

## **Appendix 4**

Amendments to be made to the West Surrey Shadow Authority Constitution by the Monitoring Officer

### **Financial Procedure Rules**

Paragraph 5.2 of the Financial Procedure Rules at Part 4-7 of the constitution provides that the Head of Paid Service is responsible for preparing West Surrey Council's Pay Policy Statements, "for consideration by the Shadow Executive and approval by the Shadow Authority". This is inconsistent with the Terms of Reference of the Employment Committee which provide at paragraph 2.1 that within the functions of the Employment Committee are "preparation of the annual Pay Policy statement to be agreed by the Shadow Authority.

The MO's view is that the Pay Policy must be approved by the Shadow Authority to comply with section 38 of the Localism Act and it is more appropriate for the Employment Committee, rather than the Executive to consider it and make a recommendation for its adoption by the Shadow Authority.

The Mo will therefore make the necessary amendment to the Financial Procedure Rules.

### **Employment Procedure Rules**

Paragraph 6.6 of the Employment Procedure Rules at Part 4-4 of the Constitution provide in table 1 arrangements for the appointment of Statutory Officers of West Surrey Council, including the post of 'Chief Education Officer'.

Since legislative changes were implemented a Unitary local authority no longer has a dedicated Statutory role of Chief Education Officer, and the duties of this former role have been amalgamated into other Statutory roles.

The MO will remove the reference to the Chief Education Officer.

### **Functions**

Paragraph 11.1 of Part 3A of the constitution sets out a table with the principal functions of the Shadow Authority and identified the body responsible for each function. The function of the Corporate Schedule has been omitted.

The MO advises that the Corporate Strategy should be developed by the Shadow Executive and then recommended by them to the Shadow Authority for formal adoption.

The MO will amend the table at paragraph 11.1 to provide that the function of “Adopt the Corporate Strategy” is the responsibility of the Shadow Authority and that “Recommendation of a Corporate Strategy” is the responsibility of the Shadow Executive.

### **Standards Committee Terms of Reference**

Paragraph 5 of the Standards Committee Terms of Reference does not specifically state that the Constitution Sub Committee should be politically balanced.

The MO’s view is that whilst it does provide for this elsewhere in the constitution, it would be useful to include it within the terms of reference.

The MO will amend paragraph 5.1 to add the words “The Constitution Sub Committee will be politically balanced as far as is achievable”, at the end of the paragraph.

The numbering of paragraph 9 of the Standards Committee Terms of Reference is not correct and the MO will amend the numbering to be sequential.

### **Financial Procedure Rules**

At the meeting of the Executive on 9<sup>th</sup> June 2026, the Executive adopted a General Consents document for local authorities requiring consents from the Shadow Executive in relation to the s24 Direction, expected to become legislation on 3<sup>rd</sup> July 2026.

The MO advises that this should be incorporated into the constitution.

The MO will include this as appendix 3 to the Financial Procedure Rules at Part 4-7 of the Constitution.

### **Shadow Authority Procedure Rules**

The Shadow Authority Procedure Rules (Part 4-1) provide in Paragraph 2.2.2 that the Monitoring Officer may amend the date, time or venue of an ordinary meeting in agreement with the Chair and Head of Paid Service, prior to a summons being issued. Paragraph 2.3.2 provides that the Monitoring Officer may alter the place, date and time of an ordinary meeting in consultation with the Chair, the Leader and the Head of Paid Service.

It is proposed that the Monitoring Officer have the ability to alter the date, time and venue of an ordinary meeting and that for a Shadow Authority meeting it should be in consultation with the Chair, Leader and Head of Paid Service, whereas for a Committee meeting it should be in consultation with the Chair of the Committee and the Head of Paid Service.

The MO intends to amend the wording in paragraph 2.2.2 and 2.3.2 to reflect the above and ensure consistency.