

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> February 3 2009	<b>Meeting Name:</b> Standards Committee
<b>Report title:</b>		Amendment to the Local Filter Procedures Rules	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law and Governance	

## RECOMMENDATIONS

1. That the standards committee notes the report.
2. That the standards committee agrees to amend the local procedure rules as shown in appendix A.

## BACKGROUND INFORMATION

3. The local filter procedures rules have been operation since May 2008.
4. Under the current rules a consideration sub-committee when considering an investigating officer's report can refer a matter to the Adjudication Panel for England ("Adjudication Panel") for determination, with the permission, if they feel their powers of sanction insufficient ["a Regulation 17 reference"].
5. In addition members have a right of appeal to the Adjudication Panel where the hearing subcommittee determines that the member has failed to comply with the Code of Conduct.
6. The work of the Adjudication Panel has transferred into the new General Regulatory Chamber on January 18 2010 and will from that date, be known as First-Tier Tribunal (Local Government Standards, England).

## KEY ISSUES FOR CONSIDERATION

7. Under the First-Tier Tribunal (Local Government Standards, England) procedures to make a Section 17 reference, the Standards Committee must make an application, in writing, to the First-Tier Tribunal (Local Government Standards, England) to determine a reference. Prior to this the permission of the Tribunal has to be obtained.
8. Guidance issued by the First-Tier Tribunal (Local Government Standards, England) states a standards committee can seek a preliminary view as to whether the tribunal would be willing to accept a reference. in seeking such a view the standards committee should either provide a copy of the report it is considering or provide an outline of the material facts and an indication as to why the view might be taken that a greater sanction would be appropriate than the standards committee would have power to impose. Such agreement would not commit the standards committee making such a reference.
9. Other changes are required to deal with the changes to the appeal provisions available to members.

10. These amendments would be applicable to any new complaint received by the standards committee.

### Legal implications

11. The legal implications have been dealt with in the body of the report.

### Community impact statement

12. Good governance is very important in aiding the decision-making process and helping to boost public confidence in the Council. The details set out in this report will provide members of the community with information on how alleged breaches of the code will be dealt with by the standards committee.

### Resource implications

13. Any resource implications will be contained within existing budgets.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Constitution.	<a href="http://www.southwark.gov.uk/YourCouncil/HowTheCouncilWorks/councilconstitution.html">http://www.southwark.gov.uk/YourCouncil/HowTheCouncilWorks/councilconstitution.html</a> 2nd floor, PO Box 64529, London, SE1P 5LX	Lesley John 020-7525-7228
Guidance issued by the First-Tier Tribunal (Local Government Standards, England)	2nd floor, PO Box 64529, London, SE1P 5LX	Norman Coombe 020-7525-7678

## APPENDICES

No.	Item
A	Revised local filter procedure rules

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Communities, Law & Governance	
<b>Report Author</b>	Norman Coombe, Principal lawyer	
<b>Version</b>	Final	
<b>Dated</b>	19 January 2009	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law and Governance	Yes	Incorporated
Finance Director	No	No
<b>Executive Member</b>	N/A	N/A
<b>Date final report sent to Constitutional Support Services</b>	19 January 2009	