

West Surrey Shadow Authority		
Report title: Terms of Reference & Procedures of the Constitution Sub Committee		
Report to: Constitution Sub-Committee		
Date: 6 August 2026		
Executive Portfolio Holder: Cllr Victoria Kiehl Contact Email: Victoria.Kiehl@westsurrey.gov.uk		
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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
Implementation Team Leader (or their delegate)	N/A	N/A
S151 Officer	Vicky Radford	14 July 2026
Monitoring Officer	Susan Sale	15 July 2026
Executive Portfolio Holder consultation	Cllr Victoria Kiehl	14 July 2026
Committee Chair consultation	Cllr Richard Wilson	14 July 2026
Head of Paid Service	Andy Brown	14 July 2026

1. Executive Summary

- 1.1** The purpose of this report is to present, for consideration and noting, the Terms of Reference and Procedure Rules of the West Surrey Shadow Authority's, Standards Committee's, Constitution Sub Committee.

2 Recommendations:

- 2.1** That the Constitution Sub Committee resolves to:

2.1.1 Note the extract from the Terms of Reference of the Standards Committee, relevant to the Constitution Sub Committee, as set out in Appendix 1 to this report; and

2.1.2 Note the extract from the Standards Committee Procedure Rules, relevant to the Constitution Sub Committee, as set out in Appendix 2 to this report.

3 Reason(s) for recommendation:

- 3.1** To ensure that the Constitution Sub Committee is clear of its role and responsibilities, and adopted procedures, and may use them effectively to manage and deliver its work programme.

4 Next steps

- 4.1** The Constitution Sub Committee will rely upon its adopted terms of reference and procedure rules during the shadow period, particularly to inform its work and deliver its work programme.

5 Exemption from publication

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

6 Background and Proposal

6.1 The terms of reference of the Standards Committee are set out in the 'Terms of Reference of the Standards Committee' document which can be found in Part 3-B4 of the West Surrey Shadow Authority Constitution.

6.2 The Standards Committee has various functions and responsibilities including those relating to conduct and ethics, the constitution, recruiting independent persons, maintaining oversight of member interests and gifts and hospitality, member development, and dispensations.

6.3 In respect of the Standard Committee's responsibilities regarding the Constitution, the Committee is responsible for advising the Shadow Authority on the development of a Constitution for West Surrey Council.

They are required to establish a Constitution Sub Committee of the Standards Committee, which they did on 21 May 2026.

- 6.4** The terms of reference of the Constitution Sub Committee are set out at Appendix 1 to this report and include the responsibility to advise the Standards Committee and the Shadow Authority on: any necessary revisions to the West Surrey Shadow Authority Constitution; and the adoption of a Constitution for West Surrey Council post Vesting Day.
- 6.5** The Procedure Rules for the Standards Committee can be found in Part 4-5 of the West Surrey Shadow Authority Constitution and the procedure rules particularly relevant to the Constitution Sub Committee can be found at Part B, and are set out in Appendix 2 to this report.
- 6.6** It should be noted that it is the responsibility of West Surrey Shadow Authority to approve any amendments to the Shadow Authority's Constitution, except that the Monitoring Officer has delegated authority to make minor, administrative and consequential amendments to it.

7 Consultation

- 7.1** Consultation has been undertaken with the Statutory Officers of West Surrey Shadow Authority.
- 7.2** Consultation has been undertaken with the relevant Portfolio Holder who had no comments to make.
- 7.3** Consultation has been undertaken with the Chair of the Standards Committee who simply commented that the Constitution Sub Committee Procedure Rules provide that the Sub Committee shall "Submit a final draft constitution to the Standards Committee by 31 December 2026", and that this may require an additional meeting of the Sub Committee in December 2026.

8 Key Risks

- 8.1** A lack of clarity of purpose, or regard for parameters established, could result in ineffective scrutiny such as lost opportunity to influence key decisions, reduced transparency, and ineffective use of member and officer time.
- 8.2** Further, decisions made, not in compliance with the Constitution could leave the Shadow Authority at risk of legal challenge.

9 Options

- 9.1** To note the adopted terms of reference and procedure rules of the Constitution Sub Committee (recommended option).

- 9.2** Not to note the adopted terms of reference and procedure rules of the Constitution Sub Committee (not recommended option).

10 Issues for consideration

10.1 Financial Implications

- 10.1.1 There are no direct financial implications arising from this report.

10.2 Section 151 Officer Commentary

- 10.2.1 West Surrey will operate in a very challenging financial environment, with significant budgetary pressures from increasing demand and costs of service delivery, coupled with limited financial resources and reducing government funding. West Surrey Council will be increasingly reliant on Council Tax as the primary source of income.
- 10.2.2 Decisions made by the sovereign councils in West Surrey and the West Surrey Shadow Authority will need to consider the ongoing financial impact and ensure that expenditure does not exceed the resources available. It is vital that significant importance is placed on effective financial management and medium-term financial sustainability to achieve a balanced budget position and protect delivery service.

10.3 Legal Implications

- 10.3.1 The Shadow Authority is required to have a Standards Committee, and a Constitution Sub Committee, by virtue of its adopted Constitution. The terms of reference ensure that the role and responsibilities of the Committee are clear, and its work is undertaken in accordance with those parameters agreed by the authority.

10.4 Monitoring Officer Commentary

- 10.4.1 The Monitoring Officer has nothing to add to paragraph 10.3.1 above.

10.5 People/Human Resources Implications

- 10.5.1 There are no direct workforce 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 An effective and well-designed Constitution helps to ensure that decisions are equitable and consider the needs of all residents, including those with protected characteristics.
- 10.7 Climate Change and Sustainability Implications**
- 10.7.1 There are no climate change or sustainability issues arising from this report.
- 10.8 Stakeholders Implications**
- 10.8.1 There are no implications for external stakeholders arising from this report.

11 Overview & Scrutiny Comments

- 11.1 N/A

12 List of Appendices

- 12.1 Appendix 1: Extract from Part 3-4 West Surrey Shadow Authority Constitution: Terms of Reference of the Standards Committee
- 12.2 Appendix 2: Extract from Part 4-5 West Surrey Shadow Authority Constitution: Standards Procedure Rules

13 List of Background papers

- 13.1 None

Appendix 1

Extract from Part 3-4 of the West Surrey Shadow Authority Constitution:

Terms of Reference of the Standards Committee

Paragraph 5.0 Constitution Sub Committee

- 5.1 *The Standards Committee shall establish a Constitution Sub Committee at its first meeting. The Constitution Sub Committee shall have 7 members and the Standards Committee shall appoint members to it, from amongst their own membership. The Constitution Sub Committee shall elect and appoint their own Chair and Vice Chair, as appropriate.*
- 5.2 *The Constitution Sub Committee will advise the Standards Committee and the Shadow Authority on any necessary revisions to the Shadow Authority Constitution and on the adoption of a Constitution for the new West Surrey Council. The quorum for the Sub Committee is 3 councillors.*

Appendix 2

Extract from Part 4-5 of the West Surrey Shadow Authority Constitution

Standards Committee Procedure Rules

Part B: Constitution Sub Committee Procedure Rules

1.0 Purpose

1.1 *The Constitution Sub Committee is established for the purpose of:*

- *Keeping the Shadow Authority Constitution under regular review; and*
- *Preparing a constitution for West Surrey Council to be adopted from Vesting Day*

1.2 *All recommendations of the Constitution Sub Committee shall be made to the Standards Committee, who may choose to recommend amendments, alterations, deletions and additions to the Shadow Authority Constitution to the Council.*

1.3 *In preparing a constitution for West Surrey Council, and recommending as such to the Standards Committee, for their recommendation to the Shadow Authority for adoption, the sub Committee shall:*

- *Consider best practice in local authority constitutions and the governance requirements applicable to West Surrey Council as a unitary authority from Vesting Day;*
- *Engage with councillors, officers, and members of the public as appropriate;*
- *Work with the Monitoring Officer and legal advisers throughout the process;*
- *Prepare draft articles, procedure rules, codes and other constitutional documents for West Surrey Council;*
- *Report on progress to the Shadow Authority on a regular basis; and*
- *Submit a final draft constitution to the Standards Committee by 31 December 2026.*

2.0 Composition

2.1 *The Constitution Sub Committee comprises of 7 members, who must be selected from the 15 members appointed to the Standards Committee. The Sub Committee should be politically balanced as far as possible.*

3.0 Substitutes

3.1 *Substitutes may be appointed from within the membership of the Standards Committee*

4.0 Quorum

4.1 *The quorum for any meeting of the Constitution Sub Committee shall be 3 members.*

5.0 Chair

5.1 *The Constitution Sub Committee shall appoint and elect its own Chair and Vice Chair of the Constitution Sub Committee. The Chair shall preside over meetings of the Sub Committee and has a casting vote in the case of an equality of votes. The Vice Chair shall preside and assume the responsibilities of the Chair, in their absence.*

6.0 Frequency of meetings

6.1 *The Standards Committee, as soon as is reasonably practicable, shall schedule dates, times and location of Sub Committee meetings for the Shadow Period. The Sub Committee shall meet on at least four occasions.*

7.0 Officer Support

7.1 *The Monitoring Officer, or their representative, shall attend meetings of the Constitution Sub Committee in an advisory capacity and will provide legal and governance support throughout its work.*