



Meeting: **Constitution and Ethics Committee**

Date/Time: **Monday, 13 July 2026 at 1.30 pm**

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

Contact: **Mrs J Twomey (0116 3052583)**

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Membership

Dr. J. Bloxham CC	Mr. M. T. Mullaney CC
Mr. S. L. Bray CC	Mr. D. Page CC
Mr. G. Cooke CC	Mr. B. Piper CC
Mr. D. Harrison CC	Mr J. Poland CC
Dr. S. Hill CC	Mr. C. A. Smith CC
Mr. A. Innes CC	Mrs D. Taylor CC
Mrs. K. Knight CC	

AGENDA

<u>Item</u>	<u>Report by</u>
1. Appointment of Chairman.	
2. Appointment of Vice- Chairman.	
3. Question Time.	
4. Questions asked by members under Standing Order 32(1).	
5. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.	
6. Declarations of interest in respect of items on the agenda.	

7. Presentation of petitions under Standing Order 33.
8. Terms of Reference. Chief Legal Officer and Monitoring Officer (Pages 3 - 4)
9. The Committee's Role where the Council Acts as Charity Trustee Chief Legal Officer and Monitoring Officer (Pages 5 - 6)
10. Update on the operation of the Members' Code of Conduct Chief Legal Officer and Monitoring Officer (Pages 7 - 52)
11. Social Media Guidance for Members - Review and Supplementary Guidance on Monetised Accounts. Chief Legal Officer and Monitoring Officer (Pages 53 - 66)
12. Update on Proposed National Changes to the Local Government Ethical Standards Framework. Chief Legal Officer and Monitoring Officer (Pages 67 - 74)
13. Requests for Dispensations. Chief Legal Officer and Monitoring Officer
 - No requests have been received by the Monitoring Officer.
14. Dates of future meetings.

It is proposed that future meetings of the Constitution and Ethics Committee are held on the following dates:

Thursday, 10 September 2026 at 2.30pm
Thursday, 19 November 2026 at 2.00pm
Thursday, 18 March 2027 at 2.00pm
Thursday, 22 July 2027 at 2.00pm
Thursday, 14 September 2027 at 2.00pm
Thursday, 11 November 2027 at 2.00pm

15. Any other items which the Chairman has decided to take as urgent.

LEICESTERSHIRE COUNTY COUNCIL's CONSTITUTION

PART 3 – RESPONSIBILITY FOR FUNCTIONS

CONSTITUTION AND ETHICS COMMITTEE

1. The Constitution & Ethics Committee shall not have power to appoint subcommittees, save in relation to members' allowances.
2. The extent to which the non-executive powers within the Committee's remit have been delegated to chief officers, either by the full County Council or by the Committee (or by any of the bodies previously charged with the functions now within its remit), will be found:
 - (a) in the general scheme of delegation to heads of departments which appears in Section D of this Part; and
 - (b) in the record of specific delegations maintained by the Chief Executive for public inspection at County Hall and which constitutes Part 9 of this Constitution.
3. Subject to the delegations described in paragraph 2, the functions delegated to the Committee shall be:
 - (a) **Elections.** Those functions relating to elections which are specified in Schedule 1 to the Functions Regulations and which are relevant to a county council.
 - (b) **Names and status.** Those functions relating to the name and status of areas and individuals which are specified in Schedule 1 to the Functions Regulations and which are relevant to a county council.
 - (d) **Bills.** Advising the Council on the promotion or opposition of local or personal Bills which are specified in Schedule 1 to the Functions Regulations and which are relevant to a county council.
 - (e) **Appointments.** Making and revoking appointments, except where the full County Council, the Cabinet, the Corporate Governance Committee or other board or committee has such responsibility.
 - (f) **Members' Allowances Scheme.** Advising the County Council on the Members' Allowances Scheme [Note: approval of the scheme cannot be delegated by the County Council to a committee].
 - (g) **Members' Services.** Approving the arrangements for providing appropriate support services to meet the needs of elected members.
 - (h) **Constitution.** Oversee the operation of the Council's Constitution and to make recommendations to the County Council on changes and improvements to the Constitution except for those which fall within the remit of the Corporate Governance Committee and the Employment Committee.
 - (i) **Member and Co-opted Member Conduct.** Overseeing and approving the Council's functions relating to the promotion and maintenance of high standards of conduct for members and co-opted members of the County Council including:

- (i) Making recommendations to the County Council regarding amendments to the Members' Code of Conduct and the Member/Officer Protocol;
- (iii) Approving the Council's procedure for handling Member Conduct Complaints. (See also delegation to the Chief Legal Officer and Monitoring Officer.)
- (iv) Approving training to be provided to Members on the Code of Conduct;
- (v) Monitoring the operation of the Code of Conduct
- (vi) Select and recommend to the County Council persons for appointment as an Independent Person.
- (j) **Dispensations and Exemptions.** Approving the granting of a dispensation to any member in respect of any statutory and non-statutory disclosable interests and agreeing to exempt members from vacation of office for failure to attend meetings.
- (l) **Charitable Trustee.** Those functions relating to the Council's role as a Charitable Trustee where the Council has been identified as a trustee of a charity or trust or the recipient of a bequest and holds property or assets on trust, including consideration of matters where there is a conflict or potential conflict between the Council's interests and those of the Charitable Trust or bequest.

CONSTITUTION & ETHICS COMMITTEE

The Committee's Role Where the Council Acts as Charity Trustee

When acting as charity trustee, the Council must consider the matter from the charity's perspective and make decisions which put the charity's best interests first

1. Role as a charitable trustee

The Constitution and Ethics Committee is responsible for matters relating to the Council's role as a charitable trustee. This may include cases where the Council is trustee of a charity or trust, is the recipient of a bequest, or holds property or assets on trust. It also includes matters where there may be a conflict between the Council's own interests and the interests of the charity, trust or bequest.

2. What does it mean for the Council to be a charity trustee?

The Council may hold land, buildings, money or other assets not for its ordinary Council purposes, but for a particular charitable purpose. Examples may include recreation grounds, playing fields, public gardens, cultural or civic buildings, war memorials, or small charitable funds and bequests. Where the Council is the trustee, the trustee is usually the Council itself, not individual councillors personally. Members of the Committee are therefore helping the Council make decisions properly in its trustee capacity.

3. The main trustee duties

The Charity Commission summarises the main duties of charity trustees as follows:

- ensure the charity carries out its purposes for the public benefit;
- comply with the charity's governing document and the law;
- act in the charity's best interests;
- manage the charity's resources responsibly;
- act with reasonable care and skill; and
- ensure the charity is accountable.

4. What sort of matters may come before the Committee?

- Whether charitable land or property is being used in accordance with its purpose.
- Whether the use of a charitable asset can be changed.
- Whether charity land or property should be sold, leased, transferred or otherwise disposed of.
- How a charitable fund, trust or bequest should be managed or applied.
- Whether a conflict exists between the Council's interests and the charity's interests.
- Whether Charity Commission advice, consent or authority is needed.
- Whether charity records, accounts and decisions are being kept properly and separately where required.

CHECKLIST FOR COMMITTEE MEMBERS:

Question	What members should be satisfied about
What are we dealing with?	The charity, trust, bequest, land, property or fund has been clearly identified.
What is its purpose?	The relevant governing document, trust deed, conveyance, bequest or Charity Commission document has been considered.
Who is meant to benefit?	The intended beneficiaries or public benefit are clear.
Is the proposal within the charity's purposes?	Charity assets must be used to support the purposes for which the charity was established.
Is the proposal in the charity's best interests?	The matter has been considered from the charity's perspective, not just the Council's perspective.
Is there a conflict of interest?	Any separate Council role or benefit has been identified, such as landowner, funder, service provider or planning authority.
Has any conflict been managed?	The proposed approach to managing the conflict is clear; if it cannot be managed, Charity Commission authority may be needed.
Is there enough information?	Members have the legal, financial, property, valuation, consultation or Charity Commission advice needed to decide.
Is Charity Commission authority needed?	This is considered for land disposals, changes of purpose, significant conflicts or transactions involving the Council itself.
Will the decision be clearly recorded?	The record should show that the Council acted as charity trustee, what information was considered, any conflicts identified, and why the decision was in the charity's best interests.

Simple test: Has the matter been considered from the charity's perspective, and can the Committee explain why the decision is in the charity's best interests?

Source note: Prepared with reference to Charity Commission guidance, including "The essential trustee" and "Local authorities (or councils) as trustees of charities", and the Constitution and Ethics Committee's terms of reference.



CONSTITUTION AND ETHICS COMMITTEE – 13 JULY 2026

REPORT OF THE CHIEF LEGAL OFFICER AND MONITORING OFFICER

UPDATE ON THE OPERATION OF THE MEMBERS' CODE OF CONDUCT COMPLAINTS PROCESS

Purpose of the Report

1. The purpose of this report is to update the Committee on the operation of the Members' Code of Conduct complaints process, including complaints received and progressed since the last annual report on the operation of the process presented to the Corporate Governance Committee in November 2025.
2. In light of the significant increase in the number of complaints received over the past year, and the operational impact of managing those complaints, it is considered appropriate to provide more frequent update reports to the new Constitution and Ethics Committee, as a standing item on its agendas. This oversight will enable the Committee to satisfy itself that the standards framework is operating fairly, transparently and effectively, and to consider any learning or procedural improvements, without becoming involved in the merits of individual complaints.
3. This report provides an anonymised summary of complaints, save where the Council's complaints arrangements permit publication of further detail. The current complaints procedure states: *"Where a complaint has been informally resolved by agreement without the need for a formal investigation....the identity of the member who is the subject of the complaint and a summary of the complaint will be reported to the Corporate Governance Committee (now Constitution and Ethics Committee) as part of the Monitoring Officer's annual report regarding member conduct. It is considered to be in the public interest that these details are made public where there is an acknowledgement of fault on behalf of the relevant councillor."*
4. Greater detail is therefore included where a matter has been resolved informally by way of an apology or training, or where an apology was requested by the Member Conduct Panel as "other action". The report also outlines the complaint where, following an external investigation, a Member

Conduct Panel hearing was held on 5 May 2026, and breaches of the Code were found by the Panel.

5. The report also seeks approval of amendments to the complaints procedure and approval of a revised Independent Persons Protocol.

Background

6. The Members' Code of Conduct was adopted by the County Council on 1 December 2021, following the introduction of a model Code developed by the Local Government Association in response to the recommendations made by the Committee on Standards in Public Life in 2019.
7. This Committee now has responsibility for dealing with matters relating to the Code. Previously, such matters fell within the remit of the Corporate Governance Committee which, on 24 September 2012, considered and agreed the detailed arrangements for dealing with allegations against Members. Those arrangements were subsequently reviewed and updated in September 2017, again in 2021 and most recently in 2023.
8. The complaints process provides for an initial threshold assessment by the Monitoring Officer, a further assessment in consultation with an Independent Person, and referral to a Member Conduct Panel where the matter requires further consideration. Depending on the circumstances, complaints may be closed at initial threshold assessment stage, resolved informally, referred for investigation, or considered at a hearing.
9. In November 2025, an annual report was presented to the Corporate Governance Committee, which previously had oversight of the Code of Conduct complaints process. That report noted that 34 complaints had been received during the period 1 October 2024 to 1 October 2025, compared with 7 complaints in 2022/23 and 5 complaints in 2023/24. Since then, the volume of complaints has increased substantially, including multiple complaints arising from the same or similar factual circumstances.

Complaints Received and Progressed Since the Previous Report

10. The complaints covered by this update include all complaints recorded from 1 October 2025 to 30 June 2026. During this period 87 complaints were received by the Monitoring Officer under the Members' Code of Conduct.
11. The complaints have continued to fall broadly into the following themes:
 - a) comments made by Members on social media;
 - b) emails or other written communications with members of the public, officers or other Members;
 - c) comments made during Council or committee meetings;

- d) allegations relating to respect, bullying, harassment, discrimination, impartiality, disrepute, and use of Council resources; and
 - e) complaints arising from the same or similar incidents, where multiple complainants submitted complaints about the same social media post, meeting comment or course of conduct.
12. A number of complaints did not progress beyond the initial threshold assessment stage because they did not meet the threshold for further action, including where the alleged conduct was assessed as not being undertaken in the Member's official capacity, where the conduct would not, if proven, amount to a breach of the Code, or where there was insufficient evidence to justify further action.
13. Other complaints have been resolved informally, including through apologies, advice and training. Some matters have been referred by the Member Conduct Panel for investigation. One set of linked complaints proceeded to a hearing, at which breaches of the Code were found and sanctions were imposed.

Summary of Outcomes

14. The following is a broad summary of the complaints which have been processed since 1 October 2025. For completeness this includes withdrawn complaints, duplicate complaints, grouped complaints and multiple complaints arising from the same factual matrix. Each complaint is counted once by its current or final status.
15. Separately, 14 complaints were considered by the Member Conduct Panel during the period. Four linked complaints also progressed to a hearing on 5 May 2026; those figures represent process activity and are not added to the total number of complaints received during the reporting period.

Category	Summary	Number
Complaints closed at initial assessment / no further action	A substantial number of complaints were closed because the initial test was not met, the matter was out of scope, the member was not acting in their official capacity, the conduct would not amount to a breach if proven, or there was insufficient evidence.	40
Complaints withdrawn or not progressed	A small number of complaints were withdrawn or recorded as duplicates.	4
Complaints resolved informally	Several complaints were resolved informally, including by way of apology, advice or training.	5
Complaints currently referred for/subject to investigation	A number of complaints are currently being externally investigated. These are summarised further below on an anonymised basis.	12

Complaints currently being assessed	Complaints currently going through the initial assessment process	26
Total complaints received during the reporting period	Each complaint counted once by current or final status.	87

16. Many of the complaints arise from comments made by members on social media when engaging with the public or otherwise.
17. In considering such complaints, the Monitoring Officer and the Member Conduct Panel must take account of the right to freedom of expression under Article 10 of the European Convention on Human Rights. This protects the right to hold opinions and to share information and ideas. However, the right is not absolute and may be restricted where this is lawful, necessary and proportionate, including to protect the reputation or rights of others.
18. Political speech is afforded a high level of protection, particularly where it concerns matters of public interest. However, members must still comply with the Code of Conduct, including the requirement to treat others with respect and to maintain appropriate standards of behaviour towards officers and the public.
19. In complaints involving political expression, the following questions should be considered:
 - a) Has the member failed to comply with the Code of Conduct, on the balance of probabilities?
 - b) Would a finding of breach interfere with the member's Article 10 right to freedom of expression?
 - c) If so, is that interference lawful, necessary and proportionate?
20. It should be noted that Article 10 does not protect statements which a member knows to be false, or conduct which harms the rights of others, including bullying or harassment. Members must also respect the political neutrality of officers and must not seek to influence, pressure or persuade officers to act in a party-political way or in a way which undermines their impartiality.
21. The Monitoring Officer refers complaints which have passed the initial threshold test to one of the six Independent Persons appointed by the County Council under the Localism Act 2011, so that their views can be sought and taken into account before decisions are made on how complaints should progress. Their contribution provides valuable independent input into the complaints process, and it is recommended that the Committee places on record its thanks for their diligence and commitment in undertaking this voluntary role.

Informal Resolution, Apologies and Training

22. The complaints process recognises that, in appropriate cases, informal resolution may provide a proportionate means of addressing conduct issues without the need for formal investigation or hearing. This may include an apology, advice, training, mediation or other action designed to address the issue and reduce the likelihood of recurrence.
23. Informal resolution and other action have included the following examples. These include both informal resolution and other action directed by the Member Conduct Panel; in some cases, multiple complaints were dealt with through a single outcome:
 - a) November 2025 – a complaint concerning Mr Charles Whitford CC was resolved by informal resolution following consideration by the Member Conduct Panel. The complaint was made by two other councillors and concerned an email exchange relating to one of the complainant's former role as Lead Member, raising issues under the respect provisions of the Code. The Panel directed that an apology should be offered and apologies were subsequently sent by Mr Whitford CC to both complainants and copied to the Panel.
 - b) November 2025 – a complaint concerning Mr Whitford CC, made by another councillor, was resolved by informal resolution following consideration by the Member Conduct Panel. The complaint related to social media posts and replies, and raised issues under the respect and disrepute provisions of the Code. The Panel directed that an apology should be offered and an apology was made and copied to the Panel.
 - c) November 2025 – a complaint from a member of the public concerning Mr Whitford CC related to social media conduct and raised issues under the respect provisions of the Code. The matter was resolved informally after an apology was offered and accepted.
 - d) February 2026 - An apology was offered by Mr D Harrison CC in relation to comments made about Mr Smith CC during the Leader's Position Statement at the December Council meeting. The complaint concerned allegations of failing to treat others with respect, bullying and disrepute. In his apology Mr Harrison accepted that using the Leader's Position Statement to raise matters about an individual member was inappropriate, recognised that it was not the proper forum, and apologised for raising the issues in that setting. Mr Smith CC did not consider the apology to be adequate and considered that a public apology in the same forum would have been more appropriate. However, following consideration with the Independent Person, the Monitoring Officer concluded that the apology was a reasonable and

proportionate outcome and could be treated as informal resolution of the complaint. It was also considered inappropriate for the matter to be raised again at Full Council, given that the substance of the complaint concerned the use of that forum to raise matters about an individual member. Mr Smith CC was advised that the inclusion of the apology in this public report will also place the apology into the public domain and provide public transparency about the outcome of the complaint.

- e) March 2026 – Mr Robinson CC provided a public apology in relation to a complaint made by the Council’s former Monitoring Officer, which raised issues of respect and bullying. This was published on the Member Conduct Panel’s website for a period of 3 months. In the apology, he acknowledged that his comments were inappropriate, expressed regret for the hurt and distress caused, and accepted the Panel’s recommendations that he undertake training on the Members’ Code of Conduct and the Member/Officer Protocol. The apology was subsequently published on the Council’s website as part of the informal resolution of the complaint. Training on the Code of Conduct was also completed.
 - f) May 2026 – Mr Squires CC provided a public apology in relation to two complaints concerning a social media post which included an identifiable member of staff. Mr Squires accepted that, although his intention was to comment on a matter of public policy, the post was inappropriate in context and could reasonably have been perceived as criticism of the individual officer. He apologised to the member of staff and the complainants, confirmed that he removed the post when asked, and stated that he had reflected on the Code of Conduct, completed relevant training, and would ensure that this did not happen again. The apology is posted on the Member Conduct Panel’s website.
24. These matters demonstrate the value of retaining flexibility within the complaints process. In appropriate cases, apologies, advice, training or other informal action can provide a timely, proportionate and constructive outcome. However, informal resolution depends on the willingness of the relevant Member to engage with the process and complete the agreed action. Where that does not occur, escalation may be required.

Member Conduct Panel Hearing and Findings

25. Four linked complaints concerning Mr Whitford CC related to email correspondence between him and a number of residents. The complaints were recorded as engaging allegations of respect, bullying/intimidation, equalities, disrepute and impartiality. The matters proceeded to a hearing on 5 May 2026. The Member Conduct Panel found multiple breaches of the Code and imposed sanctions.

26. A formal letter from the Monitoring Officer was sent to Mr Whitford CC and posted on the Member Conduct Panel's website. A formal apology from Mr Whitford CC was also read out at Full Council on 13 May. In the apology, Mr Whitford accepted the findings of the investigation report and the Panel's decision that he had breached the Code of Conduct on a number of counts. He acknowledged that his behaviour had fallen well short of the standards expected of members, apologised to members of the community and anyone hurt or offended by his comments and behaviour, and recognised the distress caused. He also committed to ensuring that his future communications reflect the responsibilities of his office and to taking steps to rebuild trust.
27. This case is notable because it demonstrates that, while many complaints are capable of being closed at initial assessment stage or resolved informally, the process is able to progress appropriate cases to a formal hearing where the alleged conduct is sufficiently serious and where the evidence supports that course.

Complaints Currently Subject to External Investigation

28. A number of complaints have been referred, or are in the process of being referred, for external investigation. These are summarised below on an anonymised basis, in accordance with the approach taken in the complaints process.
29. One matter concerns a social media post and was initially considered by the Member Conduct Panel on 12 February 2026. The Panel considered that the matter should, in the first instance, be addressed by way of informal resolution through a public apology. The apology was not given and the Monitoring Officer referred the matter for investigation. A draft report has been issued to all relevant parties and a final report is awaited.
30. A group of complaints against one member concerned social media posts. The complaints were received from members of the public and local authority employees during November 2025. The allegations include respect, bullying, equality issues, impartiality and disrepute. The Member Conduct Panel considered the matters on 20 May 2026 and referred them for external investigation, which is underway.
31. A further matter concerns a social media posting by a member about an officer in relation to a meeting of the Corporate Governance Committee. The allegations include respect and impartiality. The Member Conduct Panel considered the matter on 29 January 2026 and referred it for investigation. A draft report has been issued to all relevant parties, and a final report is awaited.

Review of the Council's processes and procedures

32. The Council's current procedure is consistent with the principles and approach set out in national good practice guidance. It provides a clear local framework for receipt, assessment, informal resolution, investigation and determination of Code of Conduct complaints, and includes developed provisions on confidentiality, Independent Person involvement and Member Conduct Panel decision-making.
33. It has now been reviewed in light of recent operational experience and national guidance. A number of amendments are being proposed with the aim of improving clarity and transparency, set out in the Appendix attached to this report. These include adding indicative timescales, strengthening the public interest assessment criteria, expanding the informal resolution section, introducing clearer decision notice provisions, setting out support arrangements for both complainants and subject members, and adding a specific conflict of interest provision. These amendments would also help future-proof the procedure in light of the Government's proposed reforms to the local authority standards framework.
34. The proposed changes can be summarised as follows:
 - a) The procedure has been updated to emphasise fairness, proportionality, transparency, impartiality and natural justice in the handling of complaints.
 - b) The complaint submission process has been clarified, including the information complainants should provide and confirmation that the complaint form is encouraged but not mandatory.
 - c) New wording has been added on support and reasonable adjustments for complainants and subject members, while making clear that the Council will not provide legal advice or advocacy.
 - d) The confidentiality, anonymity and police referral provisions have been strengthened, including clearer consideration of fairness, data protection, privacy, public interest and potential criminal offences.
 - e) The early assessment process has been clarified by distinguishing between whether the Council can deal with the complaint and whether further action should be taken.
 - f) The public interest and proportionality test has been expanded, including clearer reference to seriousness, evidence, patterns of behaviour, impact on public confidence and freedom of expression.

- g) The informal resolution and “other action” provisions have been expanded to include apology, clarification, mediation, training, mentoring, advice, review of procedures and wider governance or relationship action.
 - h) The Member Conduct Panel may now request that an apology be made privately or publicly, including in a form suitable for publication on the Panel’s webpage where appropriate.
 - i) The role of Independent Persons has been clarified and strengthened throughout the process, including consultation at assessment, investigation and hearing stages.
 - j) New conflict of interest provisions have been added to preserve fairness and independence where issues arise involving officers, Independent Persons, investigators or Panel members.
 - k) The investigation and pre-hearing provisions have been clarified, including the scope of investigations, expected content of investigation reports and how evidence, witnesses and submissions will be managed.
 - l) The procedure now allows legal or other representation at hearings only where the Panel considers this necessary in the interests of fairness.
 - m) The publication of decision notices following formal investigation has been added, including a summary of the complaint, findings, reasons, Independent Person views and any sanction or outcome.
 - n) The procedure now includes clearer oversight and learning arrangements, including periodic reports to the Constitution & Ethics Committee on complaint volumes, themes, outcomes, training needs and recommended improvements.
35. The current complaints profile demonstrates that the process is operating across the full range of available outcomes. Complaints have been closed where the initial test was not met, resolved informally where appropriate, referred to the Member Conduct Panel, referred for investigation, and progressed to a hearing where necessary.
36. However, the increase in complaints has reinforced the importance of maintaining clear records, consistent assessment criteria and timely communication with all parties. It has also highlighted the need to ensure

Members understand both the scope of the Code and the types of conduct that may give rise to complaints.

Independent Persons Protocol

37. The Independent Persons Protocol establishes the framework within which Independent Persons operate as part of the County Council's standards regime. Its central purpose is to define the role, responsibilities and working arrangements of Independent Persons appointed under section 28(7) of the Localism Act 2011, particularly in relation to allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct. The Protocol forms a key component of the Council's local standards arrangements and is intended to be read alongside the Constitution, the Members' Code of Conduct and the Council's procedure for handling Member conduct complaints, to which it is appended.
38. The Protocol provides clarity on how Independent Persons interact with the Monitoring Officer, the Member Conduct Panel and subject members, ensuring a consistent, fair and transparent approach to complaint handling. The role of the Independent Person is consultative rather than determinative. Independent Persons do not investigate complaints and do not make decisions on complaints, but their views are sought and taken into account at key stages of the process.
39. At its core, the Protocol is designed to support the maintenance of high standards by embedding an independent and external perspective into the decision-making process. Independent Persons provide objective and impartial views on complaints, helping to support fairness, proportionality, transparency and confidence in the Council's governance arrangements.
40. The Protocol also sets out expectations regarding involvement at different stages of the complaints process, safeguards around independence and confidentiality, and the boundaries of the role, including that Independent Persons are not advocates for any party. In doing so, it strengthens procedural clarity and reduces the risk of inconsistency or perceived bias.
41. The current Protocol has been reviewed and amended, and the revised version is attached marked 'Appendix 2' in the Appendix to this report. The revised Protocol is a more developed and operationally detailed document than the version previously approved by the Corporate Governance Committee on 22 September 2023. While the earlier version established the statutory role at a high level, the revised Protocol expands significantly on how that role is applied in practice and reflects learning from recent case handling.
42. The key amendments include:

- a) More detailed procedural guidance covering each stage of the complaints process. The updated Protocol sets out more clearly when the Monitoring Officer may or must consult an Independent Person, including during initial assessment, consideration of informal resolution, investigation decisions, consideration of draft and final investigation reports, and at the hearing stage. This provides greater procedural certainty and clearer expectations about the role of the Independent Person.
 - b) Strengthened guidance on contact with subject members, including clarification that Independent Persons do not act as advisers, representatives or advocates for subject members or complainants. The revised Protocol establishes clearer channels for communication, record-keeping requirements and safeguards to preserve fairness and independence.
 - c) Greater emphasis on independence, conflicts of interest and resilience, including the practical operation of a pool of Independent Persons. This reflects the Council's appointment of a pool of six individuals, which assists in managing conflicts, availability and capacity, and strengthens the resilience of the standards arrangements.
 - d) Clearer delineation of the Independent Person's role at different stages of the Member Conduct Panel process, particularly the distinction between early assessment meetings, Panel consideration of whether a complaint should be referred for investigation or other action, and formal hearings. The revised Protocol also makes clearer that the Independent Person's views should be recorded and that, where the decision-maker departs from those views, reasons should be given. This reinforces transparency and accountability.
 - e) A broader and more operationally comprehensive role description, including reference to related functions such as statutory officer dismissal panels, training and support arrangements, confidentiality, communications, and periodic review. These additions reflect a maturing framework which captures both the statutory requirements and practical governance experience gained since the 2023 version was approved.
43. The revised Protocol is intended to support the fair and effective operation of the complaints process, provide greater clarity for Independent Persons, subject members, complainants and officers, and strengthen confidence in the Council's standards arrangements. If approved, the revised Protocol will replace the current Appendix 2 to the complaints procedure.

Volume of Complaints and Impact on Resources

44. The volume of complaints has increased very significantly. The November 2025 annual report recorded 34 complaints in the period 1 October 2024 to 1 October 2025, compared with 7 complaints in 2022/23 and 5 complaints in 2023/24. The current complaints log records a further substantial volume of complaints from 1 October onwards, including multiple complaints arising during late 2025 and the first half of 2026.
45. A notable feature of the current complaints profile is that several incidents have generated multiple complaints. This has included multiple complaints about the same or similar social media posts, the same meeting comments, or the same course of conduct. Each complaint must nevertheless be logged, assessed and considered fairly. In some cases, complaints can be grouped for practical purposes but care still needs to be taken to ensure that each complainant's concerns are properly understood and that the subject Member is given sufficient information to respond.
46. The increased volume has had a significant impact on officer resource. The process requires the Monitoring Officer and supporting officers to undertake initial assessments, consider jurisdiction and capacity issues, seek and consider comments from subject Members, consult Independent Persons, set up and provide advice to Member Conduct Panels, draft correspondence, maintain records, and respond to queries from complainants, Members and Group Leaders.
47. The increased number of complaints has also placed additional demands on the Council's Independent Persons. Their role remains essential to the fairness and credibility of the process, particularly at initial assessment stage, where informal resolution is proposed, and where matters are referred to the Member Conduct Panel.
48. The use of external investigators has also increased. This has a direct financial impact, because external investigations involve professional fees and associated administrative costs. The investigations currently underway will therefore create additional pressure on the governance budget. The Committee may therefore wish to note that external investigation costs currently invoiced stand at £5,769.60, with final costs dependent on the completion of the investigations currently underway.
49. In addition to the direct financial cost, external investigations also create indirect resource pressures. These include officer time spent preparing bundles, instructing investigators, reviewing draft reports, dealing with procedural matters, arranging Panel meetings and supporting any subsequent hearing process.
50. The increase in complaints also raises wider governance issues. The Members' Code of Conduct process is designed to deal with genuine

allegations of misconduct. It is not intended to become a substitute for political disagreement or ordinary democratic debate. Equally, the fact that a complaint arises in a political context does not mean that it should automatically be dismissed. The Monitoring Officer and Member Conduct Panel must continue to apply the Code carefully, fairly and consistently, taking account of the facts of each case and the rights of all parties.

Freedom of Expression and Respectful Conduct

51. The recent complaints also reinforce the continuing need to balance robust political expression with the obligations in the Code of Conduct. Political speech attracts a high level of protection under Article 10 ECHR, particularly where it concerns matters of public interest, but that protection is not unlimited. Members should remain mindful that the Code continues to apply to conduct involving bullying, harassment, discrimination, unjustified personal criticism, officer impartiality, disrepute and the use of Council resources, including when communicating through social media.

Future Reporting

52. Given the significant increase in the number of complaints and the number of ongoing investigations, it is proposed that the Committee should continue to receive more frequent update reports on the operation of the Members' Code of Conduct complaints process.
53. More frequent reporting will support transparency and enable the Committee to maintain oversight of the standards framework without involving itself in the merits of individual live complaints.

Conclusion

54. The Members' Code of Conduct complaints process has experienced a very substantial increase in demand. Many complaints continue to be resolved at initial assessment stage or through informal resolution, but the number of matters requiring Member Conduct Panel consideration, external investigation and hearing processes has also increased.
55. The increase in volume, complexity and sensitivity has placed significant pressure on the Monitoring Officer and the governance team and on the Independent Persons who support the process. The current position reinforces the need for proportionate, fair and consistent complaint handling, clear expectations of Member conduct, and regular reporting to the Committee.
56. The Committee is asked to note the update and the impact on resources, and to support the continuation of more frequent reporting while complaint volumes remain at the current elevated level.

Recommendations

57. The Committee is asked to:

- a) note the update on the operation of the Members' Code of Conduct complaints process;
- b) note the significant increase in the number of complaints received and the resulting impact on officer, Independent Person and Member Conduct Panel resources;
- c) note the number of matters currently subject, or being referred, to external investigation and the associated resource and financial implications;
- d) approve the proposed amendments to the Members' Code of Conduct complaints procedure attached as an Appendix to this report including the strengthened provisions on complaint submission, support and reasonable adjustments, confidentiality, public interest and proportionality, informal resolution, Independent Person involvement, conflicts of interest, investigations, hearings, decision notices, public apologies and reporting arrangements;
- e) approve the revised Independent Persons Protocol attached as Appendix 2 to the Appendix to this report and agree that it replace the current Independent Persons Protocol appended to the Council's procedure for dealing with allegations of a breach of the Members' Code of Conduct;
- f) agree that update reports on the operation of the Members' Code of Conduct complaints process should be presented more frequently while complaint volumes remain elevated;
- g) request that future update reports include information on the cost of external investigations, where available; and
- h) formally thank the Independent Persons for their ongoing commitment and assistance in supporting the fair and effective operation of the Members' Code of Conduct complaints process.

Background Papers

Report to the Corporate Governance Committee on 24 September 2012 – “Arrangements for dealing with Member Conduct Complaints”.

<https://democracy.leics.gov.uk/ielistDocuments.aspx?CId=434&MIId=3554&Ver=4>

Annual Report on the Operation of the Members' Code of Conduct 2024/25, Corporate Governance Committee, 24 November 2025.

<https://democracy.leics.gov.uk/ielistDocuments.aspx?CId=434&MIId=7963&Ver=4>

Member Conduct Panel's website: <https://www.leicestershire.gov.uk/about-the-council/how-the-council-works/councillors-and-conduct/councillor-code-of-conduct>

Circulation under Local Issues Alert Procedure

None.

Officers to Contact

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Appendices

Appendix - Proposed amended procedure for dealing with allegations of a breach of the Members' Code of Conduct

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Procedures for dealing with allegations of a breach of the Members' Code of Conduct

Introduction

This procedure sets out the arrangements which will be followed by the Monitoring Officer and the Member Conduct Panel when dealing with allegations that a member or co-opted member (the 'subject member') has failed to comply with the Members' Code of Conduct.

This procedure is intended to ensure that complaints are dealt with fairly, proportionately, transparently and impartially, in accordance with the principles of natural justice and the Council's duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members.

The Council will aim to deal with complaints as promptly as possible, recognising that the time required will depend on the nature, complexity and seriousness of the complaint, the availability of parties and witnesses, whether further information is required, whether an Independent Person or external investigator is involved, and whether any related police or regulatory process is ongoing. Indicative timescales may be set out in guidance and may be extended where necessary in the interests of fairness and proper consideration of the complaint.

This procedure will be kept under review by the Monitoring Officer and reported to the Constitution & Ethics Committee for amendment where necessary, including in light of changes in legislation, statutory guidance, national good practice, or significant changes to the Council's Constitution or standards arrangements.

A flowchart which sets out the arrangements that will be followed when dealing with each complaint is attached as **Appendix 1**.

Making a Complaint

A Complaint Form and details of how to make a complaint are on the County Council's website <https://www.leicestershire.gov.uk/about-the-council/how-the-council-works/councillors-and-conduct/councillor-code-of-conduct>

A complainant is encouraged to use the complaint form, as this helps ensure that all relevant information is provided. However, a complaint will not be rejected solely because the form has not been used, provided it is made in writing and contains sufficient information to allow the Monitoring Officer to understand the allegation and assess whether it falls within this procedure.

A complaint should, so far as possible, identify the member or co-opted member complained about, explain what is alleged to have happened, when and where it happened, why the complainant considers the Code may have been breached, and provide any supporting documents, screenshots, witness details or other relevant information.

Support and reasonable adjustments

The Council will seek to ensure that both complainants and subject members understand the procedure and are given appropriate procedural information during the process. This may include reasonable adjustments, signposting to relevant support, explanation of the process and, for the subject member, confirmation of the statutory right to seek the views of an Independent Person. The Council will not provide legal advice or advocacy to either party.

Independent Persons

Independent Persons have been appointed to support the Council's complaint handling process. A protocol setting out the relationship between those Independent Persons and the County Council in the process, is attached as **Appendix 2**.

CONFIDENTIALITY

In the absence of a specific statutory requirement regarding confidentiality under the Localism Act, the Council has the ability to set its own processes and can therefore resolve that all ongoing Code of Conduct complaints are subject to a requirement of confidentiality by all participants in the process until such time as the case is concluded and **any outcome is published or reported back to the Committee in accordance with this procedure**. A breach of this requirement may be a separate breach of the Code of Conduct.

In applying these confidentiality provisions, the Monitoring Officer will have regard to fairness, natural justice, the public interest, data protection requirements, privacy rights and any risk of prejudicing an investigation or related process.

The requirements for confidentiality and when a complaint will be made public are set out below and differ depending on the stage a complaint is at, and whether or not a member/coopted member has been found to have breached the Code.

1 - Receipt of a complaint by the Monitoring Officer

Acknowledging receipt of a complaint and notifying the subject member

1. The Monitoring Officer will acknowledge receipt of a complaint as soon as possible **and will provide the complainant with information about the next stage of the process. Where appropriate, the Monitoring Officer**

may also indicate the likely timescale for the initial assessment, recognising that timescales may vary depending on the nature, complexity and urgency of the complaint.

2. The Council will aim to deal with complaints as promptly as possible. Indicative timescales are not absolute and may be extended where necessary, including where further information is required, an Independent Person or external investigator is involved, the matter is complex or high profile, a related police or regulatory process is ongoing, or an extension is otherwise required in the interests of fairness.
3. Unless there are exceptional circumstances (e.g. there is a risk that by so doing an investigation may be prejudiced), the Monitoring Officer will tell the subject member that a complaint has been made about them and seek their views at the first opportunity. As a matter of fairness and in the interests of natural justice, subject to paragraphs 3 to 6 below, the subject member will usually be told:
 - that a complaint has been made about them.
 - the name of the complainant.
 - details of the allegation(s) made.
 - the relevant paragraphs of the Code of Conduct it is alleged they have breached.
 - that they have a statutory right to contact and seek the views of one of the Independent Persons appointed by the County Council at any point whilst the complaint is being considered.
 - Where the subject member is invited to provide initial comments, the Monitoring Officer will normally specify a response period, which may be extended where reasonable

Name of complainant

4. Requests by a complainant for their identity to be withheld will only be granted in exceptional circumstances and at the discretion of the Monitoring Officer, for example, when:
 - The complainant has reasonable grounds for believing they will be at risk of physical harm if their identity is disclosed;
 - The complainant suffers from a serious health condition and there are medical risks associated with their identity being disclosed;
 - The complainant is an officer working closely with the subject member and is afraid of the consequences for their employment prospects if their identity is disclosed, notwithstanding the County Council's Whistleblowing Policy.
5. If the Monitoring Officer decides to refuse a request for confidentiality, they may offer the complainant the option to withdraw their complaint, rather than proceed with their identity being disclosed.

6. In certain circumstances the Monitoring Officer may decide that the public interest in proceeding with an investigation outweighs the complainant's wish to have their identity withheld. In such cases the complainant will be notified of this decision as soon as possible.

Details of the allegation(s) made

7. The Monitoring Officer will decide the level of detail to provide to a subject member about the allegations made. They may not provide any information or may limit this if they consider that not doing so would be against the public interest or might prejudice a future investigation. Any decision to withhold or limit the details provided will be kept under review.

Anonymous complaints

8. The Monitoring Officer will determine whether or not to consider an anonymous complaint. **Anonymity is distinct from confidentiality. An anonymous complaint is one where the complainant's identity is not known to the Council. A confidential complaint is one where the complainant's identity is known to the Council but is withheld from the subject member or others for a specific reason. Anonymous** complaints will not normally be considered unless the Monitoring Officer decides that the information or evidence provided indicates a serious or significant matter that requires consideration which can be satisfactorily dealt with without the need to interview the complainant.

Withdrawal of complaints

9. Requests by a complainant to withdraw their complaint will be considered by the Monitoring Officer who will have the discretion to agree to this or not. In making that decision, the Monitoring Officer will have regard to:
 - Whether the public interest in taking some action on the complaint outweighs the complainant's desire to withdraw it.
 - Whether the complaint is such that action can be taken on it without the complainant's participation.
 - Whether there is an identifiable underlying reason for the request to withdraw the complaint, e.g. is there information to suggest that the complainant may have been put under pressure to withdraw the complaint.
 - Whether previous complaints of a similar nature have been made or upheld.

Multiple complaints

10. If a number of complaints from different complainants are received about the same matter and/or subject member, the Monitoring Officer

will determine how best to consider these, making the most practical use of time and resources. They may group the complaints and consider these together and may refer them to the Member Conduct Panel for consideration at a single meeting.

11. The Monitoring Officer will use their discretion on whether to notify the complainants that other complaints have been received and whether or not these will be joined together.

Public access and communication with the press

12. No comment will be made on whether or not a complaint has been received until a decision has been made about what action to take either by the Monitoring Officer or the Member Conduct Panel. Until this point the approach by the Monitoring Officer will be reactive and not proactive, and no comment on individual cases will be made.
13. In any event, no information will be released to the press in respect of a complaint until all parties have been informed.

Referral to the Police

14. **Where the complaint concerns conduct that may amount to a criminal offence, including potential offences relating to Disclosable Pecuniary Interests, the Monitoring Officer may decide, at any point in the process, that referral to the police or other relevant agency is required.** The Monitoring Officer has the authority to do this without seeking views from elsewhere and shall have the discretion to determine whether or not the subject member and/or the complainant will be advised of the referral, taking into account advice from the police where appropriate. In some instances, proceeding with the conduct complaint will be put on hold until the outcome of the police investigation is known.

2 - Initial **Threshold/Jurisdictional Test by the Monitoring Officer: **can the Council deal with the complaint?****

15. On receipt of a complaint, the Monitoring Officer *must* be satisfied that:
 - a. the complaint has been properly received in writing;
 - b. the complaint is against one or more named members or co-opted members of the Authority;
 - c. the named member or co-opted member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time;
 - d. the member or co-opted member was acting in their capacity as a member or co-opted member of the Authority at the time of the alleged misconduct (so far as this is ascertainable at this early stage);

- e. the complaint, if proven, would be a breach of the Code under which the member or co-opted member was operating at the time of the alleged misconduct.
16. If the complaint fails one or more of the above tests, the complaint cannot be considered further as a breach of the Code. The Monitoring Officer will inform the complainant as soon as possible that no further action can be taken and the reasons for this. **Where there is genuine doubt at this stage, the Monitoring Officer may proceed to early assessment and/or seek further information before reaching a final view.**
 17. The Monitoring Officer will also consider whether or not it is practicable and appropriate for the complaint to be dealt with under the Members' Code of Conduct. The Monitoring Officer may conclude that the complaint cannot/should not be dealt with under the Code because, for example:
 - Another procedure for dealing with complaints is more appropriate;
 - The remedy sought by the complainant is not available under the Members' Code of Conduct;
 - The complaint is about a decision or policy of the County Council, not the member as an individual.
 18. In these circumstances the Monitoring Officer may:
 - Advise the complainant of a proposed alternative remedy and seek the complainants views on the way forward; or
 - Refuse to deal with the matter under this procedure, giving reasons for so doing.
 19. If it is not possible for the Monitoring Officer to determine whether or not a complaint satisfies the above tests without obtaining further information, the Monitoring Officer will proceed to consider the complaint, but will have the discretion to cease further action at any such time it becomes clear that the complaint fails one or more of the these tests.
 20. Where it is unclear whether the complainant wishes to make a formal complaint, the Monitoring Officer will contact the complainant to clarify the position and offer advice.

3 - Early Assessment by the Monitoring Officer: **should action be taken/possible informal resolution?**

21. The Monitoring Officer will consider the complaint against the Council's adopted Criteria and the public interest and **proportionality** factors set out in Appendix 3.

22. The Monitoring Officer can, if they consider it necessary and appropriate:
- Seek to informally confirm the basic facts of the allegation(s) made and obtain any necessary information required to determine whether the complaint merits further action or investigation;
 - contact the complainant for clarification of their complaint and ask them to provide such supporting information that the Monitoring Officer considers might be relevant;
 - enter into discussions with the subject member and any other person who they consider appropriate.

Informal resolution does not normally involve a finding of fact or a finding that the Code has been breached, unless the subject member expressly accepts fault. It may include, depending on the circumstances, an apology, clarification, mediation, training, mentoring, advice from the Monitoring Officer, review of a protocol or procedure, or wider action to address governance or relationship issues. The Monitoring Officer will seek the views of the Independent Person and, where appropriate, may seek the views of both the complainant and subject member before deciding whether informal resolution is appropriate. Their views will be taken into account but neither party will have a veto on the proposed action. Where informal resolution is pursued, the Monitoring Officer will normally set a timescale and explain what will happen if the proposed action is not completed or is not considered satisfactory.

Views of an Independent Person

23. The Monitoring Officer will consult with one of the Independent Persons appointed by the County Council and seek their views on the complaint and the proposed course of action **before reaching a decision under paragraph 23. The Monitoring Officer will take those views into account but remains the decision-maker at this stage.**

Decision of the Monitoring Officer

24. The Monitoring Office will reach one of the following decisions:
- a. To take no further action under this process;
 - b. To resolve the matter informally, if this is possible;
 - c. To refer the complaint to the Member Conduct Panel for further consideration, where (a) and (b) above do not apply.
25. The Monitoring Officer will write to the relevant parties informing them of their decision and the reasons for that decision. If they decide that no further action will be taken, or an agreed informal resolution has been reached, then the matter will be closed and the complainant will

have no right to a review of that decision. Where the Monitoring Officer's decision differs from the views of the Independent Person, the decision notification will record that the Independent Person has been consulted and will explain, in summary, the reasons for the decision reached.

Public access and communication with the press

26. Where a conclusion has been reached that the Code of Conduct has not been breached or where the Monitoring Officer concludes, following the initial assessment of a complaint, that no further action needs to be taken, the identity of the member will remain confidential. This is because there is no reason for making their identity public in these circumstances and no public interest in doing so.
27. Where a complaint has been informally resolved by agreement without the need for a formal investigation (this is usually by way of an apology which is offered and accepted) the identity of the member who is the subject of the complaint and a summary of the complaint will be reported to the Constitution & Ethics Committee as part of the Monitoring Officer's reporting regarding member conduct. It is considered to be in the public interest that these details are made public where there is an acknowledgement of fault on behalf of the relevant councillor. Where informal resolution does not involve an acknowledgement of fault, the Monitoring Officer will determine what, if any, anonymised information should be reported for oversight and learning purposes.

4 - Referral by the Monitoring Officer to the Member Conduct Panel

28. A meeting of the Member Conduct Panel will be convened as soon as possible if the Monitoring Officer decides this is necessary.
29. To ensure that all complaints are dealt with in a fair and balanced way the Member Conduct Panel will have regard to the Criteria For Assessing Complaints attached as Appendix 3.
30. The Monitoring Officer will prepare an appropriate report for the Panel to consider and this will include or summarise any views obtained from one of the Independent Persons, unless there is a lawful reason for withholding or limiting the information provided.

Access by the Public to reports and the meeting of the Panel

31. The Panel may have to consider unfounded and potentially damaging complaints about an individual member/co-opted member which it would not be appropriate to make public at this early stage of the process and prior to an investigation having been carried out. Therefore, the usual approach will be that all information will be

regarded as 'exempt' under paragraphs 1 and 10 of Part 1 of Schedule 12A of the Local Government Act 1972 and the public will not be entitled to be present at the meeting.

Independent Persons attendance at the Panel Meeting

32. The Monitoring Officer will provide the Independent Person with a copy of their report and where appropriate, invite them to attend the meeting of the Member Conduct Panel so that their views can be sought by the Panel as they consider necessary.

Decision of the Member Conduct Panel

33. The Member Conduct Panel will reach one of the following decisions:

- a. No further action be taken;
- b. Referral for other action;
- c. Referral for investigation.

34. A decision to refer a matter for investigation or other action is not a finding that the Code has been breached. It means only that the Panel considers, applying the adopted criteria, that further action is warranted.

35. The complainant has no right to a review of the decision taken by the Member Conduct Panel.

Referral for Other Action

36. The Member Conduct Panel can decide that **action other than** an investigation should be taken and it can refer the matter back to the Monitoring Officer to carry this out and to provide the complainant with appropriate advice.
37. It may not always be in the interests of good governance to undertake or complete an investigation into an allegation of misconduct. The information obtained by the Monitoring Officer when carrying out their early fact finding exercise may have revealed sufficient information to allow the Panel to determine that any further investigation would be of little or no benefit.
38. The action decided upon does not have to be limited to the subject member if the allegation(s) indicate a wider problem within the Authority. In such cases the Panel may ask that the issues arising from the complaint be further addressed by the appropriate officers/bodies.
39. **Other action may include, but is not limited to, advice, training, mentoring, mediation or conciliation, an apology or clarification, review of procedures or protocols, or wider action where the complaint**

indicates broader governance, relationship or cultural issues. Where the Member Conduct Panel considers that an apology is an appropriate and proportionate form of other action, it may ask the subject member to provide an apology and may specify whether that apology should be made privately to the complainant, to another identified person or body, or publicly. Where the Panel considers that a public apology is appropriate, it may ask that the apology be provided in a form suitable for publication on the Member Conduct Panel's webpage or other appropriate part of the Council's website, subject to any necessary consideration of confidentiality, data protection, privacy, fairness and the public interest. Where no investigation has taken place, other action will not normally be expressed in terms that imply a finding that the Code has been breached.

40. Where the Member Conduct Panel requests a public apology as part of an informal resolution or as other action, the apology may be published on the Member Conduct webpage for a period of up to three months, unless the Panel considers that a longer period (not exceeding six months) is justified by the seriousness of the matter and the public interest in publication.

Referral for Investigation

41. If the Panel decides to refer the complaint to the Monitoring Officer for investigation, the Monitoring Officer will write to the complainant, the subject member and any other relevant parties informing them of the Panel's decision, the reasons for that decision and advising them who will be responsible for conducting the investigation.

Conflicts of interest

42. Where a potential conflict of interest arises involving the Monitoring Officer, Deputy Monitoring Officer, Independent Person, investigator, Panel member or other person involved in the process, appropriate steps will be taken to preserve fairness and independence. This may include appointing another officer, an external investigator, external legal adviser, or the Monitoring Officer of another authority.

5 - The Investigation

Conducting the Investigation

43. The Monitoring Officer will need to ensure that the Member Conduct Panel can be independently advised throughout the process. It is unlikely that an investigation can be carried out by the same person who then advises the Panel at a hearing if there is any dispute as to the facts or as to whether there has been a breach of the Code. The Monitoring Officer will therefore usually delegate the conduct of the

investigation to someone else.

44. The investigation can be carried out by the Monitoring Officer or the - Deputy Monitoring Officer, another officer of the County Council, or it could be commissioned to be carried out by an external investigator.
45. The Monitoring Officer may issue guidance to the investigator on the conduct of the investigation and the parameters within which this should be carried out. **The scope of the investigation should be sufficiently clear to allow the investigator, complainant, subject member and Independent Person to understand the issues being investigated.**

Findings of the Investigator

46. On completion of the investigation, the investigator must make a finding in their report as to whether or not the subject member has failed to comply with the Code of Conduct. **The investigation report should normally set out the complaint, relevant Code provisions, evidence considered, findings of fact, analysis, and the investigator's conclusion.**

No Breach of the Code

47. If the investigator concludes that there has been no breach of the Code, the Monitoring Officer will have the discretion to determine whether or not this is reasonable and whether to refer the report to the Member Conduct Panel for further consideration at a hearing. In cases where the investigation has been conducted by the Monitoring Officer, discretion to determine whether or not the findings of that investigation is reasonable and whether to refer the report to the Member Conduct Panel will be exercised by the Deputy Monitoring Officer.
48. Before making this decision, the Monitoring Officer (or Deputy Monitoring Officer) *will* consult with an Independent Person appointed by the County Council (and the Chairman of the Member Conduct Panel that referred the matter for investigation).
49. If the Monitoring Officer (or Deputy Monitoring Officer) decides that no further action should be taken, the complainant, the subject member and the members of the Member Conduct Panel will be notified of this and the reasons for that decision as soon as possible.
50. The complainant will have no right to a review of this decision.

A Breach of the Code

51. If the investigator concludes that there has been a breach of the Code, the Monitoring Officer will consider whether it is appropriate and necessary to hold a formal hearing, or whether the matter can be

otherwise resolved. Where the Monitoring Officer considers it appropriate, a hearing will be held before the Member Conduct Panel.

52. If the Monitoring Office considers that the matter can be otherwise resolved, before making a decision not to hold a hearing, the Monitoring Officer will first consult with one of the Independent Persons and the Chairman of the Member Conduct Panel that agreed an investigation should be undertaken into the complaint.

Public access to the investigation report

53. Where a conclusion has been reached that the Code of Conduct has been breached and is to be considered further by the Member Conduct Panel (alternative resolution not being appropriate/possible), the investigation report will remain confidential until such time as the hearing into the complaint takes place. This is to avoid “trial by media” in advance of a case being heard so that panel members are not prejudiced by anything that is published in the media.
54. In other circumstances where no further action is intended, or the matter is otherwise resolved, the Monitoring Officer (or where appropriate the Deputy Monitoring Officer) will determine to what extent the investigation report can and shall be made public. In considering this issue the Monitoring Officer (or Deputy Monitoring Officer) will consult with the member concerned and with the Chair of the **Member Conduct Panel**. Any decision in relation to publication will take into account the public interests in such publication and privacy and the Human Rights Act implications arising.

6 – Hearings of the Member Conduct Panel

A – The Pre-Hearing Process

55. After completion of the final investigation report the Monitoring Officer will:
 - a. Send a copy of the final investigation report to the subject member;
 - b. Request a written response from the subject member to the findings contained in the investigation report and any evidence in support of their argument which they intend to rely on at the hearing;
 - c. Remind the subject member of their statutory right to seek the views of one of the Independent Persons appointed by the County Council regarding the complaint;
 - d. Ask the subject member whether they consider that any part of the investigation report or other relevant documents should be withheld from the public and whether any part of the hearing should not be held in public and the reasons for this;

- e. Ask the subject member to identify whether they disagree with any of the facts contained in the investigation report and to outline what these are and the reasons why they disagree;
 - f. Advise the subject member that they should attend the hearing and give evidence to the Panel either verbally or in writing;
 - g. Ask the subject member whether they propose to call any witnesses in support of their case and if so, to provide details of these;
 - h. Ask the member to provide in writing the views of any Independent Person which they have contacted and advise them that this Independent Person will be invited to attend the hearing.
 - i. **Inform the subject member of the proposed hearing procedure, including how evidence, witnesses, questions and submissions will be managed, subject to any directions given by the Panel.**
56. The Monitoring Officer will highlight to the subject member that, if they do not respond to the above requests for information within the timescales provided, the Member Conduct Panel may decide not to consider new issues raised or introduced late or at the hearing, unless there are particular circumstances that have prevented the member from submitting the information requested.
57. Once received, the Monitoring Officer will send a copy of the subject member's response to the investigator and ask them to provide:
- a. A response to the subject member's representations;
 - b. Confirmation that they are able to attend the hearing to respond to any questions raised by the Panel;
 - c. Details of any witnesses they propose to call;
 - d. Confirmation of whether they consider that any part of the investigation report or other documentation should be withheld from the public and whether any part of the hearing should be held in private together with the reasons for that view.
58. **The Monitoring Officer may also seek clarification from the complainant or other relevant parties where this is necessary to ensure that the Panel has sufficient information to conduct a fair hearing.**
59. The Monitoring Officer *will* seek the views on an Independent Person at appropriate stages during the pre-hearing process.

B – The Hearing

Public access to the Agenda, the investigation report and other papers to be considered by the Panel

60. An Agenda for the hearing will be produced and circulated five clear working days before the hearing in accordance with the Authority's normal meeting procedures. The name of the subject member will be

detailed on the Agenda, published on the County Council's website and made available to the press.

61. The investigation report and all supporting papers to be considered by the Panel will be made public with the agenda unless the Monitoring Officer considers that some or all of this information should be treated as 'exempt' in accordance with Schedule 12A of the Local Government Act 1972.
62. The Monitoring Officer will prepare a hearing bundle which will contain all necessary information to support the Member Conduct Panel at the hearing and to enable it to make its decision. This will include the views obtained from the Independent Persons.

At the Hearing

63. The hearing before the Member Conduct Panel will be in accordance with standing orders adopted by the Council.
64. The Panel has the ability to manage each hearing as it sees fit provided it acts fairly. For example, the Panel may limit the number of witnesses if it considers the number is unreasonable. The Panel will normally take a decision on whether to hear any particular evidence or witness only after having heard submissions from both parties on the issues.
65. The Panel will withdraw to consider the case and come to a decision in private at the conclusion of the hearing and, as appropriate, at any stage during the hearing process.

Attendance of Independent Persons

66. The Independent Person(s) whose views have been sought at any stage will be required to attend the hearing in order to give their views to the Panel at the conclusion of the hearing and before it withdraws to make its decision.

Non attendance by the subject member

67. If the subject member is not present, the Panel will determine whether or not to proceed in their absence, having taken into account any representations received, or to adjourn the hearing to another date.

Raising new issues

68. The Member Conduct Panel will only allow either party to introduce new issues in exceptional circumstances.

Witnesses

69. Either party if they intend to call witnesses may be asked by the Monitoring Officer to provide an outline or statement of the evidence their witnesses' intend to give at the hearing. If either party does not give prior notice to the Monitoring Officer that they intend to call witnesses as part of the Pre-hearing Process above, the Member Conduct Panel may resolve that it will not hear evidence from such witnesses.

Representation

70. Legal representation will not normally be allowed before hearings of the Member Conduct Panel. **However, the Panel may permit legal or other representation where it considers this necessary in the interests of fairness, having regard to the seriousness or complexity of the matter, any equality or vulnerability issues, the capacity of the subject member to present their case, and the potential consequences of the hearing.**

Decision of the Member Conduct Panel

71. If the Panel concludes that there has been no breach of the Code then no further action will be taken against the subject member and the matter will be regarded as resolved.
72. 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. **Following a final decision after formal investigation, the Council will publish a decision notice unless there are lawful reasons for withholding some or all of the information. The notice will normally include a brief summary of the complaint, the relevant provisions of the Code, the findings of fact, the decision and reasons, the views of the Independent Person, and any sanction or other action imposed.**
73. **The sanctions available to the Panel are limited to those available under the current statutory framework and the Council's local arrangements. The procedure will be reviewed if further statutory sanctions or powers are introduced.**
74. Neither the complainant nor the subject member will have the right to a review of the decision of the Member Conduct Panel. **This position will be reviewed if legislation introduces a local right of review or national appeals mechanism.**

75. If the Member Conduct Panel refer the matter for other action and the subject member fails to comply with that decision within the specified timescale without a reasonable reason having been provided, the Monitoring Officer will report this fact to the Corporate Governance Committee as the body responsible for the promotion and maintenance of high standards of conduct by members and co-opted members within the County Council. **Failure to comply with a sanction or agreed action may also be relevant to any future assessment of conduct, where appropriate and lawful.**

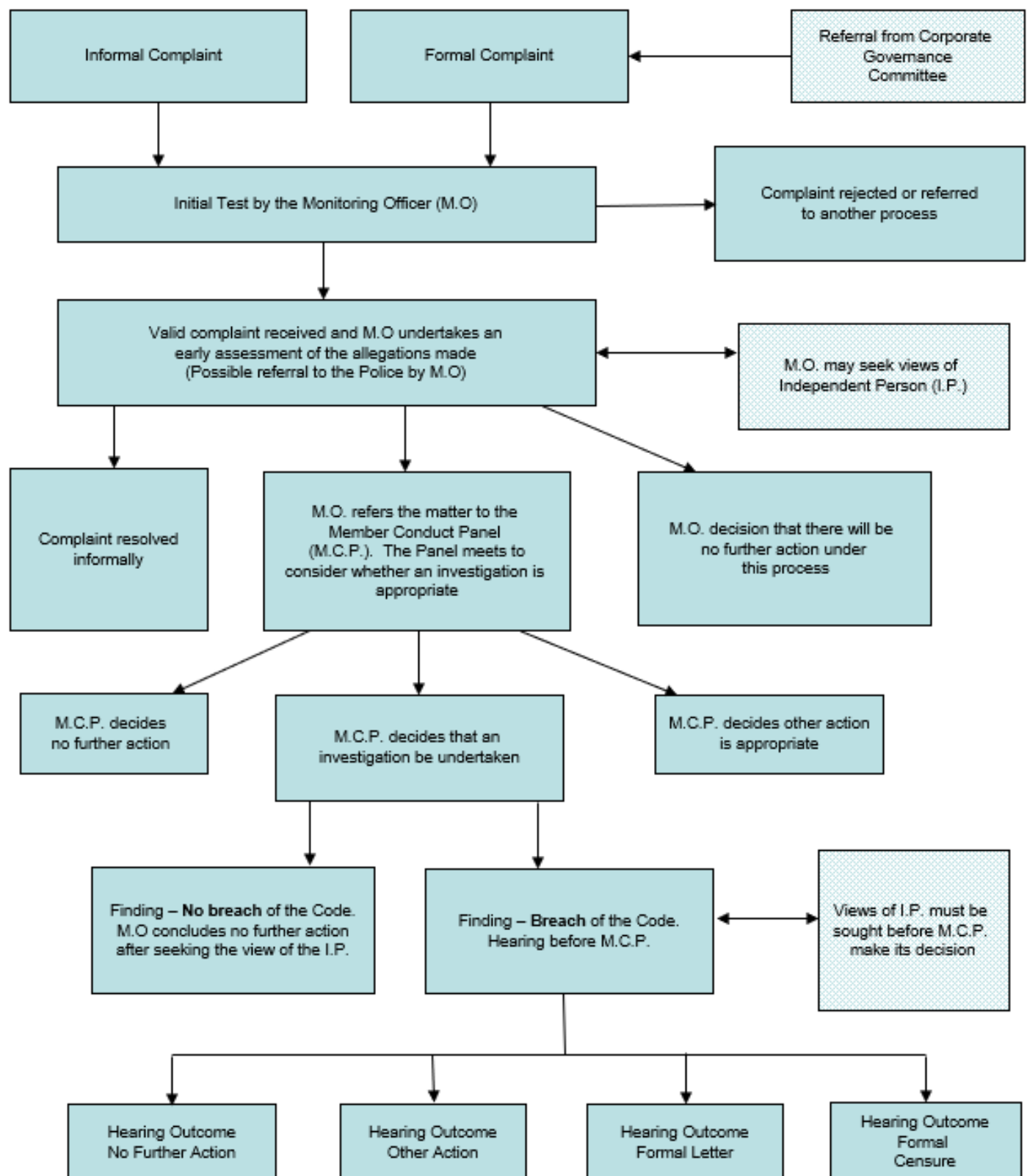
Communication with the press

76. Until the conclusion of the process through publication of the Member Conduct Panel's decision, all requests for information or other contacts from the press should be referred to the Monitoring Officer.
77. Prior to any hearing members of the Member Conduct Panel, if approached by the press, should decline to comment and refer the press to the Monitoring Officer or the County Council's Communications Team.

Oversight and organisational learning

78. **The Monitoring Officer will report periodically to the Constitution & Ethics committee on the operation of the member conduct arrangements. Reports may include complaint volumes, general themes, outcomes, learning points, training needs and any recommended changes to the Code, this procedure or related protocols. Where appropriate, information may be anonymised or reported confidentially to protect fairness, privacy and legal obligations.**
79. **The Monitoring Officer may also engage with Group Leaders, group whips or other senior members, as appropriate, to discuss standards issues, training needs and the promotion of high standards, without disclosing confidential complaint information, unless it is lawful and appropriate to do so.**

FLOW CHART FOR THE MEMBER CONDUCT PROCESS



Please see Notes attached

Notes

- At every stage in the process, reasons for decisions will be given.
- Complaints may be made by members or officers of the County Council, members of the public or on referral from the Constitution & Ethics Committee.
- Members/Co-opted members who are the subject of a complaint will be advised of the allegations and their views sought at the first opportunity unless there are wholly exceptional circumstances, such as that member being seriously ill or unavailable or it is clear that the Monitoring Officer will conclude that no further action will be taken or there is a risk that by so doing an investigation may be prejudiced.
- At any stage of the process, if it becomes clear to the Monitoring Officer that the complaint should be referred to the police, he/she will then have authority so to do without seeking the views of the Member Conduct Panel or an Independent Person. In these circumstances, the member/co-opted member who is the subject of the complaint may not be advised of the referral.
- References to 'other action' include an apology or training for a member/co-opted member; other action is an alternative to formal investigation or may be an outcome (in some cases with a formal letter or censure) to a hearing.
- Legal representation will not normally be allowed before hearings of the M.C.P.
- An investigation may be carried out by the Monitoring Officer, the Deputy Monitoring Officer, another Officer of the County Council, or commissioned by the Monitoring Officer.



Leicestershire County Council

Protocol for Independent Persons

1. Purpose and status

This Protocol sets out the role of the Independent Person(s) appointed by Leicestershire County Council under section 28(7) of the Localism Act 2011, and how they will work with the Monitoring Officer, the Member Conduct Panel and members who are the subject of allegations under the Members' Code of Conduct.

It forms part of the Council's local standards arrangements for the purposes of sections 27 and 28 of the Localism Act 2011 and should be read together with the Procedure, the Members' Code of Conduct and the relevant provisions of the Council's Constitution. In the event of any inconsistency between this Protocol and the Procedure, the Procedure will take precedence unless and until it is amended by the Council or under delegated authority.

The purpose of the role is to support the Council in maintaining high standards of member conduct, and to provide an independent external view within the Council's standards arrangements. The Members' Code of Conduct forms part of the Constitution applies to councillors and co-opted members and is intended to promote high standards of behaviour consistent with the Seven Principles of Public Life.

This Protocol should be read alongside:

- Part 5A of the Constitution (Members' Code of Conduct);
- the Council's guidance on making a complaint about members;
- the Council's Member Conduct Panel procedures and practice; and
- any relevant officer employment procedure rules relating to statutory officer dismissal.

2. Statutory basis for the role

Under section 28 of the Localism Act 2011, the Council must have arrangements for investigating and deciding allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct, and

those arrangements must include the appointment of at least one Independent Person. Before the Council makes a decision on an allegation that it has decided to investigate, the Independent Person's views must be sought and taken into account. In addition, the Council may seek the views of the Independent Person at other stages of its local procedure, and a member or co-opted member whose conduct is the subject of an allegation may seek the Independent Person's views in accordance with these arrangements.

A person is not eligible if they are, or within the previous five years have been, a member, co-opted member or officer of the Council, or of a parish council for which the Council is principal authority, or if they are a relative or close friend of such a person. The vacancy must be publicly advertised, the candidate must apply, and the appointment must be approved by a majority of full Council.

Leicestershire County Council has chosen to appoint a pool of Independent Persons, rather than relying on a single officeholder, to support its member conduct arrangements and to provide resilience and flexibility, including where a conflict of interest may arise. In September 2024 the Council approved a pool of six Independent Persons for a four-year term ending on 30 September 2028, following a joint recruitment exercise with the Leicester, Leicestershire and Rutland Combined Fire Authority.

3. Core role of the Independent Person

The Independent Person's role is to provide an objective, impartial and external perspective on standards complaints and related governance issues. The role is consultative, not determinative: the Independent Person is not the decision-maker, does not investigate complaints, and does not vote on whether a complaint is upheld or what sanction should follow. Those decisions remain with the Council acting through its adopted procedures, including the Monitoring Officer and the Member Conduct Panel.

The LGA's Guidance on Member Model Code of Conduct Complaints Handling explains that Independent Persons are there to support councils on Code of Conduct complaints and standards issues, and that their involvement should help ensure fairness, proportionality, transparency and impartiality in the complaints process. The same guidance notes that a subject member may seek the Independent Person's views at any stage and that councils may seek those views at stages other than post-investigation.

The Independent Person is not an advocate for either the complainant or the subject member. Where a member who is the subject of an allegation seeks the Independent Person's views, the Independent Person may explain the process, the Code, and the nature of the standards framework, but should not

become the member's representative or advise them what to say in response to the complaint.

Where the Independent Person's views are sought by the Monitoring Officer or the Member Conduct Panel, those views should be recorded in writing, together with confirmation that they have been considered. Where a decision is taken which differs from the Independent Person's view, the reasons for that decision should be recorded.

4. Role within Leicestershire County Council's complaint process

The detailed complaint-handling process is set out in the Procedure for dealing with allegations of a breach of the Members' Code of Conduct. This Protocol does not replace that Procedure. Its purpose is to explain how the Independent Person will be involved within that process.

Complaints must be made in writing. The Monitoring Officer first determines whether the complaint is a valid complaint under the Code and undertakes such initial fact-finding as is necessary to decide whether it may be resolved informally, whether no further action is required, or whether further action should be considered. The Monitoring Officer **may** consult the Independent Person **at any stage** of the complaint-handling procedure.

Informal resolution: The Monitoring Officer may consult the appointed Independent Person when carrying out the initial assessment of a complaint, including when considering whether the matter may be resolved informally, whether no further action is appropriate, or whether the complaint should be referred to the Member Conduct Panel.

No further action: Following consultation with the appointed Independent Person, if the Monitoring Officer considers that no further action is required, both complainant and subject member are notified. There is no right of review under the Council's procedure.

Referral to Member Conduct Panel for decision on next steps: If, after consultation with the appointed Independent Person, the Monitoring Officer considers that further action may be required, the complaint may be referred to the Member Conduct Panel. The Panel will meet in private at that stage to consider whether an investigation is appropriate or whether another form of action should be directed.

Invitation to attend Member Conduct Panel: The appointed Independent Person may be invited to attend the private Member Conduct Panel meeting considering early assessment to outline their view on the complaint before the Panel decides whether to take no further action, direct "other action", or refer the matter onwards.

Role during an investigation

Commissioning an investigation: The Monitoring Officer **may** consult the Independent Person before commissioning an external investigation.

Deferring or ending an investigation: The Monitoring Officer **will** consult the Independent Person before deciding to defer or end an investigation.

Extensions: Timetable extensions may be agreed, and the Monitoring Officer **may** consult the Independent Person about any significant extension.

Draft investigation report: Where the Member Conduct Panel decides to commission an investigation, the draft investigation report **will** be sent to the appointed Independent Person for comment. The Independent Person will be asked to confirm whether they are satisfied that the investigation is of an acceptable standard and within scope.

Final report: the final investigation report **will** be issued to the Independent Person.

No breach finding: If the investigator finds no breach, the Monitoring Officer **will** consult the appointed Independent Person when deciding whether any further action is required.

Breach finding: If the investigator finds a breach, the Monitoring Officer **will** consult the appointed Independent Person when deciding whether the matter should proceed to a hearing before the Member Conduct Panel.

Hearing: Where a complaint proceeds to a hearing, the Member Conduct Panel **must** seek and take into account the views of the appointed Independent Person before reaching its decision. The Independent Person's role at hearings is set out further in section 7 of this Protocol.

Reports to the Panel are usually treated as confidential until an investigation has been carried out resulting in a finding of breach. Where the Panel makes a finding of breach, it may impose or recommend outcomes in accordance with the Procedure and the Council's adopted arrangements.

5. Contact with the subject member

Section 28 of the Localism Act 2011 allows a member or co-opted member whose conduct is the subject of an allegation to seek the views of the Independent Person. That statutory opportunity must be exercised in a way which preserves the fairness, confidentiality, integrity and impartiality of the Council's complaints process.

The Independent Person is not an adviser, advocate or representative for the subject member. The Independent Person may explain their role, the standards framework, the relevant Code of Conduct provisions and the procedure being followed and may give an independent view on issues within their role. The Independent Person must not advise the subject member how to respond to the complaint, how to present their case, what evidence to produce, what arguments to advance, or what outcome to seek.

Any contact between a subject member and an Independent Person should be arranged through the Monitoring Officer or Democratic Services. Direct contact should not take place unless authorised by the Monitoring Officer. This is to ensure that availability, confidentiality, conflicts of interest, consistency and proper record-keeping are managed appropriately.

Where a subject member seeks the Independent Person's views, the Independent Person should make clear at the outset that any substantive communication may need to be recorded and disclosed within the Council's member conduct process where fairness requires. Communications with the Independent Person are not automatically confidential.

The Independent Person should not receive confidential or one-sided representations on the merits of a complaint unless the Monitoring Officer has agreed the arrangements for doing so. Where the Independent Person receives information or representations which may be relevant to the complaint, the Monitoring Officer should be informed so that appropriate arrangements can be made for recording, disclosure and procedural fairness.

A brief written record should be made of any substantive contact, including the date, form of contact, attendees, broad matters discussed and any views given. Where a complaint has been referred to the Member Conduct Panel, the Panel should normally be informed that contact has taken place and, where relevant, be provided with any substantive views given by the Independent Person.

The Independent Person should immediately inform the Monitoring Officer if they consider that contact from a subject member, complainant or any other person is inappropriate, persistent, pressurising, or risks compromising their actual or perceived independence. The Independent Person's involvement must not be used by any party as a means of lobbying, influencing or applying pressure about the outcome of a complaint.

6. Independence, conflicts of interest and confidentiality

The statutory scheme depends on the Independent Person remaining independent in fact and appearance. An Independent Person must therefore disclose to the Monitoring Officer, as soon as possible, any circumstance

which could call their independence or impartiality into question, including any prior relationship with the complainant, the subject member, or any material witness.

Where such a conflict exists, the Monitoring Officer should allocate the matter to another Independent Person from the Council's pool. The Council's use of a pool of six Independent Persons supports this approach and helps avoid the risk that one person is repeatedly drawn into cases where there may be conflicts or perceived bias.

The Council's public procedures indicate that complaints and reports are often handled in private at the assessment stage, and that confidentiality requests by complainants are considered carefully by the Monitoring Officer against fairness, natural justice and the public interest. The Independent Person must therefore treat all complaint information, papers and discussions as confidential, unless and until disclosure is authorised through the Council's procedures or is otherwise legally required.

7. Attendance at the Member Conduct Panel

The Independent Person may be invited to attend meetings of the Member Conduct Panel where their views are required or would assist the Panel in carrying out its functions under the Council's member conduct arrangements.

At an early assessment meeting, the Panel will usually meet in private and the complainant and subject member will not normally be present. At that stage, the Independent Person's role is to assist the Panel by providing an independent view on the appropriate next step under the Procedure, including whether no further action, informal resolution, other action or investigation may be appropriate. The Independent Person does not take part in the Panel's decision and must not vote.

Where a complaint proceeds to a hearing, the Independent Person's role is different. The Panel must seek and take into account the views of the Independent Person before reaching its decision on an allegation that has been investigated. At a hearing, the Independent Person's views should normally be given in the presence of the parties, so that the process is fair and transparent. The Independent Person should not retire with the Panel during its private deliberations and should not participate in the Panel's decision-making.

The Independent Person may be asked questions by the Panel to clarify their views. They should avoid entering into adversarial exchanges with the parties or appearing to act as investigator, legal adviser, advocate for either party, or decision-maker. This preserves the distinction between the roles of the Monitoring Officer, any investigator, the Independent Person and the Panel.

The Panel's decision notice should record that the Independent Person's views were sought and taken into account. Where the Panel's decision differs from the Independent Person's view on a material issue, the reasons for that difference should be recorded.

8. Sanctions and outcomes

If the Member Conduct Panel concludes that a member has failed to comply with the Code, the Council's public guidance says it may impose or recommend a range of outcomes, including: a formal letter, censure, a written apology, training, restrictions on the member's access to Council resources, and recommendations concerning committee appointments, Cabinet membership, outside appointments, premises access and contact with officers.

The Independent Person may properly offer a view on the appropriateness and proportionality of any proposed outcome, but the final decision remains with the Council acting through its adopted procedures.

9. Role in statutory officer dismissal cases

Independent Persons appointed under section 28(7) of the Localism Act 2011 also have a separate statutory role in relation to the proposed dismissal of the Council's Head of Paid Service, Monitoring Officer or Chief Finance Officer.

This is a distinct function from the Independent Person's role in member conduct complaints. When an Independent Person is invited to serve on an independent panel in connection with the proposed dismissal of a statutory officer, they are acting under the statutory officer dismissal arrangements, including the Local Authorities (Standing Orders) (England) Regulations 2001 as amended, and the Council's relevant Officer Employment Procedure Rules. They are not acting under the Members' Code of Conduct complaints procedure.

Where appointed to such a panel, the Independent Person's role is to contribute to the panel's advice, views or recommendations in accordance with the applicable statutory officer dismissal procedure. Before voting on the dismissal of a statutory officer, full Council must take into account the advice, views or recommendations of the panel, any conclusions arising from an investigation, and any representations from the officer concerned.

The practical arrangements for statutory officer dismissal cases will be dealt with separately from member conduct complaints. Information received by an Independent Person in one role must not be used in another role unless this is authorised, lawful and consistent with the requirements of fairness, confidentiality and data protection.

10. Support, training, communications and practical arrangements

The Monitoring Officer and Democratic Services will support the Independent Persons so that they can perform their role effectively within the Council's member conduct arrangements.

Independent Persons will be provided with access to relevant material, which may include:

- the Council's Constitution;
- the Members' Code of Conduct;
- the Procedure for dealing with allegations of a breach of the Members' Code of Conduct;
- this Protocol;
- relevant LGA guidance and standards material;
- recent relevant decisions or learning points from completed cases; and
- any other briefing or training material considered necessary by the Monitoring Officer.

The Monitoring Officer will arrange induction and periodic briefing or training for Independent Persons as appropriate. The Monitoring Officer may also meet with the Independent Persons individually or collectively from time to time to discuss the operation of the standards arrangements, learning from completed cases and any relevant changes in legislation, guidance or local procedure.

The Independent Person must treat all complaint information, reports, papers, discussions and correspondence as confidential unless disclosure is authorised through the Council's procedure, required by law, or necessary to ensure fairness in the handling of a complaint.

All media enquiries or requests for comment relating to member conduct complaints, the role of the Independent Person, or any matter in which an Independent Person has been involved must be referred to the Monitoring Officer. The Independent Person must not comment to the media or make public statements about any complaint or standards matter without the prior agreement of the Monitoring Officer.

The Independent Person may, where appropriate and with the agreement of the Monitoring Officer, support informal resolution, mediation, conciliation or training connected with conduct issues, provided that this does not compromise their independence or their ability to give an impartial view at any later stage of the same matter.

Where the Independent Person is involved in a matter before the Member Conduct Panel, they may receive the relevant agenda, report, papers and minutes relating to that matter, subject to confidentiality and access-to-

information requirements. The Independent Person may suggest to the Monitoring Officer or the Chair matters relevant to the operation of the member conduct arrangements which may merit future consideration by the Panel or the Corporate Governance Committee.

The Independent Person may raise concerns about the operation of the standards arrangements with the Monitoring Officer. Where the concern relates to the Monitoring Officer, or cannot appropriately be addressed by the Monitoring Officer, the Independent Person may raise the matter with the Chief Executive.

The Council may consult Independent Persons on proposed changes to the Members' Code of Conduct, the complaints procedure or this Protocol where their practical experience would assist.

The Independent Person will be given access to such confidential information as the Monitoring Officer considers reasonably necessary for the proper discharge of their role, subject to confidentiality, data protection, legal professional privilege and the requirements of fairness.

The Independent Person must declare any general or case-specific interests to the Monitoring Officer as soon as they arise. The Monitoring Officer will maintain appropriate records of Independent Person interests.

The Independent Person is treated as an officeholder for the purposes of the role and is covered by the Council's indemnity arrangements when acting reasonably, in good faith and within the scope of this Protocol.

11. Review of this Protocol

This Protocol will be reviewed periodically by the Monitoring Officer and may be updated to reflect changes in legislation, statutory guidance, LGA guidance, the Council's Constitution, the Members' Code of Conduct, the complaints procedure or operational learning from the member conduct process.

PUBLIC INTEREST AND PROPORTIONALITY CRITERIA FOR ASSESSING COMPLAINTS

In deciding whether further action is warranted, the Monitoring Officer and/or Member Conduct Panel will consider whether it is in the public interest and proportionate to pursue the matter. Relevant factors may include the seriousness of the allegation, the evidence available, whether the alleged conduct forms part of a pattern of behaviour, the impact on individuals and on public confidence, whether informal resolution is realistic, whether the matter raises wider governance or training issues, and the likely benefit of investigation compared with the resources involved. The criteria set out below will be used by the Monitoring Officer and the Member Conduct Panel to assess complaints and decide whether they should be investigated.

1. Where the information provided is not sufficient to make a decision as to whether the complaint should be referred for investigation or other action, no further action will be taken on the complaint. If further information is received, the matter will be reconsidered.
2. Where the member complained about is no longer a member of the authority but is a member of another authority, the complaint will be referred to the Monitoring Officer of that authority to consider.
3. Where the matter complained about has already been subject to a previous investigation or other action, it is unlikely that further action will be warranted unless substantial new evidence is produced by the complainant and there is something more to be gained by pursuing the matter further.
4. Where a considerable period of time has passed since the alleged conduct and there would be little benefit in taking action now, it is likely that further action will not be warranted.
5. Where the complaint is considered too trivial or not sufficiently serious **to justify further action under this procedure** it is unlikely that further action will be warranted. Where a complaint is judged to be relatively minor a balance needs to be drawn between the need to address the complaint against the resources which might be involved in undertaking an investigation and a hearing.
6. Where a complaint appears to be malicious, politically motivated or tit for tat, it is unlikely that further action will be warranted, unless the behaviour alleged is exceptionally serious or significant. **However, the fact that a complaint arises in a political context will not, of itself, mean that no further action should be taken.**

7. Where a complaint relates to the content of a political leaflet, it is unlikely that further action will be warranted unless the contents enter the realm of extreme and deliberately offensive remarks about other people.
8. Where a complaint relates to name calling between members or the use of rude or inappropriate language, it is unlikely that further action will be warranted, unless there is a special factor to the allegation such as a threat of violence.
9. Complaints that come from council decisions, the implementation of council policy (even where this is apparently flawed), the competence of members or the accuracy of their statements will not usually warrant investigation.
10. Where the complaint alleges bullying, harassment, discrimination, intimidation, misuse of position, compromise of officer impartiality or conduct which may significantly affect public confidence in the Council, this may weigh in favour of further action, subject to the evidence available and the overall proportionality of proceeding.
11. A complaint which might appear less serious in isolation may warrant further action where it forms part of an alleged pattern of similar behaviour or indicates wider governance, cultural or relationship issues.
12. Where the complaint concerns political expression, debate or comment on matters of public interest, the Monitoring Officer and/or Member Conduct Panel will have regard to the importance of freedom of expression, while recognising that this does not prevent action being taken where the alleged conduct may amount to a breach of the Code.
13. An anonymous complaint should only be referred for investigation or some other action if it includes documentary or photographic evidence indicating an exceptionally serious or significant matter.

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CONSTITUTION AND ETHICS COMMITTEE – 13th JULY 2026

REPORT OF THE CHIEF LEGAL OFFICER AND MONITORING OFFICER

SOCIAL MEDIA GUIDANCE FOR MEMBERS – REVIEW AND SUPPLEMENTARY GUIDANCE ON MONETISED ACCOUNTS

Purpose of the Report

1. The purpose of this report is to:
 - (a) present the outcome of a review of the Council's existing Social Media Guidance for Members against recent Local Government Association (LGA) model guidance; and
 - (b) seek approval for a new supplementary advice note relating to monetised social media activity by Members; and
 - (c) advise of arrangements for the circulation of guidance to all Members of the County Council.

Background

2. The Council has in place guidance to support Members in the appropriate use of social media. Social media is an important communication tool for Members, enabling engagement with residents, the sharing of information and participation in local democratic activity.
3. The Council's current guidance for Members is attached to this report marked 'Appendix A'. This is made available on the Elected Members Portal and it provides advice on:
 - the effective and responsible use of social media;
 - legal and regulatory considerations; and
 - managing risks associated with online activity.
4. The Local Government Association (LGA) has recently published model guidance for councils on elected members' use of social media and this is intended to support the safe and appropriate use of social media by all elected members.

5. The LGA model guidance emphasises that social media presents both opportunities and risks for Members, particularly as online activity is subject to public scrutiny and permanence. Members are personally responsible for their social media use and failure to follow this guidance may, depending on the circumstances, result in a breach of the Members' Code of Conduct.

Review of existing Social Media Guidance

6. A review has been undertaken comparing the Council's existing guidance with that produced by the LGA. This has confirmed that the Council's guidance remains fit for purpose and aligns with the key principles set out in the LGA model guidance. This includes:
 - the need to maximise the benefits of social media engagement whilst also managing associated risks;
 - the application of legal standards to online activity;
 - the need to maintain public confidence in the Council and its Members and to protect their reputation; and
 - the application of the Members' Code of Conduct to social media use.
7. Whilst providing an overview of the benefits of social media as a communication tool, the Council's current guidance sets out advice for Members on:
 - a. How to manage reputational and personal safety risks, including the potential for issues to escalate rapidly;
 - b. Legal considerations such as defamation, copyright, data protection and harassment which can be inadvertently engaged when posting on social media;
 - c. How the Members' Code of Conduct applies to social media messaging, including circumstances in which a Member may be regarded as acting, claiming to act, or giving the impression of acting in their capacity as a Member.
8. It is considered, therefore, that the Council's existing Social Media Guidance for Members remains fit for purpose and no amendments are required at this time.

Supplementary Guidance – Monetised Social Media

9. The use of social media to generate income or financial benefit has become more prevalent. However, monetised social media accounts may have particular implications for elected Members who are required to maintain a Register of Interests and declare certain financial interests. A supplementary advice note regarding Monetised Social Media Posts, has therefore been prepared. This is attached as Appendix B to this report.

10. The supplementary advice note draws particular attention to the position where Members derive, or may derive, income or other financial benefit from their social media activity. This includes, but is not limited to, advertising revenue, paid partnerships, sponsorship, subscriptions or donations connected to online content, whether received directly or indirectly through a platform or third party. In such circumstances, Members are advised that these activities are capable of constituting a financial interest for the purposes of the Members' Code of Conduct.
11. In particular, where social media activity amounts to an activity carried on for "profit or gain", or where there is any form of sponsorship or financial benefit connected to a Member's role, this may fall within one or more categories of registrable interest and may require registration and disclosure at meetings in accordance with the Members' Code of Conduct..
12. Members should be aware that certain financial interests will constitute a Disclosable Pecuniary Interest (DPI) under the relevant legislation. Whether a monetised social media activity gives rise to a DPI will depend on the individual circumstances and nature of the income received. Where a Member has such an interest, there is a legal requirement to register that interest and to comply with the statutory provisions relating to its disclosure and participation in decision-making. Failure to properly register or disclose such an interest or participating in decision-making where such an interest exists without a, may constitute a criminal offence. It is therefore essential that Members give careful consideration to any income or financial benefit arising from their social media activity and seek advice where there is any uncertainty. Members should also note the requirement to register relevant interests within the prescribed timescales and to keep their Register of Interests up to date where new interests arise or existing interests change.
13. The advice note reinforces the importance of transparency and maintaining public confidence by ensuring that any financial interests arising from social media activity are properly recorded and managed in accordance with the Code. It is proposed that once approved, copies of the guidance are circulated to all Members and that they are strongly encouraged to review their Register of Interests with this in mind.
14. The supplementary advice note is therefore intended to ensure that Members understand that monetised online activity is not simply a communications issue but may also engage the registration, disclosure and participation requirements in Appendix B to the Members' Code of Conduct.

Recommendation

15. That Committee is recommended to:

- (a) Note that the Council's existing Social Media Guidance for Members remains fit for purpose and requires no amendment;
- (b) approve the supplementary advice note for Members – Monetised Social Media Posts; and
- (c) agree that, following approval, the existing Social Media Guidance and the supplementary advice note be circulated to all Members, published on the Council's Elected Member Portal, and that Members be asked to review their Register of Interests in light of the advice now provided.

Equality Implications

16. There are no equalities implications arising from this report.

Human Rights Implications

17. There are no human rights implications arising from this report.

Background Papers

LGA Model Guidance - <https://www.local.gov.uk/our-support/communications-and-community-engagement/model-guidance-councils-elected-members-use>

Circulation under Local Issues Alert Procedure

None.

Officers to Contact

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 Chief Legal Officer and Monitoring Officer
 Tel: 0116 305 6240 Email: fiona.mcmillan@leics.gov.uk

Appendices

Appendix A - Current Social Media Guidance

Appendix B - Supplementary Advice Note for Members – Monetised Social Media Posts



Social media – guidance and safety

Leicestershire County Council supports Members to use social media and provides guidance on how to make the most of the channel, manage difficult issues and understand the legal framework.

What is social media?

Websites and apps which enable people to interact in virtual communities are known as 'social media'. Facebook, X (formerly Twitter), Instagram, TikTok, YouTube and WhatsApp are the most well-known channels and are platforms where people can share, comment on and interact with content such as videos, short written posts, photos and blogs.

Social media use is growing with latest statistics suggesting that 84 per cent of the UK population have at least one account and spend an average time of two hours and 24 minutes per day on social media.

With audiences increasing, social media is an effective channel for reaching Leicestershire's residents and communities. If members are already using or planning to use social media in connection with their work as a County Councillor, or already using such media in their private capacity, these guidelines may be relevant.

It should be noted that social media is an integral part of the County Council's communication activity and members are encouraged to share posts with their social media contacts.

What is the benefit of using social media?

Social media is an effective way to engage communities, encourage dialogue and gather feedback. It can help to reach people who do not necessarily engage in traditional ways.

It can be used to:

- **Raise your profile** – helping you to fulfil your role as a community leader
- **Increase your accessibility** – for some residents, social media is their preferred channel for contacting people/organisations
- **Cascade a wide range of important information** – including County Council schemes and support, community updates, events, training, Government schemes
- **Push out 'real time' updates during an emergency** – helping residents get help
- **Help quash misinformation and myths** – by amplifying facts

- **Keep up to date with news and key issues** – helping you stay in touch with local, national and international events
- **Share photographs, stories, thoughts, opinions, posts** – sparking conversation and engagement
- **Hear what people are saying about key topics** - taking the temperature of public opinion
- **Encourage positive, polite and constructive debate**

Remember to think about your audience and what they want to hear, as well as the benefit and relevance of posting.

This is a generic guide written for use by all County Councillors - however there will be specific guidance and advice also available from your Group and political party.

Reputation and risk

Social media can pose a risk to reputation, often linked to the issues below:

- Appearing to support an issue or point of view by 'liking' or sharing a post
- Posts remaining public years after they have been posted
- Posting without context/awareness of a wider issue
- Issues snowballing very quickly
- Simple mistakes or posting in haste

Security

Each social media channel has its own terms and conditions and privacy and security settings.

Ensure you:

- Have a strong password
- Set up two-step verification where possible – which links your account to a phone number or email address
- Review what information is visible – and ensure personal information such as date of birth is hidden
- Keep posts free of information useful for anyone up to no good – including holidays, vehicle details, images of friends and/or family and details of any routines
- Have a clear understanding of the location-based information you are sharing and consider turning these notifications off. You can also disable automatic photo and location tagging to prevent other users from revealing your location online

There is also a Member Advisory Note providing advice on Cyber Security on the Elected Member Portal under Learning and Development or via this link [Defending Democracy and Cyber Security Guidance](#).

Legal considerations

There are legal issues to consider:

- Copyright: publishing material e.g. photographs, text from books and publications and music without permission, could result in an award of damages against you. There are a number of websites available which allow uncopyrighted material to be published.
- Defamation: if you publish an untrue statement about a person or an organisation that is damaging to their reputation you may be liable to pay damages
- Harassment: it is an offence to repeatedly pursue a campaign against a person that is likely to cause alarm, harassment or distress
- Data protection: do not publish personal data of other people, including photographs, without their express permission to do so
- Incitement: it is an offence to incite any criminal act
- Discrimination and 'protected characteristics': it is an offence to discriminate against anyone based on protected characteristics (as defined in the Equality Act 2010)
- Malicious and obscene communications: it is an offence to send malicious or obscene communications
- Online abuse – you can report someone you think has broken a site's rules to the social media channel. In certain circumstances, such as if your personal safety or security is threatened you might need to report a matter to the police.

Members' Code of Conduct and responsibilities as a councillor

The Member Code of Conduct and relevant legislation applies online and in social media:

- If you are referring online in any way to your role as a councillor, you are deemed to be acting in your 'official capacity' and any conduct may fall within the code.
- You can choose to have a social media profile dedicated to your role as County Councillor - but please be advised not to use the County Council logo on your profile, especially if you are expressing views that do not reflect the views of the County Council.
- In any personal online biography, make it clear that the views are yours and may not represent the views of the Council.
- Set out your boundaries and 'rules of engagement' in your account biography – eg. 'I welcome questions via email', 'Abusive content will be removed'
- Be aware of any potential conflict of interest or risk of being perceived as having predetermined a matter, especially when you have decision-making responsibilities. This is most pertinent with regard to planning matters.
- Be mindful of any confidential information that you have been provided with.

- Information must not be posted which will disclose the identity of service users – and photos or videos of service users or their homes must not be posted on social media sites unless the associated permissions have been granted.

Harassment and abuse

Members are reminded that, by putting themselves forward for public office, they should expect to be subject to increased scrutiny and challenge, and sometimes to strong criticism as well. The Member Code of Conduct reminds members that they can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. The same applies to members of the public, with the same expectation of respectfulness.

When respectful debate turns into harassment, intimidation or abuse, you can report the account to the social media channel which will have rules in place. If you need help, please contact us.

You can also:

- 'Mute' people
- 'Block' people
- Hide posts
- Turn off comments
- Report the matter to the police

An advisory note has been produced about steps you can take to increase your personal safety and is available on the Elected Member Portal under Divisional Matters and Casework, or via this link: [Personal Safety](#).

Members are offered use of the Solo Protect app on their mobile which provides remote access to a 24/7 external monitoring company. If you wish to take up this offer, please contact the Head of Member Services.

Members are also encouraged to report any incidents to either the Director of Law and Governance, Head of Member Services or the Head of Democratic Services.

The council also has an [online reporting form](#) which is also available for Members to use if they so wish. The form guides you through a set of step-by-step questions and once submitted, is sent to the Head of Member Services to action. At the start of the form, please select 'Elected Members' in the box entitled 'Incident Centre and Associated Area'. Any information disclosed on the form will be treated in confidence. It is important that incidents are reported so that the County Council can support you.

Top tips

Here are some tips to help you maximise and manage your social media activity:

Before you respond, think about....

- Will an answer be beneficial? You don't always need to respond
- Have they asked a direct question?
- Is there any wider conversation around the subject?
- Is it better to try and take it offline? i.e. move the conversation from a public channel to a one-to-one rather than discussing so a wider audience can see
- Waiting to see if other people jump in with comments, and the conversation 'self-polices' itself
- Be mindful that, whilst you should avoid getting drawn in to an argument, you will need to make some kind of response to inappropriate comments. If you fail to respond or if you actively engage with the commenter without addressing the offending content, this could be seen to undermine trust and confidence and, at worst, be taken to condone the comments.

Put boundaries in place – you can:

- Delete/hide comments
- Restrict who can comment
- Call out abusive behaviour
- Reinforce zero tolerance policy

Take action

- Report to social media company – and tell people
- Report to the police
- Get advice from the County Council

These practical dos and don'ts also provide more hands-on advice:

Dos	Don'ts
• Use right language for the medium - "you" and "I/we" • Use photographs - and real-life images • Use emojis • Make captions and posts easy to read – UK average reading age is nine • Consider accessibility – alternative text, good colour contrast • Use extra features to engage with your audience – e.g. polls • Like people's comments - respond to positivity	• Post infrequently - or too often • 'Like' a post if... - you don't subscribe to the view • Post image of a leaflet - or print out • Get into a lengthy public conversation in the comments section • Post images without - verbal permission from an adult, or written from a child's parent, and without copyright • Respond to comments - before thinking through

- | | |
|--|---|
| <ul style="list-style-type: none"> • Check the facts and context – before you post | <ul style="list-style-type: none"> • Post if you're tired, distracted, angry or affected by medication, alcohol or drugs – revisit your approach after taking a break |
|--|---|

Support is available

Support and guidance is available from the council's Democratic and Member Services Team and also from our Communications Unit.

The Local Government Association has also produced some useful guidance which is available via this link: [Practical advice for handling online abuse](#)

Please contact us if you have any questions and if you need advice on managing a challenging or an abusive issue on social media.

For further information please contact:

Graeme Wardle, Head of Member Services
Tel: 0116 305 6102

Katie Pegg, Strategic Comms Manager
Tel: 0116 305 6162

Rosemary Whitelaw, Head of Democratic Services
Tel: 0116 305 6098

Advice Note for Members – Monetised Social Media Posts

1. Purpose and scope

This note provides practical guidance for Members who post on social media where content may generate income or other financial benefit (for example, advertising revenue, paid partnerships, subscriptions or donations). It summarises key expectations that apply to online activity, with a short FAQ at the end.

2. Key principles

2.1 The Code of Conduct applies online

- The Members' Code of Conduct applies to electronic and social media communications, posts, statements and comments.
- Whether a post is within scope may depend on whether you are acting (or giving the impression that you are acting) in your capacity as a Councillor.

2.2 Clarity about “official capacity” and account branding

- When you post or comment on social media and it relates to the business of the County Council or to your role as a Leicestershire County Councillor, you may be treated as acting in your “official capacity” for Code purposes.
- Avoid using the County Council logo on your personal profile/page, particularly where you are expressing views that do not reflect the Council's position.
- Use a clear disclaimer in your profile bio, for example: “Views expressed are my own and not those of Leicestershire County Council.”
- Consider maintaining separate accounts (where practical) to reduce ambiguity between councillor and personal activity.

2.3 Interests and transparency (including income from online content)

Members must register and disclose interests in accordance with Appendix B to the Members' Code of Conduct. Appendix B includes (among other matters) activity “carried on for profit or gain” and “sponsorship” (financial benefit relating to Member duties or election expenses). If you are unsure whether any income or financial benefit connected to online content needs to be registered, seek advice.

2.4 Use of Council resources and facilities

- Members must not misuse Council resources.
- Resources and facilities provided to support your role as a Member are not to be used for business or personal gain.
- If in doubt about whether a particular activity is appropriate, seek advice before proceeding.

2.5 Filming/recording meetings and sharing content

- Council rules provide that members of the public and press are entitled to film, record and report proceedings of meetings (including via social media), subject to the stated limitation on live oral reporting/commentary.
- Members should not use social media in a way that distracts them from their participation in meetings or gives the impression that they are not properly engaged in proceedings. Care should also be taken when posting during meetings, particularly where matters are under active consideration.
- When sharing clips, you must still comply with your wider obligations (including the Code of Conduct and legal considerations such as confidentiality, data protection and copyright).

2.6 Legal considerations

Social media posts are public and can be shared widely (including by screenshot). Members should be mindful of legal risks highlighted in the Council's existing social media guidance, including (for example) defamation, copyright, harassment and data protection.

3. Practical checklist - recommended good practice

1. Be transparent about paid partnerships or sponsored content and keep your Register of Interests under review.
2. Use clear disclaimers (bio and, where needed, within posts) so the public can tell when you are speaking personally versus in a Councillor role.
3. Avoid using Council branding on your own channels and avoid language that implies official Council endorsement of commercial content.
4. Avoid posting confidential information and do not post images/video of service users or their homes without appropriate permissions.
5. Pause before posting—consider whether the content could reasonably be read as linked to Council business or your Councillor role.
6. If unsure, seek advice before posting or before introducing any income-generating activity linked to your online presence.

4. Frequently Asked Questions (FAQ)

Q1. What does “monetised social media” mean?

It generally means you receive money or another financial benefit connected to your online content (for example advertising revenue, paid partnerships, subscriptions, tips/donations, or affiliate income).

Q2. Do adverts appearing on a platform prove I am personally earning money from my posts?

Not necessarily. Adverts can appear without confirming that the account holder receives income, and it is not reliable to assume personal earnings from adverts alone.

Q3. Does the Code of Conduct apply to everything I post on a personal account?

Not automatically. Whether an individual post is within scope can depend on whether it links to your Councillor role or local authority business or gives the impression you are acting as a Councillor.

Q4. When might I be treated as acting in my “official capacity” online?

If you refer online to your role as a Councillor or the subject matter relates to Leicestershire County Council business, you may be treated as acting in your official capacity and your conduct may fall within the Code.

Q5. Do I need to declare income from social media on my Register of Interests?

Potentially. The Code requires registration/disclosure of interests, including activity carried on for “profit or gain” and relevant sponsorship. If you are unsure, seek advice.

Q6. Can I share clips from Council meetings on social media?

Council rules allow filming/recording/reporting of meetings (with the stated limitation on live oral commentary). When sharing clips, you must still comply with other obligations (e.g., confidentiality, data protection, copyright, and the Code).

Q7. Should I use the County Council logo on my personal profile/page?

Members are advised not to use the County Council logo on their profile, particularly where expressing views that do not reflect the Council's position.

Q8. What disclaimer should I use?

A clear bio disclaimer is recommended, for example: “*Views expressed are my own and not those of Leicestershire County Council.*” Where needed, add an in-post line such as “*Posting in a personal capacity.*”

Q9. What if I’m worried about another Member’s monetised content?

If you have a concern, raise it privately with the Monitoring Officer and seek advice on the appropriate route. Avoid making assumptions about whether an account is monetised unless there is clear evidence of income or financial benefit.

5. Further guidance, links and support

Key references:

- [Members’ Code of Conduct \(Part 5A\)](#)
- [Register of Interests form \(online\)](#)
- [Social media guidance for Members](#)

For advice/support, you can contact the Democratic & Member Services Team, the Communications Team or the Monitoring Officer:

- Rosemary Whitelaw, Head of Governance and Strategy
rosemary.whitelaw@leics.gov.uk
- Katie Pegg, Strategic Communications Manager katie.pegg@leics.gov.uk
- Fiona McMillan, Chief Legal Officer & Monitoring Officer fiona.mcmillan@leics.gov.uk

Please note: This advice note is intended as general guidance and does not replace case-specific advice. If in doubt, seek advice before publishing or before starting any income-generating activity linked to your online presence.

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CONSTITUTION AND ETHICS COMMITTEE – 13 JULY 2026

**REPORT OF THE CHIEF LEGAL OFFICER AND MONITORING
OFFICER**

**UPDATE ON PROPOSED NATIONAL CHANGES TO THE LOCAL
GOVERNMENT ETHICAL STANDARDS FRAMEWORK**

Purpose of the Report

1. The purpose of this report is to:
 - (a) update the Constitution and Ethics Committee on national developments relating to the local government standards and conduct framework for local authorities in England, including proposed changes to the Members' Code of Conduct regime, associated complaint-handling arrangements, sanctions and appeals;

and
 - (b) update the Committee on the national change relating to publication of members' home addresses in registers of interests, and the local action already taken by the County Council in anticipation of that change.

Background

2. The Localism Act 2011 established the current local standards framework. Under that framework, local authorities are required to adopt a code of conduct which is consistent with the seven principles of public life and which includes provisions for the registration and disclosure of pecuniary and non-pecuniary interests. Each authority is also required to make arrangements for dealing with allegations that members have failed to comply with its code of conduct, and to appoint at least one Independent Person whose views must be sought and taken into account at relevant stages of the process. Under the present regime, there is no provision in current legislation for suspension as a sanction for a councillor found to have breached the code.
3. The County Council has an established Members' Code of Conduct and arrangements for handling member conduct complaints. The Council's existing framework includes the Members' Code of Conduct, provisions for

declaration and management of interests, a complaints procedure, a Protocol for Member/Officer Relations, a Member Conduct Panel, Independent Persons, training and supporting guidance.

4. Following recent constitutional changes, responsibility for the promotion and maintenance of high standards of conduct for members and co-opted members has transferred from the Corporate Governance Committee to the new Constitution and Ethics Committee. The new Committee has responsibility for oversight of the Members' Code of Conduct, associated protocols, complaint-handling arrangements and related training.

National Standards and Conduct Reform

5. In December 2024 the Ministry of Housing, Communities and Local Government consulted on proposals to strengthen the standards and conduct framework for local authorities in England. The consultation ran from 18 December 2024 to 26 February 2025.
6. The Government response confirms an intention to legislate for what it describes as “whole system reform” of the current standards regime. The proposed reforms include:
 - (a) a mandatory code of conduct for all local authority types and tiers, including a behavioural code;
 - (b) a requirement for principal authorities to convene formal standards committees;
 - (c) a requirement for principal authorities to provide individual support during any code of conduct investigation to both the complainant and the councillor subject to the allegation;
 - (d) a local “right for review” for both complainants and subject members;
 - (e) powers for authorities to suspend elected members for up to six months for serious code breaches;
 - (f) the option to withhold allowances during suspension for the most serious breaches;
 - (g) powers to impose premises and facilities bans, either in addition to other sanctions or as standalone sanctions;
 - (h) interim suspension powers for the most serious cases, including where police investigations are involved or sentencing is pending;

- (i) a new disqualification criterion where an elected member is subject to the maximum period of suspension more than once within five years; and
 - (j) a new national appeals function for appeals relating to suspension, withholding of allowances, and complaints about mishandling of a complaint.
7. The proposed mandatory code is expected to be prescribed nationally, with primary legislation creating the power and the detailed code to be set out in regulations. The Government response states that local authorities will be able to develop local guidance and protocols which align with the mandatory code, but these local additions will not themselves form part of the enforceable code or statutory enforcement arrangement.
 8. The Government response also states that the mandatory code will include a requirement for elected and co-opted members to co-operate with code of conduct investigations, and that submitting multiple vexatious complaints will itself be treated as a code of conduct breach.
 9. In relation to standards committees, the Government proposes to require all relevant principal authorities to formally constitute a standards committee, or a sub-committee convened for the purpose of considering code of conduct cases. The Government also proposes further engagement with sector representatives on the detailed membership requirements for such committees, including issues of objectivity, accountability and transparency.
 10. The Government response indicates that decisions on sanctions following formal investigations are expected to be taken by standards committees. It also states that, subject to relevant legal restrictions, code of conduct investigations should be completed, and investigation findings and decisions should be published following full investigation and determination, including where the investigation concludes that there is no case to answer and the member is exonerated, and where a member stands down before determination.
 11. The Government has not yet published the primary legislation, regulations or statutory guidance needed to implement the wider standards reforms. The Government response states that it intends to bring forward the necessary legislation “as soon as parliamentary time allows”. Accordingly, while the direction of travel is now clear, the detailed timetable for implementation remains to be confirmed.

Likely Implications for the County Council

12. The proposed reforms are likely to require changes to the Council’s local standards arrangements once the legislative detail is available. These may include:

- (a) review and amendment of the Members' Code of Conduct to ensure compliance with the mandatory national code;
 - (b) review of local guidance and protocols, including social media guidance, member/officer protocol material and complaint-handling guidance, to ensure alignment with the national code;
 - (c) review of the Council's procedure for handling member conduct complaints, including any new requirements relating to reviews, publication, support for complainants and subject members, and the completion of investigations;
 - (d) review of the role and operation of the Member Conduct Panel including how case determination arrangements should sit alongside the Committee's wider oversight role for standards, protocols, complaints-handling arrangements and training;
 - (e) review of the Independent Persons Protocol, particularly in light of any national clarification on the role of Independent Persons in standards committee processes;
 - (f) consideration of training requirements for members, substitute members, co-opted members, Independent Persons and members of the Constitution and Ethics Committee; and
 - (g) consideration of how any new sanctions, including suspension, interim suspension, withholding allowances, premises bans and facilities bans, should be incorporated into local arrangements.
13. The Council has already established the Constitution and Ethics Committee and transferred responsibility for member standards and conduct matters to it. This places the Council in a good position to respond to the national reforms once the statutory detail is available. The Committee's responsibilities include the Members' Code of Conduct, protocols, complaints handling arrangements and training, which are all areas likely to be affected by the national reforms.
14. It is not recommended that the Council undertakes a full revision of the Members' Code of Conduct immediately, as the mandatory national code has not yet been published. However, the Council should continue to keep its complaints procedure, Independent Persons Protocol, guidance and training arrangements under review so that it can respond promptly once the new statutory framework is available.

Publication of Members' Home Addresses in Registers of Interests

15. Separately from the wider standards reforms, national changes have been announced in relation to the publication of elected and co-opted members' home addresses in registers of interests.
16. Section 65 of the English Devolution and Community Empowerment Act 2026 took effect from 29 June 2026 and inserted new section 32A into the Localism Act 2011. New section 32A provides that, where a member or co-opted member notifies the Monitoring Officer of a disclosable pecuniary interest that includes their usual residential address, the authority's public register must not include that address unless the member or co-opted member requests publication by written notice. Where the address is withheld, the public register must state that the member or co-opted member has an interest the address of which is withheld under section 32A. The address must still be declared to the Monitoring Officer and retained for internal purposes.
17. The change reflects a national policy direction which seeks to balance transparency in relation to members' interests with personal safety and privacy considerations. It does not remove the requirement for members to register relevant interests with the Monitoring Officer. The effect is on publication of home address details in the public version of the register.
18. In March 2026, following discussion with Group Leaders, the Monitoring Officer implemented a protocol under which councillors' home addresses would be removed from the public website version of the Register of Interests by default, with members able to opt in if they wished their home address to remain publicly available. The protocol made clear that members must continue to register disclosable pecuniary interests with the Monitoring Officer, including relevant land or property interests, and that the statutory register would continue to be maintained by the Monitoring Officer.
19. The local protocol also provided that where registration information would disclose a councillor's home address, or directly identify it, the Monitoring Officer would treat that information as a sensitive interest for publication purposes and withhold it from the website version of the register, unless the councillor had expressly opted in to publication.
20. The local approach is therefore consistent with the national change now in force. Minor administrative updates should be made to ensure that public register wording, member guidance and internal processes now refer to section 32A of the Localism Act 2011, rather than relying solely on the sensitive interests provisions in section 32.

Training and Member Awareness

21. The proposed national reforms place renewed emphasis on the importance of members understanding their standards obligations and the consequences of failing to comply with them. The Council already provides training and guidance on the Members' Code of Conduct and related matters. Members receive training on the Code of Conduct, and supporting information and guidance is made available through the Elected Members' portal.
22. The Committee may wish to consider, as part of a future report, whether training on the Members' Code of Conduct, registration and declaration of interests, social media use and the member/officer protocol should be treated as mandatory for all members, and whether it should receive an annual or bi-annual update on training completion. This would support the Council's preparedness for the national reforms and reinforce the Committee's role in promoting and maintaining high standards of conduct.

Next Steps

23. Officers will continue to monitor national developments, including publication of draft legislation, regulations, statutory guidance and any implementation timetable.
24. Once further national detail is available, a further report will be brought to the Committee setting out:
 - (a) the changes required to the Members' Code of Conduct;
 - (b) any amendments required to the complaints procedure and Member Conduct Panel arrangements;
 - (c) any changes required to the Independent Persons Protocol;
 - (d) any implications for the Constitution and the Committee's Terms of Reference;
 - (e) proposed training and communication arrangements for members; and
 - (f) any transitional arrangements required for ongoing complaints.

Recommendations

25. The Committee is asked to:
 - (a) note the Government's proposed reforms to the local government standards and conduct framework;

- (b) note that the detailed legislative timetable for the wider standards reforms has not yet been confirmed, although the Government has stated its intention to bring forward legislation as soon as parliamentary time allows;
- (c) note that section 65 of the English Devolution and Community Empowerment Act 2026 has inserted new section 32A into the Localism Act 2011, changing the requirements relating to publication of members' home addresses in public registers of interests from 29 June 2026;
- (d) note that the Council has already taken local steps to remove councillors' home addresses from the publicly available version of the Register of Interests, while maintaining the requirement for members to register relevant interests with the Monitoring Officer;
- (e) agree that public register wording, member guidance and internal processes be updated as necessary to refer to section 32A of the Localism Act 2011;
- (f) agree that officers review the Council's member training arrangements in light of the proposed national reforms, including training on the Members' Code of Conduct, registration and declaration of interests, social media use, the Member/Officer Protocol and the operation of the complaints process, and bring forward proposals for future training and reporting arrangements as part of a further report to the Committee; and
- (g) agree that a further report be brought to the Committee once draft legislation, regulations, statutory guidance, or implementation dates for the wider standards reforms are available.

Equality Implications

26. The national reforms are intended to support a clearer, more consistent and fairer standards framework across local government. The Government response specifically refers to both complainants and respondent members being supported during investigations and to those complained about having a fair opportunity to make representations. Any local changes to the Code of Conduct, complaints procedure or related protocols will be assessed for equality implications when detailed proposals are brought forward.

Human Rights Implications

27. The standards framework engages a range of legal and human rights considerations, including natural justice and procedural fairness, Article 10

freedom of expression, protection of reputation, privacy, safety, and the need to maintain public confidence in local democracy. Any local implementation of the national reforms will need to ensure that appropriate safeguards are built into complaint-handling, investigation, publication, review, appeal and sanction processes. The change relating to non-publication of home addresses supports members' privacy and safety while preserving the requirement to register relevant interests with the Monitoring Officer and to publish appropriate information about the existence of interests.

Background Papers

Strengthening the standards and conduct framework for local authorities in England – consultation results and government response, Ministry of Housing, Communities and Local Government, updated 11 November 2025.

<https://www.gov.uk/government/consultations/strengthening-the-standards-and-conduct-framework-for-local-authorities-in-england/outcome/strengthening-the-standards-and-conduct-framework-for-local-authorities-in-england-consultation-results-and-government-response>

Strengthening the standards and conduct framework for local authorities in England, consultation page, published 18 December 2024 and closed 26 February 2025

<https://www.gov.uk/government/consultations/strengthening-the-standards-and-conduct-framework-for-local-authorities-in-england>

Removal of the requirement for councillors' addresses to be listed on council registers of interest.

Section 65 of the English Devolution and Community Empowerment Act 2026:

<https://www.legislation.gov.uk/ukpga/2026/23/section/65/enacted?view=plain>

Circulation under Local Issues Alert Procedure

None.

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