

**Teignbridge District Council  
Full Council  
26 July 2022  
Part i**

**Report Title**

Appointment of Independent Persons

**Purpose of Report**

To seek the appointment on an interim basis of Devon County Council's two Independent Persons

**Recommendation(s)**

That the Council appoint Ian Brooking and Ted Butt to serve as Independent Persons for an interim period of no more than six months.

**Financial Implications**

There are no significant financial implications arising from this report save that there will be payment of expenses from within existing budgetary provision.

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**Legal Implications**

It is a statutory requirement to have at least one Independent Person.

Paul Woodhead Head of Legal Services and Monitoring Officer  
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**Risk Assessment**

The absence of an Independent Person places the Council in breach of its statutory obligation and prevents the Monitoring Officer progressing/concluding Code of Conduct complaints.

Paul Woodhead Head of Legal Services and Monitoring Officer  
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**Environmental/ Climate Change Implications**

There are no Environmental/Climate Change Implications arising out of this report

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## **Report Author**

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## **Executive Member**

Cllr Richard Keeling - Executive Member for Corporate Services

## **1. Background**

1.1 Members will recall that in April 2022, both of the Council's appointed Independent Persons resigned.

1.2 Section 28 Localism Act 2011, provides:

(7) Arrangements put in place under subsection (6)(b) by a relevant authority must include provision for the appointment by the authority of at least one independent person—

(a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and

(b) whose views may be sought—

- (i) by the authority in relation to an allegation in circumstances not within paragraph (a),
- (ii) by a member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation, and
- (iii) by a member, or co-opted member, of a parish council if that person's behaviour is the subject of an allegation and the authority is the parish council's principal authority.

1.3 A collaborative approach to the recruiting and appointing of Independent Persons with Plymouth City Council was being pursued but was not successful.

1.4 Discussions have taken place with the Independent Persons appointed by Devon County Council and they are agreeable to undertake the role on behalf of Teignbridge District Council on an interim basis, in order to allow a review of the District Council's standards regime and procedures to be completed

and the substantive vacant posts advertised and subsequent appointments made, as appropriate.

- 1.5 There are also a number of complaints that need to be considered and determined as appropriate.
- 1.6 Ian Brooking and Ted Butt meet the statutory requirements for appointment and there are no apparent reasons why they should not be appointed as recommended.