Minutes of a meeting of the Member Conduct Panel held at County Hall, Glenfield on Tuesday, 16 September 2025.

PRESENT

Dr. J. Bloxham CC
Dr. S. Hill CC
Mr. B. Piper CC
Mr J. Poland CC
Mrs D. Taylor CC

In attendance

Mr S. Sharma – Independent Person
Lauren Haslam – Monitoring Officer
Fiona McMillan – Head of Law and Deputy Monitoring Officer

5. Election of Chairman.

It was proposed, seconded and unanimously agreed that Dr S. Hill CC be appointed Chairman of the meeting.

Dr S. Hill CC in the Chair

6. Declarations of Interest.

There were no declarations.

7. Exclusion of the Press and Public.

It was moved by the Chairman, seconded and carried:

"That under Section 100A of the Local Government Act 1972 the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 10 of Part I of Schedule 12(a) of the Local Government Act 1972."

8. Complaint under the Members' Code of Conduct (Part 5(a) of the Leicestershire County Council Constitution).

The Panel considered an exempt report of the Monitoring Officer regarding the outcome of an early assessment undertaken by her in respect of complaints made about the conduct of an elected member. The report indicated the available options to the Panel under the Council's Procedure for dealing with Member Conduct Complaints. A copy of the report is filed with these minutes.

The report was not for publication as it contained information relating to an individual.

The Chairman welcomed Mr Sharma, the independent person, to the meeting. At the request of the Panel, Mr Sharma outlined his view on the complaints received.

The Head of Law as advisor to the Panel set out the legal position when balancing complaints regarding disrespectful behaviour under the Code of Conduct against freedom of expression, specifically highlighting that a balance needed to be struck between the requirement to treat others with respect against the right to freedom of expression, especially in political contexts. The Panel noted that comments made in the context of political debate, or which expressed a political view, were more likely to be protected, unless they crossed the line into personal abuse. Purely abusive or personal attacks did not benefit from enhanced protection and could be regarded as a breach of the Code of Conduct.

The Head of Law advised of case law on these issues which suggested politicians were subject to "wider limits of acceptable criticism" and so were expected to have more tolerance to comments than ordinary members of the public or officers.

In providing advice to the Panel, the Head of Law specifically drew the Panel's attention to the following:

- Guidance issued by the LGA which stated that disrespectful behaviour was defined as 'unreasonable or demeaning conduct directed by one person against or about another', noting that context mattered (i.e. where, who was involved, and the relationship between parties). Examples of such behaviour were stated to include rude or angry outbursts in meetings, inappropriate language in meetings or in written communications, ignoring contributions to a discussion, attempts to shame or humiliate others in public, nit-picking and fault finding, the sharing of malicious gossip, and the use of inappropriate sarcasm in communications. It was noted that such behaviour could harm individuals, damage public confidence in a councillor or in a local authority, undermine morale, and create a toxic culture within local authorities. The Head of Law advised that not every instance of bad manners or minor annoyance was a breach and that the conduct must be regarded as unfair, unreasonable or demeaning.
- The Freedom of Expression (Article 10 of the European Convention on Human Rights (ECHR) (enshrined into UK law by the Human Rights Act 1998 s 1) which stated that everyone had the right to freedom of expression, including holding opinions and imparting information. However, this was a qualified right which could be restricted by law, if necessary, in a democratic society (e.g., to protect others' rights). The Head of Law advised that the Courts had established that political speech received enhanced protection and that freedom of expression was especially important for elected representatives; any interference with this right must be carefully scrutinised.

RESOLVED:

(a) That the early assessment report of the Monitoring Offer be noted;

(b) That complaints A and B be referred for 'other action' and the member be:

(i) offered peer mentoring and advice in relation to social media engagement from a fellow member of the same political group;

(ii) requested to carefully read the Council's Social Media guidance and to attend Social Media training;

(c) That the matter be referred back to the Panel if the actions proposed in (b) above were not completed within a reasonable timescale so that the Panel may consider the complaints further.

1.30pm - 2.26pm
16 September 2025

CHAIRMAN