



## OFFICER REPORT TO COUNCIL

### AMENDMENTS TO THE CONSTITUTION

#### **KEY ISSUE/DECISION:**

It is the Council's responsibility to approve changes to the Council's Constitution. This includes the Scheme of Delegation regarding non-executive functions, while amendments to executive functions are the responsibility of the Leader and are brought to County Council to note.

This report sets out proposed changes to the Constitution's Standing Orders and also includes executive and non-executive functions set out in the Scheme of Delegation and these are brought to Council for information and formal approval.

These changes are brought to Council in accordance with Articles 4.10, 5.02 and 11.02 of the Council's Constitution.

#### **BACKGROUND:**

1. The Leader is responsible for maintaining a list in Part 3 of the Constitution setting out who will exercise executive functions. Any changes to this list are required to be reported to the next appropriate meeting of the County Council. Such changes, which have already been agreed by the Leader, are set out in paragraphs 5 and 6 of this report.
2. In addition, changes to any non-executive functions require approval by Council. There are no proposed changes to the Members Allowances Scheme other than the annual CPI uplift as set out in paragraphs 9-14, and there is a proposed change to Standing Orders in relation to the authentication of documents and digital sealing as set out in paragraphs 16-18.

#### **TRANSFER OF HIGHWAYS FUNCTIONS FROM LOCAL AND JOINT COMMITTEES**

3. At its meeting on 22 February 2022, the Cabinet agreed to transfer the Surrey County Council highways functions from the remit of the Local and Joint Committees.

4. Cabinet approved changes to the way that executive highway functions decisions are taken, transferring them from Local and Joint Committees (LC/JCs) to enable officers to take such decisions in more direct consultation with the relevant members. These changes took effect from April 2022 and sit alongside the development of new engagement methods and tools to enable members and officers to reach out more effectively to residents.

## **FUNCTIONS FOR REPORT TO COUNCIL**

### **Transfer of Executive Functions – Local and Joint Committees**

5. As a result of the Cabinet decision, the Officer Scheme of Delegation has been updated to ensure that the Scheme of Delegation is correct and that the necessary delegations are in place to allow officers to take decisions from 1 April 2022.
6. The Leader approved these changes on 30 March 2022 and an extract of the scheme of delegation showing the changes is set out in **Annex 1**. Council is asked to note the Leader's approved changes to the Officer Scheme of Delegation.

### **Terms of Reference for Local and Joint Committees in SCC Constitution and Functions within the Constitutions for Guildford, Runnymede, Spelthorne and Woking Joint Committees**

7. As a result of the approved changes to the remits of the Local and Joint Committees, the Local and Joint Committee Terms of Reference within the Surrey County Council Constitution have also been updated to reflect the transfer of the executive highways functions.
8. These consequential changes are set out in **Annex 2** and Council is asked to note these changes.
9. The Constitutions of the four Joint Committees (Guildford, Runnymede, Spelthorne and Woking) also required updating and the consequential changes to these can be found in Annexes 3-6 and Council is also asked to note these.

## **FUNCTIONS FOR COUNCIL TO APPROVE**

### **Members Allowances Scheme**

10. At its meeting on 7 July 2020, the Council amended its Members' Allowances Scheme in accordance with recommendations presented in the report of the Independent Remuneration Panel.
11. The new scheme made provision for an annual adjustment of allowances on 1 April, with reference to the previous September's Consumer Price

Index. This is in accordance with Regulation 10(4) of The Local Authorities (Members' Allowances) (England) Regulations 2003.

12. In September 2021, the CPI increase was 2.9%. This year's index will increase the Members Allowances budget by c.£30.5K to c.£1,538,000.
13. When the only change made to a scheme in any year is an annual adjustment in accordance with such index, the scheme shall be deemed not to have been amended.
14. An updated guide to Members Allowances and Expenses will be published on the SCC external website and circulated to Members.
15. Council is asked to approve the Member Allowances Scheme as at **Annex 7**.

### **Authentication of documents - Digital sealing**

16. The Council's Constitution sets out how documents should be authenticated. Standing Orders 156-159 details information on the County Seal and how documents should be sealed and witnessed by Legal Services staff.
17. It is proposed that going forward the use of digital sealing is included and referenced within these standing orders to enable this procedure to be used where appropriate. A digital seal is an encrypted seal which can be securely affixed to an electronic document and stored in an electronic sealing register to form a permanent and secure record of documents sealed by the Council. Digital seals are accepted as evidence of executing a document in contractual documentation and in qualified circumstances by the Land Registry.
18. Council is asked to approve the following change to Standing Order 157:

157. All documents which require to be sealed by the Council shall be witnessed by the Head of Legal or such of his/her senior officers as he/she shall formally nominate for the purposes of this Standing Order. Any document sealed and so witnessed shall be deemed to have been duly and validly executed on behalf of the Council. **The sealing of documents can be both in hard copy or digitally.**

<b><u>RECOMMENDATIONS:</u></b>
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- A. That the executive function changes to the Officer Scheme of Delegation in relation to highways functions approved by the Leader in March 2022 be noted (**Annex 1**).

- B. It is recommended that the consequential amendments to the Terms of Reference for Local and Joint Committees as set out in Section 2 – Responsibility of Function and Scheme of Delegation be noted (**Annex 2**).
  - C. That the consequential amendments to the Joint Committee Constitutions for Guildford, Runnymede, Spelthorne and Woking Joint Committees be noted (**Annexes 3-6**).
  - D. That the Members Allowances Scheme be approved (**Annex 7**).
  - E. That the changes to the Council's Constitution in relation to digital sealing be approved (as set out in paragraph 18).
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**Annexes:**

- Annex 1** – Part 3, Section 3, Part 3A Officer Scheme of Delegation – extract to show changes to highways functions
- Annex 2** – Part 3, Sections 1 and 1 – Responsibility of Function and Scheme of Delegation – extract of local and joint committee terms of reference
- Annex 3** – Guildford Joint Committee Constitution
- Annex 4** – Runnymede Joint Committee Constitution
- Annex 5** – Spelthorne Joint Committee Constitution
- Annex 6** – Woking Joint Committee Constitution
- Annex 7** – Part 7 Members Allowances Scheme

**Sources/background papers:**

The Council's Constitution  
Guildford Joint Committee Constitution  
Runnymede Joint Committee Constitution  
Spelthorne Joint Committee Constitution  
Woking Joint Committee Constitution