



Minutes

Name of meeting	APPEALS SUB COMMITTEE
Date and time	9 JANUARY 2020 COMMENCING AT 10.30AM
Venue	CONFERENCE ROOM 4, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs John Kilpatrick (Chairman), Debbie Andre, Karl Love
Co-opted Member	Cllr Mick Lyons (Havenstreet and Ashe)
Officers Present	Marie Bartlett, Simon Wiggins, Geoff Wild

5. **[Declarations of Interest](#)**

There were no declarations received at this stage.

6. **[Minutes of this meeting](#)**

RESOLVED :

THAT following circulation of the minutes the Chairman be authorised to sign, as a true record.

7. **Code of Conduct Complaints**

(a) **[TPC.127.18 \(Cllr A Steane – Bembridge Parish Council\)](#)**

Investigating Officer Simon Wiggins presented his report to the Sub Committee.

The Sub Committee noted the comments made by the Designated Independent Person.

The Sub Committee and Cllr Steane then asked questions of Mr Wiggins.

Cllr Steane made his representations to the Sub Committee

The Sub Committee then asked questions.

The Sub Committee then asked everyone to leave so that they may make a decision on the case.

RESOLVED:

On the basis of the evidence before the sub-committee, including the oral and written evidence of the Investigating Officer, the written views of the Designated Independent Person and the oral and written evidence from Cllr Steane, the panel makes the following findings:

- (a) Cllr Steane signed up to comply with the Bembridge Parish Council Code of Conduct on 8 May 2017
- (b) Cllr Steane attended relevant training on the Code of Conduct organised by IWALC on 14 March 2018
- (c) Information provided to Cllr Steane in confidence, namely the version of the agenda of the Extraordinary Meeting of Bembridge Parish Council dated 16 October 2018 watermarked 'confidential', was knowingly and deliberately disclosed by Cllr Steane publishing it on the Open Bembridge Facebook page
- (d) Under paragraph 4 of the relevant Code of Conduct in force at the date of the complaint, disclosure of any information given in confidence does not amount to a breach if it is:
 - (i) Reasonable
 - (ii) Made in the public interest
 - (iii) Made in good faith
 - (iv) Made in compliance with the reasonable requirements of the authority
- (e) The panel concludes that Cllr Steane's actions were, in all the circumstances, reasonable, made in the public interest and made in good faith.
- (f) The panel concludes that the requirement of the council to treat the agenda as 'confidential' was not reasonable in all the circumstances of this case
- (g) As such, the panel concludes Cllr Steane's actions do not amount to a breach of the code of conduct.

This decision is specific to the facts and circumstances of this particular case and does not set a precedent for the disclosure of confidential information. Every case will be considered on its merits and in the context of the relevant council's code of conduct in force at the time of the action complained of.

- (b) [TPC.118.18 \(Cllr Weaver – Bembridge Parish Council\)](#)

The applicant had advised that he was unable to attend the hearing and the Sub Committee were advised that a date would be arranged in due course.

RESOLVED:

THAT the item be deferred to a date to be arranged.

CHAIRMAN