

**Teignbridge District Council
Full Council
29 November 2022
Part I**

Independent Person(s)

Purpose of Report

The appointment of the Independent Person(s) for a period of four years from the date of this meeting.

Recommendation(s)

that Full Council approve the appointment of

- Dr Geraldine Sharp
- Mr Jamie Hewett
- Ms Sandra Genender
- Mrs Hazel Elliott
- Mr Jonathan Back

As Independent Persons for Teignbridge District Council for an initial term of four years from the 29 November 2022.

Financial Implications

There are no additional financial implications in relation to these appointments other than payment of the relevant allowance when required.

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Legal Implications

That the Council is statutory obliged to have in place as 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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Members

Cllr Richard Keeling - Executive Member for Corporate Resources
Cllr Linda Petherick – Chair of Standards Committee

1. Background

1.1 Councils have a duty to promote and maintain high standards of conduct by their elected councillors and co-opted members.

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.

2. Proposal

- 2.1 Members will recall that following the resignation of both the Council's appointed Independent Persons in April 2022, Full Council on 26 July 2022 resolved to appointment Devon County Council's Independent Persons as the Council's Independent Persons for an interim period of no longer than six months.
- 2.2 Further to that decision a recruitment exercise was undertaken which attracted a number of well qualified applicants, with shortlisted candidates invited to attend a panel interview with the Monitoring Officer, Deputy Monitoring Officer and the Chair of Standards Committee - Cllr L Petherick.
- 2.3 Section 28 of the Localism Act provides that arrangements must be put in place under which allegations can be investigated and action taken which must include provision of at least one independent person, although no term of office is specified. The Act does not limit the number of independent persons who can be appointed but does require appointments to be approved by "the majority of members of the authority".
- 2.4 Following the interview process the recommendation to Council is to appoint Dr Geraldine Sharp, Mr Jamie Hewett, Ms Sandra Genender, Mrs Hazel Elliott and Mr Jonathan Back to serve as Independent Persons. The depth of experience, and knowledge of matters relating to such as bias and protected characteristics together with their truly independent status will ensure that their contributions will be objective and will enable them to positively contribute to the Council's statutory obligations and will provide greater flexibility.
- 2.5 A four-year term of office is recommended, for the period 29 November 2022 to 29 November 2026 to provide stability of tenure.