

West Surrey Shadow Authority		
Report title: West Surrey Constitution: Part 2 – Articles		
Report to: Standards Committee		
Date: 22 October 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		
Equalities Impact Assessment complete		
Senior Responsible Officer (or their delegate)		
S151 Officer		
Monitoring Officer	Deborah Davies	14 October 2026
Executive Portfolio Holder consultation	Victoria Kiehl	7 October 2026
Committee Chair consultation		
Head of Paid Service <i>This clearance is most likely needed if the report is for the Executive. If for another committee, put N/A if not applicable.</i>	N/A	

1. Executive Summary

- 1.1. This report presents and invites comment on proposed amendments to Part 2 – Articles of the West Surrey Constitution.
- 1.2. Section 9P of the Local Government Act 2000 requires every local authority operating executive arrangements to prepare, maintain and keep up to date a Constitution. The Articles set out the main constitutional framework for the Council, including the roles and responsibilities of the Council, Mayor, Executive, Overview and Scrutiny, other committees and statutory officers.
- 1.3. The current Articles were prepared for the West Surrey Shadow Authority and adopted on 21 May 2026. They have been reviewed to ensure that they are fit for purpose for West Surrey Council from Vesting Day on 1 April 2027.
- 1.4. The review has considered the changes required to reflect the functions and responsibilities of West Surrey Council as a unitary authority, remove provisions which relate only to the Shadow Authority and remove duplication where provisions are already contained elsewhere in the Constitution.
- 1.5. The Constitution Sub-Committee is now invited to consider the proposed amendments to the Articles and provide comments and feedback before they progress through the formal approval process.

2. Recommendations:

2.1. The Standards Committee:

- 2.1.1. **Recommends to the Shadow Authority that the revised Part 2 – Articles attached at Appendix 1 be included in the Constitution for West Surrey Council from Vesting Day.**

3. Reason(s) for recommendation:

- 3.1. The Articles need to be updated to ensure that they are fit for purpose for West Surrey Council from Vesting Day on 1 April 2027. Member consideration of the proposed amendments will inform the final version before it progresses through the formal approval process.

4. Next steps

- 4.1. Comments and feedback received from the Constitution Working Group were considered and amendments made to the Articles prior to submission to the Standards Committee.

- 4.2. Subject to the recommendation of the Standards Committee, the revised Articles will be presented to the Shadow Authority for adoption as part of the West Surrey Council Constitution, with effect from Vesting Day on 1 April 2027.

5. Exemption from publication

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

6. Background and Proposal

6.1. Context

- 6.1.1. The Articles form Part 2 of the West Surrey Constitution and set out the main constitutional framework for the Council.
- 6.1.2. The current Articles were developed for the West Surrey Shadow Authority and adopted on 21 May 2026. As a result, a number of the provisions relate specifically to the functions and responsibilities of the Shadow Authority during the period before Vesting Day.
- 6.1.3. From 1 April 2027, West Surrey Council will be responsible for the full range of functions and services of a unitary authority. The Articles have therefore been reviewed to ensure that they reflect the governance arrangements, functions and responsibilities of West Surrey Council from Vesting Day.
- 6.1.4. As part of the review, consideration has been given to the constitutions of the predecessor councils and other unitary authorities which have undergone Local Government Reorganisation (LGR). This has helped identify provisions required for West Surrey Council which were not required during the shadow period.

6.2. Proposed amendments to the Articles

- 6.2.1. The proposed Articles are attached at Appendix 1. A version showing the tracked changes was made available to the Working Group.
- 6.2.2. The existing structure of the Articles has been retained where appropriate, with amendments made to reflect the transition from the Shadow Authority to West Surrey Council.
- 6.2.3. The main changes include:
- a. removing references and provisions which relate only to the Shadow Authority or shadow period;
 - b. updating the Articles to reflect the functions and responsibilities of West Surrey Council from 1 April 2027;

- c. updating the functions and responsibilities of Full Council and the Executive;
- d. updating the Overview and Scrutiny provisions to reflect the wider statutory responsibilities of a unitary authority, including health and crime and disorder scrutiny;
- e. providing for the Council's regulatory and other committees, including the Health and Wellbeing Board;
- f. updating the statutory officer provisions to reflect the additional statutory roles required for a unitary authority;
- g. provision for Disclosure and Barring Service checks for necessary members;
- h. updating provisions relating to joint arrangements, decision making and legal, contractual and financial matters; and
- i. removing provisions which duplicate requirements already contained elsewhere in the Constitution.

6.3. Standards

- 6.3.1. As part of the review, the existing Article 10 – Promoting High Standards of Conduct and Ethics has been removed.
- 6.3.2. The provisions within this Article are already covered elsewhere within the Constitution. Part 4-5 contains the Standards Procedure Rules, including the arrangements for dealing with allegations and determinations of complaints under section 28(6) of the Localism Act 2011. Part 5-1 contains the Members' Code of Conduct and Part 5-2 contains the Member Officer Relationship Protocol.
- 6.3.3. Article 2 also continues to require Members to observe the Members' Code of Conduct. A separate Article covering standards would therefore duplicate provisions already contained elsewhere within the Constitution. The revised Article 2 also expressly directs Members to the Code at Part 5-1.
- 6.3.4. The removal of Article 10 has resulted in the subsequent Articles being renumbered. The revised Part 2 now contains 13 Articles.
- 6.3.5. Of note is that Article 6 provides for the composition of the Standards Committee and that no member of the Executive may sit on that Committee.

6.4. Structure and content

- 6.4.1. The review has also considered the level of detail which should be included within the Articles. Detailed provisions which are more appropriately contained elsewhere within the Constitution have not been duplicated within Part 2.

- 6.4.2. Where appropriate, the Articles instead provide a cross-reference to the relevant Part of the Constitution. For example, the detailed terms of reference for Overview and Scrutiny are contained in Part 3-B2 and the Overview and Scrutiny Procedure Rules are contained in Part 4-3. This cross-referencing will of course be updated when members are asked to consider the final version of the Constitution.
- 6.4.3. This approach ensures that the Articles provide the main constitutional framework for the Council whilst the detailed responsibilities, procedures and rules remain within the relevant Parts of the Constitution.

7. Consultation

- 7.1. The review of the Articles has been undertaken as part of the wider review of the West Surrey Constitution in preparation for Vesting Day.
- 7.2. The development of the Constitution is not considered something that should be subject to public consultation.
- 7.3. Consultation has been undertaken with the Monitoring Officer and relevant officers as part of the review of the Articles.
- 7.4. The Standards Committee is now being asked to agree that the proposed Articles form part of the Constitution of the West Surrey Council for Vesting Day, noting that there may be some consequent changes as a result of cross-checking against the Constitution as a whole.

8. Key Risks

- 8.1. The principal risk is that the Articles are not updated in time for Vesting Day and continue to contain provisions which relate specifically to the Shadow Authority or do not reflect the functions and responsibilities of West Surrey Council or conflict with other parts of the Constitution.
- 8.2. This would create a governance risk and could result in the Constitution being unclear or inconsistent with the governance arrangements of West Surrey Council from 1 April 2027.
- 8.3. This risk can be mitigated by progressing the revised Articles through the required governance process in sufficient time for adoption before Vesting Day.

9. Options

- 9.1. To agree the Articles, to enable these to be put before the Standards Committee and Shadow Authority, when it considers the Constitution as a whole (recommended).

- 9.2. Not to agree the Articles (not recommended as they are required to support the development of the Constitution).

10. Issues for Consideration

10.1. Financial Implications

- 10.1.1. There are no direct financial implications arising from the proposed amendments to the Articles.

10.2. Section 151 Officer Commentary

- 10.2.1. To be completed by the Section 151 Officer.

10.3. Legal Implications

- 10.3.1. Section 9P of the Local Government Act 2000 requires a local authority operating executive arrangements to prepare, maintain and keep up to date a Constitution.
- 10.3.2. The Articles form part of the Council's constitutional framework and need to reflect the functions, responsibilities and governance arrangements of West Surrey Council from Vesting Day.
- 10.3.3. The revised Articles will need to be reviewed alongside the wider Constitution to ensure that references to other Parts of the Constitution are correct and that the final Constitution is internally consistent and capable of effective operation from Vesting Day.

10.4. Monitoring Officer Commentary

- 10.4.1. The proposed Articles will form part of the new Constitution to be adopted by the West Surrey Council.

10.5. People/Human Resources Implications

- 10.5.1. There are no direct People or Human Resources 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. 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 climate change and sustainability impacts arising directly from this report.

10.8. Stakeholders Implications

- 10.8.1 The Articles are a matter for the Council to agree, whilst bearing in mind that they have an impact on the wider community and democratic accountability.

11. Overview & Scrutiny Comments

- 11.1 Not applicable

12. List of Appendices

- 12.1. Appendix 1 – Part 2 – Proposed Articles

13. List of Background papers

The West Surrey Shadow Authority Constitution