

Public Document Pack

Notice of Meeting

West Surrey Shadow Authority Standards Committee

<u>Date and Time</u>	<u>Place</u>	<u>Contact</u>
Thursday, 22 October 2026 at 2.00 pm	Council Chamber. Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB	Democratic Services committeeservices@spelthorne.gov.uk

Membership

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

MEETING SUMMONS

To the members of the West Surrey Standards Committee:

You are hereby summoned to attend a meeting of the West Surrey Standards Committee to be held on Thursday, 22 October 2026 at 2.00 pm, for the transaction of the business set out in the following agenda.

Such meeting to be held in the Council Chamber. Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB

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. Apologies for Absence

To receive any apologies for absence and details of any substitutes.

2. Declarations of Interest

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

- (i) Any disclosable pecuniary interests and / or
- (ii) Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

3. Minutes of Standards Committee Meeting 02 September

1 - 8

To consider and approve the minutes of the West Surrey Standards Committee held 02 September as a correct record of the meeting.

4. Minutes of the Constitution Sub-Committee Held 17 September

9 - 20

To consider and approve the minutes of the West Surrey Constitution Sub-Committee held on 17 September as a correct record of the meeting.

These draft minutes were considered and endorsed by the Constitution

Working Group on 08 October 2026.

5. Minutes of the Constitution Working Group Held 08 October

To follow

6. Petition Scheme

21 - 34

The Committee is to consider the proposed petition scheme to be included in the West Surrey Council's Constitution, to be effective from Vesting Day.

7. Review of Proper Officer Designations - Statutory Scrutiny Officer

35 - 40

The Committee is to consider the proposed change to the current Statutory Scrutiny Officer for the Shadow Authority following additional resource being provided to support the Overview and Scrutiny function during the shadow period.

8. Articles for Post Vesting Day

41 - 82

The Committee is asked to consider the report and to recommend to the Shadow Authority that the revised Part 2 - Articles attached at Appendix 1, be included in the Constitution for West Surrey Council from Vesting Day.

9. Motions

The Committee is asked to consider any motions received from councillors.

Papers to follow

10. Committee Forward Work Programme

To follow

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.

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Members of the public and the press may use social media or mobile devices in silent mode during meetings. Public Wi-Fi is available; please ask the committee manager for details.

Anyone is permitted to film, record or take photographs at Council meetings. Please liaise with the committee manager prior to the start of the meeting so that the meeting can be made aware of any filming taking place.

The use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to any Council equipment or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

Thank you for your co-operation.

Minutes of West Surrey Shadow Authority Standards Committee

2 September 2026

Present:

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

Apologies:

Councillor Scott Lewis, Woodham & New Haw

13/SD Apologies for Absence

Apologies for absence were received from Councillor Scott Lewis. Councillor Bob Hughes was in attendance as his substitute.

14/SD Declarations of Interest

There were none.

15/SD Minutes of Previous Meeting

The minutes of the meeting held on 06 July 2026 were agreed subject to the following amendments:

2/SD – be amended to:

‘Councillor Richard Wilson nominated and Councillor Shorthose seconded Councillor Joanne Shaw as Vice-Chair of the West Surrey Shadow Authority Standards Committee’,

9/SD – to be amended to:

‘A Member of the Shadow Authority may ask the Leader’

16/SD Appointment of Additional Independent Persons

The Committee considered a report that sought consideration of the appointment of an additional Independent Person and a recommendation to be made to the West Surrey Shadow Authority to approve the appointment.

The Committee were advised that it was due to an administrative error that Murray Litvak was not able to be considered for the position of an Independent Person at the previous Standards Committee.

The Monitoring Officer advised the Committee that a further recruitment exercise to appoint Independent Persons would be undertaken post vesting along with the recruitment of an Independent Member from a Parish Council.

The Committee **RESOLVED** to recommend to the West Surrey Shadow Authority to:

1. Approve the appointment of Murray Litvak as an Independent Person for the remainder of the Shadow Period until 31 March 2027; and
2. Approve an allowance of £1,159 per annum, per rata, as detailed in the Shadow Authority's Members' Allowance Scheme be paid, together with expenses for travel, where such costs are incurred in connection with the Independent Person's duties.

17/SD Member Development Programme Report Update

The Committee considered a report that sought to provide an update to the Standards Committee on Shadow Authority member training and development, including:

1. Training completed by members as part of Phase 1 (May- July 2026); and
2. Training principles and approach agreed for Phase 2 (September 2026 – April 2027)

Committee members were also asked to note the progress to date, the approach underway for Phase 2 and to provide feedback on any training gaps.

The Committee requested that a spreadsheet be produced to register all training undertaken by individual members to ensure that any compulsory training had been completed and also to ensure that members did not repeat any training.

Members identified some training that had not been scheduled within the Member Development Programme, such as scrutiny, inclusion and diversity. The Committee was advised that the programme would be reviewed and additional training sessions added.

The Committee **RESOLVED** to:

1. Note the update on Phase 1 delivery of the induction programme,
2. Note the Phase 2 Member Development Principles and Training Plan;
and
3. Provide feedback on the approach to delivery and any identified training gaps and additional requirements for members.

18/SD Governance Arrangements for Constitution Work

The Committee considered a report that sought approval to disband the Constitution Sub-Committee and establish a Constitution Working Group to replace the Sub-Committee.

This item had been discussed at the Constitution Sub-Committee meeting held 27 August 2026. The proposal was not agreed by all members of the Sub-Committee with concerns raised about the lack of transparency if the Working Group met without the meeting being recorded and available to the public and without proper minutes.

Following a debate, it was agreed by a consensus that minutes would be taken and attached to the papers for the next formal Standards Meeting.

Councillor J Austin proposed and Councillor J Hulley seconded a motion that the Terms of Reference for the Working Group be amended to reflect that the meeting would be recorded and available for the public to view on the Future Surrey website.

Following a debate on Councillor Austin's motion, a vote was taken as follows:

For – 6
Against – 8
Abstain – 1

The motion **FELL**

Following further debate, a vote on the substantive motion to create a Constitution Working Group was taken as follows:

For 9
Against 6

Councillors Austin, Hulley, Hughes, Mann, Mullens and O'Brien, who voted against the substantive motion requested that their names to be noted in the minutes.

Councillors N Kang and Shaw who voted for the substantive motion requested that their names be noted in the minutes.

The Committee **RESOLVED** to:

Make a recommendation to Council to:

1. Disband the established Constitution Sub-Committee of the Standards Committee and note that the Standards Committee will, with immediate effect establish a Constitution Working Group with the same membership and for the same purpose, with the Terms of Reference as in Appendix 1 to this report; and
2. Delegate to the Monitoring Officer the authority to amend the Constitution to reflect any consequential changes arising from this decision and make arrangements for meetings to be recorded, with an attendance link to be provided to all members and the minutes from each Working Group meeting to be circulated to all members and attached to the papers for the next formal meeting of the Standards Committee.

19/SD Amendments to the Terms of Reference of the Employment Committee

The Committee considered a report that sought a recommendation to Council to revise the Terms of Reference for the West Surrey Employment Committee.

Following a debate, the Committee **RESOLVED** to make a recommendation to Council to:

1. Approve the revised Terms of Reference of the Employment Committee, as set out in Appendix 1; and
2. Delegate authority to the Monitoring Officer to make the necessary amendments to the Constitution.

20/SD Proposed Amendments to the Member-Officer Protocol

The meeting was adjourned at 15.20

The meeting reconvened at 15.27

The Committee considered a report that sought a recommendation to Council to agree the revised Member Officer Protocol.

Councillor Wilson proposed and Councillor Shaw seconded the following further amendment to the protocol:

‘Although a statutory duty of candour does not currently apply, members and officers are expected to act in the spirit of candour in their dealings with each other and with the public. Neither should knowingly mislead others and if a member or officer becomes aware that they have provided materially inaccurate or incomplete information, or that there is a material error or failure relevant to the other’s role, they should ensure it is brought promptly to the attention of the officer or member (or other appropriate person or body) and where possible, corrected or explained. This section does not require the disclosure of information where such disclosure would be unlawful or would result in the improper release of exempt information under Schedule 12 of the Local Government Act 1972’.

Councillor Austin requested a short adjournment to allow members time to consider Councillor Wilson’s amendment.

The meeting was adjourned at 15.50
The meeting reconvened at 15.52

During the debate members were advised that there was currently a Bill going through the parliamentary process in respect of candour. This was yet to be considered by the House of Lords so there was no current timeline with regard to the possibility of being granted Royal Assent. Some members suggested that the Committee therefore agree to defer this amendment and bring it to the Constitution Sub-Committee for consideration. Other members stated that there was no benefit to waiting and that West Surrey could use this to help set the culture for the new authority.

A vote was taken to agree the proposed amendment as follows:

For – 9 votes
Against – 1 vote
Abstain – 5 votes

The Committee **RESOLVED** to agree the amendment

Councillor Austin proposed and Councillor Hulley seconded a motion to defer the amendment to a meeting of the Constitution Sub-Committee.

A vote was taken to defer the amendment as follows:

For - 6
Against – 9
Abstain – 0

The Committee **RESOLVED** to not defer the amendment to a meeting of the Constitution Sub-Committee.

The Committee **RESOLVED** to recommend to Council that the revised Member Officer Protocol set out in Appendix 1 to this report be agreed and

that the Monitoring Officer be delegated to amend the Constitution accordingly.

21/SD Social Media Policy for Councillors

The Committee sought clarification around whether it was acceptable for members to download footage of their participation in any meeting and posting it onto their own social media page. The Monitoring Officer advised that this was acceptable for a member's own participation but did not include other member's participation.

The Committee **RESOLVED** to make a recommendation to Council to:

1. Approve the Social Media Policy for Councillors for inclusion in the Constitution, both during the Shadow Period and for Post Vesting Day; and
2. 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.

22/SD Gifts and Hospitality Policy

The Committee was advised that the Implementation Team had introduced a new procedure that would require members to complete an on-line form with declarations of any gifts or hospitality accepted or declined.

Following a debate the Committee **RESOLVED** to:

1. Consider and agree the proposed Guidance for Members on Gifts and Hospitality as reviewed by the Constitution Sub-Committee attached at Appendix 1,
2. Make a recommendation to the West Surrey Shadow Authority to:
 - a) 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,
 - b) 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; and

- c) 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.

23/SD Member Conduct Complaint Arrangements

The Committee considered a report that sought a recommendation to Council.

Members were advised that whenever possible complaints would be resolved informally and only serious complaints would be progressed to an investigation.

Concerns were raised in respect of the outcome of an investigation being published on the Council's website. The Deputy Monitoring Officer advised that only a Decision Notice would be published that would outline the accusations and the outcome of the investigation; no exempt information would be publicised. Complainants are made aware that if their complaints are progressed to an investigation their name would be published on the website. Members agreed that if a person that had been complained against was exonerated following an investigation, they would be asked whether they wanted a Decision Notice published on the Council's website or not. The Committee were advised that the wording in Paragraph 14.1 would be amended to reflect this.

The Committee **RESOLVED** to:

Make a recommendation to the Shadow Authority that the revised Standards Arrangements, set out in Appendix 1 and Appendix 2 to the report are agreed and that the Constitution be amended accordingly.

24/SD Committee Forward Work Programme

The Committee were advised that the decision of where the Head Quarters of the West Surrey Authority would be, had been deferred to the October meeting of the Executive.

Members were advised that the Draft West Surrey Council Constitution would be considered at the meeting of the Constitution Sub-Committee on 15 December 2026.

An additional meeting of the Standards Committee would be scheduled in for 22 October 2026.

The Committee **RESOLVED** to agree the Standards Committee Work Programme.

This page is intentionally left blank

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.

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.

This page is intentionally left blank

West Surrey Shadow Authority		
Report title: Petition Scheme		
Report to: Constitution Working Group Standards Committee Shadow Authority		
Date: 22 October 2026		
Executive Portfolio Holder: Cllr. Victoria Kiehl Contact Email: Victoria.Kiehl@westsurrey.gov.uk		
Report of Susan Sale, Monitoring Officer (interim), susan.sale@westsurrey.gov.uk		
Report author(s): Vicky Hibbert; Deputy Monitoring Officer (interim)		
Wards affected: ALL Ward councillors informed: No		
Exempt from publication: No		
Key Decision: No	If a Key Decision, date registered on Forward Plan: n/a	
Report cleared for publication by:		
People Workstream	N/A	N/A
Equalities Impact Assessment complete	N/A	N/A
Senior Responsible Officer (or their delegate)	N/A	N/A
S151 Officer	Susan Sale on behalf of Vicky Radford	29 September 2026
Monitoring Officer	Susan Sale	29 September 2026
Executive Portfolio Holder consultation	Cllr Victoria Kiehl	29 September 2026
Committee Chair consultation	Cllr Jo Shaw	29 September 2026
Head of Paid Service	Susan Sale on behalf of Andy Brown	29 September 2026

1. Executive Summary

- 1.1 This report sets out a proposed petition scheme to be included in the West Surrey Council's Constitution, to be effective from Vesting Day.

2. Recommendations:

- 2.1. **It is recommended that the Standards Committee:**

Approves the proposed petition scheme, effective from Vesting Day, and recommends it to the West Surrey Shadow Authority for approval and inclusion in the post-vesting day West Surrey Council Constitution.

- 2.2. **Subject to approval, authorises the Monitoring Officer to make any additional required changes to other parts of the Constitution as a result of the petition scheme being approved.**

3. Reason(s) for recommendation:

- 3.1 West Surrey Council is required to have a petition scheme in place setting out how petitions will be managed and for this to be clearly documented in the West Surrey Council Constitution.
- 3.2 The proposed petition scheme sets out a proposed approach to managing petitions received by West Surrey Council and will help ensure that, from vesting day, petitions received are dealt with appropriately.

4. Next steps

- 4.1. Comments and feedback received from the Constitution Working Group on 8 October 2026 will go to the Standards Committee on 22 October 2026.
- 4.2. If approved by the Standards Committee, the petition scheme will be presented to the West Surrey Shadow Authority for approval and adoption into the post-vesting day Constitution.

5. Exemption from publication

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

6. Background and Proposal

- 6.1 The Local Democracy, Economic Construction and Development Act 2009 and Local Authorities (Petitions) (England) Order 2010 sets out that local

authorities must have a formal petition scheme detailing how they acknowledge, handle, and debate public petitions.

- 6.5 The proposed petition scheme for West Surrey Council can be found at Appendix 1 and sets out how petitions could be managed from 1 April 2027. The scheme details how a petition can be submitted, guidelines on what will be accepted and what is excluded, how the council will respond to petitions and where petitions can be presented.
- 6.6 The proposed scheme has been prepared having regard to predecessor council petition schemes and recognising that the size and scale of services to be delivered by West Surrey Council from vesting day. The proposed thresholds for consideration of petitions received by the Executive or relevant committee or full Council are seen to be appropriate for West Surrey Council but can be reviewed post vesting day.

7. Consultation

- 7.1. Consultation has been undertaken with the relevant Portfolio Holder and their comments may be fed back verbally to the Constitution Working Group at its meeting.

8. Key Risks

- 8.1. If the Council does not have a petition scheme in place it will not comply with the relevant legislation. This could lead to challenge from residents and service users and leave the council open to legal challenge.

9. Options

- 9.1. Recommend the proposed petition scheme (with or without further amendments) to the Standards Committee. This is the **preferred option** to ensure a clear and robust constitution and allow progress through the next stages of the governance route.
- 9.2. Do not recommend the proposed petition scheme for onward progression to the Standards Committee. This is **not recommended**.

10. Issues for Consideration

10.1. Financial Implications

- 10.1.1. There are no direct financial implications arising from the proposed action set out in this report.

10.2. Legal Implications

10.2.1 The legal implications are set out through this report.

10.3. Monitoring Officer Commentary

10.3.1. The petition scheme forms an important part of a council constitution and is part of the Council's arrangements for discharging its responsibilities in relation to petitions. The proposed scheme will help ensure compliance with legislation and will support a robust governance framework.

10.4. People/Human Resources Implications

10.4.1 There are no direct People or Human Resources implications arising from this report.

10.5. Equality and Diversity Implications

10.5.1 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.

10.5.2 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).

10.5.3 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. Equality and Diversity implications will be considered separately in respect of the exercise of the functions which are allocated by this report.

10.6. Climate Change and Sustainability Implications

10.6.1 There are no climate change and sustainability impacts arising directly from this report.

10.7. Stakeholder Implications

10.7.1 None anticipated.

11. Overview & Scrutiny Comments

11.1 Not applicable

12. List of Appendices

Appendix 1: Proposed Petition Scheme for West Surrey Council

13. List of Background papers

13.1 None

This page is intentionally left blank

West Surrey Council

Draft Petition Scheme

Introduction

1. The Council welcomes petitions from all people, residents, those working or studying in West Surrey and recognises that petitions are one way in which people can let us know their concerns. Anyone who lives, works or studies or users of the service to which the petition relates in West Surrey may sign or organise a petition and trigger a response. This includes anyone under the age of 18. The purpose of this scheme is to establish a clear process for petitions submitted to the council to be handled.
2. West Surrey Council provides a number of ways in which petitions may be considered - depending on the subject, the actions sought, and the number of signatories. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.
3. There are various actions you might want to consider before deciding whether or not to raise a petition to West Surrey Council. For example, you could call our Contact Centre, as staff there may be able to offer advice and help to resolve an issue, and for some issues, you may be able to log them on the website. You may want to discuss your issue with your local Councillor, who may be able to help you with it or explain how to make representations on a particular subject to the right person at the Council. Details on how to contact your local Councillor are available on the authority's website. Alternatively, you could ask a question about your issue at a committee meeting. Information about how you can do this is also available on the Council's website.

How to submit a petition

4. All petitions submitted to the Council will receive a written acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition.
5. E-petitions must be created, signed and submitted online through the Council's e petitions facility [LINK TO BE ADDED].
6. Alternatively, paper petitions can be sent to:

The Monitoring Officer

West Surrey Council

[ADDRESS TO BE ADDED]

What are the guidelines for submitting a petition?

7. Petitions submitted to the council **must** include:
 - a clear and concise statement covering the subject of the petition which must relate to the functions, powers, or duties of the Council. It should also state what lawful action the petitioners wish the Council to take;
 - the name and address (in a legible format) and signature of any person supporting the petition; and
 - contact details, including name, address, telephone number and an email address of the petition organiser.
8. The petition organiser is the person the Council will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the Council's website.
9. If a petition does not follow the guidelines set out above, the Monitoring Officer, may decide not to do anything further with it. In that case, we will write to the petition organiser to explain the reasons.

What types of petitions are excluded?

10. A paper petition or e-petition will **not** be accepted where:
 - it refers to matters that are "confidential" or "exempt" under the Local Government Access to Information Act 1985;
 - it is considered to be vexatious, abusive or otherwise inappropriate, including referring to specific individuals;
 - it refers to a planning or licensing application, development plan, or right of way matter;
 - a statutory petition (for example requesting a referendum on having a directly elected mayor);
 - a petition relating to a matter where there is already an existing recourse to a review or right of appeal, such as council tax banding and non-domestic rates and school admissions where other procedures apply.
11. In addition, the scheme specifically excludes any petition on the same or similar topic as one that the Council has received and dealt with in the previous six months. The Council will acknowledge receipt of such a petition within 10 working days and include details of its response to the previous petition on the topic. Where the Council is still considering a petition on the same or similar topic, the new petition will be amalgamated with the first received petition.

How will the Council respond to petitions?

12. Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:
 - taking the action requested in the petition

- considering the petition at a Council meeting (minimum of 5000 signatures)
- considering the petition at an Executive or relevant committee meeting (minimum of 250 signatures)
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- consulting residents about the matter
- holding a meeting with petitioners
- referring the petition for consideration by one of the council’s overview and scrutiny committees
- writing to the petition organiser setting out our views about the request in the petition.

13. The type of response that the Council provides will be dependent on the number of signatures to the petition. The table below sets this out:

Number of signatories	Response
Fewer than 250	Response from relevant Executive Director/service area (treated as standard correspondence)
At least 250	Referred to the Executive or relevant committee for response
At least 250	Senior officers may be called to provide evidence at a committee meeting where such action is requested in the petition
At least 5000	Referred for debate at a meeting of the full Council

14. If we can do what a petition asks for, the acknowledgement to the organiser may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to be referred to the Executive or another relevant committee or to trigger a debate at a meeting of the full Council, then the acknowledgment will confirm this and inform the organiser when and where the relevant meeting will take place.

15. Where the petition is referred to the Executive, a relevant committee or the full Council, the petition organiser (or any person authorised by them) will, if they so wish, be given a period not exceeding five minutes to present the petition at the meeting and the petition will then be discussed by councillors.

16. We will contact the petition organiser before the meeting to establish whether they wish to formally present the petition at the meeting in the manner described above.

17. Where an issue relates to a ward specific issue, the local ward members will be informed and if the relevant thresholds are met, notified of where the petition will be presented.

E-Petitions

18. The Council welcomes e-petitions which are created and submitted through our website. E petitions must follow the same guidelines as paper petitions mentioned above. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.
19. When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.
20. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website. When an e-petition has closed for signature, it will automatically be submitted.
21. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgement and response will also be published on this website. This formal response will be despatched within 30 days of the petition being considered.
22. Should you choose to use an alternative e-petition system e.g. Change.org please be aware that online petition systems outside of the Council's own e-petition system do not automatically notify us when a petition has been submitted and therefore we will have to treat these in the same way as paper petitions. In these cases, the petition organiser will need to print a copy of the petition statement and the corresponding signatures and send these into us via post, in person or via email.

How Do I 'Sign' an E-Petition?

23. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete you 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible. The Council does indicate on its website how personal data of people who supports a petition will be dealt with.

Full Council debates

24. If a petition contains 5,000 signatures or more, the Council will debate it unless it is a petition asking for a senior council officer to give evidence at a public meeting. The Council will

endeavour to consider the petition at its next meeting following the submission of a paper petition or the end date of an e-petition, although on some occasions this may not be possible and consideration will then take place at the following meeting. There must be 14 days between the submission of notice of a paper petition or the end date of an e-petition and the date of the meeting.

25. The petition organiser will be given five minutes to present the petition at the Council meeting. The relevant Executive Member will then be given five minutes for a right of reply before Members have an opportunity to debate the petition for no more than 15 minutes, with each Member allowed to speak for a maximum of three minutes.
26. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which a council committee is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. Where the issue is one on which the Executive is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision within five working days of the meeting. This confirmation will also be published on our website

Presenting petitions to other meetings

27. Petitions can be presented to other meetings of the Council. The subject matter of the petition will determine where it is considered, as the power to enact whatever the petition requests must be within the terms of reference of the body that considers it.
28. For the Executive or any committee to consider a petition, it must contain at least 250 signatures.
29. Notice of petitions must be given in writing at least 14 days before the meeting, in the case of paper petitions. For e-petitions, no other written notice is needed, but the required number of signatures must have been reached at least 14 days before the meeting.
30. The petition organiser will be given up to three minutes to present the petition at the meeting, although the time limit may be extended if agreed by the Chair. The petition will either be responded to at that meeting, or it may be referred without discussion to the next meeting of that body.
31. No more than three petitions may be presented at any one meeting. The Monitoring Officer may amalgamate within the first received petitions other petitions of like effect on the same subject. The presentation of a petition on the same or similar topic as one presented in the last six months will not be allowed at meetings.

Petitions asking Senior Officers to provide evidence

32. A petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, a petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.
33. If a petition contains at least 250 signatures and clearly states a specific issue to raise, the relevant senior officer will give evidence at a public meeting of the appropriate overview and scrutiny committee.
34. The senior officers that can be called to give evidence are:
- the Chief Executive,
 - Executive Directors,
 - Directors
35. You should be aware that the committee may decide that it would be more appropriate for another officer to give evidence instead of any officer specified in the petition. The overview and scrutiny committee may also decide to call the relevant Executive Member to attend the meeting.
36. Members of the committee will ask the questions at this meeting, but the petition organiser will be able to suggest questions to the chair of the overview and scrutiny committee by contacting Democratic Services up to five working days before the meeting. Details will be given to the petition organiser to assist with this process when receipt of the petition is acknowledged.

What can I do if I feel my petition has not been dealt with properly?

37. If a petition organiser feels that the council has not dealt with a petition properly, i.e. the process outlined above was not followed, they may request a review by the relevant overview and scrutiny committee. Such a request should be made in writing within 28 days of the dispatch of the formal response to the petition organiser, providing a short explanation of the reasons why the council's response is not considered to be adequate.
38. Within five working days of receipt of intention to appeal, the Council will determine which is the relevant overview and scrutiny committee to carry out the review. The committee will endeavour to consider the request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting or at a special meeting. The procedure for conducting the review at the meeting shall be as follows:
- a) The petition organiser (or any person authorised by them) shall be invited to address the Committee for no more than five minutes in respect of their request for review.
 - b) Councillors to ask the petition organiser any questions relevant to the review arising from their statement to the Committee.

- c) The Committee to review the steps taken by the Council in responding to the petition and to consider whether the Council has dealt with the petition adequately. Dependent on whether the formal response to the petition was given by:
- An Executive Director or Director,
 - A lead councillor, or
 - Full Council

This may include asking the relevant Executive Director/Director or relevant lead councillor to attend and answer questions from the Committee.

- d) Prior to making a decision on the review, the petition organiser (or any person authorised by them) shall have a right of reply on the debate, for which they will be given five minutes.
- e) The Committee to formally determine the review – deciding either that the Council has dealt with the petition adequately or that it has not. If the latter, the Committee must then decide one of the following options:
- f) to investigate the matter further;
- g) to make recommendations to the Leader/Executive; or
- h) to arrange for the matter to be considered at a meeting of full Council.

39. The question as to whether implementation of any decisions pertinent to a petition under review by overview and scrutiny should be deferred pending completion of the review process shall be dealt with by the Monitoring Officer on a case-by-case basis including, where necessary, convening special meetings of the relevant overview and scrutiny committee and/or full Council for this purpose.

40. Once the appeal has been considered, the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website. There is no further right of appeal through the Council.

This page is intentionally left blank

West Surrey Shadow Authority		
Report title: Proper Officer Functions – Statutory Scrutiny Officer		
Report to: Constitution Sub-Committee Standards Committee Shadow Authority		
Date: 17 September 2026 22 October 2026 19 November 2026		
Executive Portfolio Holder: Cllr. Victoria Kiehl Contact Email: Victoria.Kiehl@westsurrey.gov.uk		
Report of Susan Sale, Monitoring Officer (interim), susan.sale@westsurrey.gov.uk		
Report author(s): Vicky Hibbert; Deputy Monitoring Officer (interim)		
Wards affected: ALL Ward councillors informed: No		
Exempt from publication: No		
Key Decision: No	If a Key Decision, date registered on Forward Plan: n/a	
Report cleared for publication by:		
People Workstream	N/A	N/A
Equalities Impact Assessment complete	N/A	N/A
Senior Responsible Officer (or their delegate)	N/A	N/A
S151 Officer	Susan Sale on behalf of Vicky Radford	11 September 2026
Monitoring Officer	Susan Sale	11 September 2026
Executive Portfolio Holder consultation	Cllr Victoria Kiehl	11 September 2026
Committee Chair consultation	Cllr Jo Shaw	11 September 2026

Head of Paid Service	Susan Sale on behalf of Andy Brown	11 September 2026
-----------------------------	---------------------------------------	----------------------

1. Executive Summary

- 1.1 The Shadow Authority is required to set out its framework for Proper Officer functions for the areas that it has responsibility for during the shadow period, as set out in the Surrey (Structural Changes) Order 2026.
- 1.2 This report sets out a proposed change to the current Statutory Scrutiny Officer for the Shadow Authority following additional resource being provided to support the Overview and Scrutiny function during the shadow period.

2. Recommendations:

Constitution Sub Committee

At its meeting on 17 September 2026, the Constitution Sub-Committee resolved to:

- 2.1. **Endorse the proposed change to the current Designated Scrutiny Officer for the Shadow Authority from the Monitoring Officer (as set out in Part 3-C2, B 2.1 of the Constitution) to the Scrutiny Officer, and recommend this to the Standards Committee.**

Standards Committee

Following approval by the Constitution Sub Committee, it is recommended that the Standards Committee resolve to:

- 2.2. **Endorse the proposed change to the current Designated Scrutiny Officer for the Shadow Authority from the Monitoring Officer (as set out in Part 3-C2, B 2.1 of the Constitution) to the Scrutiny Officer, and recommend this to the Shadow Authority.**

Shadow Authority

And if approved by the Standards Committee, it is recommended that the Shadow Authority resolve to:

- 2.3. **Approve this proposal for inclusion within the West Surrey Shadow Authority Constitution with immediate effect.**

3. Reason(s) for recommendation:

- 3.1 Allocation of Proper Officer functions will bring clarity and transparency as to where the responsibility for those functions rests, to ensure that it is clearly documented so that decisions are taken by the appropriate decision maker with the necessary authority.
- 3.2 It is best practice to have separation of roles and responsibilities and for the role of the Statutory Scrutiny Officer to sit separately from the Monitoring Officer role to enable independence between their functions.

4. Next steps

- 4.1. Comments and feedback received from the Constitution Sub-Committee on 17 September 2026 will go to the Standards Committee on 22 October 2026. If approved by the Constitution Sub-Committee and the Standards Committee then this proposal will be presented to the Shadow Authority for consideration and if approved will form part of the West Surrey Shadow Authority Constitution.

5. Exemption from publication

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

6. Background and Proposal

- 6.1 The Local Government Act 1972 and other legislation makes provision for certain officers to be designated by their authority as the "Proper Officer" to carry out particular functions under various Acts of Parliament. A "Proper Officer", in relation to any purpose and any local authority, means the officer appointed for that purpose by that authority.
- 6.2 In addition, certain legislation requires local authorities to make specific statutory appointments which carry defined responsibilities. The three principal statutory appointments are the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.
- 6.3 The role of the Designated Scrutiny Officer is considered a Proper Officer function under the Local Government Act 2000 (Section 9FB). Its role is to promote the functions of the authority's overview and scrutiny committee, provide support to that committee and its members and provide advice and guidance to all members (including the executive) and officers on scrutiny matters.
- 6.4 The West Surrey Shadow Authority constitution sets out a list of Proper Officers in Part 3-C2, B 2.1 for functions that are within its remit during the shadow period. At the point where the Shadow Constitution was approved, the Monitoring Officer was designated as the Statutory Scrutiny Officer.

- 6.5 Following the establishment of the West Surrey Overview and Scrutiny Committee, additional resource has been allocated to support scrutiny through designating a dedicated Scrutiny Officer to provide support and fulfil the Statutory Scrutiny Officer role. An appointment has been made, on an interim basis, until vesting Day, by the Head of Paid Service, for a Scrutiny Officer for West Surrey Shadow Authority.
- 6.6 Authorities can choose which role to allocate the statutory scrutiny officer role to and this varies. However sector best practice is clear that this should not be the Head of Paid Service, Monitoring Officer or Chief Finance Officer.
- 6.7 As there is now a dedicated resource in place, members are asked to approve a change to the Proper Officer function list within Part 3-C2, B 2.1 of the West Surrey Shadow Authority Constitution to allocate the Scrutiny Officer as the Statutory Scrutiny Officer in place of the Monitoring Officer.

7. Consultation

- 7.1. Consultation has been undertaken with the relevant Portfolio Holder and their comments may be fed back verbally to the Constitution Sub Committee at its meeting.

8. Key Risks

- 8.1. If the Council does not decide the allocation of its Proper Officer functions, there is a risk of uncertainty as to where responsibility for those functions lies. This could lead to decisions being taken by a body or person without the necessary authority. This could in turn result in decisions being open to legal challenge.
- 8.2. Having separation of roles and responsibilities is important to ensure that scrutiny remains independent in its role. If the Monitoring Officer continues to undertake the Designated Scrutiny Officer role then this does not align with sector best practice.

9. Options

- 9.1. Recommend the proposed change to the Shadow Authority's Designated Scrutiny Officer to the Standards Committee and following endorsement, onto the Shadow Authority for approval and inclusion in the Constitution. This is the **preferred option**.
- 9.2. Do not recommend the proposed change to the Shadow Authority's Designated Scrutiny Officer for onward progression to the Standards Committee. This is **not recommended**.

10. Issues for Consideration

10.1. Financial Implications

- 10.1.1. There are no direct financial implications arising from the proposed action set out in this report.

10.2. Legal Implications

- 10.2.1 The legal implications are set out through this report.

10.3. Monitoring Officer Commentary

- 10.3.1. As the report explains, there should be separation between the roles of the Scrutiny Officer and the Monitoring Officer, and now that resource has been allocated and a dedicated Scrutiny Officer appointed on an interim basis for the remainder of the Shadow Period, it is right that they are designated the Statutory Scrutiny Officer and that this be reflected in the Designation of Proper Officers within the Shadow Authority's Constitution.

10.4. People/Human Resources Implications

- 10.4.1 There are no direct People or Human Resources implications arising from this report.

10.5. Equality and Diversity Implications

- 10.5.1 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.
- 10.5.2 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).
- 10.5.3 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. Equality and Diversity implications will be

considered separately in respect of the exercise of the functions which are allocated by this report.

10.6. Climate Change and Sustainability Implications

10.6.1 There are no climate change and sustainability impacts arising directly from this report.

10.7. Stakeholder Implications

10.7.1 None anticipated.

11. Overview & Scrutiny Comments

11.1 The Chair of the Overview and Scrutiny Committee is supportive of this proposal and the additional capacity and resource being allocated to Overview and Scrutiny in the Shadow Authority.

12. List of Appendices

12.1 None

13. List of Background papers

13.1 West Surrey Shadow Authority Constitution

West Surrey Shadow Authority		
Report title: West Surrey Constitution: Part 2 – Articles		
Report to: Standards Committee		
Date: 22 October 2026		
Executive Portfolio Holder: Cllr. Victoria Kiehl		
Contact Email: Victoria.Kiehl@westsurrey.gov.uk		
Report of Susan Sale, Monitoring Officer (interim), susan.sale@westsurrey.gov.uk		
Report author(s): Deborah Davies, Deputy Monitoring Officer (interim)		
Wards affected: ALL		
Ward councillors informed: No		
Exempt from publication: No		
Key Decision: No	If a Key Decision, date registered on Forward Plan: n/a	
Report cleared for publication by:		
People Workstream		
Equalities Impact Assessment complete		
Senior Responsible Officer (or their delegate)		
S151 Officer		
Monitoring Officer	Deborah Davies	14 October 2026
Executive Portfolio Holder consultation	Victoria Kiehl	7 October 2026
Committee Chair consultation		
Head of Paid Service <i>This clearance is most likely needed if the report is for the Executive. If for another committee, put N/A if not applicable.</i>	N/A	

1. Executive Summary

- 1.1. This report presents and invites comment on proposed amendments to Part 2 – Articles of the West Surrey Constitution.
- 1.2. Section 9P of the Local Government Act 2000 requires every local authority operating executive arrangements to prepare, maintain and keep up to date a Constitution. The Articles set out the main constitutional framework for the Council, including the roles and responsibilities of the Council, Mayor, Executive, Overview and Scrutiny, other committees and statutory officers.
- 1.3. The current Articles were prepared for the West Surrey Shadow Authority and adopted on 21 May 2026. They have been reviewed to ensure that they are fit for purpose for West Surrey Council from Vesting Day on 1 April 2027.
- 1.4. The review has considered the changes required to reflect the functions and responsibilities of West Surrey Council as a unitary authority, remove provisions which relate only to the Shadow Authority and remove duplication where provisions are already contained elsewhere in the Constitution.
- 1.5. The Constitution Sub-Committee is now invited to consider the proposed amendments to the Articles and provide comments and feedback before they progress through the formal approval process.

2. Recommendations:

2.1. The Standards Committee:

- 2.1.1. **Recommends to the Shadow Authority that the revised Part 2 – Articles attached at Appendix 1 be included in the Constitution for West Surrey Council from Vesting Day.**

3. Reason(s) for recommendation:

- 3.1. The Articles need to be updated to ensure that they are fit for purpose for West Surrey Council from Vesting Day on 1 April 2027. Member consideration of the proposed amendments will inform the final version before it progresses through the formal approval process.

4. Next steps

- 4.1. Comments and feedback received from the Constitution Working Group were considered and amendments made to the Articles prior to submission to the Standards Committee.

- 4.2. Subject to the recommendation of the Standards Committee, the revised Articles will be presented to the Shadow Authority for adoption as part of the West Surrey Council Constitution, with effect from Vesting Day on 1 April 2027.

5. Exemption from publication

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

6. Background and Proposal

6.1. Context

- 6.1.1. The Articles form Part 2 of the West Surrey Constitution and set out the main constitutional framework for the Council.
- 6.1.2. The current Articles were developed for the West Surrey Shadow Authority and adopted on 21 May 2026. As a result, a number of the provisions relate specifically to the functions and responsibilities of the Shadow Authority during the period before Vesting Day.
- 6.1.3. From 1 April 2027, West Surrey Council will be responsible for the full range of functions and services of a unitary authority. The Articles have therefore been reviewed to ensure that they reflect the governance arrangements, functions and responsibilities of West Surrey Council from Vesting Day.
- 6.1.4. As part of the review, consideration has been given to the constitutions of the predecessor councils and other unitary authorities which have undergone Local Government Reorganisation (LGR). This has helped identify provisions required for West Surrey Council which were not required during the shadow period.

6.2. Proposed amendments to the Articles

- 6.2.1. The proposed Articles are attached at Appendix 1. A version showing the tracked changes was made available to the Working Group.
- 6.2.2. The existing structure of the Articles has been retained where appropriate, with amendments made to reflect the transition from the Shadow Authority to West Surrey Council.
- 6.2.3. The main changes include:
- a. removing references and provisions which relate only to the Shadow Authority or shadow period;
 - b. updating the Articles to reflect the functions and responsibilities of West Surrey Council from 1 April 2027;

- c. updating the functions and responsibilities of Full Council and the Executive;
- d. updating the Overview and Scrutiny provisions to reflect the wider statutory responsibilities of a unitary authority, including health and crime and disorder scrutiny;
- e. providing for the Council's regulatory and other committees, including the Health and Wellbeing Board;
- f. updating the statutory officer provisions to reflect the additional statutory roles required for a unitary authority;
- g. provision for Disclosure and Barring Service checks for necessary members;
- h. updating provisions relating to joint arrangements, decision making and legal, contractual and financial matters; and
- i. removing provisions which duplicate requirements already contained elsewhere in the Constitution.

6.3. **Standards**

- 6.3.1. As part of the review, the existing Article 10 – Promoting High Standards of Conduct and Ethics has been removed.
- 6.3.2. The provisions within this Article are already covered elsewhere within the Constitution. Part 4-5 contains the Standards Procedure Rules, including the arrangements for dealing with allegations and determinations of complaints under section 28(6) of the Localism Act 2011. Part 5-1 contains the Members' Code of Conduct and Part 5-2 contains the Member Officer Relationship Protocol.
- 6.3.3. Article 2 also continues to require Members to observe the Members' Code of Conduct. A separate Article covering standards would therefore duplicate provisions already contained elsewhere within the Constitution. The revised Article 2 also expressly directs Members to the Code at Part 5-1.
- 6.3.4. The removal of Article 10 has resulted in the subsequent Articles being renumbered. The revised Part 2 now contains 13 Articles.
- 6.3.5. Of note is that Article 6 provides for the composition of the Standards Committee and that no member of the Executive may sit on that Committee.

6.4. **Structure and content**

- 6.4.1. The review has also considered the level of detail which should be included within the Articles. Detailed provisions which are more appropriately contained elsewhere within the Constitution have not been duplicated within Part 2.

- 6.4.2. Where appropriate, the Articles instead provide a cross-reference to the relevant Part of the Constitution. For example, the detailed terms of reference for Overview and Scrutiny are contained in Part 3-B2 and the Overview and Scrutiny Procedure Rules are contained in Part 4-3. This cross-referencing will of course be updated when members are asked to consider the final version of the Constitution.
- 6.4.3. This approach ensures that the Articles provide the main constitutional framework for the Council whilst the detailed responsibilities, procedures and rules remain within the relevant Parts of the Constitution.

7. Consultation

- 7.1. The review of the Articles has been undertaken as part of the wider review of the West Surrey Constitution in preparation for Vesting Day.
- 7.2. The development of the Constitution is not considered something that should be subject to public consultation.
- 7.3. Consultation has been undertaken with the Monitoring Officer and relevant officers as part of the review of the Articles.
- 7.4. The Standards Committee is now being asked to agree that the proposed Articles form part of the Constitution of the West Surrey Council for Vesting Day, noting that there may be some consequent changes as a result of cross-checking against the Constitution as a whole.

8. Key Risks

- 8.1. The principal risk is that the Articles are not updated in time for Vesting Day and continue to contain provisions which relate specifically to the Shadow Authority or do not reflect the functions and responsibilities of West Surrey Council or conflict with other parts of the Constitution.
- 8.2. This would create a governance risk and could result in the Constitution being unclear or inconsistent with the governance arrangements of West Surrey Council from 1 April 2027.
- 8.3. This risk can be mitigated by progressing the revised Articles through the required governance process in sufficient time for adoption before Vesting Day.

9. Options

- 9.1. To agree the Articles, to enable these to be put before the Standards Committee and Shadow Authority, when it considers the Constitution as a whole (recommended).

- 9.2. Not to agree the Articles (not recommended as they are required to support the development of the Constitution).

10. Issues for Consideration

10.1. Financial Implications

- 10.1.1. There are no direct financial implications arising from the proposed amendments to the Articles.

10.2. Section 151 Officer Commentary

- 10.2.1. To be completed by the Section 151 Officer.

10.3. Legal Implications

- 10.3.1. Section 9P of the Local Government Act 2000 requires a local authority operating executive arrangements to prepare, maintain and keep up to date a Constitution.
- 10.3.2. The Articles form part of the Council's constitutional framework and need to reflect the functions, responsibilities and governance arrangements of West Surrey Council from Vesting Day.
- 10.3.3. The revised Articles will need to be reviewed alongside the wider Constitution to ensure that references to other Parts of the Constitution are correct and that the final Constitution is internally consistent and capable of effective operation from Vesting Day.

10.4. Monitoring Officer Commentary

- 10.4.1. The proposed Articles will form part of the new Constitution to be adopted by the West Surrey Council.

10.5. People/Human Resources Implications

- 10.5.1. There are no direct People or 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. There are no climate change and sustainability impacts arising directly from this report.

10.8. Stakeholders Implications

- 10.8.1 The Articles are a matter for the Council to agree, whilst bearing in mind that they have an impact on the wider community and democratic accountability.

11. Overview & Scrutiny Comments

- 11.1 Not applicable

12. List of Appendices

- 12.1. Appendix 1 – Part 2 – Proposed Articles

13. List of Background papers

The West Surrey Shadow Authority Constitution

This page is intentionally left blank

PART 2: ARTICLES

PART 2-1: ARTICLE 1 - THE CONSTITUTION

1.0 Introduction

- 1.1 This Article sets out the fundamental provisions of the West Surrey Council (Council) Constitution. It confirms that the Council will act within the law and the provisions of this Constitution and that the Council will monitor and review its Constitution on a regular basis.

2.0 Powers and duties of the Council

- 2.1 The Council exercises its powers and duties in accordance with the law and this Constitution.

3.0 The Constitution

- 3.1 This Constitution, and all its appendices, comprise the Constitution of West Surrey Council.

4.0 Purpose of the Constitution

- 4.1 The objectives of this Constitution include:
- To provide the constitutional framework for West Surrey Council as a unitary local authority from 1 April 2027; To define the respective roles and responsibilities of the Council, Executive, Committee and Officers;
 - To provide a framework for clear leadership to the community in partnership with its people, businesses and other organisations;
 - To support the active involvement of the community in the Council's decision making;
 - To support councillors to represent their constituents effectively;
 - To enable decisions to be taken efficiently and effectively in a transparent and accountable manner;
 - To provide a robust and effective overview and scrutiny function;
 - To ensure that a decision will not be reviewed or scrutinised by anyone who was directly involved in making the decision;
 - To ensure that those responsibilities for decision making can be clearly identified by local people and that they can explain the reasons for their

decisions; and

- To provide excellent standards of ethics and probity in decision making.

4.2 The Council shall ensure that the Articles, Procedure Rules, Codes and Protocols in this Constitution reflect and deliver the objectives set out above.

4.3 Councillors, Officers, and all others acting on behalf of the Council must do so in accordance with this Constitution.

5.0 Interpretation and Review

5.1 Where the Constitution permits the Council to choose between different courses of action, the Council shall always choose that option which it thinks is closest to the purposes stated above.

5.2 The Council shall monitor and evaluate the operation of the Constitution on a regular basis.

5.3 The Monitoring Officer of the Council, or their representative, is responsible for advising on the interpretation of the Constitution and keeping it under review.

5.4 The Council's Constitution shall be available to the public by it being placed on the Council's website.

PART 2-2: ARTICLE 2 - MEMBERS OF THE COUNCIL

1.0 Introduction

- 1.1 This Article sets out how Councillors (also known as “Members”) are elected and also includes a statement on the roles and functions of Members of the Council and sets out their rights and duties.

2.0 Composition and Eligibility

- 2.1 The Council comprises 90 councillors. Each ward returns two councillors elected by voters of each of the 45 electoral wards of West Surrey Council, as set out in Schedule 2 to the 2026 Order.
- 2.2 Only registered voters or individuals living or working in the geographical boundary of West Surrey Council are eligible under the law to hold the office of councillor. The eligibility criteria for a person to be qualified to be elected as a councillor are set out in section 79 of the Local Government Act 1972.

3.0 Term of Office

- 3.1 Councillors shall take office on the fourth day after the ordinary day of election in May 2026 and would usually retire on the fourth day after the date of the next regular election. By-elections will be held for vacancies as they arise in accordance with electoral legislation.
- 3.2 A councillor’s term of office may end before the initial 5-year term if:
- They resign in writing to the Proper Officer of the Council (being the Monitoring Officer), with the resignation taking effect immediately upon receipt;
 - They are disqualified from continuing to hold office by any of the matters set out in the Local Government Act 1972;
 - They vacate office by failing to attend meetings, in accordance with section 85 of the Local Government Act 1972;
 - They are disqualified by a court upon conviction for an offence under section 30 or 31 of the Localism Act 2011;
 - An election court decides that their election to office was void; or
 - They die in office.

4.0 Role of Councillors

4.1 In accordance with the Members Code of Conduct and maintaining the highest standards of conduct and ethics, all Councillors will:

- Collectively elect the Leader of the Council (Leader);
- collectively be the ultimate policy makers being responsible for setting the budget and approving the statutory and strategic plans within the policy framework;
- represent their communities and bring their views into the Council's decision-making process;
- deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- balance different interests identified within the ward and represent the ward as a whole and engage their communities on the development of policies, plans and strategies and other local initiatives;
- be involved in decision-making and/or overview and scrutiny processes;
- Attend meetings of the Council, and of any committee to which they are appointed, and to participate actively in those meetings;
- Maintain the highest standards of conduct and ethics; and
- Participate in training and continuous development opportunities made available by the Council.
- Disclosure and Barring Service Checks: An enhanced DBS check is required for members who are being considered for appointment to any committee involving decisions on the provisions of children's services or services for vulnerable adults.

5.0 Rights and duties of Councillors

5.1 Councillors have the right to attend in person, speak at, and vote at meetings of the Council and of any committee of which they are a member, subject to the provisions of the Code of Conduct in Part 5-1 and the Procedure Rules for that meeting set out in Part 4 of this Constitution.

5.2 Councillors have the right to receive agendas, reports, and minutes of the Council and of committees of which they are a member.

- 5.3 Councillors shall receive such support and facilities from officers as is reasonable or necessary to enable them to perform their duties. They also have a right to receive information, and documents, and access land or buildings of the Council, where this is necessary for the proper discharge of their functions and in accordance with the law and the Access to Information Procedure Rules in Part 4-6 of this Constitution.
- 5.4 Councillors will not make public information, which is exempt or confidential, or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- 5.5 For these purposes "confidential" and "exempt" information are defined in the Access to Information Procedure Rules set out in Part 4 of this Constitution. If in doubt, the Councillor should seek advice from the Shadow Authority's Monitoring Officer.

6.0 Conduct

- 6.1 All Councillors are required, when acting in their capacity as a councillor, to observe the Members' Code of Conduct, found at Part 5 of the Constitution, including the provisions relating to their interests and gifts and hospitality received or offered, and to have appropriate regard to such other protocols, policies, guidance and advice as may be issued from time to time through the Council's formal processes.

7.0 Scheme of Members' Allowances

- 7.1 All Councillors shall be entitled to receive such allowances in accordance with the Scheme of Members' Allowances, set out in Part 6 of this Constitution, and/or legislation.

PART 2-3: ARTICLE 3 - RIGHTS AND RESPONSIBILITIES OF THE PUBLIC**1.0 Right of the Public**

The public have the following rights in regard to the affairs of the Council, subject to the law and to the provisions of Part 4 of this Constitution:

1.1 Voting, petitions and questions

If on the electoral role within the geographical boundary of West Surrey Council, to

- a) Vote in elections;
- b) petition to request a referendum for a Mayoral form of Executive; and
- c) petition the Council on matters of local concern.

To submit questions to the Council in accordance with the Procedure Rules in Part 4 of this Constitution.

1.2 Information

- a) To attend meetings of the Council, its Executive, committees and sub-committees that are open to the public;
- b) To Inspect, and where reasonable, receive copies, by electronic means, of agendas, reports, decision notices, background papers used in the preparation of reports and minutes of meetings that are open to the public and in respect of decisions made by the Leader and Portfolio Holders, except where confidential or exempt information is likely to be disclosed;
- c) To access information subject to such constraints as may be imposed by law and as set out in the Access to Information Procedure Rules in Part 4 of this Constitution;
- d) To inspect background papers used in the preparation of reports to meetings open to the public;
- e) To have access to the Council's Forward Plan of Key Decisions and find out what key decisions will be taken by the Leader, lead councillors or the Executive;
- f) To film, audio record or report on meetings of the Council and its Executive, committees and sub committees, which are open to the public, subject to provisions contained in the Procedure Rules within Part 4 of the Constitution;
- g) To contribute to investigations, reviews and research by the Overview and Scrutiny Committees when invited to do so;
- h) To inspect the Constitution of the Council, the Register of Councillors' Interests, and the Pay Policies for Senior Officers; and

- i) To contact their local Councillor about any matters of concern to them.

1.3 Complaints

To complain to the:

- a) Monitoring Officer of the Council when there is an alleged breach of the Member's Code of Conduct;
- b) Council itself under its complaints procedure; and
- c) the Local Government Ombudsman after using the Council's own complaints procedure.

2.0 *RESPONSIBILITIES OF THE PUBLIC*

- 2.1 Members of the public must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.
- 2.2 Members of the public are expected to conduct themselves in an orderly manner and in accordance with the directions of the Chair. They may not disrupt the meeting or cause undue disturbance. The Chair of the meeting, under the Procedure Rules in Part 4 of the Constitution, has the right to exclude a member of the public who is causing a disturbance to the conduct of business.

PART 2-4: ARTICLE 4 - THE COUNCIL

1.0 Introduction

1.1 This Article defines the functions that are reserved for decision by the Full Council. The Council is responsible for approving the policy framework and the annual revenue and capital budget. The Council and its Committees also retain responsibility for:

- a) regulatory functions (which include planning, licensing and health and safety at work);
- b) certain constitutional and quasi-legislative functions (primarily the conduct of elections and making of by-laws); and
- c) deciding on those local choice functions where the Council is free to decide whether they are the responsibility of Full Council or the Executive. The Council also has a role in holding the Executive to account.

2.0 Meanings

2.1 Policy Framework

The policy framework means the following plans and strategies:-

- a) Plans required by regulation;
- b) Plans required from partnerships of which the Authority is a member; and
- c) Plans included at the Council's request.

2.2 Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax, decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure, the setting of virement limits, prudential indicators and limits, treasury management strategy, treasury prudential indicators and investment strategy.

2.3 Housing Land Transfer

Housing land transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.

3.0 *Functions of the Full Council*

- 3.1 The functions that shall be reserved to the Council and may not be delegated to the Executive, to a Committee, nor to an Officer are set out in Part 3 of the Constitution.

4.0 *Conduct of Council Meetings*

- 4.1 Meetings of the Council shall be conducted in accordance with the Procedure Rules in Part 4 of this Constitution.
- 4.2 Extraordinary and / or Special Meetings of the Council may be convened as and when required as provided for in the Procedure Rules in Part 4 of the Constitution.

ARTICLE 5: THE CHAIR AND DEPUTY CHAIR

1.0 Election and Appointment

- 1.1 The Chair and Deputy Chair will be elected by the Council annually.
- 1.2 Neither the Chair nor the Deputy Chair may be members of the Executive.

2.0 Term of Office

- 2.1 The Chair will, unless they resign or are disqualified, continue in office until a successor becomes entitled to act as Chair.
- 2.2 The Deputy Chair will, unless they resign or are disqualified, hold office until immediately after the election of a Chair at the next Annual Meeting of the Council.
- 2.3 During their terms of office, the Chair and Deputy Chair will continue to be members of the Council notwithstanding the provisions of the Local Government Act 1972 relating to the retirement of councillors.

3.0 Role and Function of the Chair

- 3.1 The Chair is politically neutral, but they are not prevented from casting their vote in the usual way in decision making meetings.
- 3.2 The Chair, and in his or her absence the Deputy Chair, will have the following roles and functions:
 - a) to uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;
 - b) in accordance with legislation and the Procedure Rules, to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
 - c) To give a ruling, which is final so far as the conduct of the meeting is concerned, having taken professional advice from the Monitoring Officer or an officer acting on their behalf, on any question of procedure or interpretation of this Constitution arising at a meeting of the Council;
 - d) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which councillors who are not on the Executive or do not hold committee chairmanships are able to hold the Leader, the Executive and committee chairmen to account;
 - e) To sign and authenticate documents on behalf of the Council where required by

law or by this Constitution;

- f) to promote public involvement in the Council's activities;
- g) to attend such civic and ceremonial functions as the Council and the Chair determines appropriate;
- h) to be the conscience of the Council; and
- i) to assume any role in resolving disputes given to the Chair under the Executive Procedure Rules.

ARTICLE 6: THE LEADER, DEPUTY LEADER AND EXECUTIVE

1.0 *The Leader*

1.1 *The Appointment of the Leader*

The Leader of the Council will be a councillor elected to the position of Leader by the full Council. The term of office of the Leader shall be four years starting on the day of their election as Leader, which will take place at the first meeting first meeting of West Surrey Council following Vesting Day, and ending on the day of the next post-election annual meeting unless before that day, they:

- a) are removed from office by way of resolution by a simple majority of the Council; or
- b) are disqualified from being a councillor by order of a court under Section 34 of the Localism Act 2011; or
- c) resign as Leader; or
- d) cease to be a councillor.

If the current Leader is re-elected, they will remain Leader until the date of the next Annual Council Meeting.

During their term of office as Leader, the Leader shall continue to hold office as a councillor and accordingly any enactment which provides for earlier retirement as a councillor does not apply.

If there is a vacancy in the position of Leader, the Leader will be elected at the first meeting of the Council following such vacancy for a term of office expiring on the day of the post-election annual meeting which follows his/her election, subject to (a) to (d) above.

1.2 *The Role of the Leader*

The Leader will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution, unless otherwise delegated by them. All delegations by the Leader will be set out in Part 3 of this Constitution.

The Leader will be Chairman of the Executive. Only the Leader will exercise the following functions:

- a) appointment of between two and nine other councillors to the Executive (the Portfolio Holders);

- b) appointment of the Deputy Leader from among the lead councillors on the Executive; and
- c) allocation of areas of responsibility to portfolio holders.

The Leader may at any time remove portfolio holders from the Executive or change portfolio holders' areas of responsibility.

The Leader shall report to the next appropriate meeting of the full Council on all appointments and changes to the Executive.

2.0 *The Deputy Leader*

- 2.1 The Leader shall appoint one of the portfolio holders to be the Deputy Leader. The Deputy Leader shall normally hold office until the end of the Leader's term of office unless before that day, that person:
 - a) is removed from office by decision of the Leader; or
 - b) is disqualified from being a councillor by order of a court under Section 34 of the Localism Act 2011; or
 - c) resigns as Deputy Leader; or
 - d) ceases to be a councillor.
- 2.2 In the event of any of the above occurring, the Leader shall appoint another lead councillor as Deputy Leader at the earliest opportunity.
- 2.3 The Deputy Leader will be Vice-Chairman of the Executive and if, for any reason, the Leader is unable to act, or the office of the Leader is vacant, the Deputy Leader must act in his/her place and shall be entitled to exercise all functions reserved to the Leader until such time as the Leader is able to act or until a new Leader is elected by the Council.
- 2.4 If for any reason the Leader is unable to act, or the office of the Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the remaining members of the Executive must either act collectively in the Leader's place or they must arrange for a lead councillor to act in the place of the Leader.

3.0 *The Executive*

- 3.1 Other Executive members will be appointed by the Leader and will be allocated specific portfolios of responsibility by the Leader.
- 3.2 The Executive shall comprise the Leader, Deputy Leader and up to eight other Councillors appointed by the Leader, who may be removed by the Leader at any time.
- 3.3 No substitution arrangements are permitted in respect of the Executive. Members of the Executive may not also be the Chair, Deputy Chair or members of an Overview and

Scrutiny Committees, the Audit and Governance Committee nor the Standards Committee.

4.0 Portfolio Holders

- 4.1 The Leader may establish portfolios of executive functions and appoint a portfolio to each member of the Executive to be known as Portfolio Holders. The portfolios and the allocation of responsibilities, including any delegation of executive functions to Portfolio Holders, are matters for the Leader, determined in consultation with the Executive and having regard to the functions of the Council. The Leader may at any time alter the responsibilities of a portfolio holder councillor or discontinue their appointment and appoint a replacement.
- 4.2 Decisions regarding any scheme of delegated decision making by individual Portfolio Holders are reserved to the Leader under the Local Government Act 2000. The Leader shall determine this matter in consultation with the Monitoring Officer and Head of Paid Service. Individual Portfolio Holder delegations are a matter for the Leader alone.

5.0 Responsibility for Functions

- 5.1 The Leader may undertake any of the functions of the Executive themselves or may arrange for the discharge of any executive function by way of delegation. The Leader may delegate to the Executive as a whole, an individual member of the Executive, a sub-Committee of the Executive or an Officer of the Council in accordance with Part 1A of the Local Government Act 2000, or to an Officer of the Council. Where a delegation is made, it shall not preclude the body or person delegating the function, or part of it, from exercising that function. The Monitoring Officer shall maintain a record of all executive delegations which shall be published on the Council website.
- 5.2 If the Leader is unavailable or absent, or if there is a vacancy in the office of the Leader, the Deputy Leader may act in place of the Leader and exercise any executive power of the Leader.
- 5.3 The Leader shall ensure that a record is kept of the Executive functions which are the responsibility of any committees or subcommittee of the Executive, any Executive Member, or under joint arrangements. A copy of that record to be deposited with the Council's Monitoring Officer, who shall ensure it is published on the Council website.
- 5.4 The Executive will discharge the functions of the Council which are not the responsibility of any other part of the Council, whether by law or under this Constitution, as delegated by the Leader.

6.0 Proceedings of the Executive

- 6.1 Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

7.0 Sub Committees of the Executive

- 7.1 The Executive may establish from its membership, committees and sub committees with full or partial delegated powers to undertake its responsibilities and functions. Chairs and Vice Chairs of any Sub Committees shall be elected or appointed, as appropriate, by the Sub Committee.

8.0 Task and Finish Groups

- 8.1 The Executive may establish any Task and Finish Groups it determines are required to assist in formulating recommendations, guidance or to provide advice on matters relating to the Executive's responsibilities and functions.
- 8.2 Task and Finish Groups cannot determine matters on behalf of the Executive but may provide recommendations for deliberation and determination by the Executive Committee.
- 8.3 Each Task and Finish Group shall elect their own Chair who shall be a Member of the Executive; however, its full membership, which shall be determined by the Leader or Executive, can be drawn from other councillors of the Council and include other stakeholder representatives where appropriate.

PART 2-7: ARTICLE 7 - OVERVIEW AND SCRUTINY

1.0 Establishment

- 1.1 The Council has established arrangements for the overview and scrutiny of decisions and other action taken by the Executive and others in accordance with the Section 9F of the Local Government Act 2000 (as amended). This Article sets out those arrangements which should be read in conjunction with the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution.
- 1.2 The Council shall keep under review its overview and scrutiny arrangements and shall make changes where it considers these are appropriate and will lead to an improved overview and scrutiny function.
- 1.3 The Council's Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006, is set out in Part 3 of this Constitution.
- 1.4 The council's statutory health scrutiny responsibilities are set out in Part 3 of this Constitution.

2.0 Responsibilities of the Overview and Scrutiny Committees

- 2.1 The Overview and Scrutiny Committees terms of reference, functions, responsibilities and remit are set out in Part 3 of this Constitution.

The Overview and Scrutiny Committees will decide their own work programme and working arrangements subject to any directions by the Council and/or inclusion of matters referred by the Leader/Executive/Portfolio Holders.

3.0 Membership of the Overview and Scrutiny Committees

- 3.1 The Overview and Scrutiny Committees' membership is set out in Part 3 of this Constitution.

4.0 Conduct of Meetings

- 4.1 The Overview and Scrutiny Committees shall conduct their meetings in accordance with the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution.

PART 2-8: ARTICLE 8 - OTHER COMMITTEES

1.0 Regulatory and Other Committees

- 1.1 The Council will appoint the committees set out in Part 3 of this Constitution (Responsibility for Council Functions) to discharge the functions described.
- 1.2 The Committees shall have the functions and terms of reference as set out in Part 3 and 3 of this Constitution.
- 1.3 A Committee may, at any time, decline to exercise a delegated power. The matter must then be considered and determined by the Council as appropriate.
- 1.4 Committee meetings shall be conducted in accordance with the law and the Procedure Rules set out in Part 4 of this Constitution.
- 1.5 The Council will appoint a Health and Wellbeing Board to discharge the functions conferred by the Health and Social Care Act 2012 and in accordance with regulations as set in Part 3 of the Constitution.

PART 2-9: ARTICLE 9 - JOINT ARRANGEMENTS

1.0 Joint Arrangements

- 1.1 The Council or the Leader or Executive in order to promote the economic, social or environmental well-being of the area, may:
 - a) enter into arrangements or agreements with any person or body;
 - b) co-operate with, or facilitate or co-ordinate the activities of, any person or body;
and
 - c) exercise on behalf of that person or body any functions of that person or body.
- 1.2 The Council will consult with relevant parish and town councils and the chairmen of relevant parish meetings when considering whether and how to establish local committees or joint committees.
- 1.3 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions (which are not executive functions) in any of the participating authorities or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities. Such joint arrangements may include the establishment of joint committees under section 101 of the Local Government Act 1972.
- 1.4 The Leader/Executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of a joint committee with these other local authorities. The Leader/Executive may appoint members of the Executive to a joint committee where the joint committee exercises executive functions.
- 1.5 Except as set out below, the Leader/Executive may only appoint executive councillors to a joint committee, and those councillors need not reflect the political composition of the Council as a whole.
- 1.6 The Leader/Executive may appoint councillors to a joint committee from outside the Executive where the joint committee has functions for only part of the area of the authority and that area is smaller than two-fifths of the authority by area or population. In such cases, the Leader/Executive may appoint to the joint committee any councillor who is a councillor for a ward which is wholly or partly contained within the area. In this case, the political balance requirements do not apply to such appointments.
- 1.7 A list of all joint arrangements in force from time to time will be maintained by the Monitoring Officer and published on the Council website as arrangements are

established, amended, revoked or dissolved.

- 1.8 The Access to Information Procedure Rules in Part 4 of this Constitution apply.
- a) If all the members of a joint committee are members of the executive in each of the participating authorities, then its access to information regime is the same as that applied to the Executive.
 - b) If the joint committee contains councillors who are not on the executive of any participating authority, then the access to information rules in Part VA of the Local Government Act 1972 will apply.
- 1.9 The Council, Leader or Executive may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority. The decision whether or not to accept such a delegation from another local authority shall be reserved to the full Council.
- 1.10 The Council (for functions which are not executive functions) and the Leader/Executive (for executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an Order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.

PART 2-11: ARTICLE 10 - OFFICERS

1.0 Introduction

- 1.1 This Article describes the management structure of the Council and the responsibilities of the Statutory and Chief Officers.
- 1.2 'Officers' means all employees and staff engaged by the council to carry out its functions. However, it should be noted that Officers include others who may not be employed by the Council but have duties, functions and responsibilities towards it.

2.0 Management Structure

- 2.1 The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- 2.2 Persons will be appointed for the following posts in accordance with the Officers Employment Procedure Rules below:
- a) Chief Executive and Head of Paid Service
 - b) Monitoring Officer
 - c) Chief Finance Officer
 - d) Director of Children's Services
 - e) Director of Public Health and such other posts as are referred to in legislation as "Chief Officer" posts.
 - f) Other posts as agreed between the Chief Executive and the Chairman of the Council

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service (Statutory Chief Officer s2.6 Local Government Housing Act 1989)
Executive Director of Legal & Governance	Monitoring Officer (Statutory Chief Officer Section 43 Localism Act 2011)
Executive Director of Finance & Assets	Chief Financial Officer (Section 151 Officer) (Statutory Chief Officer s2.6 Local

	Government Housing Act 1989)
Director of Childrens & Education	Director of Children's Services (Statutory Chief Officer s2.6 Local Government Housing Act 1989)
Executive Director Adult Social Care & Health	Director of Adult Social Services (Statutory Chief Officer s2.6 Local Government Housing Act 1989)
Director of Public Health	Director of Public Health (Statutory Chief Officer) s2.6 Local Government Housing Act 1989)
TBC	Scrutiny Officer (Statutory Officer)

3.0 *Functions of the Head of Paid Service*

- 3.1 The Head of Paid Service will report to the full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- 3.2 Overall corporate management and operational responsibility (including overall management responsibility for all officers).
- 3.3 Determining and publicising the overall management structure for the Council and where appropriate reporting to the Council on these matters.
- 3.4 Provision of professional advice to all parties in the decision-making process.
- 3.5 Representing the Council on partnership and external bodies (as required by statute or the Council).
- 3.6 Promote the importance of the ethical agenda and to sustain the highest standards of ethical behaviour on the part of the Council's officers in the performance of their duties in accordance with the requirements of the Officers Code of Conduct.
- 3.7 In consultation with the Monitoring Officer, considering applications from members of staff for exemption from political restriction in respect of a post they hold with the Council.
- 3.8 In consultation with the Monitoring Officer, considering applications that the Council be directed to include any post in the list of politically restricted posts.
- 3.9 The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

4.0 Functions of the Monitoring Officer

- 4.1 The Monitoring Officer will maintain an up-to-date version of the Constitution and has delegated authority to make minor, administrative or consequential amendments to it and will ensure that it is widely available to councillors, staff and the public and available on the Council's website.
- 4.2 After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council or to the Leader/Executive in relation to an executive function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 4.3 After consulting with relevant senior managers, the Monitoring Officer will report to the Head of Paid Service any council process or procedure which they consider could give rise to unlawfulness or if any such process or procedure would give rise to maladministration.
- 4.4 The Monitoring Officer shall contribute towards the promotion and maintenance of high standards of conduct and ethics by councillors.
- 4.5 The Monitoring Officer will receive and deal with allegations that a Member has breached the Member Code of Conduct in accordance with the arrangements set out in the Constitution.
- 4.6 The Monitoring Officer will ensure that all decisions with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.
- 4.7 The Monitoring Officer shall provide advice to all councillors on issues in relation to the scope of powers and authority to take decisions, maladministration, financial impropriety and probity.
- 4.8 The Monitoring Officer shall contribute to the corporate management of the Council, in particular, through the provision of professional legal and governance advice.
- 4.9 The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.
- 4.10 Further information regarding the role of the Monitoring Officer may be found in The Monitoring Officer Protocol in Part 5-4 of this Constitution.

5.0 Functions of the Chief Finance Officer

- 5.1 The Chief Finance Officer is responsible and shall have overall responsibility for the proper administration of the financial affairs of the Council.
- 5.2 After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council or to the Leader or Executive in respect of an executive function) and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- 5.3 In accordance with the Local Government Act 2003 to advise on the robustness of estimates and level of resources.
- 5.4 The Chief Finance Officer shall provide advice on issues to all councillors in relation to the scope of powers and authority to take decisions, maladministration, financial impropriety and probity issues and will support and advise Councillors and Officers in their respective roles.
- 5.5 The Chief Finance Officer shall contribute to the corporate management of the Council, in particular, through the provision of professional financial advice.
- 5.6 Further information regarding the role of the Chief Finance Officer may be found in the Chief Finance Officer Protocol in Part 5-5 of this Constitution.

6.0 Functions of the Director of Children's Services

- 6.1 The Director of Children's Services will have responsibility for functions conferred on or exercisable by the authority in their capacity as a Local Education Authority.
- 6.2 The Director of Children's Services will have responsibility for functions conferred on or exercisable by the authority, which are social services functions so far as those functions relate to children.
- 6.3 The Director of Children's Services will have responsibility for making arrangements with a view to improving the well-being of children in the authority's area.
- 6.4 The Director of Children's Services will have responsibility for safeguarding and promoting the welfare of children.
- 6.5 The Director of Children's Services will establish and maintain information databases in relation to the well-being and safeguarding of children.
- 6.6 The Director of Children's Services will prepare and publish a Children's and Young People's

Plan setting out the authority's strategy for discharging their functions in relation to children and relevant young persons.

- 6.7 The Director of Children's Services will have responsibility for function under section 31 of the Health Act 1988 on behalf of an NHS body so far as those relate to children.

7.0 Functions of the Director of Adult Social Services

- 7.1 The Director of Adult Social Services will have responsibility for all social services functions (other than those for which the Director of Children's Services is responsible) in accordance with Section 6 of the Local Authority Social Services Act 1970 (as amended) by the Children Act 2004.

8.0 Functions of the Director of Public Health (DPH)

- 8.1 The DPH is responsible for writing the Annual Report on the health of the local population.
- 8.2 The DPH is responsible for all of the local authority's duties to take steps to improve public health specified in S73A National Health Service Act 2006 and subordinate legislation. To be a member of the Health and Wellbeing Board. (Health and Social Care Act 2012)
- 8.3 The DPH is responsible for exercising the local authority's functions in planning for, and responding to, emergencies that present a risk to public health.
- 8.4 The DPH is responsible for exercising the local authority's role in co-operating with the Police, the Probation Service and the Prison Service to assess the risks posed by violent or sexual offenders. (S73A National Health Service Act 2006 & S325 Criminal Justice Act 2003)
- 8.5 The DPH is responsible for the local authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications.
- 8.6 The DPH is responsible for exercising the local authority's duties to ensure plans are in place to protect their population including through screening and immunisation.
- 8.7 The DPH is responsible for any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations. These include services mandated by regulations made under section 6C of the 2006 Act, inserted by section 18 of the 2012 Act;
- 8.8 The DPH is responsible for such other public health functions as the Secretary of State specifies in regulations, including services prescribed under Section 6C of the 2006 Act and under dental public health powers under in 111 of the 2006 Act, as amended by the 2012 Act. Responsibility for arrangements with another body under S65Z (5) or S75 National

Health Service Act 2006.

9.0 Functions of the Scrutiny Officer

- 9.1 The Scrutiny Officer will promote the role of the Overview and Scrutiny Committees and its sub-committees.
- 9.2 The Scrutiny Officer will provide support to the Overview and Scrutiny committees and sub-committees and their members.
- 9.3 The Scrutiny Officer will provide support and guidance to Members and officers in relation to the functions of the Overview and Scrutiny Committees and its sub-committees.

10.0 Duty to Provide Resources

- 10.1 The Council will provide or procure the provision to the Officers detailed in this Article (whether interim or permanent) of accommodation, and other resources as are, in their opinion, sufficient to allow their duties to be performed in their statutory roles.

11.0 Conduct

- 11.1 All Officers engaged or employed by or on behalf of the Council shall act in accordance with the law, with this Constitution, and with any code of conduct or professional standards applicable to them.

12.0 Employment

- 12.1 The recruitment, selection and disciplinary action including dismissal of Officers included in this Article, will comply with the Employment Committee Procedure Rules as set out in Part 4 of this Constitution.

PART 2-12: ARTICLE 12 - DECISION MAKING

1.0 *Introduction*

- 1.1 This Article provides for the recording of decisions of the Council and the Executive and the principles governing those decisions.

1.2 *General Principles of Decision Making*

- 1.3 The Council shall keep an up-to-date record of what part of the Council or which individual has the responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in the Allocation of Responsibilities in Part 3 of the Constitution.
- 1.4 All decisions shall be recorded by Officers and published, together with the reasons and relevant background papers.
- 1.5 All decisions taken by or on behalf of the Council shall be taken in accordance with the following principles:
- In accordance with this Constitution;
 - In accordance with the law;
 - In accordance with the Council's Budget and Policy Framework;
 - With due regard to proportionality, so that the action taken is proportionate to the desired outcome;
 - With a respect for human rights and the rights of individuals;
 - In a transparent and accountable manner, with a presumption in favour of openness;
 - With clarity of aims and desired outcomes;
 - After appropriate consultation and the taking of professional advice from relevant officers;
 - After proper consideration of written reports which comply with the principles set out in the Access to Information Procedure Rules in Part 4 of this Constitution;
 - With all relevant matters having been fully considered in decision making and nothing irrelevant having been taken into account;
 - With due regard to the public sector equality duty under section 149 of the

Equality Act 2010; and

- In line with economy, efficiency and effectiveness and the Council's statutory duty of best value arising from the Local Government Act 1999.

2.0 Decisions of the Council

- 2.1 Decisions reserved to the Council under Part 2 (Article 4) of this Constitution and set out in Part 3 Responsibility for Functions of the Constitution, or which it is required to take by law, shall be taken at duly convened meetings of the Council in accordance with the Council Procedure Rules in Part 4 of the Constitution.

3.0 Decisions of the Executive & Key Decisions

- 3.1 The Executive shall take all decisions, including "Key Decisions" which it is required to determine by law or in accordance with Part 3 of this Constitution.
- 3.2 Decisions of the Executive will ordinarily be taken at duly convened meetings of the Executive. Where a decision is urgent, the Head of Paid Service may take an urgent decision in accordance with the Executive Procedure Rules in Part 4 of this Constitution.
- 3.3 A Key Decision is a decision which, is likely:
- To result in the Council incurring revenue expenditure which is, or the making of revenue savings which are, over £500,000 per annum; or
 - To result in the Council incurring capital expenditure which is, or the making of capital savings which are, or a capital receipt which is, over £2,500,000; or
 - To be significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the Council.
- 3.4 In determining whether a decision is "significant" for the purposes of paragraph 3.3 above, the decision-taker shall have regard to:
- The number of people living or working in the affected area who are likely to be affected by the decision;
 - The degree and nature of the impact on those people;
 - The level of public interest in the matter;
 - Any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the 2000 Act; and
 - The advice of the Monitoring Officer.

- 3.5 A Key Decision may only be made in compliance with both the Executive Procedure Rules and the Access to Information Procedure Rules as set out in Part 4 of this Constitution.
- 3.6 Decisions of the Executive shall be recorded and published in accordance with the Local Authorities (Executive Arrangements (Meetings and Access to Information) (England)) Regulations 2012 as applied to the Executive. A record of every decision, including the reasons for the decision and any declarations of interests, will be published on the Council website within two clear working days of the decision being made.
- 3.7 Any Executive decision which has not yet been implemented may be “called in” by any 5 councillors of the Council, who are not members of the Executive, in accordance with the Overview and Scrutiny Procedure Rules at Part 4 of this Constitution.

4.0 Other Committees

- 4.1 Other Committees, Sub Committees, Executive Members and Officers shall take such decisions as are delegated to them by the Council or the Executive, in accordance with the provisions of this Article and the relevant Procedure Rules in Part 4 of the Constitution.

5.0 Decision-Making by Council Bodies Acting as Tribunals

- 5.1 The Council, a councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

PART 2-13: ARTICLE 13 - LEGAL, CONTRACTUAL AND FINANCIAL MATTERS

1.0 *Financial Management*

- 1.1 The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

1.2 *Contracts*

- 1.3 Every contract (excluding contracts for property disposals and acquisitions) entered into by or on behalf of the Council shall be made in accordance with the Contract Procedure Rules set out in Part 4 of this Constitution and with all applicable procurement legislation.
- 1.4 In the absence of any other specific authorisation, contracts entered into on behalf of the Council may be signed by any one of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer of the Council, regardless of whether interim or permanent.

2.0 *Authentication of Documents*

- 2.1 Any document required to be executed under seal or otherwise formally authenticated or signed on behalf of the Council shall be signed by the Monitoring Officer or by such other person as the Monitoring Officer may authorise in writing for that purpose, or may be sealed electronically by the Monitoring Officer or persons authorised by the Monitoring Officer, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- 2.2 Any contract with the values set out in Contract Procedure Rules entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the Council attested by at least one officer.
- 2.3 The common seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Council, or any authorised decision maker, will be sufficient authority for sealing any document necessary to give effect to the decision. The common seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the common seal will be attested by the Chief Executive, or the Monitoring Officer or some other persons authorised by them.

3.0 *Legal Proceedings*

- 3.1 The Monitoring Officer of the Council is authorised to institute, defend or participate in any legal proceedings or to take such other action where such action is necessary to give effect to decisions of, or on behalf of, the Council or in any case where they consider that such action is necessary to protect or further the interests of the Council.

4.0 Service of Documents

- 4.1 Documents to be served on the Council may be addressed to the Monitoring Officer at the main office of the Council. The main office of the Council for all purposes connected with the Constitution is the office of the Council as stated on the Council website.

5.0 Indemnity

- 5.1 The Council shall indemnify councillors and officers against any costs or liabilities reasonably incurred in the proper performance of their duties on behalf of the Council, in accordance with section 101 of the Local Government Act 2000.

PART 2-14: ARTICLE 14 - REVIEW, REVISION, SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

1.0 Duty to Monitor and Review of the Constitution

- 1.1 The Monitoring Officer and the Standards Committee shall monitor and review the operation of this Constitution to ensure that its purpose and principles are being given full effect.
- 1.2 The Monitoring Officer shall report to the Standards Committee on any material inconsistency between the Constitution and the law and will recommend such amendments to the Council as may be required.

2.0 Amendments to the Constitution

- 2.1 The following may authorise changes to this Constitution to the extent permitted by the law:
 - The Council (usually after consideration by the Standards Committee);
 - The Leader (in respect of Executive matters only); and
 - The Executive (in respect of Executive matters only).
- 2.2 Any councillor, the Council or part of the Council may request the Constitution Sub Committee of the Standards Committee to consider changes to the Constitution. The Monitoring Officer, or an Officer appointed by them, shall advise the Constitution Sub Committee on such requests.
- 2.3 The Monitoring Officer may make amendments to this Constitution:
 - To give effect to a decision made by the relevant decision-making body or person having the power to make that decision;
 - Where the Monitoring Officer considers this necessary to reflect legislative change, to secure consistency, or to address any legal ambiguity or other legal issue; or
 - For any other reason, provided that any amendment does not seek to remove any function reserved to the Council under Part 2-4 (Article 4) of the Constitution and provided that any amendment made under this sub-paragraph is reported to the next available meeting of the Standards Committee.

3.0 Suspension of the Constitution

- 3.1 The Articles of this Constitution may not be suspended.
- 3.2 The Procedure Rules in Part 4-1 of the Constitution may be suspended by the Council to the extent permitted within those rules and by law.
- 3.3 A motion to suspend any Procedure Rule may not be moved without notice, unless at least half of the total membership of the Council is present. The extent and duration of any suspension shall be proportionate to the purpose to be achieved, having regard to the purposes of this Constitution.

4.0 *Interpretation*

- 4.1 The ruling of the Chair, having taken professional advice from the Monitoring Officer, or other Officer appointed for the purpose by them, on any question of procedure or interpretation at a meeting of the Council, will be final so far as the conduct of that meeting is concerned. Such rulings will have regard to the purposes of this Constitution.

5.0 *Publication*

- 5.1 The Monitoring Officer shall arrange for this Constitution to be available for inspection at the main office of the Council during reasonable office hours and on the Council website.
- 5.2 Any amendment to this Constitution shall be published as soon as practicable after it is made.

This page is intentionally left blank