

WEST / EAST SURREY JOINT COMMITTEE DRAFT TERMS OF REFERENCE

1.0 Introduction

- 1.1 The Councils of Surrey County Council, Woking Borough Council, Guildford Borough Council, Waverley Borough Council, Surrey Heath Borough Council, Spelthorne Borough Council and Runnymede Borough Council have resolved to establish a West Surrey Joint Committee (**WSJC**).
- 1.2 The Councils of Surrey County Council, Elmbridge Borough Council, Epsom & Ewell Borough Council, Mole Valley District Council, Reigate & Banstead Borough Council and Tandridge District Council have resolved to establish an East Surrey Joint Committee (**ESJC**).
- 1.3 The WSJC / ESJC is established pursuant to section s101 and 102 Local Government Act 1972 and the section 9EB Local Government Act 2000 and Part IV of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and 2012.
- 1.4 The WSJC / ESJC will be constituted from December 2025. It shall be dissolved on the day following that on which the shadow authority for West Surrey / East Surrey Council (**WSC** / **ESC**) holds its first meeting.
- 1.5 It is constituted by resolution of each participating authority on a voluntary basis but is also intended to satisfy the requirements of any Structural Change Order when such legislation may come into force.
- 1.6 The WSJC / ESJC must have regard to any information supplied to it by the Secretary of State and is set up further to the encouragement of the Secretary of State, as set out in his letter dated 28 October 2025 to all Surrey authorities.

2.0 Purpose

- 2.1 The purpose of the WSJC / ESJC is to bring together local authority partners expected to comprise the West Surrey / East Surrey Council, in a formally constituted arrangement to facilitate the discharge of functions relating to preparatory and transition arrangements to that authority to include the functions referenced in any Structural Change Order when such legislation may come into force.

3.0 Membership

- 3.1 The WSJC consists of twelve persons:

- 3.1.1 Six persons nominated by Surrey County Council, each of whom is for the time being a member of that council for an electoral division whose area is within the West Surrey Districts; and
- 3.1.2 Six persons nominated by the District and Borough Councils within the area of the proposed West Surrey Council, with each such Council nominating one person, each of whom is for the time being a member of the nominating council.

3.2 The ESJC consists of ten persons:

- 3.2.1 Five persons nominated by Surrey County Council, each of whom is for the time being a member of that council for an electoral division whose area is within the East Surrey Districts; and
- 3.2.2 Five persons nominated by the District and Borough Councils within the area of the proposed East Surrey Council, with each such Council nominating one person, each of whom is for the time being a member of the nominating council.

4.0 Functions

4.1 The WSJC / ESJC will prepare, keep under review, and revise as necessary, an Implementation Plan which must include:

- 4.1.1 Such plans and timetables as are, in the opinion of the WSJC / ESJC, necessary to secure the effective, efficient and timely discharge of preparing for and facilitating the economic, effective, efficient and timely transfer to West Surrey / East Surrey Council of the constituent Council's functions, property, rights and liabilities; and
- 4.1.2 Such budgets and plans as it considers necessary or desirable to facilitate the economic, effective, efficient and timely discharge, on or after 1 April 2027, of the functions that, before that date, are functions of Surrey County Council or the District and Borough Councils in West Surrey / East Surrey.

4.2 In regards to the WSJC only in preparing, reviewing and revising, their Implementation Plan and discharging its functions, the WSJC must have regard to:

- 4.2.1 The Spelthorne Borough Council Best Value Inspection report dated 17 March 2025;
- 4.2.2 The Direction dated 8 May 2025 issued by the Secretary of State for Housing, Communities and Local Government to Spelthorne Borough Council under section 15(5) and (6) of the Local Government Act 1996;

- 4.2.3 The report dated May 2023 following an external assurance review of Woking Borough Council commissioned by the Secretary of State for Levelling Up, Housing and Communities;
 - 4.2.4 The Direction dated 25 May 2023 issued by the Secretary of State for Housing, Communities and Local Government to Woking Borough Council under section 15(5) and (6) of the Local Government Act 1999;
 - 4.2.5 The Woking Borough Council Commissioner's reports dated 31 August 2023, 7 December 2023, 29 May 2024, and 16 December 2024;
 - 4.2.6 Any other Directions issued to Spelthorne Borough Council or Woking Borough Council by the Secretary of State for Housing, Communities and Local Government following the Surrey (Structural Changes) Order 2026 under section 15(5) and (6) of the Local Government Act 1999; and
 - 4.2.7 Any other reports published by Spelthorne Borough Council Commissioners or Woking Borough Council Commissioners, whether before or after the date on which the Surrey (Structural Changes) Order 2026 comes into effect.
- 4.3 Prepare, facilitate and subsequently formulate proposals for the code of conduct to be recommended for adoption by the shadow authority for West Surrey / East Surrey Council at its inaugural meeting. In formulating such proposals, the WSJC / ESJC shall have regard to section 27 of the 2011 Localism Act which provides a duty to promote and maintain high standards of conduct and section 28 of that Act.
- 4.4 Take all preliminary steps to enable the WSJC / ESJC to be able to recommend to the first meeting of the West Surrey / East Surrey Council shadow authority designation of an interim Head of Paid Service, Chief Finance Officer and Monitoring Officer in accordance with sections 4 and 5 of the Local Government and Housing Act 1989.

5.0 Scope and Role of the Joint Committee

In addition to the functions set out in 4.0 above the WSJC / ESJC will have the following scope and role to undertake:

- 5.1 Prepare, facilitate and subsequently formulate proposals for a Members' Allowance Scheme in accordance with the Local Authorities (Members' Allowances)(England) Regulations 2003 for the West Surrey / East Surrey Council shadow authority, to be recommended for adoption to the shadow authority for West Surrey / East Surrey Council at its inaugural meeting.

- 5.2 Agree the process for an independent review of a scheme of Members' Allowances for the West Surrey / East Surrey Council shadow authority, including preparation for the setting up of an Independent Remuneration Panel.
- 5.3 Establish and propose a Calendar of Meetings for the West Surrey / East Surrey Shadow Council for adoption at its inaugural meeting.
- 5.4 Agree proposals for a West Surrey / East Surrey Council shadow authority Constitution, to be recommended to the West Surrey / East Surrey Council shadow authority, to include responsibility for executive/local choice functions, the establishment and terms of reference of various committees including a scrutiny committee and staffing committee, relevant standing orders to include council and executive procedure rules, and a scheme of delegation to be recommended for adoption at the inaugural meeting of the shadow authority.
- 5.5 To oversee the preparation for the smooth transition of all matters civic and ceremonial.
- 5.6 Take all preparatory steps to support the Returning Officers for West Surrey / East Surrey Council in calling the first meeting of the Shadow Authorities.

Only from the date of the Surrey (Structural Changes) Order 2026 coming into force until the fourteenth day after the ordinary day of election of councillors in 2026:

- 5.7 The WSJC / ESJC may, by written notice to the proper officer of each of the constituent councils, require the council referred to in the notice, to take such action relevant to the function of preparing for and facilitating the economic, effective, efficient and timely transfer to West Surrey / East Surrey Council of its functions, property, rights and liabilities, such functions to be discharged via the WSJC / ESJC.

6.0 Implementation Team

- 6.1 As soon as practicable after the establishment of the WSJC / ESJC, it will, with the ESJC / WSJC, form on a voluntary basis a single team of officers, known as the "Implementation Team" for the purpose of assisting the WSJC / ESJC in the discharge of its functions, and if required the West Surrey / East Surrey Council shadow authority.
- 6.2 The members of the Implementation Team shall include officers from both Surrey County Council and from each of the West Surrey / East Surrey Councils.
- 6.3 The Leader of the Implementation Team (to be known as Senior Responsible Officer - **SRO**) shall be the person who is for the time being the Chief Executive of Surrey County Council.
- 6.4 The deputy leaders of the Implementation Team are to be an officer of one of the East Surrey District & Borough Councils and an officer of one of the West Surrey District & Borough Councils.

7.0 Procedures at meetings

7.1 Meetings of the WSJC / ESJC shall be conducted in accordance with the Terms of Procedure.

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WEST / EAST SURREY JOINT COMMITTEE DRAFT TERMS OF PROCEDURE

Proceedings of the WSJC / ESJC

1.0 Appointments

- 1.1 Appointments to the membership of the WSJC / ESJC will be made by each constituent Council in accordance with the membership criteria set out in the terms of reference for the WSJC / ESJC.
- 1.2 If any member of the WSJC / ESJC ceases to be a member of the council that has nominated them, they shall, with immediate effect, cease to be a member of the WSJC / ESJC, and the nominating council shall, as soon as is reasonably practicable, make a further nomination with the seat remaining vacant until such time as it is filled.
- 1.3 Each constituent authority may remove its member(s) and appoint different member(s) as per that authority's Standing Orders and by providing at least 24 hours' notice to the Leader of the Implementation Team (to be known as Senior Responsible Officer - **SRO**).

2.0 Chair and Vice Chair

- 2.1 The WSJC / ESJC shall appoint its own Chair and Vice Chair at its first meeting from amongst its membership.
- 2.2 The Chair shall chair meetings of the WSJC / ESJC, or in their absence, the Vice Chair shall preside at any meeting of the WSJC / ESJC. In the absence of both the Chair and the Vice Chair, the WSJC / ESJC will elect one of its members present to preside at the meeting.

3.0 Quorum

- 3.1 For a meeting of the WSJC / ESJC to be quorate **there must be at least 4 members present and at least two members present must be from the Surrey County Council and at least 2 members present from the West Surrey / East Surrey District and Borough Councils.**
- 3.2 No business will be transacted at a meeting unless or until a quorum exists at that meeting. If at the beginning of the meeting the person presiding declares that a quorum is not present, they shall adjourn the meeting for 15 mins and if there is still no quorum, the meeting shall stand adjourned.

4.0 Voting

- 4.1 The WSJC / ESJC's decision making will operate on the basis of mutual co-operation and consent. A question to be decided by the WSJC / ESJC is to be decided by the majority of those members present and voting at the meeting at which the question is put. Each member shall have one vote.
- 4.2 In the case of an equality of votes, the person presiding at the meeting, whether or not the chair of the committee, has a casting vote, in addition to any other vote the person may have.
- 4.3 Voting at meetings shall be by show of hands or by an electronic system of voting where available.
- 4.4 Where immediately before a vote is taken, if at least 2 members request it, there shall be a recorded vote taken and the minutes of the proceedings of that meeting shall record whether each member present cast their vote for or against the matter or whether they abstained from voting.

5.0 Meetings

- 5.1 The WSJC / ESJC shall meet as required, with a schedule of meetings being agreed at its first meeting.
- 5.2 Additional meetings may be arranged with at least 5 clear working days' notice, at the request of either the Chair, any 4 members of the WSJC / ESJC or the SRO.
- 5.3 Meetings shall be held at such time and location as may be notified to the members of the WSJC / ESJC by the SRO.
- 5.4 Agendas and reports for meetings of the WSJC / ESJC shall be circulated at least five clear working days in advance of any meeting.
- 5.5 The agenda for any meeting shall be agreed by the Chair of the WSJC / ESJC and the SRO.
- 5.6 Meetings of the WSJC / ESJC shall be held in public unless the public are excluded by resolution of the Committee under s100(B) Local Government Act 1972.
- 5.7 The WSJC / ESJC shall, unless the person presiding at the meeting, or the WSJC / ESJC determines otherwise in respect of a meeting, conduct its business in accordance with these procedure rules.

6.0 Substitutes

- 6.1 Nominated substitutes will be allowed on the WSJC / ESJC and each Council when making an appointment to their seats on the WSJC / ESJC may also appoint the same number of substitute member(s) as appointed member(s). For Councils with more than one substitute, any appointed substitute may act in place of any appointed member from that Council. It is for the absent member of the WSJC / ESJC to make arrangements for the substitute to attend.

7.0 Public Engagement

- 7.1 The WSJC / ESJC shall not have provision for public questions nor statements, nor shall it accept petitions from the public.

8.0 Access to Information

- 8.1 Meetings of the WSJC / ESJC will be held in public except where confidential or exempt information, as defined in the Local Government Act 1972, is being discussed. Only members of the WSJC / ESJC and relevant advising officers from the constituent authorities and any person so invited by the Chair, shall be permitted to be present for such items.
- 8.2 These rules do not affect any more specific rights to information contained elsewhere under the law.
- 8.3 Any information requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 or Data Protection Act 2018 received by the WSJC / ESJC should be directed to the relevant constituent authority for that authority to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by two or more constituent authorities, they will liaise with each other before replying to the request.

9.0 Order of Business

- 9.1 The order of business at each meeting of the WSJC / ESJC will be as follows, unless varied by the person presiding:
- 9.1.1 Apologies for absence
 - 9.1.2 Declarations of interests and substitute members
 - 9.1.3 Approval of the minutes of the last meeting
 - 9.1.4 Matters set out in the agenda for the meeting
 - 9.1.5 Matters set out in the agenda for the meeting which, in the opinion of the SRO, are likely to be considered in the absence of the press and public.

10.0 Discharge of Functions

- 10.1 The WSJC / ESJC may arrange for the discharge of their functions by the SRO (who can nominate and authorise to an officer of the Implementation Team) and in doing so will set out clearly any limits upon such delegation.

11.0 Code of Conduct and Interests

- 11.1 Members of WSJC / ESJC are governed by the provisions of their own Council's Codes and Protocols including the code of conduct for members and the provisions regarding interests.

12.0 Minutes

- 12.1 There shall be no discussion made in respect of the minutes, except as to their accuracy. If no such question is raised or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes of the previous meeting.

13.0 Role of the Chair

- 13.1 A member wishing to speak shall address the Chair and direct their comments to the agenda item being discussed. The Chair shall decide the order in which to take representations from members wishing to speak and shall decide all questions of order. Their ruling upon all such questions or upon matters arising in debate shall be final and shall not be open to discussion.
- 13.2 The Chair shall have the discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting, including excluding members of the press and public in the event of a disturbance.

14.0 Amendment of these Procedure Rules

- 14.1 These procedure rules may only be amended by majority resolution of the members of the WSJC / ESJC present and voting, following consideration of the SRO's advice.