



Information on Appealing Tyne Esk LEADER Decisions

How do I make an appeal?

An appeal from the decision of the Tyne Esk LEADER Local Action Group (LAG) made on your application is made by completing an appeal form and submitting any further relevant information in support of that application.

This guidance is designed to assist you with completing the appeal form. Any questions about the process can be directed to the Tyne Esk LEADER Co-ordinator by emailing neil.ramsay@midlothian.gov.uk or by telephoning 0131 270 6764.

Your appeal will be submitted to an Appeals and Reviews Sub Group which will be drawn from LAG members/observers who were not involved with the original decision making.

What are the grounds for appeal?

An appeal can only be made to the Appeals and Reviews Sub Group on the following grounds:

- A. Where a misunderstanding of the facts by the original decision maker has led to a decision that it could not possibly have made on the basis of the evidence available to it.
- B. There has been a fundamental procedural irregularity in the way in which your case was handled or in relation to the decision which was made.
- C. There has been a failure to provide you with adequate reasoning, in the original decision.



There is no provision for the amendment of the grounds of an appeal and so care should be taken to ensure that all of the grounds of appeal are fully set out in an application.

There is no provision for appeals in respect of third party displacement. In these cases, the Complaints Procedure should be used.

Is there a time limit for lodging appeals?

- Appeals must be submitted in writing and using the correct form, within 15 working days of the date of the letter or e-mail advising you of the original decision.
- Extensions to this time limit can be granted in exceptional circumstances, where sufficient cause is shown. The decision as to whether to grant an extension of the time limit will be at the sole discretion of the Appeals and Reviews Sub Group. The party requesting an extension will be advised of this decision, together with the reason(s) for that decision, within 15 working days of the decision. There will be no appeal available against a decision not to extend the time limit.

What do I have to submit?

- The Appeal form fully completed and signed. Appeal application forms should be completed and submitted by the applicant.
- A written submission – i.e. section 3 of the appeal form. This should provide a brief summary of the argument being advanced and should address the grounds upon which the original decision is to be challenged. Written submissions must be factually accurate and include clear references to the relevant evidence.
- Any relevant supporting documentation that you wish to be considered as part of your appeal.

How will the Appeals and Reviews Sub Group Deal with the Appeal?



- The Sub Group will base its decision solely on the written information that you provide. It would therefore be helpful if you could structure and focus your arguments and ensure that any documentation that you provide is both relevant and can be clearly identified by the Sub Group.
- The Sub Group may refuse to consider:
 - Unfocussed or unstructured arguments;
 - Information that simply restates facts that have already been considered by the original decision maker.
- The Sub Group is entitled to require a person making an appeal to provide it with any additional file, document or other piece of information connected with the appeal, not originally submitted, with reasons for non submission, in order to make its decision.

What are the possible outcomes?

- The Appeals and Reviews Sub Group will:
Refer back to the Local Action Group (the decision making body) with recommendations to:
 - Uphold the original decision;
 - Vary all or part of the original decision;
 - Overturn all or part of original decision and substitute the original decision with an alternative decision;

How will the decision be communicated to me?

- The Chair of the Local Action Group will advise you of the decision, in writing, within 15 working days of making that decision.
- All decisions will contain the full reasoning for the decision and the matters considered by it.
- Decisions of the Sub Group are final



If you are still not satisfied, you will be invited to raise a complaint with Midlothian Council (the Accountable Body for Tyne Esk LEADER).