

Panel procedure rules

1. These procedure rules apply to any panel exercising quasi-judicial functions.

Purpose of the panel

2. To hear the matter put before the panel and to make a determination.

Membership

3. As appointed by Council or a committee or sub-committee.
4. Panel members are required to have attended training in the last 12 months before serving on a panel, to ensure they remain informed on legislative and procedural changes.
5. No member of the Cabinet, nor the chair or the vice-chair of Council shall act as chair or vice-chair of the panel.
6. The chair may choose to indicate how they wish to be addressed, according to personal preference.

General principles

7. Meetings of the panel are quasi-judicial formal hearings.

Notification of hearings

8. The council will notify all interested parties of the date, time and venue of the hearing in accordance with relevant legislation. The time and place of meetings will be notified in the agenda for each meeting

Attendance at hearings

9. Interested parties must supply details of who will be attending the hearing to address the panel to the council by midday on the day before the date of the hearing.

Report

10. A report will be prepared by the relevant head of service of the council. A copy of the report will be sent to all interested parties in advance of the meeting when the agenda is finalised.

Documentary evidence

11. Documentary evidence (including any electronic evidence) upon which any party intends to rely shall be submitted to the head of legal and democratic by 5:00pm on the day before the date of the hearing. If documents are larger than A4 size or difficult to copy (e.g. photographs) then normally five copies of the document must be supplied.

11. The panel may consider whether it is necessary to grant an adjournment to any party as a result of the late submission of any document.
12. Taking into account its power to grant an adjournment (including possible delay and cost caused) and any representations or objections made by the parties, the panel shall consider whether it would be fair in all the circumstances for the document to be taken into account in reaching its decision.

Record of attendance

13. All councillors present must sign the attendance list provided at the meeting.

General procedure

14. The councillors who sit on the panel may meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the democratic services officer and legal adviser.
15. At any hearing, the appellant/applicant/licence holder and any representors shall attend in person wherever possible.
16. All appellants/applicants/licence holders and any representors may appoint a legal or other representative at their own expense or by a representative.
17. The procedure at the hearing will be similar to that found in a court. The panel will be guided by legal principles in determining whether evidence is both relevant and fairly admitted.
18. At the start of each hearing, the chair will introduce the panel members, democratic services officer, legal adviser and council officers.
19. The chair will then outline the procedure to be followed for the remainder of the hearing.
20. Each panel's full procedure rules are available on the council's website: www.southoxon.gov.uk or www.whitehorsedc.gov.uk.

Exclusion of public

21. The public and press may only be excluded from attending a panel meeting for the consideration of confidential or exempt business or under rules 22 and 23 (disturbance by the public).

Councillors' conduct

GENERAL DISTURBANCE

22. If there is a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as he/she thinks necessary.

Disturbance by the public

REMOVAL OF A MEMBER OF THE PUBLIC

23. If a member of the public interrupts the meeting, the chair will invite the person to stop. If they continue to interrupt, the chair will order their removal from the meeting room.

CLEARANCE OF PART OF THE MEETING ROOM

24. If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared and if necessary, adjourn the meeting for as long as he/she thinks necessary.

Decision

25. When the evidence has been heard, the chair will announce that the hearing is adjourned to enable the panel to deliberate in private.

26. The panel will then ask everyone except the democratic services officer and legal advisor to leave the room to make their decision. These officers will provide advice on legal and procedural points.

27. Where the panel wish to seek clarification on any other point, they will re-convene the hearing.

Notification of the decision

28. When the panel has made its decision, the chair will invite all parties back into the meeting room. The chair will announce the decision together with the reasons for it. This decision will then be communicated in writing to the appellant/applicant/licence holder as soon as possible after the hearing.

Statutory provisions

29. Where a relevant statutory provision has been enacted that is in conflict with any of the arrangements in this section, the statutory provision will always take precedence.