

NOTICE
OF
MEETING
APPEALS PANEL

will meet on

Tuesday 11 April 2023

At 2.00 pm

In the

May Room - Town Hall - Maidenhead

To: Members of the Appeals Panel

Councillors David Cannon, Gerry Clark and David Coppinger

Kirsty Hunt, Service Lead – Electoral & Democratic Services - Issued: 29 March 2023

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Democratic Services Officer - **Democratic Services**
Democratic.Services@rbwm.gov.uk

Recording of Meetings – By participating in the meeting by audio and/or video, you are giving consent to being recorded. If you have any questions regarding the council's policy, please speak to Democratic Services or a Legal representative prior to the meeting.

AGENDA

Part I

<u>Item</u>	<u>Subject</u>	<u>Page No</u>
1.	<u>Appointment of a Chair</u> To appoint a Chair for the duration of the Appeals Panel.	-
2.	<u>Apologies for Absence</u> To receive any apologies for absence.	-
3.	<u>Declarations of Interest</u> Panel Members are to declare any interests that they may have.	3 - 4
4.	<u>Procedures</u> All parties are to note the procedures of the Appeals Panel.	5 - 6
5.	<u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC</u> To consider passing the following resolution:- "That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on items 6-8 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1, 2, 3 and 5 of Part I of Schedule 12A of the Act".	-

Part II

<u>Item</u>	<u>Subject</u>	<u>Page No</u>
i.	<u>Appeal 1</u> To receive the first appeal. <i>(Not for publication by virtue of Paragraph 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972)</i>	7 - 20
i.	<u>Appeal 2</u> To receive the second appeal. <i>(Not for publication by virtue of Paragraph 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972)</i>	21 - 94

MEMBERS' GUIDE TO DECLARING INTERESTS AT MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a Disclosable Pecuniary Interest (DPI) or Other Registerable Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

DPIs (relating to the Member or their partner) include:

- *Any employment, office, trade, profession or vocation carried on for profit or gain.*
- *Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses*
- *Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.*
- *Any beneficial interest in land within the area of the council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
 - a) *that body has a place of business or land in the area of the council, and*
 - b) *either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.*

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.** If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other Registerable Interests:

- a) any unpaid directorships
 - b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
 - c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management

Disclosure of Non- Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, or a body included under Other Registerable Interests in Table 2 you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a financial interest or well-being of a body included under Other Registerable Interests as set out in Table 2 (as set out above and in the Members' code of Conduct)

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter (referred to in the paragraph above) **affects** the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer, you do not have to disclose the nature of the interest.

Other declarations

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

Appeals Panel

Procedures at the hearing

1. The Chair will ask the Council representative to proceed.
2. The Council representative will present the facts appertaining to the appeal and present the Council's case.
3. The appellant and the Panel Members (in that order) can ask questions of the Council's representative or witness.
4. The appellant will present their case.
5. The Council's representative and the Panel Members can ask questions of the appellant.
6. The Council's representative will make closing submissions to the Panel.
7. The appellant will make closing submissions to the Panel.
8. The Chair shall ask all parties to confirm that they have been able to say everything that they had wished to say.
9. The Chair will ask the appellant and the Council's representative to leave the meeting. At this stage the appellant will be reminded that they will be informed of the Panel's decision within 5 working days of the hearing.

The Chairman to ask if the procedures are understood by all present.

NOTE: The Panel may depart from the procedure outlined above if they

- i) Consider it necessary and equitable to do so.
- ii) Legal representation is permitted.

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Agenda Item 6

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 7

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