developed through a staged approach, with initial discussions focused on high-level principles before more detailed proposals were brought back for further consideration.

In particular:

- proposals relating to overview and scrutiny were being developed following engagement with the Executive and consultation with the Overview and Scrutiny Committee;
- the Financial Procedure Rules and Contract and Procurement Procedure Rules would be further developed taking account of feedback from both the Sub-Committee and the Audit and Governance Committee;
- the Council Procedure Rules were being considered in three separate tranches before being brought together for consideration by the Standards Committee; and
- following consideration of Local Choice Functions, the remaining executive and non-executive functions would be brought forward at the next meeting, before the full Responsibility for Functions arrangements were considered collectively by the Standards Committee.

Members were advised that the Work Programme for the immediate forthcoming meetings was relatively settled, although some flexibility might be required for the November and December meetings. This was particularly the case where constitutional arrangements were dependent upon decisions from the wider implementation programme, including those relating to strategic partnerships and their governance.

31 Future Working Arrangements

Members discussed the anticipated transition of the Constitution Sub-Committee to a working group, subject to approval by Full Council. Members sought assurance that the change in status would not result in a reduction in the information and supporting documentation available to them as the Constitution continued to be developed.

It was confirmed that, subject to Council approving the proposed arrangements:

- Members would continue to receive the information required to support their consideration of constitutional matters;
- working group meetings would be recorded and the recordings made available to Members, rather than publicly available;
- notes/minutes would be circulated to Members; and
- the minutes of the current Sub-Committee meeting would be reported to the Standards Committee and would therefore remain publicly available.

Members emphasised the importance of retaining sufficient information and a clear record of previous discussions to ensure continuity and transparency as the constitutional work progressed.

Actions arising from the discussion:

- Group Leader Allowances: Include the request for consideration of a Special Responsibility Allowance for group leaders within the matters referred to the Independent Remuneration Panel.
- Executive Questions: Ensure the existing requirement for questions to be verbally put at Executive meetings was followed in future.
- Non-Committee Member Participation: Consider the previous Member request as part of the relevant tranche of the Council Procedure Rules.
- Council Procedure Rules: Provide a summary at the next meeting setting out the position reached on the first tranche of changes and maintain this as a rolling record as subsequent sections are considered.
- Committee Procedure Rules: Seek consistency across committees wherever appropriate, including quorum and voting arrangements.
- Work Programme: Retain flexibility for later meetings where constitutional work is dependent upon decisions arising from the wider implementation programme.