



OFFICER REPORT TO COUNCIL

APPOINTMENT OF INDEPENDENT PERSONS

KEY ISSUE/DECISION:

The Independent Person is a statutory role under Section 28 of the Localism Act 2011 with the purpose of assisting the County Council in promoting high standards of conduct by elected, appointed and co-opted Members of the County Council and in relation to disciplinary matters concerning the Council's Head of Paid Service, Monitoring Officer and Chief Finance Officer.

Section 28(7) of the Localism Act 2011 states that local authorities must appoint at least one Independent Person and must ensure that the process to appoint Independent Persons must be open and transparent, and any appointment must be approved by a majority of Members of the authority.

The Surrey County Council Arrangements for Dealing with Allegations of Breaches of the Member Code of Conduct (Part 6(02) of the Constitution) set out that the views of the Independent Person must be sought by the Council before it takes a decision on any allegation which it has decided should be investigated.

The Council's Officer Employment Procedure Rules (Article 11.08, paragraph 4(b)), set out that no disciplinary action against the Head of Paid Service, Monitoring Officer or Chief Finance Officer (Section 151 Officer) may be taken except in accordance with a recommendation in a report made by a designated Independent Person.

BACKGROUND:

1. In December 2020, following a recommendation by the Member Code of Conduct Working Group, the Council agreed to appoint two Independent Persons – Akbar Khan and Phillippa Harding.
2. Mr Khan and Ms Harding notified the Interim Monitoring Officer that they would be stepping down at the end of their term in December 2024. The Council would like to formally thank both Independent Persons for their work over their term of office.

3. In September 2024, the Audit and Governance Committee approved an updated Independent Member role profile (**Annex 1**) and noted the proposed recruitment process and the establishment of a cross-party panel to conduct interviews with suitable candidates. The cross-party panel consisted of: Councillors Amanda Boote (Residents Association/Independent); Helyn Clack (Conservative); John Robini (Liberal Democrat). The panel was supported by the Interim Director of Law and Governance (Interim Monitoring Officer).
4. The position was advertised in the following places:
 - Surrey County Council website
 - Surreyjobs
 - JobsGoPublic
 - Indeed
 - Guardian Jobs
 - Find a Job (GOV)
 - LinkedIn
5. Applicants were asked to send a covering statement to express their interest and explain how they met the desired requirements set out in the role profile, together with a CV before the closing date of 6 October 2024. Seven applications were received, and the Panel met on 21 October to agree a shortlist and interview questions.
6. Interviews took place on 31 October 2024. The Panel interviewed 4 candidates, and the recommendation is that Belinda Knight and Dean Spears be appointed as Independent Members for a four-year term. Biographies of Ms Knight and Mr Spears are attached to this report as **Annex 2**.

RECOMMENDATIONS:

- A. That the County Council formally notes its thanks to the two retiring Independent Persons following the end of their term of office.
- B. That County Council appoints Belinda Knight and Dean Spears as Independent Members for a four-year term.

LEGAL IMPLICATIONS – MONITORING OFFICER:

Please see “Key Issue/Decision” section above.

Lead/Contact Officers:

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Sources/background papers:

Localism Act 2011

Constitution of the Council

Report to Council, 8 December 2024

Report to Audit & Governance Committee, 11 September 2024

Annexes:

Annex 1 – Independent Person Role Profile

Annex 2 – Biographical Information – Belinda Knight and Dean Spears

ANNEX 1 – INDEPENDENT MEMBER ROLE PROFILE

1. To assist the County Council in promoting high standards of conduct by elected, appointed and co-opted Members of the County Council, and in particular to uphold the Member Code of Conduct and the seven principles of public life, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To be consulted by the County Council through the Monitoring Officer and/or the relevant panel or committee.
3. To be consulted by any Council Member who is the subject of an alleged breach of the Code of Conduct.
4. To participate on Panels appointed to consider the dismissal of relevant officers, as defined in the Council's Standing Orders, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.
5. To recommend any disciplinary action, other than suspension, to be taken in respect of relevant officers.
6. To liaise effectively with the Monitoring Officer, Members of the County Council and the Member Conduct Panel.
7. To acquire understanding of the work of the Council and how it operates. Support will be provided by the Council's Monitoring Officer, who will arrange any necessary training and the provision of such information which is considered necessary to enable the Independent Person to perform the role properly.
8. To attend Audit & Governance Committee in an advisory, non-voting capacity in relation to Code of Conduct matters only.
9. By law a person may not be appointed as an Independent Person if that person:
 - a. is a Member, co-opted Member or officer of the Council or of a parish council within Surrey.
 - b. is a relative, or close friend of such a person, or
 - c. has been a Member, co-opted Member or officer of the Council or of a parish council within Surrey in the previous 5 years.

The person will be appointed for a fixed term of 4 years.

ROLE DESCRIPTION

1. The Independent Person is a statutory role under Section 28(6) of the Localism Act 2011 with the purpose of assisting the County Council in promoting high standards of conduct by elected, appointed and co-

opted Members of the County Council and in relation to disciplinary matters concerning the Council's Head of Paid Service, Monitoring Officer and Chief Finance Officer.

2. The Independent Person should have a keen interest in standards in public life, personal integrity, an ability to act with independence, tenacity and objectivity, and sound inter-personal, decision making and analytical skills. They must demonstrate and promote their commitment to the Council's equality, diversity and inclusion policies.
3. The Independent Person may be called upon where the Council has received an allegation that one of its councillors has breached the Member Code of Conduct. If the Council decides to investigate the allegation, the Member Conduct Panel must consult the Independent Person and take their views into account before making a decision on that allegation. The Monitoring Officer and/or Member Conduct Panel may seek the views of the Independent Person about any other aspect of the allegation, whether or not it decides to investigate.
4. A Member of the Council who is the subject of an allegation may also seek the views of the Independent Person at any time. This advisory role to an individual Council Member will only arise where the Member is subject to an alleged breach of the relevant code of conduct. An Independent Person will not be expected – and should decline – to give advice to Council Members or to the public in any other circumstances.
5. In practice, when the Council receives a written allegation of a breach of the Code of Conduct, its Monitoring Officer may contact the Independent Person at any of the following points:
 - a) To discuss whether a complaint relates to a potential breach.
 - b) Exceptionally, to discuss whether disclosing the identity of a complainant to the Member might prejudice the outcome of an investigation.
 - c) To decide whether or not a complaint should proceed to investigation where informal resolution is not possible due to lack of agreement by the parties.
 - d) When a complaint has been investigated and the investigating officer concludes that there is no evidence of a failure to comply with the Member Code of Conduct, the Independent Person will receive a copy of the investigation report from the Monitoring Officer and asked for their view on whether to convene a Member Conduct Panel.
 - e) Where a complaint has been investigated and the investigating officer concludes that there is evidence of a failure to comply with

the Member Code of Conduct, the complaint will be considered by a Member Conduct Panel.

- f) The Chairman of the Member Conduct Panel will report to the Independent Person and seek their views before a final decision is reached on whether the Member has or has not failed to comply with the Code of Conduct.
6. There will only be limited occasions when the Independent Person is required to travel to a specified location in Surrey. However, the nature of the role requires the Independent Person to be readily contactable by telephone and email and to respond within agreed timescales.

ANNEX 2 – BIOGRAPHICAL INFORMATION

Belinda Knight is a long-standing Surrey resident. She has extensive experience of investigating complaints and conduct issues across a range of public sector organisations.*

Dean Spears is currently employed as Chief Operating Officer and Head of Blue Natural Capital, Sussex Bay, hosted by Adur and Worthing Councils on behalf of 11 councils. He is currently a Listening Volunteer and Befriender at the Brighton and Hove Community Switchboard and a Volunteer and Befriender for the NSPCC. He was previously employed as Operations Bursar (Director) at Brighton College; Divisional Director, Campus Services and Sustainability at the University of York, and Deputy Director of Estate Services at the University of Sussex. He also previously held senior local government roles at Camden Council and Brighton and Hove Council.

*Please note that Ms Knight has requested that specific details of the organisations she has worked with are kept confidential.

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