

West Surrey Shadow Authority		
Report title: Member requests regarding the West Surrey Shadow Authority Constitution		
Report to: Constitution Sub-Committee		
Date: 6 August 2026		
Executive Portfolio Holder: Cllr. Victoria Kiehl Contact Email: Victoria.Kiehl@westsurrey.gov.uk		
Report of Statutory Officer: Susan Sale, Interim Monitoring Officer Contact Email: Susan.Sale@westsurrey.gov.uk		
Report author(s): Deborah Davies, deputy Monitoring Officer (interim) Contact Email: Deborah.Davies@guildford.gov.uk		
Wards affected: All Ward councillors informed: Yes		
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	Vicky Radford	28 July 2026
Monitoring Officer	Susan Sale	28 July 2026
Executive Portfolio Holder consultation	Cllr Victoria Kiehl	28 July 2026
Committee Chair consultation	Cllr Richard Wilson	28 July 2026
Head of Paid Service	Andy Brown	Not available

1. Executive Summary

- 1.1** This report sets out requests from councillors for areas of the West Surrey Shadow Authority Constitution they would like to see reviewed and amended.

2 Recommendations:

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

Determine whether the requested items should be included in their work programme, and authorise the Monitoring Officer to update it accordingly, and to bring forwards further reports for consideration as appropriate.

3 Reason(s) for recommendation:

- 3.1** The Constitution Sub-Committee has responsibility for recommending changes to the Constitution to the Standards Committee.

4 Next steps

- 4.1** If the areas for review, raised by members, as set out in this report are accepted, then they will be added to the work programme and will come forward in due course, with a report for consideration, containing professional officer advice and options.

5 Exemption from publication

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

6 Background and Proposal

- 6.1** The Shadow Authority adopted its Constitution at its first meeting on 21 May 2026. It is inevitable that there will be changes needed to the Constitution as the work of the Shadow Authority develops and the Constitution is used. The Constitution should be kept under constant review to ensure it meets the needs of councillors, officers and the public and it will be a constantly evolving document.
- 6.2** This is the first report on changes requested by members, and the Monitoring Officer can advise that the following requests have been received:-

Councillor	Request	MO Response
Cllr Jane Austin	That the timescale for Motions on Notice at rule 6.1.1 of Part 4-1 be reviewed – “no later than noon seven clear working days prior to the date of the meeting” lacks clarity.	The current provision is consistent with the rest of the constitution. “Clear working days” is defined in legislation. If the sub committee wished to review this provision, it could be considered as part of the review of the Council Procedure Rules.
Cllr Jonathan Hulley	To amend CPR 15.2.1 (Attendance by Members at Meetings of which they are not a Member) to remove the requirement that the member must sit in the public gallery to enable them to better contribute to the deliberations of that committee and better participate in the debate.	The current provisions are that non members of a Committee may attend the committee meeting “as an observer”, and that they may speak on a matter “at the discretion of the chair”. Non members of a Committee do not have a constitutional right to speak, participate nor debate a matter at a committee meeting where they are not a member. If the sub committee wished to review this provision, it could be considered as part of the review of the Council Procedure Rules.
Cllr Jane Austin	To amend the terms of reference for the Overview & Scrutiny (O&S) committee to provide for 1 chair and 2 vice chairs of the committee, with one vice chair not being from the administration.	Paragraph 2 of the O&S terms of reference currently provide for 1 chair and 1 vice chair of all committees including for O&S. In respect of O&S there is a provision that the Chair shall not be from the largest political group on the Shadow Authority and that the Vice Chair shall not be from the same

		political group as the Chair. If there were to be consideration of facilitating two vice chairs of the O&S committee, careful consideration would be needed as to which vice chair has the authority of the chair in their absence. There may also be an impact on members allowances and the council budget.
Cllr Shaun Macdonald	To amend procedure rules to enable committee members of Committees to participate and debate in business at a formal meeting of the Committee, by remote attendance (but not vote).	The law currently provides that unless a member is physically present for a Committee meeting they are recorded as being absent; their attendance does not count towards the 6 month rule not the quorum for attendance. However, members could consider enabling absent members of a Committee to join the meeting remotely and speak, although arguably they can do so already with the Chair's discretion.

7 Consultation

- 7.1** The portfolio holder has been consulted and her comments will be reported to the Sub-Committee.
- 7.2** The Chair of the Standards Committee has been consulted and his comments will be reported to the Sub-Committee.

8 Key Risks

- 8.1** There is a risk of a lack of engagement if members requests for changes to the Constitution are not considered. However the Sub-Committee only has a limited time, and there are limited officer resources available, before the Constitution must be in an agreed form to recommend to the West Surrey Council.

9 Options

- 9.1** Not to agree to consider the member requests.
- 9.2** To agree to consider the member requests and set a timescale for the work programme.

10 Issues for consideration

10.1 Financial Implications

- 10.1.1** There are no financial implications to 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.
- 10.2.3** Good governance is essential for West Surrey Council, as is proper scrutiny and challenge. This report provides this on constitutional arrangements.

10.3 Legal Implications

- 10.3.1** Local authorities have a duty under S37(1) Local Government Act 2000 to prepare and keep their Constitution up to date.

10.4 Monitoring Officer Commentary

/

- 10.4.1 The Sub-Committee is asked to consider the requests to ensure that work can be undertaken by the Sub-Committee to meet the legal requirements in respect of the West Surrey Constitution.

10.5 People/Human Resources Implications

- 10.5.1 There are no HR implications.

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 The Equalities Comprehensive Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.
- 10.6.4 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 implications arising from this report.

10.8 Stakeholders Implications

- 10.8.1 The arrangements for the Constitution for both the Shadow Authority and West Surrey Council will impact on councillors, officers and members of the public.

11 Overview & Scrutiny Comments

- 11.1 N/A

12 List of Appendices

- 12.1 None

13 List of Background papers

None