

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Standards Committee

31st March 2008

1. **THE ADJUDICATION PANEL**

Report of the Monitoring Officer.

RECOMMENDED

THAT members note the contents of the report.

2. **PURPOSE OF REPORT**

This report is submitted to inform members about the role of the Adjudication Panel for England following a request made at the last Standards Committee on 11th February 2008.

3. **BACKGROUND**

- 3.1 Relevant authorities are required to act in accordance with the Code of Conduct, the minimum requirement of the Code being laid down by legislation.
- 3.2 Complaints that the Code has not been followed can be made to the Standards Board for England which decides whether they can be investigated by an ethical standards officer. One outcome of such an investigation can be a reference to the Adjudication Panel for England. Such references are considered by a case tribunal consisting of three panel members.
- 3.3 An ethical standards officer may, as an alternative, refer the matter to a local standards committee. An appeal can be made to the Adjudication Panel (subject to the President's consent) against the decision of the local standards committee. Such appeals are considered by an appeals tribunal consisting of three panel members.
- 3.4 The Act also makes provision for interim case tribunals to consider whether members should be suspended pending the outcome of an investigation.

- 3.5 Members have a right of appeal to the High Court against the decision made by a case tribunal or interim case tribunal.
- 3.6 There is no specific right of appeal provided against decisions in relation to appeals tribunals.
- 3.7 The President and members of the Adjudication Panel for England are appointed by the Lord Chancellor following consultation with the Secretary of State. The current membership is shown in Appendix 1.
- 3.8 All tribunals consist of three panel members. The chairman (or chairwoman) at each particular tribunal is a legal member.
- 3.9 Whilst the changes to the legislation will now mean that more cases are determined at the local level by standards committees, the tribunal will remain as an essential part of the ethical governance framework and will have a full range of sanctions available to it.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

The Adjudication Panel for England is an independent judicial tribunal that was established by the Local Government Act 2000. The Act set up an ethical governance framework designed to maintain high standards of behaviour for members of local authorities and associated bodies.

6. **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

N SHARMA
MONITORING OFFICER