

The Cherwell Standard

A review of the work of Cherwell District Council's Standards Committee in 2009/10

The Local Government Act 2000 established standards committees in local authorities to promote good conduct by Councillors and Staff.

Local Assessment of Complaints

All cases involving misconduct allegations have been dealt with locally by the Standards Committee since 2008. The Standards Committee can investigate cases, refer cases to the Standards for England or resolve cases through other means such as mediation or training.

All code of conduct complaints must be sent to Liz Howlett, Monitoring Officer, Bodicote House, Bodicote, Banbury, OX15 4AA

Meetings of the Standards Committee 2009/10

Number of times a general meeting of the Standards Committee has been held	6
Number of times an Assessment Sub-Committee has met	3
Number of times a Review Sub-Committee has met	1
Number of Hearings	0

Appointments to the Standards Committee

At the end of 2009/10 Mr Douglas Frewer (Independent Member) and Cllr Bernard Lane (Parish Representative) both stepped down from the Standards Committee.

Standards for England Guidance states that at least 25% of a Standards Committee's members should be independent; for Cherwell District Council this means there must be at least four independent members on the committee. It is also important to have independent members there must be an independent member present for an Assessment Sub-Committee to consider a complaint. In May 2010 the Council appointed Derek Bacon to serve as the fourth independent member on the Standards Committee.

The legal minimum number of parish representatives on the committee is two. The parish representatives carry out an extremely important role on the committee and particularly on the assessment subcommittees. If the assessment subcommittee is considering a complaint relating to a parish council there must be a parish representative on the subcommittee. Councillor David Carr, who was previously a substitute Parish Representative, was appointed by the Standards Committee and approved by Council in April 2010 to serve as a full member on the Committee. The Committee will be seeking to appoint a further parish substitute after the parish elections in May 2010.

Complaints

During 2009/10 we received 3 complaints. All of these complaints have been made against parish councillors and related to alleged breaches of the Weston-on-the-Green Parish Council's Code of Conduct. Standards Assessment Sub-Committee meetings were arranged to consider each complaint. The Sub-Committee felt that none of the complaints warranted further action.

Cost of Complaints

The cost of holding three Assessment Sub-Committees and one Review Sub-Committee in 2009/10 was £956. The cost of an investigation which was completed in 2008/09 was paid in 2009/10. This amounted to £4831.20. There is a lot of other work surrounding complaints not reflected in these figures and they do not take account of the time spent mediating Parish Councils.

There is no power in the legislation to recharge Parish Councils for the cost of investigating complaints about them. There is also little scope at present to reject repetitive complaints. Standards for England request that every complaint be looked at. They do recognise that dealing with repetitive complaints is a problem nationally and will be proposing to the new coalition government that the discretion of Monitoring Officers to reject repetitive or vexatious complaints should be increased.

Training

During 2009/10 the Standards Committee arranged training in a number of different areas.

Governance, Code of Conduct and Declaring Interests

In June 2009 Liz Howlett, Monitoring Officer held a training session for all Councillors providing guidance on the Code of Conduct and explaining what personal and prejudicial interests are and when they should be declared. The session also covered the role of the Standards Committee, Standards for England and the Corporate Governance framework. It also covered the Annual Governance Statement, the governance framework and how Standards Committee and Accounts, Audit and Risk Committee work together.

Planning Training

In order for Councillors to participate in planning decisions they must attend Planning Training. Planning training sessions were held in May and June 2009. The sessions aimed to explain and guide Councillors through the often complex planning system so that they can make sound decisions, and explain them to their constituents.

Standards for England DVD – 'Assessment Made Clear'

Standards for England produced a DVD 'Assessment Made Clear' to help Standards Committee members and local authority officers to understand the

local assessment of complaints. The Standards Committee viewed the DVD in January 2010 and it is available for all Councillors to borrow.

Standards for England Training

The County hosted an Oxfordshire wide training session on the Local Assessment of complaints, in March 2010, facilitated by Standards for England. This was an opportunity for members of the Standards Committee to take part in a training session on the local assessment of complaints.

Training for parish councils

At the November meeting of the Standards Committee members considered how the committee supports Parish Councils and how a more active role in promoting high ethical standards might be undertaken. Members of the committee felt it was important to meet with Parish Councils who had requested help to provide advice and guidance on the ethical framework. It was also noted that many Parish Councils were struggling to find experienced parish clerks and that clerks could also benefit from assistance and guidance from the committee. The independent members of the Standards Committee are arranging to visit a number of Parish Councils to provide support and information in the coming year.

The Oxfordshire Association of Local Councils is supporting the five district councils who have set up a training forum for new parish clerks. The aim of the forum is to provide training and guidance so new parish clerks are equipped to carry out their role with confidence. The first meeting of the forum was held at West Oxfordshire District Council on 9 March 2010 and was attended by over 20 parish clerks and councillors. Cherwell will host the second meeting of the forum on 8 July 2010 which will focus on data protection and freedom of information. The third meeting will be held at South Oxfordshire District Council on 12 October 2010 and will cover the Code of Conduct.

Standards for England

The Queen's Speech on the 25 May 2010 proposed the Decentralisation and Localism Bill covering the new Coalition Government's proposals to "devolve greater powers to councils and neighbourhoods" and includes a proposal to "abolish the Standards Board regime". It is not yet clear exactly what this will mean.

Standards for England (formerly known as the Standards Board for England) was established by the Local Government Act 2000. It is responsible for promoting high ethical standards in local democracy. It oversees the Code of Conduct, which covers elected and co-opted members who serve on a range of authorities. Standards for England maintains an independent national overview of local investigations into allegations that Members' conduct may have fallen short of the required standards.

The majority of investigations into complaints that Members of local authorities have breached their authority's Code of Conduct are conducted locally. However, in certain cases Standards for England investigates allegations itself. These are the most serious cases where the local Standards Committee believes it is not best placed to deal with the matter and refer it to Standards for England.

There are no clear details as yet about what is proposed for the future and for now the local standards framework remains in place pending legislative change. Standards for England have said that they are disappointed with the Government's decision and their current priorities are to fulfil their statutory duties, to support local authorities in maintaining high standards and to assist the government in developing and implementing any new arrangements.

Annual Assembly

The Eighth Annual Assembly of the Standards Committee was held on 12 and 13 October 2009. The theme of the Assembly was "Bringing Standards into Focus". Dr Reynolds and Mr McBeth, independent members of the committee, attended the conference. The 2010 Annual Assembly has been cancelled following the Government proposals in the Decentralisation and Localism Bill to "abolish the Standards Board regime".

Operation of Ethical Framework

38 of 66 Parish Councils in the District responded to the ethical framework questionnaire sent out in November 2009. The questionnaire was designed to judge how well the ethical framework is being applied across the District and provides Parish Councils with the opportunity to identify areas where they require help or assistance with matters relating to the Code of Conduct.

30 parishes felt the Code of Conduct helped the way they worked and 22 parishes provided new Parish Councillors with a copy of the Code. A number of Parish Councils indicated that they would be interested in receiving more training from the Standards Committee on the Code of Conduct, particularly registering and declaring interests.

General code of conduct training for parishes was delayed in 2009/10 as a revised code of conduct was expected imminently and it was seen to be more practical to wait for this before offering training to parish councils. Despite consultation on a new Code in November 2008 the revised Code has not been published by the Government. Training will be arranged for parishes a new Code is issued or the situation becomes clearer.

All 38 respondents stated that no annual allowances are paid to their Members, although 12 parishes pay a travel and subsistence allowance to their Members.

Public Perceptions of Ethics

Every two years Standards for England measures and monitors the public's perceptions of local councillors' ethical standards and their confidence in the redress mechanisms for shortcoming in individuals' behaviour. The latest findings were published in July 2009.

The Standards for England research suggests that the impact of the MPs expenses scandal was not as marked as expected on perceptions of local councillors. The evidence suggests that whilst there has been a negative impact on public perceptions of councillors, there has been a more marked effect on perceptions of MPs and government ministers. The extent to which it is perceived that local councillors tell the truth 'always' or 'most of the time has not changed significantly since 2007 (30% in 2007 and 28% in 2009.) The report states that although there has been a rise in the proportion of the public who think that the behaviour of local councillors has got worse this has not translated into a rise in the number of complaints the public say they have made against local councillors.

The report concludes that the perceptions of local councillors have for the most part held up against the recent expenses scandal. This would suggest the public have been able to distinguish between the behaviour of local and national politicians. Confidence in the ability of local authorities to address standards breaches is low with only 28% saying they would prefer the council to deal with a complaint. The report suggests that satisfaction levels with the performance of local authorities generally has dropped and that other factors such as experience of council services, the political party in control and identification with the local area can influence public perceptions.

The full report is available on Standards for England's website, www.standardsforengland.gov.uk

Complaints to the Local Government Ombudsman

A total of 19 enquiries and complaints were received about the Council in 2009/2010.

- 10 related to Planning and Building Control, of which 6 were passed for investigation
- 2 related to housing, both of which were passed for investigation
- 1 related to local taxation and was referred for investigation
- 2 related to transport and highways, one of which was investigated
- 4 other contacts, of which one was about taxi licensing, were passed for investigation.

Of the 12 decisions taken during 2009/2010:

- In 9 cases the Ombudsmen found no evidence of maladministration
- One complaint was resolved by way of a local settlement between the Council and the complainant
- One complaint was not pursued at the Ombudsman's discretion
- One complaint was outside of the Ombudsman's jurisdiction

The local settlement was in respect of a complaint about Planning received in 2009/10. The complaint was considered and the Council agreed that they and their agents were misled by the Council about the need for conservation consent for the demolition of a public house once the conservation area had been extended to include that location. They were led to believe that the conservation area consent for demolition was not required and proceeded on that basis. The complainants advised the Ombudsman that they incurred estimated losses of £78k wholly attributable to failings by the Council arising from the aborted sale of the pub and purchase of a new home. They also considered that the Council should compensate them for the loss of the value of the public house of £325k, being the difference between its value at the time of the abortive sale in 2007 when contracts were exchanged for £500,000 to its current value of £175,000).

Although officers agreed that an error had been made, they considered that the Council could only be held liable for losses incurred by the complainants which are directly attributable to the error. They argued and the Ombudsman agreed that the developer's breach of contract superseded the Council's officers' mistake and therefore they were responsible in law for all losses associated with the breach of contract. In the circumstances the Council admitted maladministration and paid £11,274.35 compensation to the complainants, made up of £8,774.35 in reimbursement of the complainants' costs together with £2500.00 for the stress and inconvenience caused.

Internal Audit Report: Assessment of Governance Arrangements

Governance is how we do things. It is very important that local authorities have effective governance arrangements to maintain public trust. As part of the Council's 2009/10 Internal Audit Plan, a review of the Council's governance arrangements was undertaken. In order to understand the design and effectiveness of governance arrangements at the Council, the Internal Auditors conducted a survey of all Councillors, Strategic Directors and Heads of Service.

The findings of the survey were very positive and highlighted that elected Members have a good understanding of their roles and responsibilities and that they demonstrated good leadership. Documents such as the Constitution and Code of Conduct were cited as key documents which help to define roles.

93% of officers and 95% of Members agreed with the statement "We promote values for the whole Council and demonstrate the values of good governance through behaviour." Positive comments were made around Members' awareness of the value of good governance and their willingness to keep their understanding up to date through regular reporting of standards, monitoring of performance and involvement in committee work. Again the Code of Conduct was mentioned as a key document which supports strong values.

Member Expenses

Each year the Council is required to publish information relating to allowances received and expenses claimed by Councillors. Since 2009 the information is published on the Council website (www.cherwell.gov.uk) and updated monthly making the information more accessible to members of the public. The levels of the allowance and expenses are set by an Independent Remuneration Panel who meet in the autumn and report to Council each year as part of the budget setting process.