



Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2010

Subject: The First-Tier Tribunal (Local Government Standards in England)

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. As of 18th January 2010 the work of the Adjudication Panel for England has transferred into the unified tribunal structure and into the new General Regulatory Chamber (GRC) within the First-tier Tribunal.
2. References to the Adjudication Panel for England will need to reflect the name change "First-tier Tribunal (Local Government Standards in England)".
3. The relevant Transfer Order has made various amendments to the Local Government Act 2000, the Case Tribunal Regulations and the Standards Committee Regulations to reflect the abolishment of the Adjudication Panel for England.
4. Members of the Standards Committee are asked to note the changes to the Tribunal arrangements as set out in this report.

1.0 Purpose Of This Report

- 1.1 As of 18th January 2010 the work of the Adjudication Panel for England has transferred into the unified tribunal structure and into the new General Regulatory Chamber (GRC) within the First-tier Tribunal.

2.0 Background Information

- 2.1 First-tier Tribunal (Local Government Standards in England) has taken over from a judicial tribunal established by the Local Government Act 2000 to determine references and appeals about the conduct of members of local authorities.
- 2.2 The Act set up an ethical governance framework designed to maintain high standards of behaviour for members of local authorities and associated bodies. All relevant authorities are required to adopt a Code of Conduct; the minimum requirements being laid down in a statutory Model Code. Failure to comply with the Code can lead to a member being suspended or disqualified.
- 2.3 From 18th January 2010 this work was transferred to the First-tier Tribunal as part of the work of the General Regulatory Chamber.

3.0 Main Issues

Procedural Rules

- 3.1 The Adjudication Panel for England operated without any formal Rules. That situation has now changed as a result. The GRC procedural rules will now apply. These Rules give explicit powers for directions and include amongst others, powers to summon witnesses and award costs.
- 3.2 All proceedings taking place after the 18th January will be conducted in accordance with Rules of the First-tier Tribunal unless, in the case of proceedings which have already started, it would be unfair to apply particular provisions of those Rules.
- 3.3 The President and members of the Adjudication Panel will be the same people and have transferred as either Judges or members of the First-tier Tribunal. The President will now be the Principal Judge overseeing the work.

Referrals under Regulation 17 of the Standards Committee (England) Regulations 2008

- 3.4 If the Tribunal agrees to accept a referral under Regulation 17 of the Standards Committee Regulations, the Standards Committee will need to complete an "Initiating Application" form. This is available on the Tribunal website.

Changes to Decision Notices issued by Standards Committees

- 3.5 "Decision notices" issued to Members following a hearing by the Hearings Sub-Committee, will need to reflect the amendments to the Standards Committee Regulations on the right of appeal. Members will now have 28 days in which to seek to appeal. References to the Adjudication Panel for England will also need to reflect the name change "First-tier Tribunal (Local Government Standards in England)".

- 3.6 There is an application form for appeals and a set of guidance notes for subject Members seeking to appeal against the decision of a Standards Committee available from the Tribunal's website.

Onward appeals

- 3.7 Any party can now apply for permission to appeal against a decision of the First-tier Tribunal. Such appeals will now be to the Upper Tribunal but permission needs first to be sought from the First-tier Tribunal.

4.0 Implications For Council Policy And Governance

- 4.1 Amendments will be required to several documents in the Council's Constitution to reflect this name change. The Monitoring Officer has the power to amend these documents under her delegated authority as set out in Article 15 as it is a result of legislative change.

- 4.2 Amendments will also be required to some of the documents relating to Code of Conduct complaints, such as the "Procedure for external Code of Conduct Investigations", and these amendments will be made by the Head of Governance Services under sub-delegated authority.

5.0 Legal And Resource Implications

- 5.1 The relevant Transfer Order has made various amendments to the Local Government Act 2000, the Case Tribunal Regulations and the Standards Committee Regulations to reflect the abolishment of the Adjudication Panel for England.
- 5.2 There are no resource implications for the Council to the amendments to the Tribunal arrangements.

6.0 Conclusions

- 6.1 As of 18th January 2010 the work of the Adjudication Panel for England has transferred into the unified tribunal structure and into the new General Regulatory Chamber (GRC) within the First-tier Tribunal.
- 6.2 References to the Adjudication Panel for England will need to reflect the name change "First-tier Tribunal (Local Government Standards in England)".

7.0 Recommendations

- 7.1 Members of the Standards Committee are asked to note the changes to the Tribunal arrangements as set out in this report.

Background Documents

<http://www.adjudicationpanel.tribunals.gov.uk/>

The Standards Committee (England) Regulations 2008

The Case Tribunal (England) Regulations 2008

The Local Government Act 2000

The Tribunal Procedure (First-tier Tribunal) (General Regulatory) Rules 2009
Guidance for an appeal against a decision of a Standards Committee