

Appendix A: Monitoring Officer Report 2024/25

**Audit and Governance
Committee 4 December 2025**

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1. **Role of the Monitoring Officer**

- 1.1 Under the Local Government and Housing Act 1989 (the 1989 Act'), it is the duty of every relevant local authority to designate one of its officers as Monitoring Officer.
- 1.2 The Monitoring Officer has the specific duty of ensuring that the Council, its officers, and its elected members maintain the highest standards of conduct in all that they do.
- 1.3 The legal basis for the Monitoring Officer's role is found in Section 5 of the 1989 Act.
- 1.4 There are three main aspects to the role:
 - To report on matters that he/she believes are, or are likely to be, illegal or amount to maladministration.
 - To be responsible for matters relating to the conduct of Councillors and officers; and
 - To be responsible for the operation of the Constitution
- 1.5 The Monitoring Officer is required to prepare a report for the Authority if it appears that any proposal, decision or omission by the Authority has given rise to, or is likely to, or would give rise to: -
 - a) A contravention of any enactment or rule of law
 - b) Maladministration or failure as described in Part 3 of the Local Government Act 1974 (the 1974 Act')
- 1.6 Maladministration or failure under the 1974 Act is a reference to a finding of such made by the Local Government Ombudsman following an investigation undertaken by him/her.
- 1.7 The Localism Act 2011 makes the Monitoring Officer responsible for maintaining a Register of Member Interests. The Monitoring Officer at Cheshire East maintains such a register for both Cheshire East Council and Town and Parish Council's in its area. The Monitoring Officer also operates the procedures for dealing with Code of Conduct complaints against both Cheshire East Borough Council Members, and Members of Town and Parish Councils.
- 1.8 Under the requirements set out above, the Monitoring Officer ultimately assumes responsibility for the lawfulness of decision-making processes and several other governance controls, some of which are the subject of bespoke delegations in the constitution. These key additional functions are covered in this report. By a combination of these measures and responsibilities, the Monitoring Officer has a key role to play in ensuring sound corporate

governance and in informing the production of each Annual Governance Statement.

- 1.9 The Monitoring Officer must be designated by Full Council and cannot be the Chief Executive (Head of Paid Service) or the Director of Finance /Section 151 Officer. The duties of the Monitoring Officer must be performed by him/her personally unless he or she is unable to act by reason of illness or absence, in which case a deputy/deputies, appointed by the Monitoring Officer, may act on his or her behalf.
- 1.10 Irrespective of illness or absence, where the Monitoring Officer is of the view that he or she ought not to perform functions relating to a Code of Conduct matter personally, s/he may delegate those functions to a person nominated by her/him as Deputy Monitoring Officer for that purpose. The Monitoring Officer at Cheshire East Council currently has 2 nominated Deputy Monitoring Officers, the Interim Head of Legal Services/Legal Team Manager (Place) and the Acting Head of Legal Services/Legal Team Manager (People).
- 1.11 In addition, Section 28 of the Localism Act 2011 requires local authorities to have at least one Independent Person (IP) whose views must be sought, and taken into account, by the authority before it makes its decision on an allegation relating to a breach of the Code of Conduct. Cheshire East has two IP's who are consulted in accordance with the relevant complaints procedure, following preliminary/initial assessment, to decide the next steps to be taken.

2. Member's Code of Conduct

- 2.1 Cheshire East Council's current Code of Conduct came into force on 16 October 2022 (hereinafter referred to as 'the new code'), the previous Code came into force on 1 January 2018 (hereinafter referred to as 'the old code'). It is the responsibility of the Audit and Governance Committee to monitor the operation of this Code as part of the Committee's responsibility for promoting high standards of ethical behaviour.
- 2.2 Town and Parish Council's within Cheshire East operate under a combination of the old code, the new code or have their own version, based upon the Seven Principles of Public Life, also known as the 'Nolan Principles.'
- 2.3 Upon receipt of a completed complaint form, the Monitoring Officer, or one of the Deputy Monitoring Officers, undertakes a preliminary or initial assessment of each complaint received, consulting one of

the Independent Persons where appropriate, before making and notifying the Complainant and in appropriate cases, the subject member, of his/her decision as to whether and how the complaint should proceed. This 'triage' process enables complaints which do not engage the Code or are trivial, vexatious or 'Tit for Tat' to be rejected, without the need to convene an assessment meeting.

- 2.4 In 2024-2025 a total of 44 complaints were received by the Monitoring Officer. The table below (table 1) provides a breakdown of the type of standard it is alleged has been breached, taking into account that some complaints related to more than one Councillor and more than one standard. In addition, the complaints received against Town and Parish Councils are a mixture as some are under the old code and some the new code, where that has been adopted.

Table 1 - Code Breaches

Obligations/Standard & No. relating to the 44 complaint referrals received 24-25		
	CEC	Town or Parish
Selflessness	1	4
Integrity	1	15
Objectivity	0	9
Accountability	0	5
Openness	0	10
Honesty	0	0
Leadership	0	0
Disrepute	1	5
Respect/ Treat others with courtesy	5	18
Make choices on merit	0	5
Promote high standards of conduct	1	16
Uphold law and public trust	1	12
Exercise independent judgement/ remain objective/impartiality	0	7
Bullying/Breach of equality laws	3	15
Declaring/registering interests	2	9
Use of resources	2	5
Impartiality of officers	1	2
Use of position	2	4
Disclose confidential information/access to information	0	12
Comply with the Code	1	0
Gifts and Hospitality	0	0

The decision of the Monitoring Officer or the Deputy/s in respect of the 44 complaints received was as follows:

Table 2 – Code Breaches Outcomes

	2024/25		2023/24		2022/23		2021/22	
Outcome	CEC	Town or Parish Council	CEC	Town or Parish Council	CEC	Town or Parish Council	CEC	Town or Parish Council
Rejected at preliminary assessment stage; failed to meet the assessment criteria	5	15	10	16	5	27	16	31
Concluded at Initial Assessment Meeting (IAM) (breach or no breach)	3	10	9	8	0	5	3	8
Referred for formal external investigation	0	11	0	2	0	2	2	9 Includes 3 internal investigation
Referred to Standards Hearing Sub Committee	0	0	0	0	0	0	0	6
Complaint ongoing	0	0	0	0	0	0	0	1

2.5 The overall number of complaints received in 2024/25 has been slightly lower than the previous year, there being 46 in 2023/24. It is, however, still below the 69 received in 2021/22.

2.6 The number of complaints remains highest in relation to Town and Parish councillors (36 out of 44) but most of these complaints are dealt with at preliminary/initial assessment and have been determined as not in the public interest to pursue. It should be noted that there are 10 matters ongoing which are the subject of external investigation, one of the 11 matters referred to in the table above has been concluded.

2.7 Of the 13 complaints that were referred to and concluded at IAM, 8 were found to be a likely breach, the other 5 were found not likely to be in breach. Advice regarding the conduct and the provision of apologies, where appropriate, together with requests to undertake

training was provided.

- 2.8 The costs of external investigations for 2024/25 to date is nil. However, the internal 'costs' associated with officer time for the work undertaken by the Deputy Monitoring Officers, a Legal Officer who supports them, assumes work amounting to 4 hours per week per person for the year. This would amount to 832 hours. This covers meetings, and additional work on each matter such as reviewing complaints and responses, drafting decisions, and attending IAM's with IP. This means that internal 'costs' for 2024-25 would be £201,885.
- 2.9 The cost of the IP's is published as part of members allowances at the end of every financial year. For 2024/25 the total figure was £975. IP's are entitled to claim £75 per hour for meetings up to 4 hours long and £150 anything over that time.
- 2.10 It should also be noted that the current external investigations relate to Town and Parish Councillors. Cheshire East Council does not currently seek to recover the cost of this work from Town and Parish Councils, but this is currently under review.

3 Register of Member's Interests

- 3.1 Cheshire East Council Members, and Members of Town and Parish Councils in its area, are required to declare and register certain classes of interests with the Monitoring Officer, by completion of the relevant Register of Interests form (ROI). They must then conduct themselves accordingly in relation to any interest that arises when transacting business on behalf of their authority.
- 3.2 Registerable interests are explained in their respective Code of Conduct and include for all Members, Disclosable Pecuniary Interests. Additionally, there is a requirement to declare other interests as set out in the individual Council's Code of Conduct.
- 3.3 A failure to declare an interest, and act accordingly in relation to the same, is capable of amounting to a breach of the Code of Conduct. In relation to Disclosable Pecuniary Interests, it can also amount to a criminal offence.
- 3.4 The relevant registers for Cheshire East Council and Town and Parish Council's in its area, are available on, or through, Cheshire East Council's website. There is a requirement to register upon taking office, and it is each Member's responsibility to ensure their register remains up to date as and when interests change.

- 3.5 The 2025 annual review for Cheshire East Councillors took place in July with a 95% return rate, the Monitoring Officer is continuing to pursue those outstanding. The Town and Parish Council review is currently in progress and will be concluded by the end of the calendar year. Training in respect of Member Interests is covered below.

4. Register of Gifts and Hospitality

- 4.1 Cheshire East Council Members are required to register with the Monitoring Officer details of any gifts or hospitality received where the value is considered to be in excess of £100. Town and Parish councillors are asked to do the same.
- 4.2 The register of gifts and hospitality is maintained by the Monitoring Officer and is available for inspection by appointment at the Council's Office in Delamere House. A summary of the Register of Gifts and Hospitality is also available on the Council's website.
- 4.3 To ensure that the register is up to date, an annual reminder is sent to Cheshire East Councillors and Town and Parish Councillors, enabling them to declare any gifts and hospitality received during the previous financial year. The Town and Parish review is currently in progress and will be concluded by the end of the calendar year. The 2024/2025 review for Cheshire East Members was conducted in August 2025 and the following declarations were made to the Monitoring Officer;

Table 3 – Declared Gifts and Hospitality

2024/2025	Number Declared
CEC	8
Town and Parish	0

- 4.4 Training in respect of gifts and hospitality is covered in the training sessions on the Code of Conduct, which is referenced below.

5 Member Training and Development

- 5.1 The Member's Code of Conduct is recognised in Cheshire East Council's Member Training and Development Programme as being mandatory along with others such as those for members sitting on planning and licensing committees.
- 5.2 In July 2025, Council adopted a new Member Training and

Development Plan and revised Member Development Strategy [Agenda for Audit and Governance Committee on Monday, 28th July, 2025, 10.30 am | Cheshire East Council](#). Code of Conduct training continues to be a mandatory element of the training programme. The adoption of the Strategy will, from 2025, require the Council to record member attendance at mandatory training events, which will then be published on the Council's website after the end of each financial year. This information will also be reported to a future meeting of this Committee.

- 5.3 In respect of Town and Parish Councils, training sessions on the Code of Conduct will continue to be offered on request.

6. Dispensations

- 6.1 The Monitoring Officer is empowered to grant dispensations enabling Cheshire East Council Members to take part in council business in which they would otherwise have an interest which would prevent their dispensation.
- 6.2 There are a number of “standing” or general dispensations which apply to all Cheshire East Council Members, which have been approved by the Committee. These have recently been renewed by the Committee and an additional dispensation granted until the next report to the Committee after the local elections in 2027. These are;
- a) Any allowance, payment or indemnity given to Members;
 - b) Any Ceremonial Honours given to Members;
 - c) Statutory sick pay under Part X1 of the Social Security Contributions and Benefits Act 1992 where they were in receipt of or entitled to receive such pay;
 - d) Setting the Council Tax or a precept under the Local Government and Finance Act 1992 (or any subsequent legislation);
 - e) Setting a Local Council Tax Reduction Scheme or Local scheme for the payment of business rates (Including eligibility for rebates and reductions) for the purposes of the Local Government Finance Act 2012 (or any subsequent legislation);
 - f) School Meals or School Transport or Travelling expenses where the Member is a parent/guardian of a child in full time education or a parent governor (unless the matter relates specifically to the school the child attends).
 - g) To the extent that it may amount to a disclosable pecuniary registrable or non registrable interest, any allowance or other remuneration received from the Council in respect of Council duties or directorships of Council owned ASDVs in and respect of such other bodies in which the Council has a financial interest.
 - h) To allow Members to take part and vote on Community Governance Review matters in which they have a disclosable

- pecuniary registrable and non-registrable interests.
- i) To allow Members to vote where a matter arises at a meeting which relates to the business of the Council and which has a direct financial impact on all Cheshire East Town and Parish Council's.

7. Regulation of Investigatory Powers Act 2000 (RIPA)

- 7.1 The Council occasionally uses directed surveillance and sometimes obtains communications data to carry out its enforcement functions effectively, e.g. trading standards, planning enforcement, licensing enforcement, environmental protection and community enforcement. RIPA provides a regulatory framework within which the Council and its officers must work, to enable public authorities to obtain private information using certain covert investigatory techniques.
- 7.2 The Council is inspected by the Investigatory Powers Commissioner's Office (IPCO) every three years. Committee received a report in March 2023 on the outcome of the inspection held in November 2022; therefore, a further inspection was anticipated in 2025.
- 7.3 Following a review of how IPCO conducts its oversight of local authorities, they no longer undertake routine inspections as has previously been the case. Instead, IPCO has agreed that each local authority should provide a written update, in the first instance, on its compliance with the legislation. This will enable them to assess whether a remote, or in some cases, in-person inspection is required. This approach takes cognisance of the general decline in the use of covert powers by many local authorities and based upon the IPCO assessment of risk and where limited resources are best directed for the coming year.
- 7.4 The Council received notification and an opening request for data in May 2025, which was required to be provided by 30 June 2025. All requested information with supporting evidence was provided to the ICPO on 23 June 2025. An outcome letter was received on 26 June 2025 confirming that the Commissioner was satisfied with the Council's assurance that ongoing compliance with RIPA will be maintained. No further inspection is required until 2028. It was noted that both authorisations since the last inspection were well formed with statutory considerations appropriately addressed.
- 7.5 The Council is required to ensure that key compliance issues continue to receive the necessary internal governance and oversight. The Committee has received two reports in July and September, the first report detailing the outcome of the IPCO

inspection is included here [Agenda for Audit and Governance Committee on Monday, 28th July, 2025, 10.30 am | Cheshire East Council](#) and the second relating to the use of RIPA during 2024/25 and including a revised policy and procedure is included here [Agenda for Audit and Governance Committee on Monday, 29th September, 2025, 10.30 am | Cheshire East Council](#). Approval of the revised policy is on the agenda for Corporate Policy Committee on the 27 November 2025.

- 7.6 When investigating alleged wrongdoing, it is imperative that certain conditions are met in each case for successful prosecutions to be made. It is essential that covert surveillance is only used when it is necessary and proportionate to do so and when all other avenues of investigation have been explored. Therefore, applications must be properly authorised and recorded, the tests of necessity and proportionality must be satisfied, and the potential for collateral intrusion must be considered and minimised.
- 7.7 The Council's Constitution provides that all Executive Directors and Directors excluding the Monitoring Officer may act as authorising officers. However, the authorising officer must have had appropriate training and therefore, at present there are only two who undertake this role as they have received specific training to enable them to act, namely: Peter Skates – Director of Growth and Enterprise and Jill Broomhall – Director Of Adult Social Care Operations.
- 7.8 The departure of some senior offices in recent months has reduced the number of trained authorised officers for the Council. This is being addressed through the training of new Executive Directors and Senior Managers. Given the low usage of RIPA powers, two authorising officers are sufficient in the meantime.
- 7.9 Once authorised, all applications need the approval of a Justice of the Peace/Magistrate, as required by the Protection of Freedoms Act 2012. The Act also restricts the use of RIPA authorised surveillance to the investigation of offences which attract a custodial sentence of six months or more. The Director of Law and Governance assumes responsibility for the integrity of the process to ensure that the Council complies with the legislation.

Use of Covert Human Intelligence Sources

- 7.10 Covert human intelligence sources may only be authorised if there are certain additional arrangements in place, including an employee of the Council being responsible for the source's security and welfare and a senior officer with general oversight of the use made of the source. Use of a CHIS can only be authorised by the

Chief Executive (or their designated deputy in their absence) before it is approved by a Justice of the Peace/Magistrate.

Authorised Applications

- 7.11 Surveillance activity, including test purchases, has reduced significantly in recent years with only one directed surveillance application being authorised in 2024/25 and one application for communications data in the previous year. The table below shows the number of authorisations in the last four years.

Table 4 - RIPA Applications authorised

	2024/25	2023/24	2022/23	2021/22
Directed Surveillance	1	0	1	0
Communications Data	0	1	0	0
CHIS	0	0	0	0

8

Local Government and Social Care Ombudsman referrals

- 8.1 The Council's 'Corporate Compliments, Suggestions and Complaints Policy and Procedures' offer all customers the opportunity to appeal to the Local Government Social Care Ombudsman (LGSCO) if they are unhappy with the way in which the Council has handled their complaint.
- 8.2 Tables 5, 6, 7 and 8 show the number of Decision Notices issued to the Council during 2024/25 (118*). For comparison, during 2023/24 and 2022/23 the Council received 90 and 91 Decision Notices respectively. * The Ombudsman records that they received 146 complaints and determined that 82 were not for the Ombudsman prior to initial assessment. For the majority of cases, we do not receive a written Decision Notice.
- 8.3 Of the 118 Decision Notices issued by the LGSCO in 2024/25, 89 cases were closed after the LGSCO conducted their initial assessment with no further action for the Council (classed as Rejected in the tables). They carried out detailed investigations on 29 cases. In 9 of these cases they found 'No Fault' whilst in 20 cases there was 'Fault with Injustice' to the complainant.

- 8.4 The Directorate where the most 'Fault' was found was Childrens, with the Special Educational Needs and Disabilities (SEND) accounting for 12 out of the total of 20. Fault with injustice was found primarily due to either a lack of educational provision as detailed in a child's Education Health and Care Plan (EHCP) or delays in completing the EHCPs or Annual reviews.
- 8.5 Remedies agreed with the Ombudsman where Fault with Injustice is found usually involve issuing a letter of apology to the customer as well as a payment where they have suffered a quantifiable loss (such as missed education provision) or for the time and trouble in making the complaint. The Ombudsman may also recommend service improvements such as changes to policies and procedures as well as arranging staff training or issuing reminders to staff about best practice.
- 8.6 Information regarding general complaints under the Council's Corporate Compliments, Suggestions and Complaints Policy, as well as the Council's Adults and Children's Social Care Complaints Policies, is contained in the Annual Complaints Report 2024/25, presented to Corporate Policy Committee on 12 June 2025 and the Audit and Governance Committee on 28 July 2025.

Table 5 – LGSCO Referrals – Adults

Team	Final Decisions received this period	Outcomes of Final Decisions this period			
		Rejected	No Fault	Fault but no Injustice	Fault with Injustice
Social Care Business Support & Finance	3	1	2	0	0
Brokerage	1	1	0	0	0
Adult Contact Team South	1	1	0	0	0
Eaglebridge	1	1	0	0	0
Learning Disability Team East	1	0	0	0	1
Macclesfield	1	0	1	0	0
Nantwich & Rural	3	2	0	0	1
Short Term Services East	1	1	0	0	0
Wilmslow	1	1	0	0	0
Total	13	8	3	0	2

Table 6 - LGSCO Referrals – Childrens

Team	Final Decisions received this period	Outcomes of Final Decisions this period			
		Rejected	No Fault	Fault but no Injustice	Fault with Injustice
Cared for Children	3	3	0	0	0
CHECS					
CIN/CP Crewe	4	3	1	0	0
CIN/CP Macclesfield	5	4	1	0	0
Children with Disabilities	3	1	0	0	2
Education	2	2	0	0	0
Education Transport	1	1	0	0	0
Family Service	3	2	0	0	1
School Admissions	5	3	0	0	2
SEND	18	5	1	0	12
Total	44	24	3	0	17

Table 7 – LGSCO Referrals – Resources

Team	Final Decisions received this period	Outcomes of Final Decisions this period			
		Rejected	No Fault	Fault but no Injustice	Fault with Injustice
Council Tax	1	1	0	0	0
Total	1	1	0	0	0

Table 8 - LGSCO Referral – Place

Team	Final Decisions received this period	Outcomes of Final Decisions this period			
		Rejected	No Fault	Fault but no Injustice	Fault with Injustice
Community Enforcement	1	1	0	0	0
Development Management	12	10	2	0	0
Environmental Services	22	22	0	0	0
Environmental Protection	2	2	0	0	0
Highways	11	11	0	0	0
Grounds Maintenance	1	1	0	0	0
Licensing	1	1	0	0	0
Parking	2	2	0	0	0
Planning Enforcement	4	3	1	0	0
Strategic Housing	3	2	0	0	1
Waste Services	1	1	0	0	0
Total	60	56	3	0	1

9

Constitution/Decision Making Process in Operation

- 9.1 The Constitution is monitored and reviewed at officer level by the Monitoring Officer and at Member level by the Constitution Working Group and the Corporate Policy Committee. Significant changes are submitted to Council for approval. Minor changes can be made by the Monitoring Officer. Amendments to the Constitution have been made by Full Council in respect of the Senior Management Structure and Officer Schemes of Delegation.
- 9.2 In relation to formal meetings during 2023/2024, of the total number of meetings held, there were approximately 34 closed Committee sessions. In relation to formal meetings during 2024/2025, of the total number of meetings held, there were approximately 27 closed Committee sessions held under Schedule 12A of the Local

Government Act 1972. These included Corporate Policy Committee, Children and Families Committee, Economy and Growth Committee, Environment and Communities, Highways and Transport, Finance Sub Committee, General Appeals Sub-Committee, Staffing Appeals Sub-Committees, General Licensing Committee.

- 9.3 In February 2025 full Council resolved that each Service Committee, including the Finance Sub Committee, arrange one twilight meeting over the course of its scheduled cycle of meetings during 2025/26 held under Schedule 12A of the Local Government Act 1972. These included Full Council, Corporate Policy Committee, Children and Families Committee, Adults and Health Committee, Economy and Growth Committee Finance Sub Committee, Audit & Governance Committee, General Appeals Sub-Committee, Staffing Appeals Sub-Committees, General Licensing Sub- Committee, and LA School Governor Panel.
- 9.4 In February 2024 full Council resolved that each Service Committee, including the Finance Sub Committee, arrange one twilight meeting over the course of its scheduled cycle of meetings during 2024/25. This was to accommodate working members and to assess whether twilight meetings should be held more frequently during the 2025/26 municipal year.
- 9.5 Those meetings were scheduled and held, and a survey is to be undertaken to assess Members' views.