

Part 6.1

Council Bodies

Appendix: Appeals Committee

1 Preamble

- 1.1 Part 3 (Meeting Procedure 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 3 and this Appendix, this Appendix will prevail.

2 Establishment

- 2.1 The Appeals Committee shall consist of 12 Councillors 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 shall not have a Chairman, nor an Annual Meeting.
- 2.3 This Appendix shall be circulated amongst the Committee Membership on an annual basis (to coincide with the Annual Meetings of other Bodies) to ensure that it continues to be fit for purpose.

3 Scope of Role - General

- 3.1 The Appeals Committee forms task-limited Panels from time to time to determine certain appeals against Officer Decisions.
- 3.2 An Appeals Panel shall consist of at least three, but preferably four, Members chosen on the basis of availability (and Appeals Panels need not be politically balanced).
- 3.3 The quorum for an Appeals Panel is three Members.
- 3.4 Each Member must receive such formal training and refresher training in the relevant areas as determined by the appropriate Service Manager(s).
- 3.5 Members may not sit on an Appeals Panel in relation to matters concerning their Ward.

4 Scope of Role – Appeals Panels

- 4.1 An Appeals Panel will be formed to determine appeals in respect of:
 - 4.1.1 Council Tax liability;
 - 4.1.2 a refusal to grant permission for Tourist Information Signs;
 - 4.1.3 entitlement to Home-to-School Transport.

5 Scope of Role – employment appeals

- 5.1 A single Member shall be appointed to an employment appeals panel (to consider an appeal by an employee of the Council against a decision affecting their employment) where an employment policy requires that a Councillor to be appointed to such. Such employment appeals panels are governed by their own procedure rules.

6 Appeals Panel Procedure – Prior to Meeting

- 6.1 The parties entitled to speak at a Panel Meeting are:

- 6.1.1 the Appellant (or representative) (references below to the Appellant are to be taken to include any representative of the Appellant);
- 6.1.2 an Officer or Officers.
- 6.2 Officers arranging a Panel Meeting will seek to find a date that the Appellant and sufficient Members can attend (taking into account any statutory limits within which appeals must be heard).
- 6.3 Prior to the Panel Meeting the Appellant will be sent details of the Meeting and of any papers that Officers intend to present to the Panel.
- 6.4 The Appellant will be invited to the Meeting, but may be represented by someone on their behalf if they wish.
- 6.5 Any other person wishing to speak will only be permitted to do so with the agreement of the Panel Chairman.

7 Appeals Panel Procedure – Meeting

- 7.1 The first order of business will be for the Members to appoint a Panel Chairman.
- 7.2 The following procedure shall apply in respect of each item as relevant in the circumstances (but the Panel 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):
 - 7.2.1 introduction of item by Officer(s);
 - 7.2.2 questions to Officer(s) from the Panel;
 - 7.2.3 questions to Officer(s) from the Appellant;
 - 7.2.4 representations by the Appellant;
 - 7.2.5 questions to the Appellant from the Panel;
 - 7.2.6 questions to the Appellant from the Officer(s);
 - 7.2.7 summing up by the Officer(s);
 - 7.2.8 summing up by the Appellant;
 - 7.2.9 close of Meeting by the Panel Chairman (with explanation as to next steps).

8 Determination following Panel Meeting

- 8.1 Once the Panel Meeting is closed the Members will retire to deliberate.
- 8.2 Determinations will be made within any legislative timescales and the parties informed.

9 Signing Minutes

- 9.1 Due to the nature of Appeal Panel Meetings, the Appeals Panel Minutes (Record of Proceedings) will be circulated after the meeting to the Members for them to approve as a true and correct record. Once approved, the Chairman's signature will be applied to the minutes.