

West Surrey Shadow Authority Standards Committee		
Report title: Proposed Constitution Amendments		
Report to: Standards Committee		
Date: 6 July 2026		
Executive Portfolio Holder: Cllr Victoria Kiehl		
Report of Monitoring Officer: Susan Sale, Monitoring Officer (interim), susan.sale@westsurrey.gov.uk		
Report author(s): Susan Sale, 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: Text here	
Report cleared for publication by:		
Workforce & People	No implications	N/A
Equalities Impact Assessment	No implications	N/A
SRO (or their designate)	Nicola Kilverton	25 June 26
Chief Finance Officer (interim)	Vicky Radford	25 June 26
Monitoring Officer (interim)	Susan Sale	25 June 26
Executive Portfolio Holder consultation		24 June 26
Committee Chair consultation		23 June 26
Head of Paid Service (Interim)	Susan Sale on behalf of Andy Brown	25 June 26

1. Executive Summary

- 1.1** The current Shadow Executive Procedure Rules adopted into the West Surrey Shadow Authority Constitution provide a mechanism for questions from members of the public but do not include a provision enabling Shadow Authority Members to submit questions to the Shadow Executive at their meetings. This was not the intention of the Leader, who is keen for members of the Shadow Authority to have the opportunity to ask questions at meetings of the Shadow Executive, of both the Leader and any member of the Executive.

- 1.2** This report proposes the formal adoption of new revised Executive Procedure Rules into the West Surrey Shadow Council Constitution to include new provisions relating to Questions by Members of the Shadow Authority, at Executive meetings. The intention is to enhance transparency, accountability and democratic engagement.
- 1.3** The proposed arrangements are based on a review of existing constitutional arrangements at the existing Surrey County Council and West Surrey councils, and also the Shadow Authority's adopted rules relating to Questions from Members to the Shadow Authority, and the existing adopted Shadow Authority Procedure Rules relating to question to the Shadow Executive from members of the public.
- 1.4** Whilst currently the chair of the Shadow Executive may use their discretion to allow question from Members to be taken, the amended procedure will provide Members with a formal mechanism to seek information and hold Executive Members to account, whilst ensuring meeting of the Shadow Executive remain efficient and well managed.
- 1.5** It should be noted that the arrangements for Shadow Executive meetings are within the remit of the Shadow Leader. Any amendments to the Constitution, however, are within the remit of the Shadow Authority, who act upon recommendations from the Standards Committee. The new proposed Executive Procedure Rules are being considered by the Leader, and subject to his adoption of them, the Standards Committee are simply asked to recommend to the Shadow Authority, their formal adoption into the Constitution.

2 Recommendations:

- 2.1** That the Standards Committee of the West Surrey Shadow Authority resolves:
 - 2.1.1** **Subject to the decision of the Leader to adopt revised Executive Procedure Rules as set out in Appendix 2, (to include a new section relating to 'Questions by Members'), to recommend to the Shadow Authority that these revised Executive Procedure Rules, be formally adopted into the West Surrey Shadow Authority Constitution at Part 4.2 in place of the existing.**
 - 2.1.2** **To authorise the Monitoring Officer to make any consequential constitutional, formatting or cross-referencing amendments required to give effect to the changes arising from the revised Executive Procedure Rules.**
 - 2.1.3** **To note the Executive Portfolio Holder appointments made by the Leader of the Council, as set out in Appendix 3 to this report, and recommend that the Shadow Authority notes the Monitoring Officer's intention to update the Constitution under her delegated authority to include these appointments.**

- 2.1.4 To note the recent changes that will be made to the West Surrey Shadow Authority Constitution, by the Monitoring Officer under her delegated authority, as set out in Appendix 4 to this report.**

3 Reason(s) for recommendation:

- 3.1** To strengthen transparency and democratic accountability within the Shadow Authority governance framework.
- 3.2** To provide Members with a formal mechanism for raising matters relating to Executive functions.
- 3.3** To align the Shadow Authority's constitutional arrangements with existing established practices operating across Surrey County Council and some of the West Surrey councils, as well as providing consistency for Members with other adopted Shadow Authority constitutional arrangements.

4 Next steps

- 4.1** Subject to the Committee's recommendation, the proposed new amended Executive Procedure Rules will be referred to a meeting of the Shadow Authority for approval of them being included within the Constitution.
- 4.2** If approved, the amended document will be incorporated into Part 4.2 of the Constitution.
- 4.3** The revised arrangements would take effect immediately following adoption.
- 4.4** A new version of the Shadow Authority Constitution, dated 30 July 2027, would be published on the Guildford Borough Council and Future Surrey websites, to include all amendments.

5 Exemption from publication

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

6 Background and Proposal

Shadow Executive Procedure Rules

- 6.1** The Shadow Executive Procedure Rules currently contain provisions allowing members of the public to submit written questions to members of the Shadow Executive. However, no equivalent provision exists for Members of the Shadow Authority.
- 6.2** The absence of a formal mechanism for Member questions limits the opportunities for Members, who are not members of the Shadow Executive, to seek information and publicly question Executive decision-

makers on matters relating to Executive functions. This is currently at the discretion of the Leader as Chair of the Executive meetings.

- 6.3** The ability of Members to ask questions of Executive Members is a well-established feature of local authority constitutions and provides an important mechanism through which Members can raise matters of local concern, seek clarification regarding Executive activities and support democratic accountability. These arrangements support openness, accountability and transparency in decision-making.
- 6.4** The proposed arrangements would complement, rather than replace, the existing role of the Shadow Overview and Scrutiny Committee.
- 6.5** As part of the report to the Leader regarding amended Executive Procedure Rules, a review has been undertaken of constitutional arrangements operating at the Surrey County Council and West Surrey councils, as well as a review of consistency of provisions within the currently adopted West Surrey Shadow Authority Constitution, to consider whether the proposals are in accordance with existing constitutional arrangements.
- 6.6** Currently across Surrey, of the existing sovereign councils that operate a strong leader model, two permit member questions at the Executive, two leave it to the Chair's discretion and others contain no provision. Within the West Surrey Shadow Authority constitution, members are currently permitted to ask questions at meetings of the Shadow Authority, as are members of the public, and members of the public are allowed to ask questions at meetings of the Shadow Executive, but elected members are not.
- 6.7** It is proposed that a new section entitled "Questions by Members" be inserted within the Shadow Executive Procedure Rules, as set out in Appendix 1 to this report. This proposal is currently being considered by the Leader.
- 6.8** The proposed rule would allow any Member of the Shadow Authority to submit a written question relating to an Executive function by providing at least four clear working days' notice to the Monitoring Officer. There are some grounds provided for the Monitoring Officer to refuse questions for example, where they are offensive or vexatious. Members would be limited to 3 questions each on materially different topics, with each having a maximum 150-word count limit, an overall time limit of 30 minutes for member questions, and questions taken in order received subject to one question from each member before subsequent questions are taken.
- 6.9** Questions would be asked and answered without debate at a meeting of the Shadow Executive. Responses could be provided verbally, by reference to published information or in writing within 5 working days.

- 6.10** Provision is also made for urgent questions, subject to the consent of the Leader and notification to the Monitoring Officer by noon on the day of the meeting.
- 6.11** The wording of the proposed change is attached at Appendix 1 to this report, and a complete version of the proposed rules with the changes shown as tracked changes is produced at Appendix 2.

Minor amendments by the Monitoring Officer

- 6.12** The Scheme of Officer delegations adopted by the Shadow Authority as part of their Constitution, provides that the Monitoring Officer may make changes to the Constitution in line with Article 12.4 which provides:
- “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 Shadow Authority under Part 2-4 of the Constitution and provided that any amendment made under this sub-paragraph is reported to the next available meeting of the Standards Committee.”
- 6.13** The Monitoring Officer is intending to make changes to the current West Surrey Shadow Authority Constitution under her delegated authority, as set out in Appendix 4. The changes will be incorporate in an updated version of the constitution dated 30th July 2026, published shortly thereafter.

Portfolio Holders

- 6.13** Article 6 of the Constitution provides that the Shadow Leader may establish portfolios of executive functions and appoint a portfolio to each member of the Shadow Executive to be known as Portfolio Holders. The Leader of West Surrey Shadow Authority has established portfolios and appointed them to members of the Shadow Executive. These are set out at Appendix 3. The Standards Committee should recommend to the Shadow Authority that they note the new Portfolio's and the Portfolio Holder's and that the Monitoring Officer will be updating Article 6 to reflect these arrangements.
- 6.14** The Leader has the authority, as set out in Article 6 of the constitution, to make decisions regarding any scheme of delegated decision making by individual Portfolio Holders. He has not made any such decisions as yet.

7 Consultation

- 7.1** The proposed arrangements have been informed by a review of constitutional provisions operating across Surrey authorities.
- 7.2** Any comments or changes made by Standards Committee will be incorporated into the report presented to the Shadow Authority for approval.
- 7.3** Consultation has been undertaken with the Chair (elect) of the Standards Committee.
- 7.4** Consultation has been undertaken with both the relevant Portfolio Holder and the Leader of the Council, within whose gift it is to make arrangements for meetings of the Executive. They had no comments.

8 Key Risks

- 8.1** There is a risk of a perception of a lack of democratic accountability if members are not allowed to ask questions publicly of Executive members in respect of their functions.

9 Options

- 9.1** **Option 1** – Introduce a Member Questions on Notice Procedure (Recommended). This option would introduce a formal constitutional mechanism enabling Members to submit questions to Executive Members, improving transparency, accountability and Member engagement.
- 9.2** **Option 2** – Maintain Existing Arrangements. This option would mean that Members would continue to have no formal mechanism to ask questions of the Shadow Executive.
- 9.3** **Option 3** - Propose alternative arrangements. Members of the Standards Committee could provide alternative suggested arrangements for the Shadow Authority to consider.

10 Issues for consideration

10.1 Financial Implications

- 10.1.1** The proposals can be implemented within existing resources. Any additional administrative work associated with the management of Member questions is expected to be minimal.

10.2 Section 151 Officer Commentary

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

10.3 Legal Implications

10.3.1 Local authorities have discretion to establish constitutional procedures governing the conduct of meetings and participation by Members. The proposed arrangements support the principles of openness and accountability contained within the Local Government Act 1972 and recognised principles of good governance.

10.3.2 The Standards Committee is responsible for advising the Shadow Authority on the development of a Constitution for West Surrey Council and this report is in line with that requirement.

10.4 Interim Monitoring Officer Commentary

10.4.1 The proposed amendment represents good governance practice and aligns with arrangements operating within a number of the Sovereign Councils.

10.5 People/Human Resources Implications

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

10.6 Equality and Diversity Implications

10.6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

10.6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

10.6.3 This duty has been considered in the context of this report, and it has been concluded that there are no equality and diversity implications arising directly from this report.

11 Overview & Scrutiny Comments

11.1 Not applicable

12 List of Appendices

12.1 Appendix 1 - Proposed Constitutional Amendment: Executive Procedure Rules

12.2 Appendix 2 - Proposed Constitutional Amendment: Executive Procedure Rules (Track Changes)

12.3 Appendix 3 – Establishment of Portfolio's and Portfolio Holder appointments by the Leader

12.4 Appendix 4 – Constitutional amendments to be made by the Monitoring Officer under delegated authority.

13 List of Background papers

13.1 Constitutions of Surrey County Council, Guildford & Waverley Borough Councils, Woking Borough Council, Spelthorne Borough Council and Surrey Heath Borough Council.

13.2 Constitution of West Surrey Shadow Authority