

INDEPENDENT MEMBERS' AGREEMENT

Definitions

'Agreement'	means this Agreement between the Councils for the use by a Council of an Independent Member of a Standards Committee of another Council;
'Applicant'	means a Council that makes a request for a Replacement Independent Member;
"Councils"	means all of the authorities who have agreed to comply with the Agreement and "Council" refers to single authority that has agreed to comply with the Agreement;
'Facilitator'	means a Council that has agreed to provide at least one Replacement Independent Member;
'Hearing'	means either an assessment sub-committee, or a review sub-committee or a determination sub-committee of another Council;
'Independent Member'	means a non-elected co-opted member of a Council's Standards Committee whose period of appointment is still current; and
"Replacement Independent Member"	means an Independent Member who is available and eligible to sit on another Council's Hearing and has agreed to sit on another Council's Hearing.

Operation of Agreement

1. Each Council confirms that this Agreement has been discussed with its Independent Members who have volunteered to be a replacement and they have understood the terms and have agreed to them.
2. Each Council confirms that it has at least one Independent Member who has agreed to act as Replacement Independent Member and has also agreed to consider reasonably and sympathetically any request for assistance by an Applicant.
3. Only Independent Members who have received training on the Local Assessment Procedure shall be eligible.

4. An Applicant who has received a complaint against a Councillor and needs to hold a Hearing may contact the Councils jointly or individually to request the assistance of one or more Independent Members.
5. An Applicant shall provide as much notice as possible of its need for a Replacement Independent Member. In the ordinary case at least five working days should be given.
6. The Applicant will provide the following information when contacting the Councils:
 - a. the alleged breaches of the Code of Conduct and the nature of the alleged breaches;
 - b. an estimated time of the hearing;
 - c. the venue of the hearing;
 - d. the time of the hearing; and
 - e. in confidence the name of the complainant and Councillor subject to the complaint.
7. Each Council agrees to reasonably expeditiously pass on any request and to forward to their Replacement Independent Members the information set out in Clause 6. If a Council's Independent Member is able to take part in the Hearing, it will notify the Applicant of the name and contact details of the Independent Member.
8. No Independent Member is obliged to accept an Applicant's request. However as a general rule, unless there are reasonable grounds for an Independent Member to turn a request down, Independent Members will accept requests from an Applicant that is adjacent to their Council. An Independent Member from a Council that is not adjacent to the Applicant may consent to provide assistance if he or she wishes.
9. The Replacement Independent Members shall receive from the Applicant:
 - (a) all necessary assistance in sufficient time to be able to properly consider the matter and to be able to contribute effectively at the Hearing;
 - (b) the full paperwork, including the Applicant's Code of Conduct and Procedures; and
 - (c) (as a minimum) such paperwork and assistance as would be provided to the Applicant's own Independent Members.
10. The Applicant will reimburse the Replacement Independent Member's reasonable expenses in travelling to and from the Hearing.
11. Replacement Independent Members will be covered by the Applicant's insurance policy when travelling to and from the Hearing and also whilst attending the Hearing.

12. A Replacement Independent Member is carrying out the business of the Applicant when acting as a Replacement Independent Member.
13. Each Replacement Independent Member Council shall have an obligation of confidentiality to an Applicant in relation to information received as part of a Hearing.
14. The Replacement Independent Member has agreed that if he or she is delayed or becomes unavailable to attend the Hearing he or she will provide the maximum notice of the situation.
15. A Replacement Independent Member cannot have been a member or officer of the Applicant in the preceding 5 years or be a close friend of a member or employee of the Applicant.
16. The appointment of the Replacement Independent Member shall in each case take effect pursuant to the provision made in Regulation 5 of the Standards Committee (England) Regulations 2008. The method of appointment and term of office of each appointee shall be in accordance with the Procedure Rules and Scheme of Delegation of the Applicant (which may involve a power of appointment delegated to the Proper Officer).
17. Any other Surrey Local Authority may join the Agreement by agreeing in writing that it will act in accordance with this Agreement.
18. If a Council decides to take no further part in this Agreement, it will give at least 30 days notice to the other Councils of its intention to leave.
19. The operation of this Agreement will be reviewed on an annual basis

RUNNYMEDE BOROUGH COUNCIL

STANDARDS AND AUDIT COMMITTEE

PROCEDURE FOR APPOINTMENT OF REPLACEMENT INDEPENDENT MEMBERS

1. This procedure applies whenever in the opinion of the Monitoring Officer it is necessary to appoint a replacement Independent Member to sit on the Standards and Audit Committee or one of its Sub-Committees.
2. If there is a current agreement between Runnymede and one or more other local authorities for the appointment of an Independent Member of one authority's Standards Committee to the Standards Committee of another local authority, the Monitoring Officer shall ensure that he or she procures from time to time a list of Independent Members of Standards Committees of authorities which are parties to the agreement, who are willing to serve on the Standards Committees of other authorities. The Monitoring Officer shall then make such enquiries as to availability, experience, or other matters regarding such Independent Members as he or she shall think fit. Having made such enquiries the Monitoring Officer is authorised under Regulation 5 (5) of the Standards Committee (England) Regulations 2008 to appoint one or more additional independent Members to the Standards and Audit Committee for a specified period of time or in relation to a particular allegation or set of allegations as described in Regulation 5 (4) of the 2008 Regulations.
3. If there is no agreement between Runnymede and other authorities as mentioned in paragraph 2 above, the Monitoring Officer shall make such enquiries as he or she thinks fit as to the identity, availability, and experience of Independent Members of the Standards Committee of any other authority or authorities, and having done so shall be authorised to make such appointment or appoints under Regulation 5 (5) on behalf of the Council as he or she thinks fit.
4. In making any appointment whether under paragraph 2 or paragraph 3 above, the Monitoring Officer must have regard to the requirements of the Standards Committee (England) Regulations 2008, and in particular Regulation 5 (2), (3), (6), and (7).