



RECRUITMENT OF INDEPENDENT REPRESENTATIVES ON STANDARDS COMMITTEE

KEY ISSUE/DECISION:

Two Independent Representatives on the Standards Committee are approaching the end of their current four-year term of office. The Committee is asked to consider the options for appointing Independent Representatives and make recommendations to Council as appropriate.

BACKGROUND:

1. The Relevant Authorities (Standards Committee) Regulations 2001 require that where an authority's Standards Committee has more than three Members at least 25% of them are Independent Representatives (that is appointed rather than Elected Members). Standards Committees and any sub-committees investigating complaints that a member has breached the Code of Conduct must be chaired by an Independent Representative. Given the size of the current Standards Committee, the Council is required to include at least 3 Independent Representatives on it.
2. In March 2008 the Council agreed (1) to increase the number of Independent Representatives on Standards Committee from three to four; (2) that Independent Representatives would serve a four year term, with effect from either the first or the third year of the Council (unless a casual vacancy arises); (3) a person who has served two terms as an Independent Representative on Surrey County Council's Standards Committee will be ineligible to make a further application to serve on the committee.
3. Mrs Karen Heenan is approaching the end of her second term of office and Mr Simon Edge is approaching the end of his first term of office, both terms expiring at the Annual Meeting of the Council in May 2012. Mr Simon Edge is therefore eligible to apply to serve a second term but under the current arrangements Mrs Heenan would not be considered for the vacancy that would arise for a fourth Independent Representative.
4. The selection of Independent Representatives on the Standards Committee has not been delegated to any Committee of the Council. In the past, the Council has delegated responsibility to a selection panel, appointed by agreement with Group Leaders and chaired by the Chairman of the Standards Committee, to shortlist and interview applications for these positions. The

successful candidates' names have then been put to the Council for ratification at its Annual Meeting. To be in a position to make recommendations to the Annual Meeting 2012, any recruitment campaign would need to start in January 2012 and therefore a Council decision to proceed with a recruitment process would need to be given at its meeting on 13 December 2011.

5. The Localism Bill, currently at the Report Stage in the House of Lords, abolishes the Standards Board regime and the model code of conduct, giving Councils the power to decide their own local arrangements to promote high ethical standards. There will be no requirement to retain a Standards Committee and no requirement that independent representatives are part of any such committee. It is anticipated that the Bill will receive Royal Assent in April 2012.
6. The County Council has not yet considered how, once the Bill is enacted into law, it intends to meet its continuing duty to promote and maintain high standards of conduct by its members, whether it would wish to have a Standards Committee and what role, if any, Independent Representatives would play. It is likely that these considerations will be included in a more wide-ranging review of the Constitution which the new Leader of the Council intends to commission.
7. As stated above, the Standards Committee must have at least 3 Independent Representatives, but does not, by legislation, require four. The Council, therefore, has a number of options for ensuring the Committee remains quorate and able to deal with ongoing and new complaints, pending the adoption of any new arrangements, broadly these are:
 - i. Conduct a recruitment exercise to appoint one or two new independent representatives, or
 - ii. Invite one or both of the two Independent Representatives nearing the end of their current term to extend their term of office for a fixed period of time (e.g. one year).
8. The Standards Committee is asked to consider the options in light of the current national context and agree any recommendations to Council as appropriate.

RECOMMENDATIONS:

To consider the options in relation to the recruitment of Independent Representatives and recommend a preferred approach to the County Council to consider at its next meeting.

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Sources/background papers:

The Council's Constitution
The Localism Bill