



Meeting: **Member Conduct Panel**

Date/Time: **Tuesday, 5 May 2026 at 10.30 am**

Location: **Framland Committee Room, County Hall, Glenfield**

Contact: **Mrs J. Twomey (Tel: 0116 305 2583)**

Email: **joanne.twomey@leics.gov.uk**

Membership

Dr. S. Hill CC Mr. D. Page CC
Mr. A. Innes CC Mr. B. Piper CC
Mr. P. King CC

AGENDA

- | <u>Item</u> | <u>Report by</u> | |
|---|------------------------|-----------------|
| 1. Election of Chairman for the meeting. | | |
| 2. Declarations of Interest. | | |
| 3. Investigation in respect of an alleged breach of the Members' Code of Conduct by Mr C. Whitford CC | The Monitoring Officer | (Pages 3 - 14) |
| 4. Exclusion of the Press and Public. | | |
| The public may be excluded from the meeting during consideration of the following item of business in accordance with Section 100(a) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph (1) of Part 1 of Schedule 12A of the Act. | | |
| - Exempt Appendix C(1) to agenda item 3 | | |
| 5. Exempt Appendix C(1) to Agenda Item 3. | | (Pages 15 - 58) |

The full Investigation Report is included as an exempt appendix at this stage because it contains detailed information relating to individuals and other sensitive material. A public summary of the



report is included in the public part of the Agenda and the Panel will take a decision on publication of the full Report as part of the hearing process, in accordance with the Authority's arrangements.



MEMBER CONDUCT PANEL – 5th MAY 2026

REPORT OF THE MONITORING OFFICER

Introduction

Name of member:	Mr. C. Whitford CC
Name of complainants:	4 members of the public
Name of investigators:	Alex Oram Mark Hedges (ch&i associates)
Date of investigator's report:	26 February 2026
Name of Independent Person:	Pamela Roberts
Monitoring Officer:	Fiona McMillan

Background

1. Complaints were received from four members of the public between 20 September and 4 October 2025 regarding the conduct of Mr. Whitford CC.
2. Following receipt of the complaints, the former Monitoring Officer, Lauren Haslam, undertook an initial assessment in accordance with the Council's procedure for dealing with allegations of a breach of the Members' Code of Conduct ("the Procedure").
3. At its meeting on 17 November 2025 the Member Conduct Panel determined that the complaints should be referred for investigation.
4. On 25 November 2025 the current Monitoring Officer appointed ch&i associates as external investigators. The investigators' final report was received by the Monitoring Officer on 26 February 2026.
5. The investigation report is provided to the Panel as Appendix C. For agenda publication purposes, the unredacted investigation report is held as an exempt appendix ("Not for publication") because it contains personal information relating to individuals. A redacted public version

has been prepared for publication on the day, subject to the Panel's decision.

Summary of complaint

6. The four complaints arose primarily from email correspondence between Mr Whitford and local residents who contacted him about the unauthorised hanging of St George's flags on lampposts in the village of Markfield. The residents raised concerns about legality, safety and community impact, and objected to the tone and content of Mr Whitford's replies.
7. In broad terms, the complaints alleged that:
 - Email responses to residents about the flags were dismissive, personalised and/or confrontational, and did not appropriately address residents' concerns about legality, intimidation or community cohesion.
 - In at least one email exchange following submission of a complaint, Mr Whitford referred to the possibility of disclosing the complainant's identity (or information that could identify the complainant) to others, which was said to be intimidating.
 - A social media post was alleged to be discriminatory/offensive
 - Mr Whitford was alleged to have failed to register a directorship in his register of interests.
 - During the investigation, further concerns were raised about whether Mr Whitford used or was linked to other "fake" social media accounts commenting on the matter.
8. A further complaint was submitted on 5 October 2025 alleging that Mr Whitford threatened to disclose a complainant's identity and raising additional issues relating to a social media post and the register of interests.
9. At the time of the alleged conduct, Mr Whitford was the Council's Cabinet Member for Highways, Transport and Waste (and he advised the investigator that he was subsequently suspended from the Cabinet following receipt of these complaints).

Relevant sections of the Code of Conduct

10. The relevant sections of the Council's Members' Code of Conduct are –
 - 2.3.1 I will treat other members and members of the public with respect
 - 2.7.1 I will not bully any person
 - 2.7.2 I will not harass any person
 - 2.7.3 I will promote equalities and will not discriminate unlawfully against any person

- 2.16 As a member I will not bring my role or the Council into disrepute or conduct myself in a manner which could reasonably be regarded as bringing my role or the Council into disrepute
- 2.30 As a member, I will register and disclose my interest in accordance with the provisions set out in the Code.

Pre - Hearing Process

11. On 27th February 2026 in accordance with paragraph 47 of the Procedure, the Monitoring Officer wrote to Mr. Whitford enclosing a copy of the investigation report and seeking his response on the following -
 - whether he agreed or disputed the findings and the reasons for any dispute;
 - whether he disputed any facts and, if so, which facts and on what basis;
 - what evidence he wished to rely upon at the hearing;
 - whether he wished any part of the report or hearing to be treated as exempt/confidential and why;
 - whether he intended to call any witnesses and, if so, their details.
12. In response to the above, on 27th February 2026 Mr Whitford has confirmed he accepts the findings relating to the email correspondence. The Monitoring Officer has not received any further representations from him on the remaining matters addressed in the investigation.
13. Cllr Whitford has indicated he wishes to attend and is willing to give evidence orally and respond to questions at the hearing.
14. The Monitoring Officer has sought and recorded the views of the Independent Person in accordance with the Procedure

Investigation findings and matters for determination

15. The investigators concluded that the Code was engaged in relation to the email correspondence because Mr Whitford responded using his Council email account and in connection with an issue linked to Council functions (street furniture/highways).
16. The investigation found that several of Mr Whitford's email responses contained personalised comments directed at residents, rather than a civil explanation of the Council's position, and that this approach contributed to residents feeling belittled and/or intimidated
17. In relation to the allegation about "fake" social media accounts, the investigators ultimately decided not to make a finding of fact, and not to investigate that aspect further, on proportionality grounds.

18. In relation to the register of interests, the investigators found that Companies House information indicated Mr Whitford was a director of Appchatz Ltd during the relevant period and that the directorship should have been registered; however, they also recorded Mr Whitford's explanation that he believed dissolution had already occurred, and they did not recommend further action on that point.
19. The investigation report recommends that a Member Conduct Panel considers findings that Mr Whitford:
 - Failed to treat members of the public with respect in his email communications;
 - Bullied at least one complainant, including by communications that could reasonably be seen as intimidating in context;
 - Brought his role and/or the Council into disrepute, particularly given his senior role at the time;
 - Failed to promote equalities / risked undermining equality duties by including inflammatory assertions about religion/faith matters within an official response to a resident (noting the need to balance Code provisions with freedom of expression principles).
 - The report also concludes there was a technical breach relating to registration of the Appchatz Ltd directorship but recommends no further action on that aspect given the explanation and absence of evidence of advantage or financial benefit.
20. Mr Whitford CC has confirmed he accepts the findings relating to the email correspondence. No further representations have been received from him on the remaining matters addressed in the investigation report.

Views of the Independent Person

21. Following completion of the investigation the Monitoring Officer sought the views of the Independent Person, Pamela Roberts, who considered the report to be well evidenced and reasoned. Mrs Roberts will attend the hearing to advise the panel of her views on the recommendations in the report.

Witnesses

22. Mr Whitford CC informed the Monitoring Officer that he had identified two potential witnesses in support of his account and provided their contact details to the investigators but understands they were not contacted. He further states that those individuals are now unwilling to come forward due to concerns about intimidation, and he also reports experiencing threatening behaviour, which he says limits his ability to rely on witness evidence beyond his own account.
23. In light of Mr Whitford's response above it is understood that he does not wish to call any witnesses.
24. The Investigators do not propose to call any witnesses.

Public or Private Hearing/Publication of papers

25. This hearing is convened as a public hearing. The Panel will proceed in public unless it resolves to exclude the press and public for any part of the proceedings where it is likely that exempt or confidential information would be disclosed.
26. For the purposes of agenda publication, the Monitoring Officer (as Proper Officer) has treated the unredacted investigation report as 'Not for publication' because it contains personal information relating to individuals and therefore includes exempt information within Schedule 12A (paragraph 1 and, where relevant, paragraph 2) of the Local Government Act 1972.
27. A redacted public version of the investigation report has been prepared. The Monitoring Officer will invite the Panel, at the start of the hearing, to apply the public interest test and determine that:
 - (i) the hearing should proceed in public; and
 - (ii) the redacted public version of the investigation report should be published and considered in public, with only minimal residual personal information retained as exempt.
28. If it becomes necessary during the hearing to refer to any residual exempt personal information, the Panel will consider whether to pass a resolution to exclude the press and public for that limited part of the proceedings.

Attendance

29. Mr. Whitford has been notified of the date and time of the hearing and has confirmed his intention to attend.

Procedure for the Hearing

30. A copy of the procedure that will be followed at the hearing is attached marked Appendix A.

Documents

31. The following documents are attached and provided to the Panel:

Appendix A - Member Conduct Panel Hearing Process

Appendix B – Independent Person's views

Appendix C(1) – Investigation Report (unredacted) and appendices – EXEMPT/Not for publication

Appendix C(2) – Investigation Report (redacted public version - to be published on the day subject to the Panel's decision)

Officer to contact

Fiona McMillan

Chief Legal Officer & Monitoring Officer

Tel: 0116 3052024 E-mail: fiona.mcmillan@leics.gov.uk

Member Conduct Panel – Hearing Process

1. Subject to paragraph 3 below, the order of business will be as follows:

Following the agenda

- a. Election of Chair;
- b. Declarations of interests;

Absence of the Subject Member

- c. If the Subject Member is absent, the Panel will consider whether to adjourn or to proceed with the hearing in their absence;

Introductions and preliminary matters

- d. The Chair will introduce those present and explain how the hearing will be conducted.

Hearing the matter in private or public

- e. The Panel will receive representations from the Monitoring Officer and/or Subject Member as to whether any part of the hearing should be held in private or any documents submitted by the Subject Member regarded as exempt;

Presentation of the investigation report

- f. The investigator will summarise the findings and conclusions of their investigation and may be asked questions by the Panel.

The Subject Members response

- g. The Subject Member will have the opportunity to present their response to the investigation findings, either verbally, in writing, or both, and to answer questions from the Panel.

Witnesses

- h. If witnesses have been agreed in advance, the Panel will hear their evidence. The Panel may limit the number of witnesses or the scope of evidence if it considers this appropriate.

Independent Person's views

- i. The Independent Person(s) will give their views to the Panel before it withdraws to make its decision.

Deliberations of the Panel

- j. The Panel will adjourn (with the Monitoring Officer and Clerk to the Panel) the hearing and deliberate in private to determine the facts of the case and to consider whether or not, on the facts found, the Subject Member has failed to comply with the Code of Conduct. Everyone will be asked to leave at this point.
- k. The Panel may at any time come out of private session and reconvene the hearing in public, in order to seek additional evidence from the Investigating Officer, the Subject Member or any witnesses. If further information to assist the Panel cannot be presented, then the Panel may adjourn the hearing and issue directions as to the additional evidence required.
- l. If the Panel considers that there has been a breach of the Code of Conduct it will then determine what, if any, sanctions would be appropriate.

Potential sanctions

- m. The Councils Procedure provides that, *“If the Panel concludes that there has been a breach of the Code, it will consider whether and what sanction would be appropriate to impose. The sanctions might include a formal letter to the subject member stating that there has been a breach of the Code, referral for other action, e.g. a requirement to attend training or to make a formal and public apology, or formal censure of the subject member.”*
- n. The sanction may include one or a combination of the following:
 - Formal letter – A requirement that the Monitoring Officer send a formal letter to the Subject Member confirming the Panel’s decision to impose a sanction and the detail(s) and the disappointment at having to have had to make a decision that the Code of Conduct had been breached. The Letter to be published on the Council’s website dealing with Member matters and be displayed on the subject Members Council web page for a period of up to a year at the Monitoring Officers discretion -
 - Censure - Recommend to Council a vote of formal censure from the Council to confirm that the actions of the Member were unacceptable;
 - Restricted Access - Restriction of the member’s access to the resources of the Authority for up to six months. This may include limiting access to the premises of the Authority, provided that such restriction does not unnecessarily restrict the member’s ability to carry out his or her responsibilities as an elected representative or co-opted member;
 - Apology - A requirement for the Member to apologise in a form specified by the Panel. This might be in writing, in person or at a meeting.

- Training – A requirement for the Member to undertake such training as the Panel specifies;
 - Conciliation – A requirement that the Member participates in such conciliation as the Panel specifies.
- o. There are no lawful powers to suspend or disqualify a Subject Member who is found to have breached the Code of Conduct. There are also no lawful powers to withdraw their basic or special responsibility allowances.
- p. Any sanctions must include a time period for compliance by the Subject Member and stipulate what will occur if they fail to comply within that time period (i.e. that the Monitoring Officer will refer the matter to the Council's Corporate Governance Committee).

Announcement of Decision and any sanctions considered appropriate

2. The Panel will reconvene the hearing in public and the Chair will announce its findings and whether or not the Panel considers that there has been a breach of the Code of Conduct. If there is no breach the meeting will close. If the Panel considers that there has been a breach of the Code it will state the sanctions, if any, it considers appropriate to impose.

Chairman's Discretion

3. The Chairman may exercise their discretion and amend the above order of business where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.
4. The Panel may adjourn the hearing at any time.

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Views of the Independent Person, Mrs P. Roberts

“I agree with the recommendation not to take further action over the proven breach of the Code of Conduct regarding the failure to register a disclosable pecuniary interest. I consider that it was not unreasonable for Councillor Whitford to rely on the letter from Companies House stating that APPCHATZ LTD, of which he was a director, would be dissolved no later than 3rd April 2025. No purpose seems to be served by pursuing a technical breach of the Code in this instance.

I agree with the conclusions on the other breaches of the Code. These are interconnected and warrant consideration by members.”

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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