

Cherwell District Council

Account Audit & Risk Committee

27 July 2022

Regulatory Compliance Report

Report of Interim Monitoring Officer

This report is public

If the Committee has any queries on any aspect of the report that may disclose information under paragraphs 1 – 7 of Schedule 12A of Local Government Act 1972, the Interim Monitoring Officer will advise the relevant paragraph and it will be necessary for the Committee to resolve to exclude the press and public whilst exempt information is considered

Purpose of report

To provide the Committee with an update regulatory compliance.

1.0 Recommendations

The meeting is recommended:

- 1.1 To consider and comment on the report.

2.0 Introduction

2.1 The Council has a number of statutory obligations, which, taken collectively, give a picture of its compliance in such matters and can form part of the suite of evidence to be used to compile the Annual Governance Statement.

2.2 The figures detailed in this report are categorised into 8 regulatory compliance areas and represent the first quarter of the municipal year 2022-23, 1 April – 30 June.

- Freedom of Information requests
- Environmental Information Regulations
- Subject Access Requests (SAR)
- Corporate Complaints
- Local Government and Social Care Ombudsman (LGSCO)
- Data Breaches
- Whistleblowing
- Regulation of Investigatory Power Act (RIPA)

3.0 Report Details

Regulatory Compliance Statistics

Freedom of Information (FOI) and Environmental Information Regulations (EIRs)

- 3.1 The Freedom of Information Act 2000 provides public access to information held by public authorities, unless that information is subject to any of the exemptions specified by law.
- 3.2 It does that in two ways: public authorities are obliged to publish certain information about their activities; and members of the public are entitled to request information from public authorities.
- 3.3 Responses must be provided to the requester within 20 days of receiving the request, unless notification has been given that more time is required.

Period	Total Received	Responded to / remain within statutory time limit.
1 April – 30 June 2022	42	42

- 3.4 The Environmental Information Regulations 2004 provide public access to environmental information held by public authorities, unless that information is subject to any of the exemptions specified by law.
- 3.5 The definition of environmental information is very wide. It includes information, decisions, measures and affecting or likely to affect air, water, soil, land flora and fauna, energy, noise, waste and emissions. It also includes information about human health and the food chain and cultural sites.
- 3.6 Responses must be provided to the requester within 20 days of receiving the request, unless notification has been given that more time is required.

Period	Total Received	Responded to / remain within statutory time limit.
1 April – 30 June 2022	11	11

- 3.7 The figures below provide a breakdown of FOI and EIR requests by Service Area

- Customer Services & Dev 1
- Environmental Services 2
- Finance 1
- HR & Payroll 4
- Law & Gov 4
- Place & Growth 1
- Planning & Economy 8
- Regulatory/ Community Safety 10
- Revs & Bens 12
- Social Care & Housing 9
- Wellbeing 1

- Total 53

Subject Access Requests (SAR)

- 3.8 A Subject Access Request (SAR) is a request made by, or on behalf, of an individual for the information which they are entitled to ask for under Article 15 of the UK GDPR.
- 3.9 SARs should be responded to within one month of the receipt of the request. If a number of requests have been made or the request is complex, the response time can be extended to two months.
- 3.10 The data is not yet readily accessible, but this is being worked on.

Corporate complaints

- 3.11 The council has adopted a [complaints policy and procedure](#).
- 3.12 If the Service or Department a member of the public has an issue with are unable to resolve the problem, a formal complaint can be made.
- 3.13 A stage 1 complaint will be investigated by an appropriate senior officer from the Service or Department and a response provided within 10 full working days, unless a longer period has been agreed.
- 3.14 If the complainant is unhappy with the response, the complaint is escalated to Stage 2. A Stage 2 will be investigated by a member of the senior management team and a response send to the complainant within 15 full working days, unless a longer period has been agreed.
- 3.15 There is a separate complaints process for complaints against the code of conduct of a member of Cherwell District Council or a member of a town or parish council in the district.

Period	Stage 1	Stage 2	TOTAL
1 April – 30 June 2022	33	5	38

- 3.16 Appendix 1 provides a breakdown of complaints.

Local Government and Social Care Ombudsman (LGSCO)

- 3.17 If a complainant is not satisfied with the council's stage 2 response to their complaint, they are able to request an external investigation by the Local Government and Social Care Ombudsman (LGSCO) who will make a judgement about the conclusions and procedure.
- 3.18 One decision has been received from the LGSCO during this period, relating to an investigation raised in January 2022.
- 3.19 The LGSCO final decision, recorded the category as: Benefits & Tax and the decision as: Upheld: maladministration and injustice. The LGSCO found fault in

the Council's handling of Ms. X's vulnerability as a debtor. To remedy this, the Council has agreed to apologise to Ms. X, review Ms. X's case with the bailiffs and make a service improvement.

Data Breaches

- 3.20 A Data breach is a security violation, in which sensitive, protected, or confidential data is copied, transmitted, viewed, stolen, or used by an individual unauthorized to do so.
- 3.21 Data is not yet readily accessible, but this is being worked on.

Whistleblowing

- 3.22 Cherwell District Council is committed to having effective whistleblowing arrangements in place to safeguard individuals who have genuine case for raising concerns in the work place and to promote good governance and safeguard the public interest.
- 3.23 The [Council's current Whistleblowing Policy](#) was adopted by this Committee in July 2020. It sets out how to raise concerns within the council and is designed to encourage and enable employees to raise concerns within the Council in person, rather than overlooking a problem or using other methods to report concerns.
- 3.24 No whistleblowing allegations have been received during this period.

Regulation of Investigatory Power Act (RIPA)

- 3.25 The Regulation of Investigatory Powers Act 2000 (c.23) (RIP or RIPA), an Act of the Parliament of the United Kingdom, regulating the powers of public bodies to carry out surveillance and investigation, and covering the interception of communications
- 3.26 There were no RIPA requested in this period

4.0 Conclusion and Reasons for Recommendations

- 4.1 This report provides Members with information on regulatory compliance in Quarter one 2022-23.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

None as this report is submitted for information and comment only, however the Committee could request additional information.

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising directly from this report.

Comments checked by:

Michael Furness, Assistant Director of Finance & S151 Officer, 01295 221845
Michael.furness@cherwell-dc.gov.uk

Legal Implications

7.2 There are no legal implications directly arising from the contents of this report.

Comments checked by:

Shahin Ismail, Interim Assistant Director Law, Governance & Democratic Services & Monitoring Officer, Shahin.ismail@cherwell-dc.gov.uk

Risk Implications

7.3 There are no risk implications arising directly from this report.

Comments checked by:

Celia Prado-Teeling, Interim Assistant Director Customer Focus, 01295 221556, Celia.prado-teeling@cherwell-dc.gov.uk

Equalities and Inclusion Implications

7.4 There are no equalities and inclusion implications arising directly from this report.

Comments checked by:

Celia Prado-Teeling, Interim Assistant Director Customer Focus, 01295 221556, Celia.prado-teeling@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

N/A

Document Information**Appendix number and title**

- Appendix 1 – Corporate Complaints Summary

Background papers

None

Report Author and contact details

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