



## **SCRUTINY COMMISSION – 11 MARCH 2025**

### **REPORT OF THE MONITORING OFFICER**

#### **MEMBER CONDUCT ARRANGEMENTS**

##### **Purpose of Report**

1. The purpose of this report is to set out the Council's ethical governance arrangements relating to member conduct, following a request made by the Scrutiny Commissioners in January this year. The report is focused on the framework, processes and governance measures in place. The report does not consider individual allegations of misconduct, nor the merits of any specific complaints, which fall outside the remit of scrutiny.
2. In addition, the report highlights where leadership on conduct and standards is exercised alongside the formal standards framework, particularly through the expectations placed on all elected members regarding demonstrating high standards of behaviour and the role of political group leadership and committee chairs in modelling and promoting the importance of ethical standards and behaviour.

##### **Policy Framework and Previous Decisions**

3. The County Council's current local standards arrangements, as required by the Localism Act 2011, came into effect on 1<sup>st</sup> December 2021. This followed the introduction of a model Code of Conduct developed by the Local Government Association (LGA) in response to recommendations made by the Committee on Standards in Public Life in 2019.
4. This Council's Corporate Governance Committee has responsibility for promoting and maintaining high standards of conduct by members and co-opted members and oversees the arrangements in place to deliver this.

##### **Background**

5. The County Council has a well-established, structured framework for promoting and maintaining high standards of conduct by elected and co-opted members. This framework forms part of the Council's wider ethical and corporate governance arrangements designed to support transparency, accountability and public confidence in local decision making.

6. The framework comprises:
- An adopted Members' Code of Conduct.
  - Provisions for the declaration and management of interests, gifts and hospitality.
  - A procedure for handling complaints alleging breaches of the Code, including the establishment of a Member Conduct Panel and the appointment of six independent persons to support this process.
  - Oversight by the Corporate Governance Committee.
  - Training and guidance to support members in understanding their obligations.
  - A Protocol on Member/Officer Relations.

### **The Members' Code of Conduct**

7. The Localism Act 2011 established the current standards and conduct framework for all local authorities. This requires every local authority to adopt a code of conduct, the contents of which must, as a minimum, be consistent with the seven Nolan principles of standards in public life (selflessness, integrity, objectivity, accountability, openness, honest and leadership), and set out rules on requiring members to register and disclose pecuniary and non-pecuniary interests. Beyond these requirements it is for individual councils to set their own local code.
8. In January 2021, the LGA issued a model code of conduct supported by detailed guidance issued later that year. The model code was developed by the LGA following a report by the Committee on Standards in Public Life which made various recommendations (recommendations which were considered by the Corporate Governance Committee in May 2019) to strengthen local authority codes of conduct.
9. As Leicestershire is a two-tier authority area, some Members serve on two or more local authorities (i.e. are dual-hatted County and district councillors). The County and district Monitoring Officers therefore met to identify areas of commonality to achieve, as far as possible, a common code for Leicestershire. Following those discussions and consultation with a subgroup of the Corporate Governance Committee, minor revisions were made to the LGA model code to reflect local issues, creating a locally amended model code which the Council adopted on 1<sup>st</sup> December 2021.
10. The Code, which forms Part 5A of the Council's Constitution, sets out the standards of behaviour required of members when acting in their official capacity, providing a clear statement of expectations in relation to their conduct regarding:
- Respect
  - Bullying, harassment and discrimination
  - Impartiality of officers
  - Confidentiality and access to information

- Not bringing the Council into disrepute
- Proper use of position
- Use of the Council's resources
- Decision making

11. The Code is published on the Council's website and additional guidance linked to the Code produced by the LGA is made available to all members on the Elected Members Portal.

### **Interests and Gifts and Hospitality**

12. The Code requires members to register Disclosable Pecuniary Interests (i.e. financial interests such as a members' employment or interest in land within the County etc.), with breaches constituting a criminal offence under the Localism Act 2011, and Other Registerable Interests (which are interests in other bodies such as a charity or one which exercises functions of a public nature, such as a district council or parish council). It also requires members to register gifts and hospitality above the specified threshold of £50.
13. Standard forms, guidance and flowcharts are made available to members to support compliance and consistency. All members registers of interest are published on the Council's website in accordance with regulations and to ensure public transparency.
14. A bi-annual reminder is sent to all members requesting them to check and review their registers to ensure these are kept up to date.
15. Interests declared at meetings in accordance with the Code are recorded in the minutes of those meetings and published against the relevant members personal profile on the Council's website for public reference.

### **Arrangements for Handling Complaints**

16. The Corporate Governance Committee in September 2012 approved the Procedure for dealing with allegations of a breach of the Members' Code of Conduct. Since then, this has been regularly reviewed and updated (in 2017, 2021 and 2023) following consultation with the Chairman and Spokespersons of that Committee to ensure it remains fit for purpose and aligns with good practice.
17. The arrangements set out how complaints will initially be considered by the Monitoring Officer and thereafter progressed to the Member Conduct Panel where appropriate. It aims to ensure fairness, consistency, confidentiality and proportionality.
18. Complaints may come from members of the public, officers and other members, or by referral from the Corporate Governance Committee. Complaints are required to be made in writing either by email or by completing a complaints form on-line. Guidance on how to make a complaint is published on the Council's website (<https://www.leicestershire.gov.uk/about-the->

[council/how-the-council-works/councillors-and-conduct/councillor-code-of-conduct](#)).

19. The Procedure authorises the Monitoring Officer to dispose of complaints which fall outside the scope of the Code (at the Initial Test stage of the Procedure), or which do not merit formal investigation, but which can be resolved informally (as part of the Early Assessment stage of the Procedure), following consultation with the Independent Person. This ensures inappropriate matters are filtered out or resolved at an early if this is considered to be the most appropriate and proportionate way of dealing with a complaint.
20. LGA guidance on informal resolution makes clear that, whilst both the subject member and the complainant should be given the opportunity to comment before a final decision on informal resolution is made, this is not intended to give either party a veto; rather, it is to assess how successful the resolution might be; it may still be appropriate to conclude that an apology is a reasonable and proportionate outcome and the best use of resources in the circumstances, even if not accepted.
21. To ensure that complaints which are referred to the Member Conduct Panel for assessment are dealt with in a fair and balanced way, the Panel must have regard to certain criteria. The criteria, approved by the Corporate Governance Committee in 2012 are attached to the Procedure, and mirror those which were adopted prior to implementation of the Localism Act. They have therefore operated effectively as a measure by which each complaint is assessed by the Panel for a number of years.
22. What information is made public about complaints received will depend on the stage reached in the Procedure and the outcome. The Monitoring Officer and the Member Conduct Panel may have to consider unfounded and potentially damaging complaints about an individual which it would not be appropriate to make public early in the process and prior to an investigation having been carried. All complaints are therefore treated as confidential when they are received and first considered by the Monitoring Officer and the Panel.
23. Where an investigation finds that a breach of the Code has occurred then a hearing will be held for the Panel to make a determination about whether they agree that the Code has been breached. Details of the complaint are generally made public as part of that process.
24. Where a complaint is informally resolved by agreement between the parties, without the need for a formal investigation (this is usually by way of an apology) 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 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 in circumstances where there is an acknowledgement of fault on behalf of the relevant Member.

25. Where a conclusion is reached that the Code of Conduct has not been breached or where the Monitoring Officer concludes, following their initial assessment, that no further action needs to be taken (for example because the complaint does not relate to a County Councillor, or does not relate to a Councillor when acting in their official capacity), 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.

### **Member Conduct Panel**

26. The Localism Act 2011 repealed the requirements of the previous standards regime which required all local authorities to have a standards committee. The Act instead simply imposed a duty to promote and maintain high standards of conduct by members and co-opted members. How each authority discharges this duty is a matter of local choice provided that this includes arrangements under which allegations of breaches of the Code can be dealt with.
27. In 2012, in addition to adopting the above Procedure, the Council established the Member Conduct Panel to consider complaints referred to it by the Monitoring Officer. The Panel decides whether a complaint warrants an investigation and, when necessary, will conduct a hearing to determine whether or not the Code has been breached, as well as determine what, if any, sanctions should be imposed.
28. The Panel is a politically balanced five-member panel, membership of which is selected on an ad hoc basis from a pool of members nominated by each political group.

### **Independent Persons**

29. The Localism Act requires that the views of an independent person is sought prior to any decision being made about a complaint either by the Monitoring Officer or the Member Conduct Panel. In September 2024 the Council appointed six independent persons to support the complaints process for a term of four years.
30. Independent persons can be consulted throughout all key stages of the Procedure by the Monitoring Officer and the Panel and, in the interest of fairness, by the member complained about. They give their views on complaints but are not able to investigate cases and have no power to make decisions. Their role is advisory only.
31. The role of independent members adds objectivity, impartiality and an external viewpoint to complaints. Their role also provides reassurance to the public that standards assessments are not just an internal arrangement of members 'marking their own homework'.
32. Establishing a panel or committee of members to consider complaints made against their peers is considered good practice. Peers understand the context, pressures and expectations of the role of an elected member and so are able to

give an informed and balanced view on complaints made. However, the added involvement of an independent person in that process also ensures external, impartial input is obtained which leads to stronger governance overall.

### **Governance Oversight**

33. Oversight of Member Conduct arrangements sits within the Council's broader governance structure which is currently overseen by the Corporate Governance Committee. It has responsibility for promoting, overseeing and maintaining high standards of conduct and ethical governance across the Authority. It does not investigate or consider individual complaints, these being a matter for the Member Conduct Panel.
34. The Committee receives an annual report from the Monitoring Officer regarding complaints received in year. The Monitoring Officer also meets with the Chair and Spokespersons of the Committee once a year to discuss complaints privately, noting that members details are required to be kept confidential until a proper investigation has been carried out. This is to provide added assurance as to the consistent application of the Procedure by the Monitoring Officer, the involvement of Independent Persons in the process and to consider any trends or patterns in the complaints received.

### **Training Guidance and Member Support**

35. A dedicated training session on the Members' Code of Conduct was held for all Members in May 2025 following the election. This was aimed at ensuring Members understood both their legal obligations and how to model expected behaviour in their roles. This was delivered by the Monitoring Officer and covered:
  - The importance of standards in public life
  - The Nolan Principles
  - The structure and purpose of the Members' Code of Conduct
  - Expectations of member behaviour
  - Types of conduct that could result in action being taken
  - The link between the Code, lawful decision-making and public confidence
36. Detailed guidance on the Code produced by the LGA which includes practical scenarios to support Members understanding has also been shared and made available on the Elected Member Portal.
37. Specific training has also been provided to all Members on social media and written guidance shared through the Portal. The training set out the legal and reputational risks of social media use and how the Members' Code of Conduct applies online. It provided specific advice on managing interactions with the public online and provided practical options for dealing with inappropriate online behaviour.
38. Further guidance has also been shared via the Portal which clarifies when members are deemed to be acting in an official capacity online, covers matters

such as confidentiality and harassment and abuse online, and sets out the overall expectations for respectful online behaviour.

39. Whilst training is not mandatory, the Code includes a commitment by Members to undertake training provided by the Council on the Code of Conduct. To support those who were unable to attend, a recording of the training together with copies of the presentation slides has been made available for viewing via the Elected Member Portal.
40. In addition to the above, specific induction training is provided to all members of the Corporate Governance Committee prior to attending their first meeting regarding the role of the Committee, including its responsibilities around standards and ethical governance as part of the Council's wider governance and assurance framework.

### **Leadership, culture and shared responsibility for high standards**

41. Although the Council's formal arrangements for member conduct (the Code, the complaint-handling procedure and the Member Conduct Panel) sit within the governance framework overseen by the Corporate Governance Committee, the responsibility for upholding high standards is shared. The Nolan principle of Leadership applies to all public office-holders and requires members not only to demonstrate the principles in their own behaviour but also to promote and support those principles and to challenge behaviour that falls below expectations.
42. The Council therefore relies on both the standards framework described in this report and the day-to-day leadership demonstrated by members in positions of responsibility and influence, including the Leader and Cabinet, political group leaders/whips, committee chairs and spokespersons, as well as individual members.
43. This leadership is exercised not through control of the Code or complaints procedure, but through setting expectations and modelling expected behaviour - for example by promoting respectful conduct in meetings and in public communications, reinforcing the importance of the Code and related guidance (including on social media), supporting take-up of training, addressing concerns early and constructively where they arise and reinforcing a culture of respectful member/officer relations.
44. National guidance on effective governance and scrutiny also emphasises that a strong organisational culture depends on commitment 'from the top'—from senior members as well as senior officers. In addition, the Committee on Standards in Public Life has highlighted the importance of engagement between senior officers and political group leaders/whips to discuss standards issues as part of maintaining an ethical culture. In this context, scrutiny of how leadership on conduct and standards is demonstrated can properly focus on how, in general terms, these leadership roles collectively reinforce the standards framework, promote expected behaviours and help prevent issues escalating into formal complaints.

### Protocol on Member/Officer Relations

45. The Member/Officer Protocol governs the working relationship and behaviour between members and officers. It forms part of the Council's Constitution (Part 5C) and breaches of the protocol may also engage the Code of Conduct, particularly where respect, impartiality or a member's misuse of their position is concerned.
46. The Protocol sets out how members and officers are expected to work together professionally and respectfully. Its purpose is to support effective decision making, political neutrality and public confidence in the Council. The key principles of the Protocol are as follows:
- **Mutual respect:** Members and officers must treat each other courteously and recognise their distinct roles.
  - **Political neutrality:** Officers serve the Council as a whole and must not be drawn into party-political activity or disputes.
  - **Appropriate communication:** Contact between members and officers should be open, timely and proportionate, with officers keeping relevant local members informed of issues affecting their area.
  - **No undue pressure:** Members should not seek to improperly influence officers, particularly in regulatory or quasi-judicial matters.
  - **Clear accountability:** Officers are accountable to senior managers; members should not direct officers outside agreed processes.
  - **Confidentiality and information handling:** Sensitive and confidential information must be handled lawfully and appropriately.

### National developments to strengthen the standards and conduct framework

47. 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.'*

48. 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.
49. Further updates will be presented to the Corporate Governance Committee as the Government progresses with the reforms referred to above.

### **Recommendation**

50. The Scrutiny Commission is asked to note the contents of this report.

### **Equality Implications**

51. None

### **Human Rights Implications**

52. None

**Background papers**

Part 5A of Leicestershire County Council's Constitution – Members' Code of Conduct  
<https://democracy.leics.gov.uk/documents/s189344/Part5A%20Members%20Code%20of%20Conduct.pdf>

Guidance on Local Government Association Model Councillor Code of Conduct  
<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

Part 5C of Leicestershire County Council's Constitution - Protocol on Member / Officer Relations  
<https://democracy.leics.gov.uk/documents/s189347/Part%205C%20Protocol%20on%20MemberOfficer%20Relations.pdf>

Report to the Corporate Governance Committee on 10 May 2019 – Ethical Standards in Local Government  
<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=434&MId=5854&Ver=4>

Report to the County Council on 1 December 2021 – Code of Conduct and Protocol on Member/Officer Relations  
<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=134&MId=6480&Ver=4>

Report to the Corporate Governance Committee on 24 September 2012 – Arrangement for dealing with Member Conduct Complaints  
<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=434&MId=3554&Ver=4>

Report to the County Council on 25 September 2024 – Appointment of Independent Persons  
<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=134&MId=7389&Ver=4>

**Circulation under the Local Issues Alert Procedure**

None.

**Officer to contact**

Fiona McMillan,  
 Assistant Director of Law and Governance and  
 Monitoring Officer  
 Tel: 0116 3056240  
 Email: [fiona.mcmillan@leics.gov.uk](mailto:fiona.mcmillan@leics.gov.uk)