

West Surrey Shadow Authority		
Report title: Proposed Amendment to the Employment Committee Terms of Reference		
Report to: Constitution Sub-Committee		
Date: 27 August 2026		
Executive Portfolio Holder: Cllr. Victoria Kiehl		
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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
Senior Responsible Officer (or their delegate)	N/A	N/A
S151 Officer	Susan Sale on behalf of Vicky Radford	13 August 26
Monitoring Officer	Susan Sale	13 August 26
Executive Portfolio Holder consultation	Cllr Victoria Kiehl	13 August 26
Employment Committee Chair consultation	Cllr Vanessa King	13 August 26
Head of Paid Service	Susan Sale on behalf of Andy Brown	13 August 26

1. Executive Summary

- 1.1** This report proposes an amendment to paragraph 2.1(a) of the Terms of Reference of the Employment Committee contained in Part 3-B3 of the Constitution of West Surrey Council.
- 1.2** The current Terms of Reference provide that the Employment Committee is responsible for:-
- “formulating and recommending to the Shadow Authority policies, terms, and conditions of employment for the employees of West Surrey Council, for adoption before vesting day.”*
- 1.3** It is proposed that the words “recommending to the Shadow Authority” are removed and replaced with “approving”. This will enable the Employment Committee to approve employment policies, terms and conditions without requiring those matters to be referred separately to the Shadow Authority for adoption.
- 1.4** The proposed amendment will align the Employment Committee's Terms of Reference in Part 3-B3 with Part 3A (Responsibility for Functions), which identifies the Employment Committee as the body responsible for employment policy, strategy and terms.

2 Recommendations:

- 2.1** That the Constitution Sub-Committee resolves to recommend that the Standards Committee recommend to the Council:

- (a) that the revised Terms of Reference of the Employment Committee, as set out in Appendix 1, be approved and**
(b) that the Monitoring Officer is authorised to make the necessary amendments to the Constitution.

3 Reason(s) for recommendation:

- 3.1** Part 3A of the Constitution identifies the Employment Committee as the body responsible for employment policy, strategy and terms. The current wording of paragraph 2.1(a) in the Terms of Reference provide that those matters are recommended to the Shadow Authority for adoption, creating an additional approval stage.
- 3.2** The proposed amendment will align the Employment Committee's Terms of Reference with the allocation of responsibility in Part 3A and provide clarity as to the Committee's decision-making role.

- 3.3** If the Shadow Authority were to consider all employment policies, strategies and terms, there would be a need for a greater number of meetings to allow for this additional work.

4 Next steps

- 4.1** Subject to the recommendation of the Constitution Sub-Committee, the proposed amendment will be considered by the Standards Committee.
- 4.2** If endorsed by the Standards Committee, the amendment will be presented to the Shadow Authority for approval.
- 4.3** Subject to the approval by the Shadow Authority, the Monitoring Officer will amend Part 3-B3 of the Constitution accordingly.

5 Exemption from publication

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

6 Background and Proposal

- 6.1** The Constitution of West Surrey Council sets out responsibility for the Council's functions in Part 3A and the Terms of Reference of its committees in Part 3-B. Part 3A identifies the Employment Committee as being responsible for employment policy, strategy and terms.
- 6.2** Paragraph 2.1(a) of the Terms of Reference currently requires the Committee to formulate and recommend to the Shadow Authority policies, terms and conditions of employment for adoption before vesting day.
- 6.3** The effect of the current wording is that employment policies, terms and conditions considered by the Employment Committee must subsequently be referred to the Shadow Authority for formal adoption, notwithstanding the allocation of responsibility to the Employment Committee in Part 3A.
- 6.4** It is therefore proposed to amend paragraph 2.1(a) so that it reads:
“formulating and approving policies, terms, and conditions of employment for the employees of West Surrey Council, for adoption before vesting day.”
- 6.5** The amendment will remove the requirement for these matters to be referred separately to the Shadow Authority for formal adoption and align the Committee's Terms of Reference with the Responsibility for Functions set out in Part 3A.

7 Consultation

- 7.1** The proposed change has been considered by the People & Workforce Workstream Leads, the Monitoring Officer (interim) and other relevant officers.
- 7.2** Consultation has also taken place with the Portfolio Holder for Governance, Democracy and Corporate Services and the Chair of the Employment Committee.

8 Key Risks

- 8.1** Retaining the current wording creates a potential lack of clarity between the allocation of responsibility to the Employment Committee in Part 3A and the decision-making process prescribed by its Terms of Reference in Part 3-B3.
- 8.2** Retaining the current wording creates an additional workload for the Shadow Authority and could cause unnecessary delay and additional meetings in order for the work of the Employment Committee to be approved by the Shadow Authority.
- 8.3** The proposed amendment mitigates this risk by aligning the Employment Committee's Terms of Reference with the Responsibility for Functions set out in Part 3A.

9 Options

- 9.1** The Constitution Sub-Committee is asked to consider the proposed amendment and recommend it to the Standards Committee for onward recommendation to the Shadow Authority.
- 9.2** Option 1 – Recommended: Approve the proposed amendment to paragraph 2.1(a) of the Employment Committee Terms of Reference. This will align Part 3-B3 with the allocation of responsibility in Part 3A and remove the requirement for employment policies, terms and conditions approved by the Employment Committee to be referred separately to the Shadow Authority for adoption.
- 9.3** Option 2 – Retain the current wording: The Employment Committee would continue to formulate employment policies, terms and conditions and recommend them to the Shadow Authority for formal adoption. This would retain the existing additional decision-making stage.

10 Issues for consideration

10.1 Financial Implications

- 10.1.1 There are no direct financial implications arising from the recommendations contained in this report.

10.2 Section 151 Officer Commentary

- 10.2.1 No further comments.

10.3 Legal Implications

- 10.3.1 The Constitution provides the framework through which responsibility for the Council's functions is allocated and exercised.
- 10.3.2 Part 3A, identifies the Employment Committee as the body responsible for employment policy, strategy and terms. The proposed amendment aligns the detailed Terms of Reference of the Employment Committee in Part 3-B3 with that allocation of responsibility.
- 10.3.3 The proposed amendment relates only to the decision-making arrangements for the approval of employment policies, terms and conditions. It does not itself amend any employment policy or employees' terms and conditions.

10.4 Monitoring Officer Commentary

- 10.4.1 The proposed arrangements will provide greater clarity for the Council and will ensure that there is no duplication of effort by members.
- 10.4.2 Section 37 of the Surrey (Structural Changes) Order 2006 provides that the Council must take all such practicable steps as are expedient:
 - (a) to commence and sustain their running as a shadow authority;
 - (b) to prepare the authority for the assumption, as West Surrey Council, of local government functions and full local authority powers on 1st April 2027The proposed change to the Constitution would enable the Council to undertake faster decision making in respect of employment issues and this would support the Council's duty under Section 37.

10.5 People/Human Resources Implications

- 10.5.1 There are no direct human resources implications arising from this report.
- 10.5.2 The proposed amendment relates to the governance arrangements for approving employment policies, terms and conditions. It does not itself alter the employment policies, terms or conditions applying to employees.

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.

10.7 Climate Change and Sustainability Implications

- 10.7.1 There are no direct climate change or sustainability implications arising from the recommendations contained in this report.

10.8 Stakeholders Implications

- 10.8.1 The proposed amendment primarily affects the governance arrangements through which employment policies, terms and conditions for West Surrey Council are approved.
- 10.8.2 The amendment will provide greater clarity regarding the decision-making responsibility of the Employment Committee.

11 Overview & Scrutiny Comments

- 11.1 Not applicable.

12 List of Appendices

- 12.1 Appendix 1 – Proposed Amendment to Part 3-B3, Employment Committee Terms of Reference

13 List of Background papers

13.1 West Surrey Council Constitution