

AUDIT AND GOVERNANCE COMMITTEE

17 September 2025

Annual Monitoring Officer Report 2024-25

Report by the Director of Law & Governance and Monitoring Officer

RECOMMENDATION

1. **The Committee is RECOMMENDED to consider and endorse the Monitoring Officer's annual report for 2024-25.**

Executive Summary

2. This report provides a comprehensive overview from the Monitoring Officer of democratic and ethical governance activities during the municipal year 2024-25 (from 1 April 2024 to 31 March 2025). The report is aligned with the functions of the Audit and Governance Committee, which is responsible for ensuring high standards of conduct among councillors and co-opted members.

The Committee's key responsibilities include:

- Promoting high standards of conduct by councillors and co-opted members.
 - Granting general and individual dispensations to councillors and co-opted members from requirements related to interests as set out in the code of conduct. Individual dispensations under Section 33 of the Localism Act 2011 and the Members' Code of Conduct are delegated to the Monitoring Officer.
 - Reviewing the arrangements for dealing with complaints against Members and advising the Council on the adoption or revision of these arrangements, as well as the Members' Code of Conduct.
3. Throughout the year, the Committee has diligently worked to uphold its responsibilities, ensuring that ethical standards are maintained and that any complaints or allegations of misconduct are addressed promptly and fairly. This report highlights the Committee's activities, achievements, and the progress made in fostering a culture of transparency, accountability, and integrity within the Council.

The Committee's responsibilities for ethical standards

4. The terms of reference of the Audit and Governance Committee detail the responsibilities as set out above.
5. These responsibilities, stemming from the Localism Act 2011, demonstrate the

Council's expectation that high standards of conduct will continue to be promoted and maintained among elected councillors and co-opted members.

Member Code of Conduct

6. The County, District and City Councils in Oxfordshire maintain harmonised Member codes of conduct. This has the benefit of creating transparency and accountability for the public and clarity of expectation for councillors who may also be members of more than one authority. This harmonisation is itself a key aspect in promoting and maintaining high standards across Oxfordshire. The code is also held out to parish and town councils as a model to follow.
7. Oxfordshire's Members' Code of Conduct can be found at Part 9 of the Constitution. This local Oxfordshire code reflects the Local Government Association's (LGA) published Model Member Code of Conduct, published in January and May 2021.
8. Whilst each authority has adopted slightly different approaches to handling complaints about councillor conduct, there has been a common theme of proportionality in these arrangements, as envisaged by the Localism Act 2011.
9. The revised Member Code of Conduct was adopted by the Council with effect from 1 May 2022.
10. Having operated the previous arrangements since January 2021 the Monitoring Officer carried out a review of the Council's arrangements for dealing with code of complaints against members during 2023-24. This review was undertaken to achieve greater clarity of process and responsibilities for the benefit of both the public and members themselves.
11. The Audit and Governance Committee considered the revised arrangements on 13 March 2024 and recommended that Council approve them. Council subsequently approved the revised arrangements on 16 April 2024.
12. Having served as Independent Persons since 14 July 2020, Mr Martyn Hocking and Mr Nicholas Holt-Kentwell continued in this role until 30 November 2024. This included an extension of term which was approved by Council on 9 July 2024.
13. Following a successful recruitment campaign and compliant process including applications and interviews, Mr Andrew Mills-Hicks and Mr Nicholas Holt-Kentwell were appointed as the new Independent Persons for a period of two years, renewable once. Their appointments were approved by Council on 5 November 2024, with the term commencing on 1 December 2024.
14. The role of Independent Person is to provide support to the Monitoring Officer and, where required individual members, on complaints relating to the code of conduct.
15. A summary of code of conduct complaints received, considered and determined during 2024-25 and their outcome, is reported at paragraph 30 below.

16. The Monitoring Officer's role is wherever possible to provide proactive advice to members before any complaint is received. Upon receipt of code of conduct complaints, the Monitoring Officer continues to work proactively with members. The Monitoring Officer may consider that there is learning which should be shared with the councillor who is subject to a complaint and/or the Audit and Governance Committee.
17. The Council has continued to be fully compliant with the Localism Act 2011 and subsequent government guidance and regulations in terms of maintaining the register of members' interests, which are published against each councillor's name on the Council's website ([Find Councillor | Oxfordshire County Council](#)). For quality assurance purposes, the Monitoring Officer will review all the Council's guidance and processes in respect of the operation of the code of conduct and maintaining the register of members' interests in 2025-26.

Member Code of Conduct complaints – promoting and maintaining high standards of conduct by Councillors and Co-opted Members

18. It is a core duty of the Audit and Governance Committee and every member to promote and maintain high standards of conduct by councillors and co-opted members.
19. Both the Council (as approved by the Audit and Governance Committee) and the Monitoring Officer submitted responses to a Code of Conduct consultation, on [Strengthening the standards and conduct framework for local authorities in England - GOV.UK](#). This consultation ran from 18 December 2024 until 26 February 2025. The Council is still waiting for details of the outcome of this.
20. Advice from the Monitoring Officer was issued during the year as regards:
 - i. Disclosable pecuniary interests
 - ii. Interests in relation to the Council budget setting meeting in February 2025
 - iii. Pre-election guidance to councillors and employees on responsibilities about the use of council publicity and resources during the pre-election period for the 1 May 2025 County Council Elections.

Declaration of interests

21. There are three types of interest relating to members:
 - i) **Disclosable pecuniary interest** – this is an interest of the member, or their partner. This includes employment, office, trade, profession or vocation,

sponsorship, contracts, land and property, licences, corporate tenancies and securities.

- ii) **Other Registrable interest** – this is an interest of the member relating to
 - Any unpaid directorships
 - Anybody of which they are a member or are in a position of general control or management to which they are appointed to by the Council.
 - Anybody exercising functions of a public nature, directed to charitable purposes or one whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- iii) **Non-registrable interest** - Where a matter arises at a meeting which directly relates to a member's financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, they must declare the interest.

- 22. The usual safeguards are in place including a reminder to members of the need to declare interests at all meetings, and all agendas contain a standard item headed 'Declarations of Interest'. The item refers to detailed guidance attached to the agenda setting out how and when to declare an interest.
- 23. The Monitoring Officer will continue to encourage Councillors to think about whether they have any interests to declare as soon as they receive the published papers for a meeting rather than at the commencement of the meeting. This will allow the Councillor to discuss any concerns with the Monitoring Officer in good time and this point is built into all member Code of Conduct training.

Number and outcome of applications for dispensations

- 24. There were no applications during 2024-2025 for dispensation from the requirement to remove oneself from a meeting where either a disclosable pecuniary interest or another registrable interest or non-registrable interest would otherwise require this on a motion.

The number and nature of complaints of breaches of the code

- 25. There were 12 formal complaints received and determined against members during 2024-25 (19 in 2023-24), seven of which related to communication between elected members and the public.
- 26. In each conduct case, the Monitoring Officer considered whether the behaviour complained about arose when the person was acting or purporting to act as a county councillor. This is known as 'official capacity'. Consideration is given to the following assessment criteria:
 - i. **Adequate information**

Is sufficient information available at the initial test and assessment stage to decide whether the complaint should be referred for investigation or other action?

ii. **Official capacity**

Was the member subject to the complaint acting in an official capacity?

iii. **Timescale**

Complaints will not normally be investigated or pursued if the events occurred more than 6 months prior to the complaint being submitted other than in exceptional circumstances, such as where the conduct relates to a pattern of behaviour which has recently been repeated.

iv. **Seriousness**

The matter will not normally be referred for investigation or other action if it is considered trivial, malicious, vexatious, or politically motivated.

v. **Public interest**

Consideration will be given as to whether the public interest would be served by referring a complaint for investigation or other action.

vi. **Multiple complaints**

It will be noted whether the Monitoring Officer has received more than one complaint about a single event.

27. As part of the assessment, the Monitoring Officer assesses whether the conduct complained of, if proven, could amount to a breach of the code of conduct.

28. On each occasion in 2024-25 the Monitoring Officer undertook the initial assessment of a code of conduct complaint against the criteria set out above and sought the views of an Independent Person before reaching their decision as to what action was required.

29. The Monitoring Officer has personally reviewed every complaint received and, after consultation with the Independent Person, has taken a decision which could be any of the following:

- i. That no further action should be taken
- ii. Refer the complaint for informal resolution (which might involve an apology or training or some other form of mediation)
- iii. Refer the complaint for investigation

30. Of the cases received in 2024-25 that have been determined, details and outcomes are set out as follows:

	Complaint/Allegation	Outcome
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1	Complaint about alleged misuse of position.	No Further Action
2	Complaint about conduct towards public and other councillors about traffic proposals.	No Further Action
3	Complaint about conduct towards public and other councillors about traffic proposals.	No Further Action
4	Complaint about conduct towards public and other councillors about traffic proposals.	No Further Action
5	Complaint about communication.	No Further Action
6	Complaint about comments made in relation to proposals which have attracted a high level of public interest.	No Further Action
7	Complaint about communication.	No Further Action
8	Complaint about communication.	No Further Action
9	Complaint about communication.	No Further Action
10	Complaint about communication.	No Further Action
11	Complaint about communication.	No Further Action
12	Complaint about communication.	No Further Action

31. While Councillors cannot be compelled to respond to every piece of correspondence they receive, this remains a source of complaint from members of the public who expect engagement from Councillors. Additionally, social media and other public forum activity continue to generate complaints.
32. As part of this process, the Monitoring Officer evaluates whether a complaint merits further investigation, applying the public interest as a guiding principle.

Oxfordshire Monitoring Officers' Group

33. Monitoring Officers from Oxfordshire's County and District Councils have continued to meet to discuss issues of common concern, along with a representative of the Oxfordshire Association of Local Councils. This joined up approach between the Monitoring Officers continues to be useful in interpreting the code of conduct and

monitoring the operation of the harmonised codes of conduct and adopting an agreed approach to governance issues generally.

Democratic process

34. Clarity and accountability in the decision making of the Council is an important bedrock for good governance. Members of the public continue to be able to participate at formal meetings in person or virtually in terms of speaking and addressing meetings, as well as viewing them remotely.
35. In total, 132 formal public meetings were held and facilitated by the committee services team of the Council between 1 April 2024 and 31 March 2025 (130 in 2023-24)
36. There remains a high level of democratic engagement at Council, Cabinet and Committee meetings that are open to the public. Members of the public asked 31 public questions (21), presented 23 petitions (6) and addressed members 331 (331) times at formal meetings during 2024-25. Figures in brackets are for 2023-24.

Decision-making governance

37. It is important, though, as in any year, to inform the Audit and Governance Committee of how the decision-making arrangements worked in practice as regards instances of closed sessions, urgent decisions, and call-in.

Closed sessions

38. The press and public can be excluded from the whole or part of a meeting if the meeting is to discuss confidential or exempt information (as set out in Schedule 12A of the Local Government Act 1972, as amended). The Monitoring Officer, in the role of ensuring lawful decision making, has reviewed the number of times that either the public was excluded or that an exempt report was featured on an agenda and was satisfied in each case that Schedule 12A of the Local Government Act 1972, as amended was applied appropriately. This happened at 9 out of 132 meetings during 2024-25 (13 in 2023-24) broken down as follows:

Pension Fund Committee	3
Remuneration Committee	2
Remuneration Committee (Sub-Committee)	1
Cabinet	1
Place Overview & Scrutiny Committee	1
Charlotte Coxe Trust Committee	1

Total	9
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Urgent decisions

39. The Cabinet and any other body or person discharging executive functions may take a decision which is contrary to or not wholly in accordance with the budget or policy framework as approved by the Council if the decision is a matter of urgency. However, the decision may only be taken if it is not practical to convene a quorate meeting of the Council; and if consent has been given to the decision being taken as a matter of urgency by the Chair and Deputy Chair of relevant Overview and Scrutiny Committee (or by the Chair and/or Vice-Chair of the Council in the absence of one or both of them).
40. Under the Scheme of Delegation in the Council's Constitution (Part 7.1, paragraph 6.3 (c)(i)), the Chief Executive is authorised to undertake an executive function on behalf of the Cabinet. Cabinet receives a quarterly report on the use of this delegated power in relation to such executive decisions; that is, decisions that might otherwise have been taken by Cabinet. The decisions taken largely related to approval to exceptions from the Council's Contract Procedure Rules.
41. There were 5 instances where the Chief Executive has taken Executive Decisions relating to urgent matters in 2024-25 (5 in 2023-24). These decisions are recorded by Democratic Services and were reported to the Cabinet on each occasion.

Scrutiny call-in

42. As in 2023-24, no decisions of the Cabinet of taken by a Single Cabinet Member or any key decision decided by an officer were called in during 2024-25.

Transparency and access

43. Modern.Gov is the software package used by the Council for creating, tracking and publishing council meeting agenda, reports and minutes. This is important for transparency as the system publishes clear information on the Council's website as to the calendar of meetings and the accessibility of meeting papers.
44. Modern.Gov is used to manage the Council's Forward Plan and for publicising meetings and agendas, committee appointments, as well as appointments to outside bodies. The system has wider capabilities to support paperless meetings and report preparation, and these aspects continue to be taken forward through improvement projects as part of the Governance Improvement Plan.

The Constitution

45. A local authority is under a duty to prepare and keep up to date its constitution under s.9P Local Government Act 2000 as amended which should be publicly accessible.

46. The council's constitution:
- i. sets out the council's governance arrangements which provide clear leadership to the community in partnership with citizens and other stakeholders;
 - ii. supports the active involvement of citizens in the process of local authority decision-making by setting out their rights in respect of the process of decision-making and access to information;
 - iii. helps Councillors represent their constituents more effectively;
 - iv. enables decisions to be taken efficiently and effectively;
 - v. creates an effective means of holding decision-makers to public account;
 - vi. ensures that no one will review or scrutinise a decision in which they were directly involved;
 - vii. ensures that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
 - viii. sets out the standards of conduct expected of Councillors and those who work for or with the Council

Constitution Review

47. It is the Monitoring Officer's responsibility to monitor and review the operation of the Constitution to ensure that its aims, principles and requirements are given full effect and make recommendations on any necessary amendments to it to the Council.
48. The cross-party Constitution Working Group ("the CWG") held seven meetings between November 2024 and February 2025. The CWG were tasked with considering ways of amending the Constitution and then making recommendations. The report of the CWG was considered by the Audit & Governance Committee at its meeting on 12 March 2025. A number of amendments and additional items were agreed to the CWG proposals, and a final report of Constitutional amendments was presented to Council on [1 April 2025](#) for their approval and agreed unanimously.

Pre-election and induction preparation

49. During 2024/25, the Council prepared for the 1 May 2025 County Council elections and the implementation of an induction programme for the new administration.
50. An induction programme was developed giving prominence to the Member Code of Conduct, as well as to the overview of services, legal requirements such as planning law and practice, and skills such as the effective chairing of meetings. The

programme was intended to give essential introductions to the strategic leadership team and colleagues across all service areas, to assist in maintaining open and effective relationships. It was intended that this would provide a platform on which to create further development, owned by members, throughout their term of office.

51. Induction training commenced following the May 2025 elections for the new administration, with further member development sessions to take place later in the year.
52. All newly elected councillors are required to take part in a thorough induction process. This was particularly pertinent this year, with 39 of the 69 seats occupied by individuals who have not previously served as Oxfordshire County Councillors.

Internal Audit of Officer Declarations of Interest and Gifts & Hospitality

53. Internal Audit completed an assessment of the Council's controls and processes for managing Officer Conflicts of Interest and Gifts & Hospitality in 2024/25. The review evaluated governance, policy communication, staff compliance, and oversight of declarations and registers, aiming to provide assurance on risk management and support the annual control opinion required by the Chief Internal Auditor.
54. This Committee received details of the audit as part of a wider report presented by Internal Audit at the meeting on 12 March 2025.
55. The overall assessment of the system of internal control was recorded as amber, with the report noting twelve priority 2 management actions. All identified actions should be completed by the end of September 2025.

Complaints

56. The number of complaints received by the Council during 2024-25 is summarised as follows under Children Social Care, Adult Social Care and Corporate (with data for 2023-24 included for comparison). All councils are required to process Children Social Care and Adult Social Care complaints in line with statutory frameworks. Complaints made relating to other Council services are categorised as corporate complaints.

	2024-25	2023-24
Children's Social Care complaints	129	141
Adult Social Care complaints	114	127
Corporate (non-Social Care) complaints	482	328
Total complaints	725	596

Information requests –Subject Access Requests, Court Orders, Police disclosures and Freedom of Information

57. The Council receives a number of different types of information requests:
- i) Subject Access Requests – Individuals have the right to ask an organisation if it is using or storing their personal information and can request copies under Section 45 of the Data Protection Act 2018.
 - ii) Court Orders – Requests for information relating to a matter being heard in Court, such as the Court of Protection or private hearings in the Family Court.
 - iii) Police disclosures – Requests received from the Police for information relating to investigations about an alleged criminal offence.
 - iv) Freedom of Information/Environmental Information – Anyone has a right to request recorded information from a public authority under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.
58. The number of requests received during 2024-25 (and 2023-24 for comparison) is summarised as follows:

	2024-25	2023-24
Subject Access Requests	491	498
Court Orders	131	119
Police Disclosure Requests	100	95
Freedom of Information Act 2000 (FOI)	1467	1491
Environmental Information Regulations 2004 (EIR)	536	464

Summary

59. This annual review highlights the progress in maintaining democratic accountability and transparency with members continuing to undertake their role as community leaders during 2024-25.
60. Encouraging and maintaining high standards of conduct will continue to be addressed in 2025-26 with further member training sessions planned. 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.

Corporate policies and priorities

61. The Council has a stated priority to ensure a vibrant participatory democracy.

Financial implications

62. The activities highlighted in this report relate to business as usual and funding is provided as part of the Council budget.

Comments checked by:

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Legal implications

63. Relevant references to legal powers are included in the main body of the report. Under S5 of the Local Government and Housing Act 1989 the Council is required to designate an officer as the Monitoring Officer whose responsibilities set out in the Council's Constitution include ensuring lawfulness and fairness of decision making and to contribute to the promotion and maintenance of high standards of conduct through provision of support and advice to the Audit & Governance Committee.

Comments checked by:

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Staff implications

64. None directly arising from this report.

Equality and inclusion implications

65. None directly arising from this report.

Sustainability implications

66. None directly arising from this report.

Risk management

67. None directly arising from this report.

Consultation

68. None directly arising from this report.

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