

This report is public	
Monitoring Officer's Annual Report 2024/25 – Complaints, Conduct & Ethics.	
Committee	Accounts, Audit and Risk Committee
Date of Committee	24 September 2024
Portfolio Holder presenting the report	Portfolio Holder for Corporate Services, Councillor Chris Brant
Date Portfolio Holder agreed report	22 August 2025
Report of	Assistant Director Law and Governance and Monitoring Officer, Shiraz Sheikh

Purpose of report

To provide the Committee an annual report on matters relating to standards and conduct of Members within the Cherwell District at District and Parish level, complaints made to the Local Government Ombudsman and other matters for the municipal year of 2024/2025.

1. Recommendations

The Accounts, Audit and Risk Committee resolves:

- 1.1 To note the content of the report, which will also be circulated to all Town and Parish Councils in the district for information.

2. Executive Summary

- 2.1 The report is the annual report from the Monitoring Officer to this Committee in relation to standards and conduct of members within the district.
- 2.2 The Key findings identified in the report are:
 - a) standards of ethical conduct across the district remain good.
 - b) the number of gifts and hospitality declared by officers and members are very low and there needs to be periodic reminders to both officers and members on this.
- 2.3 The report also includes the Annual Review Report from the Local Government and Social Care Ombudsman (LGSCO). The LGSCO reports the decisions that they have made on complaints received to them from April to March. The report is attached at Appendix 1.

Implications & Impact Assessments

Implications	Commentary
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Finance	There are no financial implications arising from this report however, costs associated with external investigations may lead to a budget pressure. Rachel Ainsworth, Finance Business Partner (Resources Directorate) 22 August 2025			
Legal	There are no legal issues arising from this report. Matters covered in the report regarding code of conduct complaints are general requirements in the Localism Act 2011 and its supporting regulations. Shiraz Sheikh, Assistant Director Law and Governance and Monitoring Officer, 21 August 2025			
Risk Management	Having good practice and following procedures means that the Council's credibility stays good and ethical behaviour is well managed. Adherence to the requirements of the Code of Conduct mitigate the risks of the descent of standards and the Council's decisions being subject to legal challenge. Celia Prado-Teeling, Performance Team Leader, 22 August 2025			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				Not applicable
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
Climate & Environmental Impact		x		
ICT & Digital Impact		x		
Data Impact		x		
Procurement & subsidy		x		
Council Priorities	Not applicable			
Human Resources	N/A			
Property	N/A			

Consultation & Engagement	None
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Supporting Information

3. Background

- 3.1 Under the Localism Act 2011, Councils have the responsibility of regulation of the standards of conduct of elected and co-opted members of Councils and, in the case of district councils, Town and Parish Councils in their district. To demonstrate how the Council is regulating conduct, an annual report will be produced by the Monitoring Officer and presented to the Accounts, Audit and Risk Committee to inform Members of the activity taking place around the code of conduct and other functions of the Monitoring Officer.

4. Details

The Monitoring Officer

- 4.1 The Council has a statutory duty to appoint a Monitoring Officer under Section 5 of the Local Government and Housing Act 1989 as one of its designated officers. The Council's Monitoring Officer is Shiraz Sheikh. The Monitoring Officer has appointed two deputies. Denzil Turbervill (internal) and Shahin Ismail (external) act when the Monitoring Officer is on leave. The functions and duties of the Monitoring Officer are set out in legislation. These include promoting and maintaining standards of conduct of elected and co-opted members. The Monitoring Officer also has a statutory responsibility to establish and maintain a register of interests for members and co-opted members of the authority as well as Town and Parish Councils in the district.

A number of home addresses that have been declared by Members have been withheld from publication where the Monitoring Officer has been satisfied that the interest is a sensitive interest in accordance with the provisions of section 32 of the Localism Act 2011.

The Standards Committee

- 4.2 The role of the Standards Committee is to promote and maintain high standards of conduct by members and co-opted members of the Council and the Town and Parish Councils in the Cherwell district and make recommendations to Council on the adoption, revision or replacement of a code of conduct for members and co-opted members.
- 4.3 The Committee approves and administers the arrangements under which allegations of breach of the code of conduct for members and co-opted members can be investigated and decisions on such allegations can be made. The arrangements set out the process for dealing with complaints of alleged breach of the adopted Code of Conduct by Members at District and Parish level. The

Standards Committee has not had to convene to consider any formal investigations for breaches of the Code of conduct this year.

- 4.4 The Committee Membership comprises 8 members based on proportional representation, with unnamed substitutes.
- 4.5 Independent Persons, appointed by Council, have standing invitations to attend Standards Committee meetings. They have an advisory role and have no voting rights. Independent Persons also play a key role during the process of dealing with complaint of alleged breaches. The Independent Person is consulted by the Monitoring Officer during the procedure of complaints as a second opinion regarding complaints.
- 4.6 The Council currently has two Independent Persons, Tom Edwards and Dr Sadie Reynolds, for Standards who were appointed at Full Council in 2021 and 2022 and their terms of office expires in December 2025. The Council will go through the recruitment process to appoint Independent Person's from December 2025 with the process currently being undertaken. The IPs are consulted on allegations of breaches of the Code of Conduct, at an Initial Assessment stage. The IPs have provided high quality and invaluable input in the last year in this respect.

Local Assessment of Complaints against Councillors

- 4.7 Under Section 28 of the Localism Act 2011, Council's must have in place arrangements to deal with allegations that an elected or co-opted member of the authority or of a town or parish council within the principal authority's area has failed to comply with the authority's Code of Conduct. The arrangements must set out how allegations are considered and decisions made.
- 4.8 The arrangements for Cherwell District Council were last reviewed in late 2023 and following consideration of the Standards Committee on 31 January 2024, the arrangements were agreed by Council at the 26 February meeting. These arrangements are included in the Council's constitution under part 11a.
- 4.9 The Members' Code of Conduct governs the standards of conduct expected of elected Councillors and this is part 11 of the Council's constitution. Training on the Code of Conduct is provided to Members at the start of the municipal year and is available on the Members' Teams channel.
- 4.10 Town and Parish Council's must have an adopted Code of Conduct. Many Parish Council's in the Cherwell District have adopted the Oxfordshire Councils' model Code of Conduct 2022. This code was drafted by the Monitoring Officers of the principal authorities in Oxfordshire in 2022. It was adopted at the Annual Council meeting on 18 May 2022 as the Code of Conduct for Cherwell District Council Member.
- 4.11 In 2024/25 municipal year, 12 complaints of alleged breach of Code of Conduct were received by the Monitoring Officer. ten complaints were made against Councillors at Town/Parish Council's and two complaints were made against Councillors of Cherwell District Council. These complaints were assessed at the Initial Assessment stage in accordance with the Council's adopted arrangements.

Type of Council	Number of complainants	Number of complaints no breach of the code found so no further action	Number of complaints informal resolution suggested	Number of complaints not proceeded with/withdrawn
District	2	2	0	0
Town/Parish	10	7	1	2

- 4.12 In comparison to the previous years, see table below. The number of complaints at Parish level have increased significantly. This is due to a couple of significant planning related activities that has generated multiple complaints on the same issues. None have progressed beyond the Initial Assessment process.

Comparison on the number of District and Town/Parish Council complaints received 2019/20 – 2024/25

Type of Council	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
District	0	0	3	5	6	2
Town/Parish	2	2	3	4	20	10

Points arising from complaints received

- 4.13 In relation to the complaint where informal resolution was recommended, the subject member did not agree to carry out the informal resolution recommended. This meant the complaint was to be progressed to an investigation however the subject member resigned as a councillor and it was decided by the Monitoring Officer in consultation with the complainant and Independent Person that it was not appropriate and in not the public's interest that the investigation takes place. No further action was taken.

Comparison on action taken on complaints received 2019/20 – 2024/2025

Action	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Withdrawn/not progressed with	0	0	3	3	4	2
No further action	2	3	3	5	20	9
Informal resolution	0	0	0	1	2	1
Councillor had resigned before assessment so no further action						
Investigation	0	0	0	0	0	0

- 4.14 The 9 complaints were considered to have no further action taken. A trend in complaints received were actions by Members within meeting of the relevant Council. A learning point for Members would be consider language used in meetings and communications and consider how this may be considered by others.

Register of Interests

- 4.15 Following scheduled elections, all elected Members of Cherwell District Council and Members of Parish Councils are required to complete and submit their Register of Interests form within 28 days of taking up office. These have been received for the May 2025 District by-elections and are published on the Council's website. There
- 4.16 District Councillors are reminded to review their interests on a regular basis and to notify the Democratic Services Manager of any amendments.
- 4.17 Town and Parish Councillors are reminded via their Clerks to advise the Monitoring Officer of updates to their Register of Interest forms in order that compliance with the Localism Act 2011 is maintained. Clerks also ensure that councillors elected or co-opted outside of the scheduled election cycle complete and return to the Monitoring Officer's Register of Interest form within 28 days' of taking up office.

Gifts and Hospitality

- 4.18 The Gifts and Hospitality Protocol is incorporated into the Members Code of Conduct and is set out in Part 11 of the Constitution (Code of Conduct).
- 4.19 The Code states that a Councillor must register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt and register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.
- 4.20 In the municipal year 2024/25, one declaration of gifts or hospitality by Members were received by the Monitoring Officer. Members have been reminded of the need to declare any gifts or hospitality received in accordance with the adopted Code of Conduct.
- 4.21 Officers are also subject restrictions on those Gifts and Hospitality that are deemed to be acceptable under the revised employee Code of Conduct Policy effective 1 February 2023 following approval by the Personnel Committee on 31 January 2023. In the municipal year 2024/25, the Monitoring Officer received ten declarations of gifts and hospitality by Officers.
- 4.22 The employee Code of Conduct, as well as the Council's anti-bribery policy, sets out that it is a criminal offence to offer, give, receive, or solicit something of value for the purpose of influencing the action of an official in the discharge of their public or legal duties.
- 4.23 The intention of the policy relating to gifts and hospitality is to ensure that the Council can demonstrate that no undue influence has been applied or could be said to have been applied by any resident, service user, supplier or anyone else dealing with the Council and its stewardship of public funds.

Local Government and Social Care Ombudsman (LGSCO) Complaints

- 4.24 The Monitoring Officer is responsible for the administration of complaints made to the Local Government and Social Care Ombudsman.

- 4.25 The LGSCO is the final stage for individual complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. They are a free service provided to people who have completed all stages of the Council's own complaints procedure and remain unhappy with the outcome. The LGSCO have guidelines regarding what they can investigate. Complainants must have complained to the Council within 12 months of becoming aware of the matter and been directly affected by the matter resulting in 'personal injustice'. Not all complaints will be investigated, for example if the Ombudsman does not feel they will find fault regarding the Council. Further information is available at: lgo.org.uk
- 4.26 Each year, the LGSCO issues an Annual Review Report about each Council. This report attached at Appendix 1 details the complaints that were considered by the Ombudsman up to 31 March 2025.
- 4.27 For the period 1 April 2024 to 31 March 2025, seven complaints and enquires against Cherwell District Council were submitted to the LGSCO, the compares to 10 for the period 1 April 2023 to 31 March 2024 and 13 for the period 1 April 2022 and 31 March 2023.
- 4.28 The number of complaints received by service area as categorised by the LGSCO for the period 1 April 2024 to 31 March 2025 are as follows:

By LGSCO Category	Number of complaints received by the LGSCO
Benefits & Tax	4
Planning & Development	1
Environmental Services & Public Protection & Regulation	1
Highways & Transport	1

- 4.29 The LGSCO returned decisions on 10 complaints against Cherwell District Council for the period 1 April 2024 to 31 March 2025. It should be noted that decisions may relate to complaints made in the previous year 2023-2024, investigations may not have been completed on all complaints received during the 2024-2025 period therefore a decision would not have yet been received. The number of complaints received, and decisions made in the one-year period will not always correspond.
- 4.30 The complaint decisions received against Cherwell District Council were categorised by the LGSCO as follows:

By LGSCO Category	Number of complaint decisions by LGSCO
Upheld	1
Referred to the Council for resolution	3
Incomplete/invalid	2
Closed after initial inquires	5

- 4.31 The complaint that was upheld was categorised by the LGSCO as Anti-Social behaviour. The LGSCO decided that the Council were delayed on sending a copy of the case report to the complainant however sufficiently remedied this. As no further fault was found in the matters complained about the report concluded that no further

action should be taken. Please note that this complaint was submitted during 2023/2024 however the decision was received on 17 September 2024.

- 4.32 As detailed in sections 4.27 and 4.28, the LGSCO received seven complaints and enquiries against Cherwell District Council during 2024-2025. For information and comparison, the table below sets out the number of complaints and enquiries received by the LGSCO in the four preceding years.

LGSCO Category	2024/25	2023/24	2022/23	2021/22	2020/21*
Planning and Development	4	5	2	8	5
Corporate Complaints (i.e. non-social care)	0	0	1	1	3
Environment Services & Public Protection & Regulation	1	3	2	2	2
Benefits & Tax	1	1	7	2	0
Highways & Transport	1	0	0	0	0
Housing	0	1	1	3	0

(* LGSCO stopped accepting new complaints between March and June 2020)

- 4.33 For information, the following table sets out comparative data on the number of decisions in the preceding years.

LGSCO Decision	2024/25	2023/24	2022/23	2021/22	2020/21*
Complaints upheld	1	1	1	0	0
Complaints not upheld		0	1	1	3
Referred to the Council for resolution	2	3	4	4	1
Closed after initial Enquiries	5	5	7	9	6
Incomplete/Invalid	2	1	0	1	0
Total decisions	10	10	13	15	10

(* LGSCO stopped investigating existing cases between March and June 2020)

5. Alternative Options and Reasons for Rejection

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

Option 1: Not to note the report and not to produce a report. There is no duty to produce this report however this report provides transparency regarding the functions of the Monitoring Officer.

6 Conclusion and Reasons for Recommendations

- 6.1 This report provides the Committee with information and relevant updates from the Monitoring Officer, including the Members Code of Conduct. It is imperative that members and officers set the ethical tone within the Council and model the behaviours that they expect of themselves and others.

- 6.2 Whilst there has been a higher number of complaints made against Members alleging a breach of the adopted code of conduct, less than a fifth were assessed to find a breach and this demonstrates that the standard of conduct is very good in the district.
- 6.3 The report also provides Members with information with regard to the number of complaints received by the Local Government and Social Care Ombudsman against the Council and the decisions regarding complaints.

Decision Information

Key Decision	No
Subject to Call in	No
If not, why not subject to call in	N/A
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Local Government and Social Care Ombudsman Annual Report 2024/2025
Background Papers	None
Reference Papers	Arrangements for Local Determination of Allegations of Alleged Breached of the Councillors' Code of Conduct
Report Author	Matthew Swinford, Democratic and Elections Officer
Report Author contact details	democracy@cherwell-dc.gov.uk , 01295 221534
Corporate Director Approval (unless Corporate Director or Statutory Officer report)	Report of the Monitoring Officer