

# Section 22

# Appeals and Complaints

# Panel

## 22.1 Status

The Appeals and Complaints Panel is a committee of the Council with the purpose of:

- (a) hearing employee appeals in respect of Chief Officers of the Council, with the exception of the Managing Director, the Section 151 Officer and the Monitoring Officer for whom other national and local procedures take precedence;
- (b) hearing requests for review of decisions delegated to officers in respect of various Housing issues;
- (c) dealing with requests for review of decisions made by Officers in the Urban Forestry Section in response to requests to carry out work to Council owned trees.

The Panel shall not hear any matters where the decision on the matter is delegated to another body within the Council. If a matter brought before the Panel includes such matters, or it becomes apparent during the hearing that it includes such matters, the Panel will refer that aspect of the matter to the appropriate body for decision.

## 22.2 Membership and Method of Appointment

The Appeals and Complaints Panel will comprise not more than 5 eligible Members of the Council, appointed by the Council in compliance with Section 15 and Schedule 1 of the Local Government and Housing Act 1989 concerning political balance. A Member should not hear an appeal or complaint in circumstances which might give rise to doubt as to their impartiality. Accordingly, a Member should not sit at the hearing of a case if he or she has any prejudicial or professional interest in the case or had involvement in the original decision against which an appeal or complaint is being made.

## 22.3 Chairman and Vice-Chairman

At each meeting of the Appeals and Complaints Panel the Chairman shall be appointed by and from the Members of the Council present.

## **22.4 Attendance by Councillors who are not Members of the Committee**

Council Procedure Rules 6(6) and 19 will apply.

## **22.5 Frequency of Meetings**

Meetings of the Appeals and Complaints Panel will be convened by the Managing Director normally within 30 working days following receipt of notice of an appeal or complaint except where statute requires otherwise e.g., homelessness appeals. The Managing Director will give notice in writing at least 10 working days in advance of the time and place of the hearing.

## **22.6 Agenda**

Prior to the meeting of the Panel, the Managing Director will circulate to all Members on the Panel (and appellants or complainants where relevant) the Agenda and Reports to be considered.

## **22.7 Proceedings**

The Managing Director (or nominee) shall be the Clerk of the Panel.

The provisions of Schedule 12A of the Local Government Act 1972, as amended, in respect of exempt information will apply.

## **22.8 Exchange of Documents**

At least 8 working days before the date of the hearing the parties will exchange statements and relevant documents which it is intended shall be presented to the Appeals and Complaints Panel. Copies of these documents should also be sent to the Managing Director.

## **22.9 Functions and Procedure**

To undertake the following functions in accordance with the scheme of delegation and codes of conduct:

- to be responsible for and to hear matters in accordance with Annexes 1, and 2 as appropriate to the appeal or complaint being considered it (the Panel).

## **22.10 Delegated Powers**

The Appeals and Complaints Panel is empowered to deal with any of its functions and has delegated authority to resolve any appeal or complaint referred to it for determination by Council. In the case of 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 Appeals and Complaints Panel.

The Panel does **not** have the power or authority to award financial compensation to appellants and/or complainants.

## **22.11 Other Matters**

Where not already provided for above, the Council's Procedure Rules for the regulation of proceedings and business will apply.

**Page Intentionally Blank**

# Annex 1

## Housing Related Appeals and Complaints

### 1. Functions

The Appeals and Complaints Panel is responsible for dealing with appeals and complaints relating to any decision delegated to an officer in respect of various Housing issues, for example:

- breach of tenancy conditions
- neighbour complaints
- access to the Housing Register
- refusal of mutual exchange

### 2. Procedure

The Appeals and Complaints Panel will hear the matter in accordance with the following procedure:

- (a) If, following a request for an Officer review, the original decision is upheld, the applicant will be notified of the decision in writing and of his/her right, if still dissatisfied, to ask for a further review to be carried out by the Appeals and Complaints Panel.
- (b) The Panel shall be convened on receipt of a request for a further review.
- (c) The Head of Housing and Partnerships will submit a report to the Panel setting out the circumstances and Council's Policies.
- (d) The applicant shall be invited to attend to state his/her case and shall have the right to be represented/accompanied by a legal representative or any other person of his/her choice.
- (e) The applicant shall be provided with a copy of the Head of Housing and Partnerships' Report and will be requested to supply a statement of his/her case at least 8 working days prior to the meeting.
- (f) Members of the Panel may ask questions of all present as necessary and will deliberate in private. The Panel may call for legal or procedural advice

at any time during its deliberations.

- (g) The Panel, having considered all the information, shall determine whether:
  - (i) to uphold the original decision or
  - (ii) to allow the appeal
- (h) If the appeal is allowed, the Panel shall determine what action should be taken.
- (i) The applicant shall be notified in writing of the decision and the reasons for the decision within 5 working days of the decision being made (or as soon as possible if this cannot be complied with). This must be within 56 days of the date on which the review was requested unless a longer period has been agreed in writing.

# Annex 2

## Council owned Trees

### 1. Functions

The Appeals and Complaints Panel is responsible for dealing with appeals complaints relating to:

- (i) any decision delegated to an Officer in respect of various tree issues, for example;
- (ii) declining requests to carry out works to Cannock Chase DC owned trees and against the Council's set policies, or
- (iii) declining requests to carry out works to trees under the management and maintenance of Cannock Chase DC and against the Council's set policies;
- (iv) officers' decision to carry out works to Cannock Chase DC owned trees, or
- (v) officers' decision to carry out works to trees under the management and maintenance of Cannock Chase DC.

### 2. Procedure

The Appeals and Complaints Panel will hear the matter in accordance with the following procedure:

#### **Review of Delegated Decisions:**

- (a) If, following a request for an Officer review, the original decision is upheld, the applicant will be notified of the decision in writing and of his/her right, if still dissatisfied, to ask for a further review to be carried out by the Appeals and Complaints Panel.
- (b) The Panel shall be convened on receipt of a request for a further review.
- (c) The Head of Environment and Healthy Lifestyles will submit a report to the Panel setting out the circumstances and the Council's Policies.
- (d) The applicant shall be invited to attend to state his/her case and shall have the right to be represented/accompanied by a legal representative or any other person of his/her choice.
- (e) The applicant shall be provided with a copy of the Head of Environment and Healthy Lifestyles Report and will be requested to supply a statement of his/her case at least 8 working days prior to the meeting.

- (f) Members of the Panel may ask questions of all present as necessary and will deliberate in private. The Panel may call for legal or procedural advice at any time during its deliberations.
- (g) The Panel, having considered all the information in line with the Council's Urban Forestry Strategy, shall determine whether:
  - (i) to uphold the original decision or
  - (ii) to allow the appeal
- (h) If the appeal is allowed, the Panel shall determine what action should be taken in line with best practice and current legislation.
- (i) The applicant shall be notified in writing of the decision and the reasons for the decision within 5 working days of the decision being made (or as soon as possible if this cannot be complied with). This must be within 56 days of the date on which the review was requested unless a longer period has been agreed in writing.