

STANDARDS COMMITTEE

THE CASE TRIBUNALS (ENGLAND) REGULATIONS 2008 22nd January 2009

Report of the Monitoring Officer

PURPOSE OF REPORT

To advise the Committee of new Regulations amending the sanctions available to the Adjudication Panel.

This report is public

RECOMMENDATIONS

(1) That the report be noted.

1.0 Report

1.1 The Case Tribunals (England) Regulations 2008 came into force on the 12th December 2008. These complement the Standards Committee (England) Regulations 2008 and make provision about the sanctions available to a case tribunal of the Adjudication Panel for England.

1.2 In particular, these Regulations ensure that from the 12th December 2008, case tribunals will have the power to censure a member, require the member to apologise, attend training, or enter into a process of conciliation. These sanctions were previously available only to councils' Standards Committees.

1.3 Making these sanctions available to case tribunals will allow them to deal proportionately with cases that are referred to them, for example, because they are seen as very serious, but which the tribunals conclude are not so serious. It will also enable tribunals to deal appropriately with cases referred to them because a standards committee is conflicted out.

1.4 The Regulations also make provision about certain administrative procedures to be followed in relation to cases before the Adjudication Panel and its case tribunals.

2.0 Conclusion

2.1 The Committee is requested to note the report.

CONCLUSION OF IMPACT ASSESSMENT

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

None arising from this report.

FINANCIAL IMPLICATIONS

None arising from this report.

SECTION 151 OFFICER'S COMMENTS

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

LEGAL IMPLICATIONS

None arising from this report.

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

None

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