

West Surrey Shadow Authority		
Report title: Additional appointment of Independent Person to the West Surrey Shadow Authority until 31 March 2027		
Report to: West Surrey Standards Committee		
Date: 2 September 2026		
Executive Portfolio Holder: Councillor Victoria Kiehl, Portfolio Holder for Governance, Democracy and Corporate Services		
Report of Lead Officer: Susan Sale, Monitoring Officer (interim)		
Report author(s): Arabella Davies, Work Stream Lead for Constitution and Shadow Authority Work Stream Lead		
Wards affected: All.		
Ward councillors informed: No		
Exempt from publication: Partially – Open Report and Exempt Appendix 1		
Key Decision: No	If a Key Decision, date registered on Forward Plan: Not applicable	
Report cleared for publication by:		
People Workstream	Shella Smith	4 August 2026
Equalities Impact Assessment complete	N/A	N/A
Senior Responsible Officer (or their delegate)	N/A	N/A
S151 Officer	Vicky Radford	4 August 2026
Monitoring Officer	Susan Sale	31 July 2026
Executive Portfolio Holder consultation	Councillor Victoria Kiehl	31 July 2026
Committee Chair consultation	Councillor Richard Wilson	31 July 2026
Head of Paid Service	Susan Sale on behalf of Andy Brown	4 August 2026

1. Executive Summary

- 1.1** Further to the previous report considered by the Standards Committee on 6 July, the Committee is asked to consider one further expression of interest received from an Independent Persons of an existing sovereign authority in Surrey and recommend to the Shadow Authority approval of this additional appointment 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.

2 Recommendation:

- 2.1** That the West Surrey Shadow Standards Committee recommends to the West Surrey Shadow Authority to:
- 2.1.1** **Approve the appointment of Murray Litvak as an Independent Person for the remainder of the Shadow Period until 31st March 2027; and**
- 2.1.2** **Approve an allowance of £1,159 per annum, per rota, as detailed in the Shadow Authority's Members' Allowance Scheme be paid, together with expenses for travel, where such costs are incurred in connection with the Independent Person's duties.**

3 Reason(s) for recommendation:

- 3.1** 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) and other matters relating to any proposed dismissal of a Statutory Officer.
- 3.2** Seven expressions of interest were originally submitted, but at the last meeting of the Shadow Standards Committee, the CV for one of the candidate was not available. This is now attached as a Confidential Appendix to this report. The Committee recommended the appointment of six of the seven Independent Persons at its July meeting. For completeness, it is now asked to consider the seventh applicant.

4 Next steps

- 4.1** Subject to agreement by the West Surrey Shadow Standards Committee, the recommendations will be referred to the West Surrey Shadow Authority meeting on 23 September 2026.

5 Exemption from publication

- 5.1** 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.

6 Background and Proposal

- 6.1** At its last meeting on 6 July, the West Surrey Shadow Standards Committee considered the requirement to appoint Independent Persons in accordance with the provisions set out in The Localism Act 2011, and specifically section 28 (7), which details that the standards arrangements adopted by the Shadow Authority should include provision for the appointment of at least one Independent Person.
- 6.2** Expressions of interest were invited from the existing pool of Independent Persons of the Councils within Surrey; these Independent Persons already having been through a formal recruitment process when first appointed by their respective local authorities and possessing significant experience of dealing with Code of Conduct complaints for local authorities both at County and District and Borough level.
- 6.3** Expressions of interest were received from seven applicants. Due to an administrative error, the documentation for one of the applicants was not included in the Confidential Appendix provided to Committee Members, despite having been provided in good time. In order to avoid any detriment to the applicant the Committee is asked to consider the appointment of this Independent Person.
- 6.4** Further to consultation with the Interim Monitoring Officers for the West and East Surrey Shadow Authorities, it is proposed that all of the IPs who have expressed an interest in the role be appointed to a pool of Independent Persons for both the West and East Surrey Shadow Authorities to avoid any potential conflicts of interest.
- 6.5** The appointments will be for the remainder of the Shadow Period, and until the appointment of new Independent Persons has been approved by the West Surrey Council and East Surrey Council post Vesting Day. Officers will undertake further work for the appointment of these Independent Persons for both Councils and the appointments will be for a period of four years.

7 Consultation

- 7.1** The Interim Monitoring Officers for both the West and East Surrey Shadow Authorities have been advised of the administrative error and the further request to appoint an additional Independent Person, thereby increasing the pool for both Shadow Authorities to seven.
- 7.2** Consultation has also been undertaken with the relevant Portfolio Holder, Cllr Kiehl and the Chair of the Standards Committee, Cllr Wilson.

8 Key Risks

- 8.1** The West Surrey Shadow Authority has approved the appointment of six Independent Persons; consequently, the previous risk identified of delays arising from the inability to consult with or involve an Independent Person no longer pertain.

9 Options

- 9.1 Option 1 (recommended):** The Committee is asked to endorse the appointment of Murray Litvak in addition to the previous appointments approved in July of Bill Donnelly, Jane Clarke, Belinda Knight, Annie Ren, Dean Spears and Tim Stokes, as Independent Persons for the Shadow Period until 31 March 2027
- 9.2 Option 2:** The Committee could decide that the six Independent Persons previously recommended by the Shadow Standards Committee and formally appointed by the West Surrey Shadow Authority at its meeting on 30 July are sufficient and no further appointments are required at this time.

10 Issues for consideration

10.1 Financial Implications

- 10.1.1** The allowances payable to the Independent Persons during the remainder of the shadow period (£1,738 per person) 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.
- 10.1.2** 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.

10.2 Section 151 Officer Commentary

Finance colleagues will review and if necessary, make recommendations when the report is submitted for clearance.

- 10.2.1** 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.
- 10.2.2** 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.

10.2.3 The costs are part of the Member Allowances allocation.

10.2.4 Having Independent Persons appointed ensures good governance for the Shadow Authority.

10.3 Legal Implications

10.3.1 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.

10.4 Monitoring Officer Commentary

10.4.1 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.

10.4.2 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.

10.5 People/Human Resources Implications

10.5.1 This commentary is provided by Surrey County Council's Director of People and Change in the capacity of People, Workforce and Culture Workstream Lead.

10.5.2 There are no direct workforce implications arising from this report. The appointments will support good governance and the effective operation of the standards arrangements during the Shadow Period, but do not create any additional employment-related obligations for the Shadow Authority.

10.6 Equality and Diversity Implications

10.6.1 The Standards Procedures Rules comply with equalities legislation including the Public Sector Equality Duty as defined in the Equality Act 2010 and which requires public bodies 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 The Equalities Comprehensive Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

10.6.4 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 None for the purposes of this report as the decision is administrative in nature.

10.8 Stakeholders Implications

10.8.1 The purpose of appointing a pool of Independent Persons is to ensure access to a wide knowledge and experience base, reinforcing independence and providing assurance to the members of the public and Town and Parishes throughout the West Surrey Shadow Authority area.

11 Overview & Scrutiny Comments

11.1 Not applicable

11.2 List of Appendices

11.3 Appendix 1 – CV of Additional Independent Person - EXEMPT

12 List of Background papers

12.1 None