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Monitoring Officer
Christopher Potter

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Agenda

Name of meeting	APPEALS COMMITTEE
Date	MONDAY 20 JUNE 2022
Time	10.00 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Members of the committee	Cllrs I Dore (Chairman), J Bacon (Vice-Chairman), V Churchman, R Downer, K Lucioni, J Nicholson, M Oliver, M Price and P Spink
	Democratic Services Officer: Sarah Philipsborn democratic.services@iow.gov.uk

1. **Minutes** (Pages 5 - 6)

To confirm as a true record the Minutes of the meeting held on 21 September 2021

2. **Declarations of Interest**

To invite Members to declare any interest they might have in the matters on the agenda.

3. **Public Question Time - 15 Minutes Maximum**



Details of this and other Council committee meetings can be viewed on the Isle of Wight Council's Committee [website](#). This information may be available in alternative formats on request. Please note the meeting will be audio recorded and the recording will be placed on the website (except any part of the meeting from which the press and public are excluded). Young people are welcome to attend Council meetings however parents/carers should be aware that the public gallery is not a supervised area.

Questions may be asked without notice but to guarantee a full reply at the meeting, a question must be put including the name and address of the questioner by delivery in writing or by electronic mail to Democratic Services at democratic.services@iow.gov.uk, no later than two clear working days before the start of the meeting. Therefore the deadline for written questions will be 15 June 2022.

4. **Urgent Business**

To consider any matters which, in the Chairman's opinion, are urgent.

5. **Report of the Monitoring Officer** (Pages 7 - 10)

The Establishment of a Sub Committee

6. **Members' Question Time**

A question must be submitted in writing or by electronic mail to Democratic Services no later than 10am on 16 June 2022

CHRISTOPHER POTTER
Monitoring Officer
Friday, 10 June 2022

Interests

If there is a matter on this agenda which may relate to an interest you or your partner or spouse has or one you have disclosed in your register of interests, you must declare your interest before the matter is discussed or when your interest becomes apparent. If the matter relates to an interest in your register of pecuniary interests then you must take no part in its consideration and you must leave the room for that item. Should you wish to participate as a member of the public to express your views where public speaking is allowed under the Council's normal procedures, then you will need to seek a dispensation to do so. Dispensations are considered by the Monitoring Officer following the submission of a written request. Dispensations may take up to 2 weeks to be granted.

Members are reminded that it is a requirement of the Code of Conduct that they should also keep their written Register of Interests up to date. Any changes to the interests recorded on that form should be made as soon as reasonably practicable, and within 28 days of the change. A change would be necessary if, for example, your employment changes, you move house or acquire any new property or land.

If you require more guidance on the Code of Conduct or are unsure whether you need to record an interest on the written register you should take advice from the Monitoring Officer – Christopher Potter on (01983) 821000, email christopher.potter@iow.gov.uk, or Deputy Monitoring Officer - Justin Thorne on (01983) 821000, email justin.thorne@iow.gov.uk.

Notice of recording

Please note that all meetings that are open to the public and press may be filmed or recorded and/or commented on online by the council or any member of the public or press. However, this activity must not disrupt the meeting, and if it does you will be asked to stop and possibly to leave the meeting. This meeting may also be filmed for live and subsequent broadcast (except any part of the meeting from which the press and public are excluded).

If you wish to record, film or photograph the council meeting or if you believe that being filmed or recorded would pose a risk to the safety of you or others then please speak with the democratic services officer prior to that start of the meeting. Their contact details are on the agenda papers.

If the press and public are excluded for part of a meeting because confidential or exempt information is likely to be disclosed, there is no right to record that part of the meeting. All recording and filming equipment must be removed from the meeting room when the public and press are excluded.

If you require further information please see the council guide to reporting on council meetings which can be found at <http://www.iwight.com/documentlibrary/view/recording-of-proceedings-guidance-note>

All information that is recorded by the council is held in accordance with the Data Protection Act 2018. For further information please contact Democratic Services at democratic.services@iow.gov.uk

Arrangements for Submitting Oral Questions at Meetings:

To guarantee a reply at the meeting, members of the public must deliver their question in writing or by email to democratic.services@iow.gov.uk no later than two clear working days prior to the meeting. Each question must give the name and address of the questioner. Any written question received by the deadline stated in the agenda will receive a written response.

A question may be asked at the meeting without prior notice but in these circumstances, there is no guarantee that a full reply will be given.



Minutes

Name of meeting	APPEALS COMMITTEE
Date and Time	TUESDAY 21 SEPTEMBER 2021 COMMENCING AT 10.30 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs V Churchman, M Oliver, M Price and P Spink
Officers Present	M Bartlett, B Gard, J Gibson and C Sadler
Apologies	Cllrs I Dore, G Brodie, J Bacon, R Downer, K Love and J Nicholson

1. **Election of Chairman**

Cllr Oliver was nominated and seconded. The vote was taken.

RESOLVED:

THAT Cllr Oliver be elected as Chairman for the meeting.

2. **Declarations of Interest**

None were received at this time.

3. **Public Question Time - 15 Minutes Maximum**

No public questions were received at this time.

4. **Urgent Business**

There was no urgent business at this time.

5. **Report of the Monitoring Officer**

The report was presented by the legal advisor on behalf of the Monitoring Officer it was explained that the purpose of the report was to establish a Sub committee in accordance with the Terms of Reference set out in the Council's Constitution.

The Committee asked how the membership to the sub-committee would be appointed. The legal advisor explained that members of the Appeals Committee

were appointed at Full Council and Democratic Services would contact the Chairman and Vice-Chairman and two other Councillors and those who were available would form the Sub-Committee.

A member proposed to accept the recommendation and it was seconded.

RESOLVED:

THAT an appeals sub-committee was appointed and any three members drawn from the committee with the terms of reference as set out in the Constitution, and that it be politically proportionate, with a quorum of three councillors (plus where it was determining a code of conduct investigation into the conduct of a town or parish councillor it should also comprise a non-voting co-opted town/parish councillor from another council who is not a serving county councillor and does not have a conflict of interest).

6. Members' Question Time

There were no members questions received at this time.

CHAIRMAN



Purpose: For Decision

Committee report

Committee	APPEALS COMMITTEE
Date	20 JUNE 2022
Title	ESTABLISHMENT OF, AND APPOINTMENTS TO, THE APPEALS SUB-COMMITTEE
Report of	MONITORING OFFICER

EXECUTIVE SUMMARY

1. The purpose of this report is to appoint an appeals sub-committee (which meets as and when necessary or needed) from the membership of the Appeals Committee, with its terms of reference being as set out in the Constitution.

RECOMMENDATION

2. That an appeals sub-committee be appointed of any three members drawn from the Appeals Committee on an ad hoc basis, with the terms of reference as set out in the Constitution, and that it be politically proportionate as far as practicable, with a quorum of three such members (except where the appeals sub-committee is determining a members' code of conduct complaint into the conduct of a town councillor, parish councillor or community councillor in which case its membership shall also include a non-voting co-opted town councillor, parish councillor or community councillor for another council, who is not a serving Isle of Wight councillor and does not have a conflict of interest).

BACKGROUND

3. The Full Council appoints its Appeals Committee annually and its Appeals Committee has power to establish a sub-committee.
4. The Council's Constitution sets out the terms of reference of the proposed appeals sub-committee in Part 3 Section 6 (currently on page 36).
5. It is proposed that (as presently detailed in the Constitution) the appeals sub-committee comprises three members drawn from this committee, that it be politically balanced as far as practicable, and that the quorum of the appeals sub-committee should be three councillors (plus where it is determining a code of conduct investigation into the conduct of a town, parish or community councillor it shall also comprise a non-voting co-opted town/parish/community councillor from

another council who is not a serving county councillor and does not have a conflict of interest).

6. The appointment of such a sub-committee facilitates effective and efficient decision-making and has proved to be very useful to conduct the business of the local authority.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

7. Good governance arrangements are essential to the delivery of the council's services and the decision-making process that support this.

Responding to climate change and enhancing the biosphere

8. This would reduce the emissions created from requiring all members of the Appeals Committee to be in attendance to only three members therefore reducing the level of emissions from transport used, it would also reduce the amount of printing undertaken.

CONSULTATION

9. None.

FINANCIAL / BUDGET IMPLICATIONS

10. There are no additional costs associated with the proposals contained in this report. The recommendations accord with the resources available within the overall budget agreed by Full Council in February 2022.

LEGAL IMPLICATIONS

11. An 'ordinary committee' may appoint one or more sub-committees under section 102 (1) (c) of the Local Government Act 1972. Membership of such a committee is subject to section 15 of the Local Government and Housing Act 1989 ('duty to allocate seats to political groups') i.e. it is required to be politically proportionate (unless alternative arrangements have been agreed under section 17 of that Act).
12. The Council's Constitution sets out the terms of reference of the Appeals Committee on page 35, and of the sub-committee on page 36.

EQUALITY AND DIVERSITY

13. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It is not considered that the content of this report has any negative impact on any of the protected characteristics.

OPTIONS

14. **Option 1:** To agree the appointment of a sub-committee of any three members drawn from the Appeals Committee on an ad hoc basis, with the terms of reference as set out in the Constitution and that it be politically proportionate as far as is practicable, with a quorum of three such members (except where the appeals sub-committee is determining a members' code of conduct complaint into the conduct of a town councillor, parish councillor or community councillor in which case its membership shall also include a non-voting co-opted town councillor, parish councillor or community councillor from another council, who is not a serving Isle of Wight councillor and does not have a conflict of interest).
15. **Option 2:** To not allow the establishment such a sub-committee.

RISK MANAGEMENT

16. The recommendations are to ensure that the council meets its corporate governance requirements and responds to changing requirements and demands. These should lessen the risks arising from any challenge to the decision-making process by way of judicial review or other such legal action.

EVALUATION

17. An effective governance system for the council is essential to enable business to be transacted efficiently, and in a timely manner. The appointment of a sub-committee supports this.

BACKGROUND PAPERS

18. None

Contact Point: Christopher Potter, Monitoring Officer, ☎ 821000 e-mail christopher.potter@iow.gov.uk

CLAIRE SHAND
Director of Corporate Services

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