

The Cherwell Standard

A review of the work of Cherwell District Council's Standards Committee in 2010/11

Cherwell District Council and South Northamptonshire Council Shared Management Arrangements

Many district councils in England are either in a formal partnership arrangement with a neighbouring district or are seriously talking about it. They are doing this to help save council taxpayers' money, to preserve services for residents, and to respond to expected cuts in Government funding over the coming years. Experience in other parts of the country has shown that efficiencies can be gained from a shared chief executive, management team and specialist positions between two authorities. All those who have successfully shared a management team have advised us to do it and reap the rewards; none have regretted it.

In December 2010 the Members of Cherwell District Council and South Northamptonshire Council agreed to share a senior management team comprising twelve posts: a Chief Executive, three Directors and eight Heads of Service, to reap the rewards outlined above. The initial saving is a significant amount that will go a long way to addressing our current financial situation, as we are under pressure from the effects of the recession as well as major reductions in grant support from the Government.

In February 2011 both Cherwell District Council and South Northamptonshire Council appointed Sue Smith as the shared Chief Executive. Sue has been the Chief Executive of Harborough District Council since 2005. In a local government career spanning 30 years, Sue has held key posts as:

- Deputy Chief Executive, Lichfield District Council 2002 – 2005
- Corporate Director, Communications, Culture, Community, Regeneration and Partnerships, Lichfield District Council 2001 – 2002
- Head of Leisure Services, Lichfield District Council 1995 - 2001

Sue took up the post of shared Chief Executive on 16 May 2011, but has attended some key meetings already as well as getting to know the area better. It is anticipated that the shared Directors and Heads of Service will be appointed by September 2011, subject to the final structure being approved first by both full Councils.

Cherwell District Council and South Northamptonshire Council stress that the shared management arrangement is not a merger of the two councils but a model that strives to show that working together is the best way we can deliver good quality services to residents in both districts in the years to come.

Monitoring Officer Arrangements at Cherwell District Council

In accordance with the Local Government Act 1972, there is a statutory requirement on the authority to designate three statutory officers; Head of

Paid Service (Chief Executive), Monitoring Officer and Section 151 Officer/
Chief Finance Officer.

Liz Howlett, Head of Legal and Democratic Services, was the Monitoring Officer. She left Cherwell at the end of March. Given the proposals for a shared senior management team it is uncertain at this point where the Monitoring Officer role will sit in the new structure and what other services the shared Monitoring Officer may manage. In February 2011 Council agreed interim arrangements to ensure the Council has a Monitoring Officer as required by the law pending the review and restructure of the senior management team. Nigel Bell, Team Leader – Planning and Litigation, was appointed Interim Monitoring Officer with effect from 1 April.

The Localism Bill and the Future of the Standards Regime

The Local Government Act 2000 established standards committees in local authorities to promote good conduct by Councillors and Staff. The Localism Bill, published on 13 December 2010, contains proposals to abolish the standards regime.

The Bill abolishes Standards for England which was the national coordinating body for the standards regime. The Bill does abolish the mandatory national code of conduct and the requirement to have a Standards Committee but it leaves it to each local authority to decide whether it wishes to have a voluntary local code of conduct.

As there is no longer a national code it will be for each local authority, if it wishes to have a code, to decide what should be in that code. Local authorities may revise the code they have, adopt a new code to replace the existing code or withdraw the existing code without replacing it. Local authorities will be required to deal with complaints about breaches of their code of conduct, if they have one, but no sanctions other than censure will be available. Even if an authority chooses not to have a code of conduct it will need a mechanism to deal with complaints about the behaviour, or activities, of councillors. The view of Cherwell District Council's Standards Committee is that the Council should adopt a voluntary code of conduct and continue to give limited support to parish councils in the district. However, Members believe that the Standards Committee should be abolished and the responsibilities that will remain in light of the Localism Bill proposals be transferred to the Accounts, Audit and Risk Committee.

What will remain is a duty to promote good conduct and an obligation to disclose and register interests. The Monitoring Officer will continue to be responsible for establishing and maintaining the register of Members' interests. It will be an offence to fail to register, or fail to disclose, an interest. Prosecutions may only be brought by the Director of Public Prosecutions. The offence will be punishable by a fine of up to £5000 and potentially disqualification for up to five years.

It is anticipated that the Bill will receive Royal Assent in late 2011.

Local Assessment of Complaints

Until the Localism Bill receives Royal Assent in late 2011 the present conduct regime will continue to function as before, considering, investigating and determining allegations of misconduct until a fixed date (“the appointed date”), which is likely to be around two months after the Bill receives Royal Assent. This means that until the appointed day, an allegation of misconduct can be made but that after the appointed day, no further allegations of misconduct can be made under the Standards for England regime. It also means that at the appointed day, allegations will be in the process of investigation and appeals against sanctions will be pending. Transitional measures will be put in place to address this.

Therefore, until the appointed date, all cases involving misconduct allegations will continue to be dealt with locally by the Standards Committee. 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 Nigel Bell, Interim Monitoring Officer, Bodicote House, Bodicote, Banbury, OX15 4AA

Meetings of the Standards Committee 2010/11

Number of times a general meeting of the Standards Committee has been held	3
Number of times an Assessment Sub-Committee has met	2
Number of times a Review Sub-Committee has met	1
Number of Hearings	0

Appointments to the Standards Committee

At the end of 2010/11 Councillor Alan Greenslade-Hibbert (Parish Representative) stepped down from the Standards Committee as he was not standing for election in May to Mollington parish council. Cherwell District Council thanks Councillor Greenslade-Hibbert for his service to the Committee and the district.

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 John Coley, who was previously a substitute Parish Representative, was appointed by the Standards Committee and approved by Council in May 2010 to serve as a full member on the Committee.

In the light of the proposals in the Localism Bill which no longer require councils to operate Standards Committee, the Committee will be not be seeking to appoint any new parish substitute members.

Complaints

During 2010/11 we received one complaint which was made against parish councillors and related to an alleged breach of the Shenington with Alkerton Parish Council's Code of Conduct. A Standards Assessment Sub-Committee meeting was arranged to consider the complaint. The Sub-Committee felt that the complaint did not warrant further action.

Cost of Complaints

The cost of holding two Assessment Sub-Committees and one Review Sub-Committee in 2010/11 was £717. 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 for 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.

Training

During 2010/11 the Standards Committee arranged training in a number of different areas.

Code of Conduct and Governance

In May 2010 Liz Howlett, former 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. A Planning training session was held in May 2010. The session 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.

Freedom of Information, Data Protection and Information Security

Liz Howlett, former Monitoring Officer, and Gareth Jones, Information Systems Manager held a training session for Members in May 2010 which provided an overview of the Freedom of Information Act 2000 (including use of email) and our responsibilities under the Data Protection Act 1998.

Training for parish councils

The Oxfordshire Association of Local Councils continues to support the five district councils who set up a training forum for new parish clerks in 2010. 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 forum meetings have

covered topics ranging from data protection and freedom of information to parish elections. The next meeting of the forum will be held on Thursday 26 May at West Oxfordshire District Council.

Complaints to the Local Government Ombudsman

A total of 12 enquiries and complaints were received about the Council in 2010/2011.

- 4 related to Planning and Building Control, all of which were passed for investigation
- 1 related to housing, which was 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 2010/2011:

- In 7 cases the Ombudsmen found no evidence of maladministration
- One complaint was resolved by way of a local settlement between the Council and the complainant
- Two complaints were not pursued at the Ombudsman's discretion
- Two complaints are still currently being investigated

The local settlement was in respect of a complaint about Housing Benefit, notably that the Council did not deal with the complainant's application for hardship relief as it should have done. The complaint was considered and the Ombudsman ruled that there was fault on the Council's part for the delay in determining the application. The complainant had argued that they were led to believe that there was a good chance that the application would be successful. They were further encouraged because their account had been suspended and the length of time the consideration was taking.

The Ombudsman accepted that the complainant's hopes were raised but did not conclude that they had sufficient reason to conclude that hardship relief would be granted and should not have made decisions on the basis that it would be. The Ombudsman did agree that the complainant had not received the service they were entitled to expect from the Council and acknowledged that the Council had agreed to pay £250 compensation against the arrears.

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 recommended by an Independent Remuneration Panel who meet in the autumn and report to Council each year as part of the budget setting process. In February 2011 Full Council considered the report of the Panel and agreed that there would be no increase in Members' allowances in 2011/12.

Transparency Agenda

The Coalition Government has set out the need for greater transparency across its operations to enable the public to hold public bodies and politicians to account. This includes commitments relating to public expenditure, intended to help achieve better value for money. Cherwell District Council believes transparency is a key condition and driver for the delivery of our services. As a publicly funded organisation, we have a duty to our residents to be transparent in our business operations and outcomes. In addition to publishing information on Member expenses, the Council also publishes the following information on its website, www.cherwell.gov.uk:

- Contracts Register, which lists all live contracts in place with a lifetime value greater than £10,000
- List of council jobs
- Payments to suppliers where the charge to a specific cost centre over a financial year is greater than or equal to £500. In contrast to many other local authorities, Cherwell District Council exceeds the Governments requirements and publishes the payments to suppliers in a format that enables members of the public to view the payment date, the transaction number in our records, the supplier name, how we classify the payment in our accounts and the amount of payment.
- Pay and benefits of staff earning over £50,000 per annum

Corporate Governance Panel Annual Governance Report

It is important for Members to be actively involved in the governance of the authority. The Accounts Audit and Risk Committee takes prime responsibility for corporate governance and formally agrees the Annual Governance Statement. The Standards Committee also has a key role in the corporate governance arrangements of the Council as it is responsible for the Council's ethical framework. The Corporate Governance Panel is tasked with validating and reviewing the assurance arrangements of the Council and monitoring any actions necessary to address areas of weakness identified. The Standards Committee and the Accounts Audit and Risk Committee are both represented on the Corporate Governance Panel.

The Corporate Governance Panel reviews the draft Annual Governance Statement which eventually forms part of the Statement of Accounts which the Accounts, Audit and Risk Committee will consider in June 2011.