

REPORT TO AUDIT & GOVERNANCE COMMITTEE

Date of Meeting: 26 March 2026

Report of: Strategic Director for Corporate Resources

Title: Appointment of Independent Persons

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 To consider the appointment of Independent Persons to comply with the duty under the provisions of section 28 of the Localism Act 2011.

2. Recommendations:

2.1 That Audit & Governance note that Council approved the appointment of Mr Steven Frank and Mr Les Bright as Independent Persons.

3. Reasons for the recommendation:

3.1 To comply with the Council's statutory duty under the provisions of section 28 of the Localism Act 2011 (the Act).

4. What are the resource implications including non-financial resources:

4.1 the sum of £50 be paid to the Independent Persons affiliated to the Audit and Governance Committee for up to four hours work, and £100 for four hours and over, payable to each of the two Independent Persons (up to a maximum of £500 per person in any one year) be retained

5. Section 151 Officer comments:

5.1 There are no financial implications contained in this report.

6. What are the legal aspects?

6.1 The Council is required to appoint at least one independent person in accordance with the provisions of section 28 of the Localism Act 2011.

6.2 Section 27 of the Act states that '[a] relevant authority must promote and maintain high standards of conduct by members...of the authority'. In order to promote and maintain high standards of conduct, the authority is required to adopt a Code of Conduct in accordance with section 28 of the Act. The Council's Code of Conduct for Members and Co-Opted Members is included in the Council's Constitution. In considering and investigating complaints against members, the authority is required to appoint at least one independent person. The views of the Independent Person are to be 'sought and taken into account' in relation to complaints against Members.

For enquiries please contact: democratic.services@exeter.gov.uk

7. Monitoring Officer's comments:

7.1 Members will note the role of Independent Persons in relation to complaints against members and their statutory role under the Localism Act 2011.

8. Equality Act 2010 (The Act)

8.1 A full EQIA has not been carried out as this decision regards the approval of the appointment of the two individuals named above, following formal recruitment process.

It may be that in future applications are encouraged from under-represented groups at the recruitment stage.

9. Carbon Footprint (Environmental) Implications:

9.1 No direct carbon/environmental impacts arising from the recommendations.

10. Report details:

10.1 Section 28 of the Localism Act 2011("the Act") places a statutory duty on all local authorities to promote and maintain high standards of conduct amongst elected and co-opted members.

10.2 The term of the current Independent Persons ends on 26 February 2026 therefore a recruitment process was entered into in autumn 2025.

10.3 In order to comply with the provisions of section 28(7) of the Act there is a continuing obligation for the appointment of at least one Independent Person whose views are to be sought in the event of an investigation pertaining to the Members' Code of Conduct.

10.4 An advertisement for the vacancies was placed online in November 2025 and applications were received. After shortlisting four candidates were interviewed and it is of note that the calibre of applications was extremely high.

10.5 The recruitment pack used can be found at Appendix A, containing details of the role as well as the selection criteria which are set out below:

- be over 18 years of age
- have a commitment to public service
- have personal integrity and a strong commitment to upholding high standards
- be independent and impartial
- be able to critically assess written and oral evidence to reach balanced and objective decisions
- possess tact, diplomacy and good communication skills
- demonstrate excellent listening, problem solving and evaluation skills
- be reliable and committed
- be someone who lives or works locally.

11. How does the decision contribute to the Council's Corporate Plan?

11.1 The duty to maintain at least one Independent Person contributes to a Well-Run Council by ensuring that the Council complies with its statutory obligation.

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12. What risks are there and how can they be reduced?

12.1 Failure to appoint at least one Independent Person would put the Council in contravention of section 28 of the Act and could prejudice any investigation of complaint made against Members.

13. Are there any other options?

13.1 No other options have been identified.

Director: Strategic Director for Corporate Resources

Author: Democratic Services Manager

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:

None

List of Appendices:

- Appendix A: General Information – Independent Person (Application Pack)
- Appendix B: Knowledge Skills and Experience