
Meeting: Standards Committee

Date: 26 February 2010

Subject: Changes to the Adjudication Panel for England

Report of: Monitoring Officer

Summary: To draw Members' attention to the changes to the Adjudication Panel for England

Contact Officer: Mrs Barbara Morris, Assistant Director Legal & Democratic/Monitoring Officer
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Public/Exempt: Public

Wards Affected: All

Function of: Non-executive

Reason for urgency
(if appropriate) N/A

RECOMMENDATION(S):

That Members note the contents of this report.

1. Members are requested to note that as from 18 January 2010, the work of the Adjudication Panel for England has transferred to the unified Tribunal Structure and into the new General Regulatory Chamber (GRC) within the First-tier Tribunal.
2. 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 abolition of the Adjudication Panel for England.
3. The Adjudication Panel for England operated without any formal rules. This situation has now changed as a result. The GRC Procedure Rules will now apply. These Rules give explicit powers for directions and including amongst others, power, to summon witnesses and aware costs.

4. All proceedings taking place after 18 January 2010 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 these Rules.
5. 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.
6. On a practical note, Members need to be aware that Decision Notices from Standards Committee issued to Members following a determination by a Standard Committee will need to reflect the amendments to the Standards Committee Regulations on the right of appeal. References to the Adjudication Panel for England will need to reflect the name change to "First-tier Tribunal (Local Government Standards in England).

Onward Appeals

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 Tier Tribunal, but permission needs first to be sought from the First-tier Tribunal. Guidance on the new procedure is available on the Tribunal's website at <http://www.adjudicationpanel.tribunals.gov.uk>

CORPORATE IMPLICATIONS:

Council Priorities:

Contributes to all Council priorities to ensure good governance

Financial:

N/A

Legal:

To ensure high ethical standards are maintained in accordance with the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007

Risk Management:

N/a

Staffing (including Trade Unions):

N/A

Equalities / Human Rights:

None

Community Safety:

N/A

Sustainability:

N/A

Location of papers: Priory House, Chicksands