

STANDARDS COMMITTEE

GUIDANCE FROM THE ADJUDICATION PANEL 4th December 2008

Report of the Monitoring Officer

PURPOSE OF REPORT

To draw Members' attention to guidance from the Adjudication Panel as to the circumstances in which it would consider accepting a referral from a Standards Committee.

This report is public.

RECOMMENDATIONS

- (1) That the guidance from the Adjudication Panel be noted.

1.0 Introduction

- 1.1 Members will be aware that Regulation 17 of the Standards Committee (England) Regulations 2008 provides that where, following an investigation, the Monitoring Officer refers a report to the Standards Committee, the Committee shall convene to consider the report, and make one of three findings. These are that the Standards Committee accepts the Monitoring Officer's finding that there has been no failure to comply with the Code, that the matter should be considered at a hearing of the Standards Committee, or that the matter should be referred to the Adjudication Panel for determination.
- 1.2 The President of the Adjudication Panel has issued guidance on the circumstances in which the Adjudication Panel would consider accepting a reference from the Standards Committee. A copy of the guidance is attached, and the Adjudication Panel has requested that it be circulated to all Standards Committee members.

2.0 Proposal Details

- 2.1 The Committee is asked to note the guidance. As suggested in the guidance, if a situation arose where an investigation report were to be submitted to the Standards Committee and a reference to the Adjudication Panel seemed to the Monitoring Officer to be a possibility, she would ask the President of the Adjudication Panel to indicate, prior to the consideration of the report by the Standards Committee, whether he would agree to accept such a referral. This would not in any way prejudice the matter or commit the Standards Committee to making a referral, but would avoid the Committee seeking to refer a matter that was not suitable.

2.2 The Committee is asked to note the report and the guidance.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None arising from this report.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 has been consulted and has no further comments.

LEGAL IMPLICATIONS

There are no legal implications arising from this report.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer in her role as adviser to the Standards Committee.

BACKGROUND PAPERS

None

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