



Local Government Act 2000

2000 CHAPTER 22

PART III

CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

CHAPTER IV

ADJUDICATIONS

Adjudication Panels

75 Adjudication Panels

- (1) There is to be a panel of persons, known as the Adjudication Panel for England, eligible for membership of tribunals drawn from the Panel.
- (2) There is to be a panel of persons, known as the Adjudication Panel for Wales or Panel Dyfarnu Cymru, eligible for membership of tribunals drawn from the Panel.
- (3) The members of the Adjudication Panel for England are to be appointed by the Lord Chancellor.
- (4) The Lord Chancellor—
 - (a) must appoint one of the members of the Adjudication Panel for England as president of the Panel, and
 - (b) may appoint one of those members as deputy president of the Panel.
- (5) The members of the Adjudication Panel for Wales are to be appointed by the National Assembly for Wales on such terms and conditions as it may determine.
- (6) The National Assembly for Wales—
 - (a) must appoint one of the members of the Adjudication Panel for Wales as president of the Panel, and
 - (b) may appoint one of those members as deputy president of the Panel.

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- (7) Such members of the Adjudication Panel for England as the Lord Chancellor thinks fit must possess such qualifications as may be determined by the Lord Chancellor.
- (8) Such members of the Adjudication Panel for Wales as the National Assembly for Wales thinks fit must possess such qualifications as may be determined by the National Assembly for Wales.
- (9) The president and deputy president (if any) of the Adjudication Panel for England are to be responsible—
 - (a) for training the members of the Panel,
 - (b) for issuing guidance on how tribunals drawn from the Panel are to reach decisions.
- (10) The president and deputy president (if any) of the Adjudication Panel for Wales are to be responsible—
 - (a) for training the members of the Panel,
 - (b) for issuing guidance on how tribunals drawn from the Panel are to reach decisions.
- (11) The Lord Chancellor must obtain the consent of the Secretary of State before making any appointment under subsection (3) or (4) or any determination under subsection (7).

Case tribunals and interim case tribunals

76 Case tribunals and interim case tribunals

- (1) Adjudications in respect of matters referred to the president of the relevant Adjudication Panel under section 64(3) or 71(3) are to be conducted by tribunals (referred to in this Part as case tribunals) consisting of not less than three members of the Panel.
- (2) Adjudications in respect of matters referred to the president of the relevant Adjudication Panel under section 65(4) or 72(4) are to be conducted by tribunals (referred to in this Part as interim case tribunals) consisting of not less than three members of the Panel.
- (3) The president of the relevant Adjudication Panel (or in his absence the deputy president) is to appoint the members of any case tribunal or interim case tribunal.
- (4) A case tribunal drawn from the relevant Adjudication Panel may conduct a single adjudication in relation to two or more matters which are referred to the president of the Panel under section 64(3) or 71(3).
- (5) An interim case tribunal drawn from the relevant Adjudication Panel may conduct a single adjudication in relation to two or more matters which are referred to the president of the Panel under section 65(4) or 72(4).
- (6) The president or the deputy president of the relevant Adjudication Panel may be a member of a case tribunal or interim case tribunal drawn from the Panel.
- (7) A member of the relevant Adjudication Panel may not at any time be a member of a case tribunal or interim case tribunal drawn from the Panel which is to adjudicate on a matter relating to a member or co-opted member (or former member or co-opted member) of a relevant authority if, within the period of five years ending with that

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- time, the member of the Panel has been a member or an officer of the authority or a member of any committee, sub-committee, joint committee or joint sub-committee of the authority.
- (8) A member of the relevant Adjudication Panel who is directly or indirectly interested in any matter which is, or is likely to be, the subject of an adjudication conducted by a case tribunal or interim case tribunal—
- (a) must disclose the nature of his interest to the president or deputy president of that Panel, and
 - (b) may not be a member of a case tribunal or interim case tribunal which conducts an adjudication in relation to that matter.
- (9) Where there is no deputy president of the relevant Adjudication Panel, the reference in subsections (3) and (8) to the deputy president is to be treated as a reference to such member of the Panel as the Lord Chancellor or (as the case may require) the National Assembly for Wales may specify.
- (10) A person who is a member of an interim case tribunal which, as a result of an investigation under section 59 or 69, conducts an adjudication in relation to any person may not be a member of a case tribunal which, on the conclusion of that investigation, subsequently conducts an adjudication in relation to that person.
- (11) The Lord Chancellor may issue guidance with respect to the composition of case tribunals or interim case tribunals drawn from the Adjudication Panel for England.
- (12) The Lord Chancellor must obtain the consent of the Secretary of State before issuing any guidance under subsection (11).
- (13) The National Assembly for Wales may issue guidance with respect to the composition of case tribunals or interim case tribunals drawn from the Adjudication Panel for Wales.
- (14) The National Assembly for Wales may incur expenditure for the purpose of providing administrative support to the Adjudication Panel for Wales.

Adjudications

77 Adjudications

- (1) A person who is the subject of an adjudication conducted by a case tribunal or interim case tribunal may appear before the tribunal in person or be represented by—
- (a) counsel or a solicitor, or
 - (b) any other person whom he desires to represent him.
- (2) The Secretary of State may by regulations make such provision as appears to him to be necessary or expedient with respect to adjudications by case tribunals or interim case tribunals drawn from the Adjudication Panel for England.
- (3) The president of the Adjudication Panel for England may, after consultation with the Secretary of State, give directions as to the practice and procedure to be followed by tribunals drawn from the Panel.
- (4) The National Assembly for Wales may by regulations make such provision as appears to it to be necessary or expedient with respect to adjudications by case tribunals or interim case tribunals drawn from the Adjudication Panel for Wales.

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- (5) The president of the Adjudication Panel for Wales may, after consultation with the National Assembly for Wales, give directions as to the practice and procedure to be followed by tribunals drawn from the Panel.
- (6) Regulations under this section may, in particular, include provision—
 - (a) for requiring persons to attend adjudications to give evidence and produce documents and for authorising the administration of oaths to witnesses,
 - (b) for requiring persons to furnish further particulars,
 - (c) for prescribing the procedure to be followed in adjudications, including provision as to the persons entitled to appear and to be heard on behalf of persons giving evidence,
 - (d) for the award of costs or expenses (including provision with respect to interest and provision with respect to the enforcement of any such award),
 - (e) for taxing or otherwise settling any such costs or expenses (and for enabling such costs to be taxed in a county court),
 - (f) for the registration and proof of decisions and awards of tribunals.
- (7) A person who without reasonable excuse fails to comply with any requirement imposed by virtue of subsection (6)(a) or (b) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) In this section any reference to documents includes a reference to information held by means of a computer or in any other electronic form.

78 Decisions of interim case tribunals

- (1) An interim case tribunal which adjudicates on any matters which are the subject of an interim report must reach one of the following decisions—
 - (a) that the person to whom the recommendation mentioned in section 65(3) or 72(3) relates should not be suspended or partially suspended from being a member or co-opted member of the relevant authority concerned,
 - (b) that that person should be suspended or partially suspended from being a member or co-opted member of the authority concerned for a period which does not exceed six months or (if shorter) the remainder of the person's term of office.
- (2) An interim case tribunal must give notice of its decision to the standards committee of the relevant authority concerned.
- (3) If the decision of an interim case tribunal is that a person should be suspended or partially suspended from being a member or co-opted member of the relevant authority concerned—
 - (a) the notice must give details of the suspension or partial suspension and specify the date on which the suspension or partial suspension is to begin, and
 - (b) the relevant authority must suspend or partially suspend the person in accordance with the notice.
- (4) A decision of an interim case tribunal under this section shall not prevent an ethical standards officer from continuing with the investigation under section 59 which gave rise to the interim report concerned and producing a report under section 64, or a further interim report under section 65, in respect of any matters which are the subject of the investigation.

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- (5) A decision of an interim case tribunal under this section shall not prevent a Local Commissioner in Wales from continuing with the investigation under section 69 which gave rise to the interim report concerned and producing a report under section 71, or a further interim report under section 72, in respect of any matters which are the subject of the investigation.
- (6) The suspension or partial suspension of any person under this section shall not extend beyond the day on which a notice under section 79 is given to the standards committee of the relevant authority concerned with respect to that person.
- (7) A copy of any notice under this section must be given—
 - (a) to any person who is the subject of the notice, and
 - (b) to the monitoring officer of the relevant authority concerned.
- (8) In a case where section 65(6) or 72(6) applies, the references in subsections (2) and (7)(b) to the relevant authority concerned are to be treated as including a reference to the relevant authority of which the person concerned was formerly a member or co-opted member.
- (9) An interim case tribunal must take reasonable steps to inform any person who made any allegation which gave rise to the investigation under section 59 or 69 of its decision under this section.
- (10) A person who is suspended or partially suspended under this section may appeal to the High Court—
 - (a) against the suspension or partial suspension, or
 - (b) against the length of the suspension or partial suspension.

79 Decisions of case tribunals

- (1) A case tribunal which adjudicates on any matter must decide whether or not any person to which that matter relates has failed to comply with the code of conduct of the relevant authority concerned.
- (2) Where a case tribunal decides that a person has not failed to comply with the code of conduct of the relevant authority concerned, it must give notice to that effect to the standards committee of the relevant authority concerned.
- (3) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned, it must decide whether the nature of the failure is such that the person should be suspended or disqualified in accordance with subsection (4).
- (4) A person may be—
 - (a) suspended or partially suspended from being a member or co-opted member of the relevant authority concerned, or
 - (b) disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority.
- (5) Where a case tribunal makes such a decision as is mentioned in subsection (4)(a), it must decide the period for which the person should be suspended or partially suspended (which must not exceed one year or, if shorter, the remainder of the person's term of office).

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- (6) Where a case tribunal makes such a decision as is mentioned in subsection (4)(b), it must decide the period for which the person should be disqualified (which must not exceed five years).
- (7) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned but should not be suspended or disqualified as mentioned in subsection (4), it must give notice to the standards committee of the relevant authority concerned—
- (a) stating that the person has failed to comply with that code of conduct, and
 - (b) specifying the details of that failure.
- (8) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be suspended or partially suspended as mentioned in subsection (4)(a), it must give notice to the standards committee of the relevant authority concerned—
- (a) stating that the person has failed to comply with that code of conduct,
 - (b) specifying the details of that failure, and
 - (c) stating that the person must be suspended or partially suspended by the relevant authority concerned for the period, and in the way, which the tribunal has decided.
- (9) A relevant authority must comply with any notice given to its standards committee under subsection (8).
- (10) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be disqualified as mentioned in subsection (4)(b), it must give notice to the standards committee of the relevant authority concerned—
- (a) stating that the person has failed to comply with that code of conduct,
 - (b) specifying the details of that failure, and
 - (c) stating that the person is disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority for the period which the tribunal has decided.
- (11) The effect of a notice given to the standards committee of a relevant authority under subsection (10) is to disqualify the person concerned as mentioned in subsection (10) (c).
- (12) A copy of any notice under this section—
- (a) must be given—
 - (i) to the Standards Board for England, where the relevant authority concerned is in England,
 - (ii) to the Commission for Local Administration in Wales, where the relevant authority concerned is in Wales,
 - (b) must be given to any person who is the subject of the decision to which the notice relates, and
 - (c) must be published in one or more newspapers circulating in the area of the relevant authority concerned.
- (13) Where the person concerned is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority in the same country (that is to say, England or Wales)—

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- (a) a copy of any notice under subsection (2), (7) or (10) must also be given to the standards committee of that other relevant authority,
 - (b) the references in subsections (4)(a) and (8)(c) to the relevant authority concerned are to be treated as references to that other relevant authority,
 - (c) the duty to give notice to the standards committee of the relevant authority concerned under subsection (8) is to be treated as a duty—
 - (i) to give that notice to the standards committee of that other relevant authority, and
 - (ii) to give a copy of that notice to the standards committee of the relevant authority concerned,
 - (d) the reference in subsection (12)(c) to the relevant authority concerned is to be treated as including a reference to that other relevant authority.
- (14) A case tribunal must take reasonable steps to inform any person who made any allegation which gave rise to the adjudication of the decision of the case tribunal under this section.
- (15) Where a case tribunal decides under this section that a person has failed to comply with the code of conduct of the relevant authority concerned, that person may appeal to the High Court against that decision, or any other decision under this section which relates to him.

80 Recommendations by case tribunals

- (1) A case tribunal which has adjudicated on any matter may make recommendations to a relevant authority about any matters relating to—
- (a) the exercise of the authority’s functions,
 - (b) the authority’s code of conduct, or
 - (c) the authority’s standards committee.
- (2) A case tribunal must send a copy of any recommendations it makes under subsection (1) to the relevant person.
- (3) A relevant authority to whom recommendations are made under subsection (1) must consider the recommendations and, within a period of three months beginning with the day on which the recommendations are received, prepare a report for the relevant person giving details of what action the authority have taken or are proposing to take as a result of the recommendations.
- (4) A relevant authority’s function of considering a report under subsection (3) may be discharged only by the authority or by the standards committee of that authority (and accordingly, in the case of a relevant authority to which section 101 of the Local Government Act 1972 applies, is not to be a function to which that section applies).
- (5) If the relevant person is not satisfied with the action the relevant authority have taken or propose to take in relation to the recommendations, the relevant person may require the authority to publish a statement giving details of the recommendations made by the tribunal and of the authority’s reasons for not fully implementing the recommendations.
- (6) In this section “the relevant person” means—
- (a) the Standards Board for England where the relevant authority concerned is in England,

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- (b) a Local Commissioner in Wales where the relevant authority concerned is in Wales.