

West Surrey Shadow Authority		
Report title: Member requests regarding the West Surrey Shadow Authority Constitution		
Report to: Constitution Sub-Committee		
Date: 27 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		
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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	24 August 2026	24 August 2026
Monitoring Officer	Susan Sale	24 August 2026
Executive Portfolio Holder consultation	Victoria Keihl	24 August 2026
Committee Chair consultation	Joanne Shaw	24 August 2026
Head of Paid Service	Andy Brown	24 August 2026

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:
- 2.1.1** Note the agreed responses to requests raised at the last Constitution Sub-Committee meeting held on 6 August 2026 as set out in paragraph 6.2.
- 2.1.2** Determine whether the newly requested items, as set out in paragraph 6.3, should be included in the Sub-Committee work programme, and authorise the Monitoring Officer to update it accordingly, and to bring forward 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.

Previous requests and agreed responses

6.2 At the first meeting of the Constitution Sub-Committee held on 6 August, the following changes requested by members were discussed and reviewed. , and the Monitoring Officer can advise that the following requests have been received:

Councillor	Request	MO Response	Approach agreed by the Sub-Committee on 6 August 2026
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.	The Monitoring Officer would produce a Briefing Note for all members to clarify the term ‘clear working days’ as referenced in the procedure for submitting motions and questions within the Council’s Constitution.
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	This would form part of the CPR Review.

		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.	This was seen as low priority at this time but would be considered in the future.

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.	This had been addressed within the proposed Constitution.
Cllr Catherine Powell	To amend CPR 2.3 (Date, Time and Place for meetings) to allow a longer time period to change the time of meetings	Raised at the meeting on 6 August and the Monitoring Officer advised this could be considered as part of the review of the Council Procedure Rules.	This would form part of the CPR Review
Cllr Leslie Rice	To amend the Constitution to state that the Chair of the Audit and Governance Member should be an Independent coopted member	Raised at the meeting on 6 August and the Monitoring Officer advised that Independent Members of the Audit and Governance Committee had not yet been appointed but this could be considered in the	This was seen as low priority at this time but would be considered in the future.

		future once these appointments had been made.	
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New requests for consideration

- 6.3** This report also sets out further changes that have been requested by members received by the Monitoring Officer since the last Constitution Sub-Committee meeting for consideration:

Councillor	Request	MO Response
Cllr Isobel Mullens	That the Scheme of Members Allowances Schedule 1 be amended from 'to receive the minority group leader's allowance a group should have at least 10% of the total members i.e. 9 members' to 'to receive the minority group leader's allowance, a group should have at least 5% of the total members i.e. members'	The Member's Allowance Scheme is a scheme of payments that are approved by the Council, rather than any of the Committees, and the Council cannot adopt a Member's Allowance Scheme, or make amendments to their adopted one, without taking into account the advice of the Independent Remuneration Panel. The sub-committee should consider referring this issue to the IRP for consideration when making recommendations for the post vesting day Member Allowances Scheme due to the need to prioritise their work programme and limited member and officer resource.
Cllr Isobel Mullens	To amend CPR 2.3.2 (Date, Place and Time of Meetings) to say "The date or starting time of a previously approved meeting may be changed with the agreement of the Head of Paid Service, the	The current provisions are that the Monitoring Officer can alter the place, date or time previously fixed for a meeting, provided that notice of such alteration is given at least 5 clear working days before the date of the meeting as

	chair of the relevant committee and a majority of its members. When the arrangements for a meeting of a committee are changed in accordance with this Procedure Rule, the Monitoring Officer shall arrange for every Member of the Council to be notified in writing of the change and of the reasons for it. Notice of such alteration should be given at least 5 clear working days before the date of the meeting as originally arranged (i.e. before the summons is issued) unless such alteration arises as a result of exceptional circumstances or from a matter outside the control of the Shadow Authority, (e.g. an emergency) in which case notice is to be given as soon as practicable.”	originally arranged, unless such alteration arises as a result of exceptional circumstances or from a matter outside the control of the Shadow Authority, in which case notice is to be given as soon as practicable. If an emergency occurs, the Monitoring Officer may, after consulting with such of the Chair, the Leader of the Shadow Authority and the Head of Paid Service, as may reasonably be contacted, vary any arrangement for the holding of Shadow Authority meetings. 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 review and reduce the number of members required to call for a recorded vote - particularly for subcommittees where the requirement exceeds in some cases the number of committee members.	The current Council Procedure rules state that 10 members are required to request a recorded vote. If the Sub-Committee wished to review this provision, it could be considered as part of the review of the Council Procedure Rules.

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

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- 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

13.1 West Surrey Shadow Authority Constitution