

**SURREY COUNTY COUNCIL****CABINET****DATE: 28 SEPTEMBER 2021****REPORT OF CABINET MEMBER: MARK NUTI, CABINET MEMBER FOR COMMUNITIES****LEAD OFFICER: MARIE SNELLING, EXECUTIVE DIRECTOR, COMMUNITIES AND TRANSFORMATION****SUBJECT: AMENDMENTS TO THE SPELTHORNE JOINT COMMITTEE CONSTITUTION FOLLOWING IMPLEMENTATION OF THE COMMITTEE SYSTEM BY SPELTHORNE BOROUGH COUNCIL****ORGANISATION STRATEGY PRIORITY AREA: EMPOWERING COMMUNITIES****Purpose of the Report:**

This report seeks Cabinet agreement to amendments to the constitution of Spelthorne Joint Committee. The committee is a committee of Surrey County Council and Spelthorne Borough Council and both authorities contribute to and agree the drafting of its constitution.

On 27 May 2021 Spelthorne Borough Council ceased operating the Cabinet form of governance and commenced operating a committee system of governance. As a procedural matter it is necessary for both authorities to agree updates to the Joint Committee constitution that reflect this change in order to ensure the committee's continued effective operation.

**Recommendations:**

It is recommended that Cabinet:

1. Agree the changes to Spelthorne Joint Committee constitution, to reflect the change from a Cabinet to a Committee system within Spelthorne Borough Council, as set out in this report and Annex A.

**Reason for Recommendations:**

To ensure that the Joint Committee constitution is fit for purpose.

**Executive Summary:**

1. Spelthorne Joint Committee was established on 23 January 2017 as a committee of Surrey County Council (SCC) and Spelthorne Borough Council (SBC) under the provisions of Section 102 of the Local Government Act 1972.
2. On 27 May 2021 SBC ceased operating the Cabinet form of governance and commenced operating a committee system of governance.
3. Due to the change in governance of one of the participating authorities, it is necessary for both authorities to agree updates to the Joint Committee constitution that reflect this change and ensure the committee's continued effective operation.

4. The current Spelthorne Joint Committee constitution makes reference to SBC's Cabinet and Overview and Scrutiny Committee which no longer exist. It also gives authority to the SBC's Leader to appoint the Chairman or Vice-Chairman of the Joint Committee which is not consistent with the new role of the Leader.
5. As the Joint Committee was established by agreement between both contributing authorities, the agreement of both authorities is needed when making amendments to its constitution. Although the changes proposed in the amended constitution – as shown at Annex A – refer to how SBC works with the committee in the context of its governance model, SCC also needs to consider them and agree the changes in order for them to take effect.

### **Constitutional amendments**

6. Proposed amendments have been made to Spelthorne JC constitution as follows:
  - a) Removal of reference to the Spelthorne Cabinet at paragraphs 1.1, 1.2, 1.4 and 6.4.
  - b) Amended references to Overview and Scrutiny Committee to refer to SBC's Reservation Scheme at Section 6.
  - c) Tenure of Chair/Vice-Chair (paragraph 2.1) – It is proposed that the Chair is appointed from Spelthorne Borough Council for the municipal year 2021-2022 to return to the proper sequence of alternating authorities.
  - d) Amended appointment of the Spelthorne Borough Council (SBC) representative as Chair/Vice-Chair of the JC to be the responsibility of Council at paragraph 2.2.
7. A version of the proposed amended constitution showing the tracked changes is at Annex B.

### **Consultation:**

8. Key officers on the Legal teams at Surrey County Council and Spelthorne Borough Council were involved in drafting the updates to the Joint Committee constitution.
9. The chairman and vice-chairman of Spelthorne Joint Committee were also consulted; no objections to the proposed amendments were raised.

### **Risk Management and Implications:**

10. An accurately drafted constitution will allow the Joint Committee to continue to discharge its responsibilities effectively. If the recommendation in this report were not agreed, then the constitution of the Joint Committee will not reflect the governance model of one of the contributing authorities. As a result, the administrative processes for managing the committee would not be set out accurately and the committee's activities would be open to challenge.

### **Financial and Value for Money Implications:**

11. There are no financial implications.

**Section 151 Officer Commentary:**

12. Although significant progress has been made over the last twelve months to improve the Council's financial position, the medium term financial outlook beyond 2021/22 remains uncertain. The public health crisis has resulted in increased costs which may not be fully funded. With uncertainty about the ongoing impact of this and no clarity on the extent to which both central and local funding sources might be affected in the medium term, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium term.
13. The Section 151 Officer is satisfied that this report and the recommendation to agree the changes to Spelthorne Joint Committee constitution have no financial implications.

**Legal Implications – Monitoring Officer:**

14. The Director of Law and Governance has been consulted on the production of the report. This is a procedural matter, the proposed updates to the constitution will allow the Joint Committee to continue to discharge its responsibilities effectively in line with the relevant legislation.

**Equalities and Diversity:**

15. There are no Equalities and Diversity implications.

**Other Implications:**

16. The potential implications for the following council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

<b>Area assessed:</b>	<b>Direct Implications:</b>
Corporate Parenting/Looked After Children	None.
Safeguarding responsibilities for vulnerable children and adults	None.
Environmental sustainability	None.
Public Health	None.

**What Happens Next:**

17. If Cabinet agrees the recommendation, then a report will be taken to full Council on 12 October 2021. Spelthorne Borough Council will consider the amendments at its Council meeting on 14 October 2021. Amendments will take effect when the agreement of both Councils is received.
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**Report Author:**

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**Consulted:**

Paul Evans, Director of Law and Governance, Surrey County Council

Victoria Statham, Head of Corporate Governance, Spelthorne Borough Council

Cllr Lawrence Nichols, Chairman, Spelthorne Joint Committee

Cllr Alison Griffiths, Vice-chairman, Spelthorne Joint Committee

**Annexes:**

Annex A – revised Spelthorne Joint Committee constitution.

Annex B – revised constitution showing tracked changes.

**Sources/background papers:**

None.