

**THE CASE TRIBUNALS (ENGLAND) REGULATIONS 2008
(Report by the Head of Law, Property and Governance)**

1. INTRODUCTION

- 1.1 On 18th November 2008, the Government issued the Case Tribunals (England) Regulations 2008. The Regulations came into effect on 12th December 2008 and are available on-line at www.opsi.gov.uk/si/si2008/uksi_20082938_en_1 or from the website of the Office of Public Sector Information.
- 1.2 The Regulations complement the Standards Committee (England) Regulations 2008 and make provision about the sanctions available to a Case Tribunal of the Adjudication Panel for England.

2. DETAILS

- 2.1 Following the introduction of the new devolved conduct regime for local authority Members in May 2008, under the Local Government Act 2000, as amended, and the Standards Committee (England) Regulations 2008, the Department of Communities and Local Government has now issued the Case Tribunals (England) Regulations 2008, which make provision regarding:-
- ◆ the sanctions available to a Case Tribunal of the Adjudication Panel for England where it has determined that a local authority member has failed to comply with his or her authority's code of conduct. The sanctions available to case tribunals will range from censuring a member or requiring them to participate in a process of conciliation to disqualifying a member from office for five years; other sanctions include training or requesting the submission of an apology;
 - ◆ the content and effect of decision notices served on local authorities Standards Committees by a case tribunal of the Adjudication Panel; and
 - ◆ the circumstances in which a reference of a matter by an Ethical Standards Officer to the Adjudication Panel may be withdrawn and the procedure for doing so.
- 2.2 The Regulations have been informed by responses to the consultation paper "Orders and Regulations Relating to the Conduct of Local Authority Members in England" which the Department published in January 2008.

- 2.3 These sanctions currently are only available to Standards Committees and in the coming months, the Standards Board will be publishing guidance on the circumstances where an Ethical Standards Officer may withdraw a reference made by the President of the Adjudication Panel and the procedure for doing so. The Adjudication Panel will also be publishing guidance on the sanctions available to a case tribunal and the content and effect of decision notices of case tribunals.
- 2.4 Making these sanctions available to case tribunals will allow them to deal proportionally 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 when a Standards Committee is conflicted out.

3. CONCLUSION

- 3.1 The Committee is requested to receive and note the information submitted.

BACKGROUND PAPERS

Letter received from the Department of Communities and Local Government dated 1st December 2008.

**Contact Officer: Christine Deller, Democratic Services Manager -
Tel: (01480) 388007.**