



Purpose: For Decision

Committee report

Committee	APPEALS COMMITTEE
Date	22 JUNE 2023
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 2023.

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