

West Surrey Shadow Authority		
Report title: Appointment of Independent Persons to the West Surrey Shadow Authorities until 31 st March 2027		
Report to: Standards Committee		
Date: 6 July 2026		
Executive Portfolio Holder: Cllr Victoria Kiehl, Portfolio Holder for Governance, Democracy and Corporate Services		
Report of / Lead Officer: Susan Sale, Monitoring Officer (interim)		
Report author(s): Democratic Services sub-workstream, Constitutional & Shadow Authority Workstream		
Wards affected: All		
Ward councillors informed: No		
Exempt from publication: Partially – Open Report & Exempt appendix 1		
Key Decision: No	If a Key Decision, date registered on Forward Plan: Not applicable	
Report cleared for publication by:		
Workforce & People	Implementation Team	
Equalities	Implementation Team	
SRO (or their delegate)	Nicola Kilvington	23 June 26
Chief Finance Officer	Vicky Radford	21 June 26
Monitoring Officer	Susan Sale	25 June 26
Executive Portfolio Holder consultation		24 June 26
Chair of Standards Committee consultation		23 June 26
Head of Paid Service	Susan Sale on behalf of Andy Brown	25 June 26

Purpose of the Report:

This reports requests that the Standards Committee of the West Surrey Shadow Authority consider the expressions of interests received from seven existing Independent Persons of the twelve sovereign authorities in Surrey and recommends to the Shadow Authority that it makes appointments to the role of Independent Person for the purposes of the Localism Act 2011 to assist with the arrangements for dealing with complaints about elected members and co-opted members until 31 March 2027.

Recommendations:

It is recommended that the Standards Committee of the West Surrey Shadow Authority recommends to the West Surrey Shadow Authority:

1. That it appoints Bill Donnelly, Jane Clarke, Belinda Knight, Murray Litvak, John Smith, Dean Spears and Tim Stokes as Independent Persons for the remainder of the Shadow Period until 31st March 2027; and
2. That an allowance of £1,159 per annum, pro rata, as detailed in the Shadow Authority's Members' Allowance Scheme be paid to each of the Independent Persons, together with expenses for travel, where such costs are incurred in connection with their duties.

Reason for Recommendations:

In order to comply with the provisions set out in the Localism Act 2011, the Shadow Authority is required to appoint at least one Independent Person to assist with the arrangements for dealing with complaints against Councillors (including Co-Opted Members).

Independent Persons may also be required by the Employment Committee of the West Surrey Shadow Authority in respect of other matters relating to any proposed dismissal of a Statutory Officer.

Options, including alternatives (if any)

Option 1 (recommended): The Standards Committee is asked to endorse the proposed appointment of Bill Donnelly, Jane Clarke, Belinda Knight, Murray Litvak, John Smith, Dean Spears and Tim Stokes as Independent Persons for the Shadow Period until 31 March 2027.

Option 2 (not recommended): The Standards Committee could decide to recommend that only some of the applicants are appointed to the post, noting that the Council must have at least one Independent Person under the Localism Act 2011. This is not recommended as it would reduce the size of the pool and create a risk of not having sufficient capacity within that reduced pool; leave the Interim Monitoring Officers without Independent Person availability due to leave, potential conflicts of interest; limited coverage in the case of multiple complaints.

Option 3 (not recommended): The Committee could resolve that none of the applicants to the post should be appointed at this stage and the post should be re-advertised. This option is not recommended as it will result in a delay to the appointment of an Independent Person(s) during the Shadow Period and leave the Shadow Authority non-compliant with its statutory duty.

Exempt Information

This report is partially exempt. The substantive report is open but appendix 1 is exempt in accordance with schedule 12A to the Local Government Act 1972, due to

it including personal information relating to an individual. The view of the Monitoring Officer is that the public interest test does not override the exemption.

Executive Summary:

1. The Localism Act 2011, section 28(7), requires the standards arrangements adopted by the Shadow Authority to include provision for the appointment of at least one Independent Person.
2. Section 28(8) of the Localism Act 2011 sets out the test of independence and further details are set out in Part 3-B4, paragraph (h) of the Constitution.
3. The views of the Independent Person must be sought and taken into account by the Shadow Authority before it makes any decision on any allegation of councillor misconduct that it has decided to investigate.
4. The Shadow Authority's arrangements, as detailed in Part 4-5 of the Constitution (Standards Procedure Rules), provide for the Monitoring Officer to seek the views of the independent persons at other stages of the complaints process, e.g. at the initial assessment in deciding whether there is a potential breach of the code of conduct at all and, if there is, whether it is in the public interest to carry out an investigation or seek an informal resolution, or take no further action.
5. The views of the Independent Person may also be sought by the Shadow Authority in any other circumstances provided for in the adopted arrangements and the Constitution, as well as by the Councillor who is the subject of the complaint.

Role of the Committee

6. The Shadow Authority Standards Committee Terms of Reference (section 3-B4 of the Constitution) include that the Committee is responsible for:

“recommending to the Shadow Authority the appointment of at least one Independent Person as required under section 28(7) of the Localism Act 2011.”

Expressions of Interest

7. In light of the need for the appointment of at least one Independent Person for the remainder of the Shadow Period until 31 March 2027, it is proposed that they should be drawn from the existing pool of Independent Persons of the sovereign councils within Surrey. These Independent Persons have already been through a formal recruitment process when first appointed by their respective local authorities and possess significant experience of dealing with

Code of Conduct complaints for local authorities both at County and District and Borough level.

8. Expressions of interest have been invited and seven responses from existing Independent Persons (IPs) have been received. These include Bill Donnelly, Jane Clarke and John Smith (all three act as IPs for Epsom and Ewell BC, Guildford BC, Mole Valley DC, Reigate and Banstead BC, Spelthorne BC, Surrey Heath BC and Waverley BC), Belinda Knight and Dean Spears (both of whom are IPs appointed by SCC), Murray Litvak (Runnymede BC) and Tim Stokes (Woking BC).
9. Where available the original applications for the proposed Independent Persons are attached as a confidential Annex to this report.

Proposed Appointment of Independent Persons for the Shadow Period

10. Further to consultation with the Interim Monitoring Officers for the East and West Shadow Authorities, it is proposed that all of the IPs who have expressed an interest in the role for either Shadow Authority be appointed as Independent Persons for West Surrey Shadow Authority. But it should be noted that the same Independent Persons are recommended to East Surrey Shadow Authority for appointment as their Independent Persons too. This will provide a larger pool of Independent Persons available to both Shadow Authorities and enable Monitoring Officers to avoid any potential conflicts of interest and to increase coverage and capacity.
11. The appointments will be from 30 July 2026 (subject to the decision of the West Surrey Shadow Authority) for the remainder of the Shadow Period until 31 March 2027.
12. Officers will undertake further work for the appointment of the Independent Persons for West Surrey Council from Vesting Day (1 April 2027) and these appointments will be for a period of four years.

Consultation:

13. The Monitoring Officer for West Surrey Shadow Authority has been consulted on the approach taken to recommend appointments of Independent Persons during the remainder of the Shadow Period.
14. Consultation has also been undertaken with Cllr Richard Wilson as the Chair (elect) of the West Surrey Shadow Authority Standards Committee.
15. Consultation has also been undertaken with the West Surrey Shadow Authority Implementation Team.

16. Consultation has also been undertaken with Cllr Victoria Kiehl as the Portfolio Holder for Governance, Democracy and Corporate Services. The Portfolio Holder has no comments to add to the report.

Risk Management and Implications:
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17. Failure to appoint an Independent Person could result in the delay of the consideration of any matters detailed in the Constitution that either require consultation with, or the involvement of, an Independent Person, as specified by the Localism Act 2011. Approval of at least one of the named persons detailed in this report would avoid this risk.

Financial and Value for Money Implications:
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18. The allowances payable to the Independent Persons during the remainder of the shadow period (£1,159 per person per annum) will be funded from the Devolution & Local Government Reorganisation Implementation Fund which is funded jointly by the predecessor authorities and managed under a Memorandum of Understanding.
19. The Members' Allowance Scheme adopted by the Shadow Authority at their inaugural meeting on 21 May provided that appointed Independent Persons receive a payment of £1,159 per annum. This will be pro rata for the remainder of the Shadow Period.

Section 151 Officer Commentary:
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20. West Surrey Council will operate in a very challenging financial environment, with significant budgetary pressures due to increasing demand and costs of service delivery and reducing government funding. The new unitary will be increasingly reliant on Council Tax as the primary source of income.
21. Decisions made by the sovereign councils 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 protect service delivery and achieve a balanced budget position going forward.
22. The costs are part of the Member Allowances allocation.
23. Having Independent Persons appointed ensures good governance for the Shadow Authority.

Legal Implications:

24. As detailed in the body of the report, the Localism Act 2011, section 28(7), requires the standards arrangements adopted by the Shadow Authority to include provision for the appointment of at least one Independent Person.

Monitoring Officer comments:

25. Independent Persons are often conflicted within the same matter if, for example they are asked to advise the Monitoring Officer at the outset, support the Subject Member and also advise the Sub Committee post investigation. It is therefore helpful to appoint several to ensure that conflicts and absences do not have operational impact.
26. All of the Independent Persons recommended have been through a previous recruitment process and are already experienced and knowledgeable so should be able to add value to the standards and ethics regime within the Shadow Authority.

Workforce Implications

27. There are no Workforce implications to be considered.

Equality and Diversity:

28. The Standards Procedure Rules comply with equalities legislation including the Public Sector Equality Duty as defined in the Equality Act 2010 and which requires public bodies to:
 - eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act.
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

What Happens Next:

29. Subject to agreement by the West Surrey Shadow Authority Standards Committee, they shall make a recommendation to the Shadow Authority meeting on 30 July for formal approval of the appointments.
30. Officers of the Implementation Team, together with the Monitoring Officer, will commence the recruitment process of Independent Persons for the West Surrey Council later this year, with a view to submitting a report to the Standards Committees of the Shadow Authorities in early 2027. A recommendation from the Committee will then be considered by the Shadow Authority prior to vesting day to approve further appointments to take effect from 1 April 2027.

Report Author: Arabella Davies; Constitution & Shadow Authority Workstream Lead, People & Governance Theme

Sources/background papers:

None
