



CORPORATE GOVERNANCE COMMITTEE – 24 NOVEMBER 2025

REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE

ANNUAL REPORT ON THE OPERATION OF THE MEMBERS' CODE OF CONDUCT 2024/25

Purpose of Report

1. This report fulfils the requirement for the Monitoring Officer to report to the Committee on an annual basis on the operation of the Members' Code of Conduct in accordance with the decision of this Committee on 24th September 2012.

Background

2. The Members' Code of Conduct was adopted at the County Council meeting held on 1st December 2021 following the introduction of a model Code developed by the LGA in response to the recommendations made by the Committee on Standards in Public Life in 2019.
3. This Committee has responsibility for dealing with matters relating to the Code. Detailed arrangements for dealing with allegations against Members were considered and agreed by this Committee on 24th September 2012. These were subsequently reviewed and updated by the Director, following consultation with the Chairman and Spokespersons of this Committee, in September 2017. These arrangements were again reviewed in 2021 and updated in 2023.

Complaints Received Under the Members' Code of Conduct

4. This report covers complaints submitted during the period 1st October 2024 – 1st October 2025. During that period there have been 34 complaints received by the Monitoring Officer under the Members' Code of Conduct. These complaints were resolved as set out overleaf and a comparison with the previous two years is included for information:

	2022/23	2023/24	1 October 2024 - 1 October 2025
Complaint withdrawn/not progressed by complainant	1 (Complaint out of scope and complainant refused to allow detail to be shared with member)	1 (Complaint initially assessed to be out of scope and complainant failed to provide information requested to enable further consideration)	2
Complaint did not meet threshold for further investigation as set out in the 'initial test'	5 (2 in relation to one member from the same complainant)	1	5
Complaint resolved informally (and advice offered)	1	3	5
Complaint considered by Member conduct panel	0	0	1 (Not upheld) 7 (Informal action recommended (but not yet completed) in relation to one member) 2 (Informal action completed in relation to one member)
Ongoing			12
Total	7	5	34

5. The focus of the complaints has been on engagement with members of the public and social media comments which have featured more frequently than in previous years.

6. In this context it is important to note that the Monitoring Officer and the Member Conduct Panel on advice are required to take account the right to freedom of speech as set out in Article 10 of the European Convention on Human Rights (Article 10 ECHR) which provides:

“(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers....

(2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of the protection of the reputation or rights of others ...”

7. It is recognised that there is an enhanced level afforded to freedom of speech but there is still a requirement to maintain respect and courtesy, especially towards officers and the public. In a political context, any interference with that freedom should be carefully scrutinised and that following case law, a three-part test should be applied:
 - a) Has there been a failure to comply with the Code of Conduct?
This is assessed on the balance of probabilities.
The facts are examined to determine whether the member’s behaviour breached specific provisions of the Code (e.g., treating others with respect).
 - b) Does the finding itself interfere with the councillor’s Article 10 rights?
 - c) Is the restriction justified under Article 10(2)?
8. It should be noted that the protection does not extend to statements known to be false or conduct that harms the rights of others, such as bullying or harassment. It is also relevant to note that members should not attempt to coerce or persuade officers to act in a party-political way or a way that undermines their neutrality.
9. It should also be noted that anonymised data in relation to complaints under the Members’ Code of Conduct is disclosable in response to Freedom of Information requests.
10. The complaints have all been referred by the Monitoring Officer to one of the panels of six Independent Persons appointed by the County Council under the provisions of the Localism Act 2011 for the purposes of giving a view on complaints submitted who supported the outcomes above. The Independent Persons’ input is valuable, and it is recommended that the Committee thank them for their diligence in undertaking this voluntary role.

Strengthening the Standards and Conduct Framework

11. The Ministry of Housing, Communities and Local Government undertook a consultation on strengthening standards to which the Council, through this Committee, contributed. Recently the Minister has announced the reforms that will be introduced following that consultation. The Minister's introduction states:

'The reforms aim to ensure misconduct is dealt with swiftly and fairly across the country in every type and tier of local government – from the smallest town or parish council to the largest regional mayoral authority. We want to ensure that local government is empowered, fully accountable and deserving of people's trust and confidence.'

'We want local and regional government in England to attract and retain the best possible talent, and for county, town and city halls across the country to promote fair and reasonable democratic discourse, without slipping into cultures which are toxic and intimidating. There will always be room for strongly held beliefs to be represented, tested and debated, with decency and respectful behaviours and conduct.'

12. The reforms, which are intended to be introduced by legislation as soon as parliamentary time allows, include the following:
 - a) the introduction of a mandatory code of conduct, which will include a behavioural code, for all local authority types and tiers.
 - b) a requirement that all principal authorities convene formal Standards Committees, to include provisions on the constitution of Standards Committees to ensure objectivity, accountability and transparency.
 - c) the requirement that all principal authorities offer individual support during any investigation into code of conduct allegations to both the complainant and the councillor subject to the allegation.
 - d) the introduction at the authority level of a 'right for review' for both complainant and the subject elected member to have the case reassessed on grounds that will be set out in legislation.
 - e) powers for authorities to suspend elected members for a maximum of 6 months for serious code of conduct breaches, with the option to withhold allowances during suspension for the most serious breaches and introduce premises and facilities bans either in addition or as standalone sanctions.
 - f) in response to the most serious allegations involving police investigation, or where sentencing is pending, the introduction of powers to suspend elected members on an interim basis for an initial period of 3 months which, if extended, will require regular review.
 - g) a new disqualification criterion for any elected member, subject to the maximum period of suspension more than once within 5 years.
 - h) the creation of a new national appeals function, to consider appeals from elected members to decisions to suspend them and/or withhold allowances,

and for complainants if they consider their complaint was mishandled. Any appeal submitted will only be permitted after the complainant or elected member has invoked their 'right for review' of the local Standards Committee decision that has been invoked and that process is completed.

13. Further updates will be presented to the Committee as the Government progresses with the reforms referred to above.

Recommendation

14. The Committee is asked to note the contents of this report and to formally thank the Independent Persons for their ongoing commitment and assistance in upholding standards of conduct.

Equality and Human Rights Implications

15. These are referred to in the report where relevant.

Background papers

Report to the Corporate Governance Committee on 24 September 2012 -
'Arrangements for dealing with Member Conduct Complaints'

<http://politics.leics.gov.uk/mgAi.aspx?ID=32133>

<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#ministerial-foreword>

Circulation under the Local Issues Alert Procedure

None.

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