

Council

14 October 2021



Title	Amendments to the Spelthorne Joint Committee Constitution following decision of Surrey County Council
Purpose of the report	To make a decision
Report Author	Victoria Statham, Group Head of Corporate Governance
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Committee decision
Recommendations	Council is asked to: Approve the amendments to the Spelthorne Joint Committee Constitution as set out in this report.
Reason for Recommendation	To ensure that the Spelthorne Joint Committee constitution contains terms agreed by both authorities.

1. Background

- 1.1 On 27 May 2021 the Council ceased operating the Cabinet form of governance and commenced operating a committee system of governance.
- 1.2 At the Council meeting on the 15 July 2021 the Council agreed amendments to the Spelthorne Joint Committee (SJC) Constitution including to remove references to Spelthorne Borough Council's Cabinet and Overview and Scrutiny Committee which no longer exist and to remove the provisions which gave authority to the Borough Council's Leader to appoint the Vice-Chairman of the SJC which is at odds with the new role of the Leader.
- 1.3 The report for the Council on the 15 July also contained the recommendation for the following:

Tenure of Chair/Vice-Chair (paragraph 2.1) – In July 2019, after the Chairmanship had been held by a Surrey County councillor for one year (2018-2019), the SJC agreed to amend the tenure of office to a two-year term and the Surrey County councillor retained the office of Chair for 2019-2020. The SJC Constitution was not amended to reflect this change. Possibly due to the challenging period of 2020-2021, the Surrey County councillor again held the Chairmanship for those meetings that took place last year. As a Borough

Councillor has not held the Chair since 2017-18, it is proposed that the tenure of office is formally amended in the Constitution to a period of two years and that the Chair is appointed from Spelthorne Borough Council for 2021-2023.

- 1.4 The amendments to the constitution agreed by Spelthorne Borough Council were provided to Surrey County Council who confirmed that they agreed to all the changes consequential to the change in governance but were not in agreement with the amendments to the appointment of the chair and vice chair.
- 1.5 Surrey County Council have stated that the agreement of the Spelthorne Joint Committee to allow for a second year of Surrey County Council holding the chair position was only a temporary arrangement and was not incorporated into the constitution as this was not to be permanent.
- 1.6 To operate as a joint constitution all the provisions must be agreed by both authorities. If not agreed by both parties the constitution reverts to the most recently agreed version, which has the yearly rotation of the chair.
- 1.7 At the Surrey County Council cabinet meeting on 28 September 2021 the County confirmed the agreement to the consequential amendments and amendments to the Chair/Vice Chair appointment section to be:
 - (a) From 2021/22 Municipal year, the offices of Chairman and Vice-Chairman shall alternate between the two Councils every year, with the Borough Council providing the Chairman in Municipal Year 2021/22. If the appointed Chairman is representing Surrey County Council, the Vice-Chairman must be a Spelthorne Borough Council representative and vice-versa.
 - (b) From 2021 the Surrey County Council appointment will be made by the relevant Council Leader and the Spelthorne Borough Council appointment will be made by the Council from amongst those members appointed to the Spelthorne Joint Committee.
 - (c) The Chairman and Vice-Chairman shall, unless he or she resigns the office or ceases to be a member of the Spelthorne Joint Committee, continue in office until a successor is appointed. If a Chairman or Vice-Chairman does not complete a full term of office, a further member from the same Council shall be appointed in accordance with the relevant authority's usual procedures for the remainder of that term.
 - (d) In the absence of the Chairman and the Vice-Chairman at a meeting, the members of the Committee shall elect a chairman for that meeting.
- 1.8 Spelthorne Borough Council have held the chair of the Joint Committee from the start of this municipal year under the current agreed constitution which contains the yearly rotation.
- 1.9 On the 15 July 2021 Spelthorne Borough Council agreed the provisions: The Spelthorne Borough Council representative appointed to the office of Chairman or Vice-Chairman may not also be a Surrey County Councillor. As this provision relates only to Spelthorne Borough Council and is not a stipulation of the County Council this will be put in Council Standing Orders and not in the joint constitution.

2. Proposed amendment

2.1 It is proposed that the Council agrees the amendments to the Joint Constitution as set out in 1.7 (a)-(d). These reflect the arrangements in the previous version of the Constitution agreed by both the Borough and County Council. Their inclusion in the revised Constitution (following our governance change) will ensure that the document is up to date and the Joint Committee does not have to revert to the out-of-date Constitution.

3. Financial implications

3.1 There are none

4. Timetable for implementation

4.1 The amendments will take effect upon agreement.

Background papers: There are none.

Appendices: There are none.