

**TAVISTOCK TOWN COUNCIL  
BUDGET AND POLICY COMMITTEE  
TUESDAY 9<sup>th</sup> APRIL, 2024**

**BRIEFING NOTE  
HEARING/APPEALS: PANEL TERMS OF REFERENCE - UPDATE**

**1. INTRODUCTION**

- 1.1 The current iteration of the Councils arrangements for the operation of its Hearing/Appeals Panel date to the period prior to the formation of the Budget and Policy Committee. The timing of this update arises from an upcoming personnel matter.

**2. CURRENT POSITION**

- 2.1 Accordingly the opportunity has been taken to review the appended document setting out the composition and terms of reference to:
- a) amend references to 'Finance and General Purposes Committee' to 'Budget & Policy Committee';
  - b) Make provision for circumstances where the Membership of the Budget & Policy Committee might be insufficient to meet the needs of the hearing/appeals process(es);
  - c) Clarify the circumstances in which prior training is required.

**3. CONCLUSION**

- 3.1 Subject to the amendments listed above the Committee is invited to endorse approval of the revised document to Council.
- 3.2 The instructions of the Committee and Council are sought.

**CARL HEARN  
TOWN CLERK  
TAVISTOCK TOWN COUNCIL  
APRIL 2024**





## **TAVISTOCK TOWN COUNCIL**

### **HEARINGS AND APPEALS PANELS**

#### **COMPOSITION & TERMS OF REFERENCE**

##### **1. PURPOSE**

- 1.1 To conduct hearings or appeals on behalf of the Council in relation to those matters required to be heard by way of either a hearing or an appeal regarding:-
- a. Employee matters;
  - b. Complaints;
  - c. Pannier Market Rules and Regulations;
  - d. Any such other rules and regulations as applied by the Council requiring such a process and also matters of a quasi-judicial nature or similar as may be directed from time to time by the Council.

##### **2. MEMBERSHIP AND METHOD OF APPOINTMENT**

- 2.1 All Members of the Budget & Policy Committee shall (subject to 3 below) serve on either the Hearings or the Appeals Panel (but not both in any one case). Eligible members shall be divided into two groups (one for Hearings and one Appeals) of an approximately equal number in such a way as to secure a spread of experience, skills and seniority. In the event that there are insufficient eligible Members of the Budget & Policy Committee membership shall first be extended to include the Chairman/Vice Chairman DML Committee, or if still insufficient, any other appropriately qualified Member of the Council.
- 2.2 Panel membership will be drawn, on a rotating basis, from each of these groups respectively and will comprise three eligible members.
- 2.3 Both the membership and the quorum for the Hearings Panel and the Appeals Panel shall be three.
- 2.4 A Member shall not preside on a matter in circumstances which could give rise to doubt as to their impartiality. In the event of doubt or a dispute in connection with same, the matter shall be referred either to the Proper Officer of the Council or the Monitoring Officer of West Devon Borough Council for their advice.

2.5 Members not serving upon the Panel may only attend at such parts of a hearing (or appeal) as are otherwise open to the public and, in any event, should not attend if they have a prejudicial or a professional interest in the case being heard.

### **3. ELIGIBILITY**

3.1 In the interests of probity only Members who have undertaken training with an approved Town Council provider in the conduct of Hearings and Appeals within the past 2 years (prior to the date of a hearing/appeal) shall be eligible to conduct a hearing or appeal where the outcome has the potential to materially impact a third party (for example disciplinary proceedings which might lead to a final written warning or dismissal).

### **4. CHAIRMAN**

4.1 At each meeting of the Hearings or Appeals Panel, the Chairman shall be appointed by and from the membership of the Panel.

### **5. FREQUENCY OF MEETINGS**

5.1 Meetings of the Hearings and/or Appeals Panels will be convened by the Clerk to the Council normally within 30 working days following receipt of notice of an appeal or complaint except/unless where either statute or an adopted Council procedure requires otherwise.

### **6. AGENDA**

6.1 Prior to meetings of the Hearings or Appeals Panel, the Clerk will circulate to all elected Members on the Panel, Agenda and Reports to be considered by same.

### **7. PROCEEDINGS**

7.1 The Town Clerk (or his nominee) shall be the Clerk of the Panel.

7.2 The provisions of Sections 1-2 of the Public Bodies (Admission to Meetings) Act 1960 shall be applicable where appropriate.

### **8. REPORTING ARRANGEMENTS**

8.1 Reports in the form of Minutes detailing action taken under delegated powers and recommendations on any related matters will be submitted to the Budget & Policy Committee. That Committee may

endorse, amend or reject any recommendation, but not a resolution made by the Hearings or Appeals Panel.

## **9. FUNCTIONS AND PROCEDURE**

- 9.1 The Hearings and Appeals Panels shall undertake those functions as listed in Section 1 above in accordance with the arrangements set out within the applicable policies and procedures (for example, Complaints Policy, Grievance/Disciplinary Procedure etc) as may be adopted by the Council from time to time.

## **10. DELEGATED POWERS**

- 10.1 Both Panels are sub-committees of the Budget & Policy Committee of the Council empowered to deal with any of their functions relating to the conduct of a hearing or appeal on behalf of the Council and shall exercise delegated authority to resolve any hearing, appeal or complaint referred to them for determination. In the case of an equality of votes, the Chairman shall give a casting vote, provided he/she has already voted in his/her capacity as a member of the panel.

## **11. OTHER MATTERS**

- 11.1 Where not already provided for above or otherwise by applicable rules and procedures, the Council's Procedure Rules for the Regulation of Proceedings and Business will apply.

