

Part []

Council Bodies

Appendix: Appeals Committee

1 Preamble

- 1.1 Part [] (Meetings Rules) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part [] and this Appendix, this Appendix will prevail.

2 Establishment and Scope of Role

- 2.1 The Appeals Committee shall consist of 12 Members reflecting the political balance of the Council. The membership is set out in the Committees List and Meeting Rules Table. There shall be no Substitute Members on the Appeals Committee.
- 2.2 The Appeals Committee forms task-limited Panels from time to time to determine certain appeals against Officer Decisions. The Panels shall consist of four Members of the Appeals Committee. The Appeals Panel need not be politically balanced and Members of the Panel are chosen on the basis of availability.
- 2.3 An Appeals Panel will need to be formed in order to determine a wide range of appeals including in respect of council tax, refusal to grant permission for tourist information signs and home-to-school transport.
- 2.4 A Member of the Appeals Committee shall be appointed to an Appeal Panel where an employment policy requires that a Councillor to be appointed to the Appeal Panel, which will consider an appeal by an employee of the Council against a decision affecting their employment. Such Appeals are governed by their own procedure rules and take place in private.
- 2.5 Each Committee Member must receive such formal training and refresher training in the relevant areas as determined by the appropriate Service Manager(s).
- 2.6 Members may not sit on an Appeals Panel in relation to matters concerning their Ward.

3 Panel Procedure – Speakers

- 3.1 Usually the parties entitled to speak at a panel include:
 - 3.1.1 an officer;
 - 3.1.2 the appellant;
 - 3.1.3 Ward Member(s) in attendance if appropriate.
- 3.2 Prior to a panel, the parties will be notified of the panel and will be asked to confirm whether they intend to attend and to register to speak. Any failure to confirm attendance or register to speak may affect speaking rights at the hearing.
- 3.3 Any person or body not referred to above, who attends the hearing, shall only be permitted to speak with the agreement of the Appeals Panel, or as otherwise permitted in legislation or rules governing the appeal under consideration.

4 Meeting Procedure – Order of Representations

- 4.1 The Chairman, on behalf of the Panel, shall explain the procedure being followed at the beginning of the meeting.
- 4.2 The following procedure shall apply in respect of each item as relevant in the circumstances (but the Chairman may change the order at their discretion, or invite any speaker or other person appearing at the hearing to clarify a factual issue at any time):
 - 4.2.1 introduction of item by Officer(s);
 - 4.2.2 questions to Officer(s) from the Panel;
 - 4.2.3 questions to Officer(s) from the Appellant;
 - 4.2.4 representations by Appellant;
 - 4.2.5 questions to Appellant from the Panel;
 - 4.2.6 questions to Appellant from the Officer(s);
 - 4.2.7 Ward Member;
 - 4.2.8 questions to Ward Member from the Panel;
 - 4.2.9 questions to Ward Member from the Officer(s);
 - 4.2.10 questions to Ward Member from the Appellant;
 - 4.2.11 summing up by the Officer(s);
 - 4.2.12 the Appellant will then have the right to address any comments made;
 - 4.2.13 closing of the Panel by the Chairman.
- 4.3 The total time allowed for representations in respect of each of the groups of speakers shall not exceed ten minutes or such longer period as the Chairman may allow with the consent of the Panel.
- 4.4 Questions raised as part of the above process may only seek to clarify a statement made and not to introduce new business.
- 4.5 The total time allowed for summing up, to respond to any of the representations made, in respect of each of the groups of speakers identified above shall not exceed ten minutes, and shall only take place after all representations and questions are dealt with.
- 4.6 The procedure to be followed at any employment related appeal shall be in accordance with the relevant employment policy and procedure.

5 Determination following panel

- 5.1 Once the panel is closed the Members of the Panel will retire to deliberate.
- 5.2 Determinations will be made within the timescales set out in legislation, which depends on the type of hearing.

6 Signing Minutes

- 6.1 Due to the nature of Meetings, the Panel Minutes (Record of Proceedings) will be circulated after the meeting to the Members of the Panel for them to sign as a true and correct record.