



Independent investigation into  
allegations that

**Mr Charles Whitford CC**  
of  
**Leicester County Council**

failed to comply  
with the Council's  
Member Code of Conduct

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## 1: Purpose

- 1.1 Between 20 September and 4 October 2025, the Monitoring Officer at Leicestershire County Council ('the County Council) received four complaints from members of the public regarding the conduct of Mr Charles Whitford CC.
- 1.2 All the complaints referenced emailed responses that the complainants had received from Mr Whitford after they had raised concerns with him, as the Cabinet Member responsible for Highways, about the hanging of St George's flags on lampposts in the village of Markfield. All of the complainants alleged that Mr Whitford's comments were in breach of several paragraphs of the County Council's Code of Conduct.
- 1.3 On 5 October 2025, Complainant C (one of the four complainants referred to above) submitted an additional complaint to the Monitoring Officer, in which he alleged that Mr Whitford had threatened to publicly disclose his identity following his complaint. Complainant C also alleged that Mr Whitford had posted an Islamophobic image on

Facebook and failed to disclose that he was a Director of Appchatz Ltd in his Register of Member Interests. Furthermore, during the investigation, Complainant C highlighted additional Facebook posts from accounts he alleged were fake and created by Mr Whitford, in which he again threatened to disclose Complainant C's identity and spread false information relevant to this investigation.

- 1.4 The purpose of this report is to provide a summary and analysis of the evidence gathered during the investigation, along with our considerations as to whether any aspects of the allegation against Mr Whitford should be upheld. Our recommendation will be based on whether a full assessment of the relevant facts supports the conclusion that one or more of the paragraphs of the Code have been breached.

## **2: Mr Whitford's official details**

- 2.1 Mr Whitford represents the Markfield, Desford & Thornton Division and is a member of the Reform UK Group. He has been a member of the Council since 5 May 2025.
- 2.2 Mr Whitford does not currently sit on any Council committees; however, at the time of the alleged conduct, he was the Cabinet Member responsible for Highways, Transport and Waste. Mr Whitford told us that these complaints led the Leader of the Council to suspend him from the Cabinet.

## **3: Legislation, policies, procedures & protocols**

### **The Localism Act 2011**

- 3.1 Section 27 of the Localism Act 2011 (the Act) provides that a relevant Authority must promote and maintain high standards of conduct by members and co-opted members of the Authority. In discharging this duty, the Authority must adopt a code governing the conduct expected of members when acting in that capacity. For the purposes of this investigation, the relevant Authority is Leicestershire County Council.
- 3.2 Section 28 of the Act provides that the Authority must ensure that its Code of Conduct is, when viewed as a whole, consistent with the following principles:- Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty; Leadership.
- 3.3 Under 28(6) of the Act, Local Authorities must have in place (a) arrangements under which allegations can be investigated and (b) arrangements under which decisions on allegations can be made. By section 27(7), arrangements put in place under subsection (6)(b) must include provision by the appointment of the Authority of at least one "independent person" whose views are to be sought, and considered, by the Authority before it makes its decision on any allegation that it has decided to investigate. For the purposes of this investigation, the relevant Authority is Leicestershire County Council.
- 3.4 Section 28(11) of the Act provides that if a relevant Authority finds that a member or a co-opted member of the Authority has failed to comply with its Code of Conduct, it may have regard to the failure in deciding (a) whether to take action in relation to the member or co-opted member and (b) what action to take.

## Leicestershire County Council's Code of Conduct

- 3.5 Under Section 27(2) of the Localism Act, the County Council established a Code of Conduct for members (the Code).
- 3.6 The Code adopted by the County Council includes the following paragraphs:

### “Respect

2.3 *As a member:*

2.3.1 *I will treat other members and members of the public with respect [...]*

2.4 *Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.*

2.5 *In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in members.*

### Bullying, harassment and discrimination

2.7 *As a member: [...]*

2.7.1 *I will not bully any person*

2.7.2 *I will not harass any person*

2.7.3 *I will promote equalities and will not discriminate unlawfully against any person.*

2.8 *The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.*

2.9 *The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.*

2.10 *Unlawful discrimination is where someone is treated unfairly because of*

*a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.*

- 2.11 *The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services. [...]*

### Disrepute

- 2.16 *As a member I will not bring my role or the Council into disrepute or conduct myself in a manner which could reasonably be regarded as bringing my role or the Council into disrepute.*
- 2.17 *As a member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other members and/or the Council and may lower the public's confidence in your or the Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Council into disrepute.*
- 2.18 *You are able to hold the Council and fellow members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.*

### Interests

- 2.30 *As a member, I will register and disclose my interests in accordance with the provisions set out in [ the code]*

## European Convention on Human Rights (ECHR)

- 3.7 Section 3 of the Human Rights Act 1998 (HRA) requires that primary and subordinate legislation must, as far as possible, be read and given effect in a way which is compatible with the Convention rights. By virtue of section 6, it is unlawful for a public authority to act in a way that is incompatible with Human Rights.
- 3.8 Article 10 of the ECHR provides:

### *Freedom of expression*

*(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. This article shall not prevent states from requiring the licensing of broadcasting, television or cinema enterprises.*

*(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 interest of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary*

- 3.9 In considering these matters it is important to note the words of Collins J in the standards case of *Livingstone v The Adjudication Panel for England* [2006] EWHC 2533 (Admin) [at para.39]:

*“The burden is on [the Adjudication Panel for England] to justify interference with freedom of speech. However offensive and undeserving of protection the appellant’s outburst may have appeared to some, it is important that any individual knows that he can say what he likes, provided it is not unlawful, unless there are clear and satisfactory reasons within the terms of Article 10(2) to render him liable to sanctions.”*

We have provided relevant Case Law on Article 10 in Annex 5.

## 4: The investigation

### Our appointment

- 4.1 This investigation was conducted by Alex Oram and Mark Hedges on behalf of the Council’s Monitoring Officer. Alex has been investigating allegations against councillors since 2003, both as a director of ch&i and prior to that, for Standards for England, where he was responsible for conducting many of their most complex, politically sensitive and high-profile investigations into member conduct. Mark has been conducting investigations for ch&i since 2016. Prior to this, he served as a detective in the Police Service for 21 years.

### The complaints

#### Complaint 1

- 4.2 On 30 September 2025, Complainant A emailed the County Council’s Monitoring Officer to complain about Mr Whitford’s conduct. Complainant A explained that on 21 September 2025, she observed two men hanging flags along Main Street and Ashby Road in the village of Markfield. Complainant A said that she reported her concerns about this unauthorised activity to Mr Whitford, whose Cabinet responsibilities included Highways, telling him that the men had made racially and homophobically charged remarks to members of the public when challenged. Complainant A alleged that Mr Whitford’s response to her email was dismissive and inflammatory because, rather than addressing her concerns about community division, he questioned her patriotism and labelled objectors to the flag hanging as “anti-British” or “far-left extremists.” Complainant A said that his retaliatory tone failed to address the legitimate concerns of a resident for 32 years; instead, he chose to use his official platform to belittle her. Complainant A stated, *“I believe residents have the right to raise concerns respectfully with their councillors without being subjected to personal attacks or accusations”*.

### Complaint 2

- 4.3 On 30 September 2025, Complainant B emailed the County Council's Monitoring Officer to complain about the conduct of Mr Whitford. In her complaint, Complainant B also described how, on 21 September 2025, she observed two men hanging flags along Main Street and Ashby Road in the village of Markfield. She continued, *"it was my belief that this was not permitted by LCC and that the individuals erecting these flags imposed the flags on residents, without consultation, whilst being both aggressive and intimidatory to those expressing an alternative view. When I raised this with Councillor Whitford (my original email attached), the response I received (email attached) was entirely inappropriate and falls below the standards required of Leicestershire County Council members under the Code of Conduct."*
- 4.4 In her complaint, Complainant B contended that Mr Whitford's use of confrontational and emotionally charged language, such as stating he was 'ashamed of' and 'disappointed in' her, and questioning if she was 'anti-British', constituted serious, unprofessional conduct that undermined public trust in his ability to conduct himself as a councillor. Complainant B added, *"Additionally, the Council's general duties under the Public Sector Equality Duty (PSED) require that the council and its members must foster good relations between those who have protected characteristics and those who do not. Failing to acknowledge differing opinions, disregarding residents' unease, making personal criticisms, and the use of accusatory language are unprofessional, inappropriate, and do nothing to support the Council's duty under the PSED. A more suitable approach would have been to calmly explain the legal situation and acknowledge differing opinions, without questioning my patriotism or character."*

### Complaint 3

- 4.5 On 3 October 2025, Complainant C submitted a Code of Conduct complaint to the Council's Monitoring Officer regarding the conduct of Mr Whitford. Complainant C also described seeing two unidentified men hanging flags on streetlights in the village of Markfield on 21 September 2025. And when he challenged their authority to do so, they verbally abused him. Following this incident, Complainant C emailed Mr Whitford to report the matter to him, as the Council's Cabinet Member for Highways, Transport and Waste. Complainant C provided the Monitoring Officer with a copy of Mr Whitford's response, dated 25 September 2025, which he alleged included Islamophobic and discriminatory statements, misinformation and inflammatory rhetoric. Complainant C ended his complaint, *"This is not a matter of 'political disagreement'. It is a matter of an elected official using their platform to normalise hate & Islamophobic conspiracy theories, excuse targeted intimidation, and discourage legitimate reporting of anti-social behaviour. If unchecked, this not only endangers community cohesion in Markfield but undermines public trust in Leicestershire County Council as an authority that upholds fairness, equality, and respect. To be clear, true British values are not defined by aggression, intimidation, exclusion, or fear, nor by the misuse of national symbols to divide communities. They were formalised by the UK Government in 2014 as democracy, the rule of law, Individual liberty, and mutual respect and tolerance of different faiths and beliefs. Councillor Whitford's statements run directly counter to these values, and to the responsibilities of public office."*
- 4.6 On 5 October 2025, Complainant C sent a further complaint to the County Council's Monitoring Officer to highlight another email that he had received from Mr Whitford after he had been notified of Complainant C's initial complaint. Complainant C alleged that in

this email, Mr Whitford had threatened to disclose his personal details to the press. In addition, Complainant C alleged that Mr Whitford CC had posted an Islamophobic image on Facebook, and that he had failed to disclose that he was a Director of Appchatz Ltd in his Register of Member Interests.

#### Complaint 4

- 4.7 On 4 October 2025, Complainant D submitted a complaint to the Monitoring Officer regarding an email exchange between herself and Mr Whitford. This email exchange again concerned the St George flags that were hung around Markfield on 21 September 2025. In her formal complaint, Complainant D asserted that Mr Whitford's correspondence violated the 7 Principles of Public Service, characterised by a lack of integrity, objectivity, and accountability. Complainant D described Mr Whitford's tone as intimidating and bullying, alleging that he sought to marginalise her views by labelling her '*anti-British*' and claiming she belonged to a '*2% minority*' whose opinions were invalid. Complainant D highlighted a specific concern regarding Mr Whitford's use of an unsubstantiated 98% approval statistic, which she argued was a factually incorrect claim used to bolster far-right rhetoric and silence dissent. Furthermore, Complainant D contended that Mr Whitford's email, sent in his official capacity, brought the Council into disrepute, failed to uphold equality standards, and included disconcerting references to her personal safety that left her feeling threatened and intimidated.

#### Our approach

- 4.8 During this investigation, we contacted all four complainants and Mr Whitford CC. We have considered the information provided by all of them, along with the documents we received from the County Council. In addition, we conducted videoconference interviews with Mr Whitford CC and Complainant C.

#### The evidence

##### Background

- 4.9 It appears common ground that on 21 September 2025, two unknown men erected a number of St George flags along Main Street and Ashby Street in the village of Markfield, where all four complainants and Mr Whitford reside.
- 4.10 As the men were erecting a flag onto a lamppost, Complainant C was driving past in his car<sup>1</sup>. Complainant C is shown stopping his car to speak to them, and one of the men is heard to say to him, "*I don't need to be nice. I don't want to be nice to you, because I don't fucking know you and you don't know me. So fuck off, bellend.*" Complainant C's response to the man is not audible on the video, but the man is heard to respond, "*Only because you stopped your fucking Tesla in the street next to me in the street and had a chat with me, you cunt.*" The video ends with the same man saying something about '*Christmas decorations*' being a '*little bit early*'.
- 4.11 Complainant C told us that following the incident, he decided to report his concerns about both the flag hanging and the aggressive attitude of the people doing it. Complainant C said that he was particularly concerned that Markfield had been targeted

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<sup>1</sup> Whilst Complainant C was speaking to the two men, two women nearby captured what happened on video. Complainant C showed us this video during our investigation.

by these men because it hosts a Mosque and an Islamic Foundation building. Complainant C said that he initially contacted Councillor Claire Harris (a member of Markfield Parish Council and Hinckley & Bosworth Borough Council) and Councillor Chris Lambert (a member of the Borough Council). Councillor Harris suggested that he report it to his County Councillor, Mr Charles Whitford, because the County Council was responsible for street lighting and Mr Whitford was the County Council's Cabinet Member for Highways, Transport and Waste.

- 4.12 Complainant C told us that around this time, his wife posted concerns about the flags on the Village Facebook Group, which prompted a lot of comments ranging from what he described as racist slurs to some that were very supportive of her concerns. Complainant C stated that his wife was subsequently invited to join a WhatsApp group of like-minded individuals, which included both Complainant D and Complainant B. Complainant C told us that, via this group (which he later also joined), they discussed how they might raise their concerns about the flag-hanging activity.

#### Emails between Mr Whitford CC and the complainants

- 4.13 On 25 September 2025, Complainant C emailed Mr Whitford's County Council email address, copying in Councillors Harris and Lambert via their Hinckley and Bosworth District Council email addresses (found in full at annex 1). After introducing himself as a local business director and resident of Markfield, he told Councillor Whitford his experience of '*intimidating and antisocial behaviour*' involving two men putting up St George's flags on Main Street. In his email, Complainant C described an aggressive confrontation where his attempt to discuss the flags' purpose was met with hostility and far-right rhetoric, specifically citing the men's support for Tommy Robinson. Expressing concern for his family's safety and his disgust at what he views as a 'racist misappropriation' of national symbols, Complainant C asked Mr Whitford for his stance on the matter, blaming the Reform Party's rhetoric for stoking societal division. Complainant C concluded his email by asking how he might arrange for the County Council to remove the flags and seeking clarification on whether it had any legal recourse to tackle what was anti-social behaviour, given that he had received no response from the Police when he reported the same incident to them.
- 4.14 On 25 September 2025, Mr Whitford responded to Complainant C's email (using his County Council email address) as follows:

*"Hi [Complainant C].*

*Thanks for your email*

*Wow I am shocked by your response to seeing our beautiful English flag, shocking that you went and confronted them and yes lucky you did not get hurt these people do not respond well to anti British behaviour*

*I do not condone any breaking of the law and they are breaking the law.*

*I love to see the flags flying makes me proud to be British I smile at every sight of them.*

*British people have nothing to be afraid of its our flag.*

*The flags are being raised to make a statement that most of the people in the UK reject the far left movement as it is anti-British and the destruction of British values and the influx of soon to be millions of mainly muslim men of fighting age coming here to make this country a Muslim state ,as proved by the attempt to bring in sharia law in London last week.*

*Could you live in Britain as a Islamic state under sharia law ?*

*Those people that have a problem with our flag need to look at themselves as maybe they are the problem.*

*I could not live under Muslim law.*

*Please do not confront people that feel very strongly about what they are doing they are passionate about saving the UK,*

*As for Tommy Robinson I have no interest in him at all ,he is a criminal.*

*I am centre Right. Not far right and love this country and want it to go back to being a safe country*

*I am disappointed in you, but please be safe and do not try to confront people in this way*

*Charles” [sic]*

4.15 On 26 September 2025, Complainant A emailed Mr Whitford’s County Council email address (found in full at annex 2) to explain that, as a resident of Markfield for 32 years, she was making a formal complaint about the hanging of St George’s flags on Main Street and Ashby Road, arguing that the display is being used to promote division rather than national pride. Complainant A said that the two men responsible told her that they had attended a recent far-right march and expressed racist and homophobic views regarding the local Islamic Centre and the school curriculum. Complainant A said that their comments made it clear that they were hanging the flags to promote division rather than boost national pride. Complainant A stated that flags should not be hung without community consultation and therefore urged the County Council to remove the flags promptly to prevent further intimidation or potential conflict between residents.

4.16 On 26 September 2025, Mr Whitford CC responded as follows:

*“I am shocked that you take offence to our beautiful English flag and the union flag. As for confronting the English people putting up the English flag no you should not why do you want to cause conflict.*

*I have to ask are you anti-British? 95% of English and British love seeing the flags up I do it looks great. The other 5% are far left extremists or anti British I think you should have a look at yourself. I am shocked at your response and disappointed that anyone living in Markfield would have such a extreme view against our country’s flag.*

*I do not encourage people to break the law and putting up these flags is breaking the law. And still I love to see them*

*The county council have no plans to remove them, and I encourage you to not cause conflict on our streets*

*Very disappointed in you*

*Charles” [sic]*

4.17 On 29 September 2025, Complainant D emailed Mr Whitford’s County Council email address (found in full at annex 3). After expressing disappointment at not receiving a response to an earlier email (which we have not seen), Complainant D asked Mr Whitford what his position was on the unauthorised installation of Union Jack and St George’s flags on village lampposts in Markfield. Complainant D stated that she was proud to be British and what she believes the flags represent; her concern, though, was that they were being misused to “represent anti-immigration and racist/Islamophobic ideologies under the thinly valid disguise of patriotism”. Complainant D recounted a hostile encounter with two intoxicated men who claimed, when challenged by her, that “Councillor C\*\*\*” (potentially a slur or a pseudonym) gave them permission. Complainant D stated that during the encounter, the men used intimidating language and anti-immigration rhetoric. And that after she and her neighbours removed the flags from outside their homes the following day, they were confronted by two other aggressive men, leading to the Police being called. Complainant D argued that these unauthorised displays on public property misrepresented the residents’ views, weaponised national symbols to promote Islamophobia, and created an atmosphere of fear for minority communities. The email ended. “*Please can you confirm what your view on the flying of flags in public spaces is?*”

4.18 On 29 September 2025, Mr Whitford responded to Complainant D as follows:

*“WOW ,I don’t know where to start, no I have not given permission for flags on lamp post, it is illegal to put them up and also illegal to take them down both takes stress on the lamp post and anything like this needs a cherrypicker.*

*You do not make much sense in saying you like the flags of England and UK but then you say you removed them ,the only people taking them down are anti British.*

*Confronting the men putting them up is dangerous and I advise you never do this.*

*I must remind you that you do not own the lampposts either.*

*I love the flags its great to see our beautiful flags flying. i smile every time I see them.*

*The Council has no plan to remove them unless they are dangerous.*

*If the UK flags offend you flying locally I suggest you reevaluate your own political agenda for 98%of British people are in favour of flying these flags we all love them and it is very patriotic*

*Charles.” [sic]*

4.19 On 1 October 2025, Complainant D replied to Mr Whitford via email with the following questions: *"You believe me to be anti-British? ("the only people taking them down are anti British"); Why you think its dangerous for me to confront the men putting up the flags? Do you believe them to be dangerous men? ("Confronting the men putting them up is dangerous and id advise you never to do that"). As a point of accuracy, I'd like to correct you that I did not confront them, I just spoke to them; You believe that the flag is politically motivated and not an act of patriotism ("If the UK flags offend you flying locally I suggest you reevaluate your own political agenda"); The data source for your statistic that 98% of British people are in favour of flying these flags; You did not address my initial point that I felt intimidated by both sets of men and the way they spoke to me, in my home village, that I have felt safe in for the last 18 years. Do you have a view on this?"* [sic]

4.20 During the same period, Complainant B also emailed Mr Whitford's County Council email address with her concerns about the erection of flags in Markfield. She said that those in the village who felt uncomfortable with having a flag hanging outside their homes should not be intimidated into accepting it. She ended, *"I would like to know what you are going to do to address this situation with consideration of the views of ALL residents of Markfield. I await your response."* [sic]

4.21 Mr Whitford responded to Complainant B as follows:

*"Hello*

*The only affiliation of the st Georges cross and union flag is to this country.*

*If you have a problem looking at our beautiful flags flying then I am ashamed for you*

*When I look up and see our flags I am proud and happy to be English, the people putting them up are braking (sic) the law as they do not have permission from the council, and equally it is illegal to take them down both are putting ladders against the county council owned lamp posts and that is not allowed.*

*The council has no plans to take them down and I agree with that I have to ask are you Anti-British as it does sound that way*

*Very disappointed in you*

*Charles"* [sic]

#### The complaints about Mr Whitford's emails and his initial responses

4.22 On 30 September 2025, Complainant A emailed the County Council's Monitoring Officer to raise a formal complaint against Councillor Whitford. Complainant A provided the Monitoring Officer with their email exchange, stating, *"[Councillor Whitford] questioned whether I am 'anti-British. He suggested that only 'far left extremists or anti-British' people could object to the display of the flags. He described himself as 'shocked and disappointed' in expressing my concerns. This response was not only dismissive but also inflammatory, personally insulting, and inappropriate for an elected representative. It failed to engage with the substance of my complaint and instead sought to undermine and belittle my position as a resident. I have lived in Markfield for 32 years and have*

*always valued our community. I believe residents have the right to raise concerns respectfully with their councillors without being subjected to personal attacks or accusations.” [sic]*

- 4.23 On 30 September 2025, Complainant B also emailed the County Council’s Monitoring Officer to make a formal complaint against Mr Whitford, which included many of the same concerns raised by Complainant A. Complainant B questioned whether Mr Whitford’s conduct risked placing the County Council in breach of its Public Sector Equality Duty to foster good relations between those who have protected characteristics and those who do not.
- 4.24 On 3 October 2025, Complainant C emailed the Monitoring Officer to also submit a formal complaint about Councillor Whitford’s conduct. In it, he stated, *“His email to me of 25 September 2025 (attached) contains Islamophobic and discriminatory statements, misinformation, and rhetoric which breaches both the Nolan Principles and the Members’ Code of Conduct. Given the seriousness of the language, I believe this goes beyond a matter of standards and potentially into grounds for disqualification, removal from office, or referral to law enforcement ... This is not a matter of “political disagreement.” It is a matter of an elected official using their platform to normalise hate & Islamophobic conspiracy theories, excuse targeted intimidation, and discourage legitimate reporting of anti-social behaviour. If unchecked, this not only endangers community cohesion in Markfield but undermines public trust in Leicestershire County Council as an authority that upholds fairness, equality, and respect.” [sic]*
- 4.25 Complainant C told us that following Mr Whitford’s responses to each of them, he had discussed submitting a Code of Conduct complaint with Complainant D and Complainant B in the private WhatsApp group that had been set up. Complainant C was adamant, though, that there was no political motivation to their actions, as Mr Whitford has subsequently claimed. Complainant C told us that Councillor Claire Harris and Councillor Chris Lambert were not members of the WhatsApp group and had not encouraged them to lodge a complaint (this was confirmed by Complainant D, who told us that there were ten people in the Group, none of whom had ever been a councillor). Complainant C stated that he had copied them into his original email of 25 September 2025 because he had initially sought their assistance with the matter, and Councillor Harris had suggested that he report it to Mr Whitford.
- 4.26 On 3 October 2025, the County Council’s Director of Law and Governance notified Mr Whitford that several complaints had been received about his conduct. In relation to the complaints highlighted above, Mr Whitford responded by email as follows: *“The email responses I told them the truth “do not confront these people” well yea its dangerous. The flags I do love to see them, but it is illegal to put them up. I always quote that. The week I was talking about sharia law the government had just appointed a minister for sharia law<sup>2</sup>. And thousands of illegal migrants all Muslim had come across the channel. Shocked yes I am shocked when English people do not like our English flag.” [sic]*

Mr Whitford went on to explain that he believed the complaints had been generated as part of a political campaign against him, orchestrated by the former Chair of Markfield Parish Council. Mr Whitford told the Director of Law and Governance that, as a result, he intended to ask the Leader of the Council to stand down from his Cabinet position, though he warned that his request would be refused, as he performs the job very well.

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<sup>2</sup> We can find no evidence of the Government ever appointing a Minister for Sharia Law

Mr Whitford added, *“It’s a shame the council is letting the opposition control things as they are.”*

- 4.27 Having been informed of the complaints against him, Mr Whitford emailed Complainant D, in response to her questions of 1 October (paragraph 4.19 of this report), *“I am sorry, it seems I cannot continue this conversation. I have been stopped by the county council. I was worried for your safety, but obviously, this has been taken the wrong way. So please disregard my previous reply.”*
- 4.28 Also on 3 October 2025, however, Mr Whitford, having been provided with Complainant C’s complaint, decided to email him as follows:

*Hi [Complainant C]*

*Sorry you did not like my replies and you felt the need to complain about me, I represent all people living in this area and many have different views to you. I was worried for your safety.*

*And the views are mine and not the councils, seeing as I am a neighbour I would have thought we could have had different views and still got on. we all have the right to different views that’s how our society works.*

*I don't have anyone to complain to about your views and words*

*I have taken on your comments and the wish for me to stand down, this will disappoint the many people of Markfield Thornton and Desford that I help with their issues every week and the departments I head successfully for the last 6 months but you will be very pleased to know I will ask to step down this Tuesday when I am with the Leader.*

*I hope this will please you and that the next councillor will be better than me*

*Charles”*

- 4.29 On 4 October 2025, Complainant C responded to Mr Whitford via email to confirm that while he took no pleasure in Mr Whitford’s decision to resign, he agreed it was appropriate given the circumstances. In his email, Complainant C expressed a shared love for Britain, its heritage and values. Complainant C added that for him, this included standing against extremism in all its forms, and therefore, he had felt compelled to complain. Complainant C stated, *“My concern was about the nature of your comments made in your capacity as a councillor, and the impact such words have on community cohesion, trust, and the duty that comes with public office”*<sup>3</sup>

- 4.30 On 5 October 2025, Mr Whitford responded to Complainant C as follows:

*“Hi again, [Complainant C]*

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<sup>3</sup> Complainant C also told us that he forwarded Mr Whitford’s email to the Leicester Mercury. An article about the matter was subsequently published on [10 October 2025](#). He told us the Leicester Mercury did not publish the email in the article; however, he was aware that the email was posted to Facebook. Complainant C told us he does not know the person who posted it.

*Let me make it very clear there has only been 3 complaints from Markfield and so many around 250 emails saying they love the flags leave them up and face to face also a lot. I do believe you may be the one causing division albeit unintentionally.*

*I have told my group in Markfield my intention to stand down due to your complaint and it was not popular in the village due to the fact I have brought unity to the village and many positive outcomes to projects started and finished already. I have been very busy since my appointment.*

*If you knew me better, you would know I am not the type to divide people but bind them together.*

*With a Asian wife and a friend group from all walks of life and all cultures I represent ALL residents and have clashed with almost none. I am very straight talking and that sometime is taken as conflict until they know me then they see I say it as it is.*

*Most that I tell are very disappointed that I am asking to step down as they say I am the best county councillor Markfield has had for a long time, very honest and hard working.*

*Many have asked for your contact details to make it clear how they feel, of course I have not given this or your name but when I step down I will make it clear to the press why I have stepped down and will try hard not to reveal your name, if proof is required as they do not always trust our reasons I would have to give it.*

*I will not be standing down as a councillor so will end up independent because the people voted for me and to cause a bi-election would not be fair to my supporters so you will still have me s a local county councillor and someone will take my place in cabinet. so the village will loose its strength on the cabinet, and Reform gaining members and defectors at such a fast rate most of these villages are now mainly Reform voters I believe the next government will be Reform that are the most patriotic political group at the moment and are centre right where the conservatives use to be till they collapsed, the same will happen to labour at the next elections the only parties to gain will be liberal and Reform.*

*If they accept my resignation Markfield will loose its voice thus making it worse off.*

*You say you take no pleasure but that is clearly not true, why would you say that? you chose to go this route.*

*It will be quite nice as a independent no restraints no party to control me ,and before you ask the county council can not ask me to stand down from council it's my choice only as I am elected not employed by them, it seems all you have done is weaken the representation here in Markfield, of course your happy.*

*Tuesday I will ask and tomorrow I will carrying out my last official outing to Nailstone village so I do not think I will have time to reply to further correspondence, and I can then go back to running my business full time again.*

*So I hope the outcome is what you wanted [Complainant C]*

*Charles”*

- 4.31 On 5 October 2025, having received this email, Complainant C sent a further complaint to the Monitoring Officer. Complainant C characterised Mr Whitford's previous email as a hostile response to his own conciliatory correspondence, which reinforced the concerns he had highlighted in his original complaint about discriminatory behaviour and intimidation. Complainant C highlighted specific concerns about Mr Whitford's claim that members of the public were seeking his contact details and the implied threat to disclose his identity, which Complainant C viewed as a breach of data protection and an attempt to silence him through fear. Complainant C asked that this interaction be formally added to the ongoing standards investigation, assessed for safeguarding risks, and included in a police report as part of the wider hate incident inquiry.
- 4.32 Complainant C followed this up with an email to the Police and Monitoring Officer, in which he repeated his concerns about Mr Whitford's threat to disclose his identity to others. With this in mind, Complainant C asked that any future communications from him not be shared with Mr Whitford. Complainant C also provided a screenshot of a Facebook post Mr Whitford had published the previous day, which he said again demonstrated Mr Whitford's Islamophobic views. The post, which was deleted from Facebook the following day, showed the image of a large banner with words "ITS TIME TO END THE ISLAMIC COLONIZATION OF THE UK" written on it.
- 4.33 Complainant C also used this email to report what he considered to be a further breach of the Code by Mr Whitford; his failure to include his position as a director of Appchatz Ltd in his Register of Member's Interests. Complainant C stated, *"While the company is now dissolved, the failure to declare it occurred during Councillor Whitford's time in office and therefore remains relevant to his conduct and compliance with the Code and also the Law. He clearly feels he can act with impunity."*

#### Mr Whitford's apology

- 4.34 On 15 October 2025, Mr Whitford sent the Director of Law and Governance the following letter of apology, which he said could be used for all the relevant complaints:

*"To whom it may concern.*

*I want to apologise to any members of the community, and to anyone who was hurt or offended by my recent comments. I recognise that words matter, and I am truly sorry for the distress that my remarks have caused. That was never my intention.*

*These comments were made during an extremely emotional period for many people. The country has been experiencing a wave of public demonstrations and heightened tensions, and recent violent events elsewhere have understandably left many in our communities feeling frightened and upset. I accept that my language may have contributed to offence rather than calm.*

*I do want to be clear about one point of context: some of the comments were made in response to heated exchanges following discussions with parish councillors who I feel were deliberately provocative and an ongoing health issue that I have recently been given bad news on.*

*Whilst I stand by my right to defend myself from intimidation, I understand that personal frustrations should never be allowed to spill over into language that can cause offence to communities. For that, I apologise.*

*I will ensure that future communications reflect the responsibility of the office I hold.*

*I care deeply about serving everyone in our area, and I will do the work needed to rebuild trust.*

*Mr Charles Whitford, County Councillor for Markfield, Desford & Thornton*

- 4.35 In line with the County Council's Code of Conduct complaint process, the Director of Law and Governance explored whether the various complaints about Mr Whitford's emails could be resolved by way of informal resolution; this included consulting with the Independent Person and circulating the apology to the four complainants. It was subsequently decided that Mr Whitford's apology did not fully address all the concerns raised and that it would be in the public interest for the matter to progress for investigation and formal determination.

#### Mr Whitford's evidence in relation to the emails

- 4.36 During our interview, Mr Whitford told us that as a Markfield resident, he was aware that St. George's flags had been hung on lampposts around the village and that some local residents had tried to confront the people responsible. Mr Whitford said, *"From what I've been told, these were not the type of guys to be confronting. Their language and what they said to residents was clearly wrong. And putting up the flags is illegal, and it was my responsibility as Leader of Highways. When this happened, I was bombarded with emails over a period of about two weeks. I responded to most of them correctly."*

And,

*"I would estimate I received about 600 emails, and it took me days to work through them. A lot of the complaints were very similar. Particularly the ones from the Markfield residents, which were almost word perfect from different people and sent within hours of each other on the same day. I spoke to the Highways department about the flags, and they said that they know what Reform's position on the flags was. That we love the flags. And I've never denied that. I do like seeing them. I'm a bit of a patriot, and the flags did appear overnight. So, having spoken to the Highways department, they said they would not take them down unless they were in a dangerous position. I was replying to these emails. I would say about half of them were against the flags and half were for them. Some were asking if we could have a more permanent flag on the lampposts, which I looked into, because I had to give people the answers. About 300 people were not so happy and were asking, "What was the Council's position? What was my opinion? What was I going to do about it?" I was replying that the Council had no intention of taking them all down, as they could be replaced the next day. This was the Council's official position. And this is what I put in the emails. Although it's illegal to put them up, we are not planning to take them down. Some emails asked my personal opinion and I gave it, saying that I love to see the flags. Some people would come back to me two, three or four times. The group who then submitted complaints were in that bracket. It didn't matter what I said to them, (including what I considered to be a very good apology that was in depth and meaningful and stated that I realised that what I did was wrong), the emails kept coming back. I'm not trying to defend what I said in those emails, they were*

wrong. I got drawn in and what I said maybe a little bit too hard, and I learned my lesson very quickly...'

- 4.37 When we asked Councillor Whitford whether he now considered any of his comments to the complainants to be disrespectful, he told us: *"I do think that there were aspects of the emails that I sent which were perhaps disrespectful, but they were not threatening. In one email, I was talking about stepping down from my role, and then what happened? The press would come in and they want to interview you on live on radio, or actually one was from the BBC. They would ask questions that are almost impossible to answer. They would ask for the names of people, and I would try my hardest to withhold the names. But if I was forced into it, it's a possibility that I would have to tell them the names off air. Again, I realise that this was the wrong thing to say. I can see that this could be taken as a threat of what I was going to do. But it was not threatening against the person. Reading the emails back afterwards, when I'm calm, I did think 'Oh God, I shouldn't have said that'. And there was quite a lot in those three or four emails from the people in Markfield that I was really dragged in by. The worst side of me came out, and I think it showed my lack of experience as a councillor. I'm convinced I've learned my lesson, and it's not been a nice lesson because I've lost my position. I've lost my allowance."*

And

*"I did go back and read through the emails I'd sent. Most of them were fine. It was only the ones from the Markfield residents that I got complaints about. I was offered social media training, which I did two sessions of. One on Teams and one in person; they were very helpful. The people who took it had been at the Council a long time and had a lot of knowledge. I was allowed to say what my problem was and how I'd responded, and that I knew I was wrong and how I could correct myself. They said that realising I was wrong was the biggest part of it. As a councillor, as a human being, I have the right to have my own opinion. I know things like the Islamic faith are protected. That's the legal stuff, but the fact is I should have been much more careful with my words"*.

- 4.38 Mr Whitford was clear when we spoke with him that he would not respond in the same way now if he received similar emails to those that are the focus of this investigation. That said, Mr Whitford maintained that he was deliberately 'hooked'. Mr Whitford told us that he believed that the complaints had been orchestrated by a 'friend' group that included the Chair of Markfield Parish Council, an MP and three County councillors. He told us he believed this because the Parish Council Chair and Councillor Harris had taken a dislike to him after he had attended three Parish Council meetings.
- 4.39 Mr Whitford told us that it is no secret that Reform wants to stop the boats coming in and remove people who *"are not genuine coming here"*. Mr Whitford was clear, though, that such an opinion was not Islamophobic. Mr Whitford added that he would not want to live in an Islamic country, under their rules. He told us, *"My wife is not English, she is Asian. And a lot of my friends are from all different cultures, including Muslim. I have asked their opinion on this, and they have said that it was not offensive to them because it is true that most of the people coming on boats are in their mid-twenties and they don't have any family with them."* Mr Whitford acknowledged, though, that including these comments in a response sent as the Cabinet Member for Highways had perhaps not been appropriate. He told us that he had been wound up by one of the complainants in particular and that he would refrain from discussing his broader political position in similar circumstances in the future.

### Matters relating to Mr Whitford's Register of Member's Interests

- 4.40 Mr Whitford was elected as a member of the County Council on 5 May 2025. His current Register of Interests on the County Council website was published on 8 July 2025. In his second complaint, Complainant C highlighted that Companies House records indicate that Mr Whitford was a Director of a Limited Company called 'Appchatz Ltd' at the time of his election, yet he never included it in his Register.
- 4.41 Records from Companies House show APPCHATZ LTD was incorporated on 18 April 2024, with Mr Whitford as its sole director and shareholder. The next recorded entry is dated 8 July 2025, when a First Gazette Notice was published stating that, unless cause to the contrary was shown, APPCHATZ LTD would be struck off the register and dissolved within 2 months. The Final Gazette Notice was subsequently published, confirming that the company was struck off on 16 September 2025 and dissolved on 23 September 2025.
- 4.42 Mr Whitford told us that he started the company to see if he could make a business from selling gaming and a 'messenger-style' app on the online App stores. Mr Whitford told us that, after a few months, he realised it was not financially viable and decided to shut down the company. Mr Whitford said he informed Companies House in February 2025 and was told the company would be dissolved by April 2025. Mr Whitford told us that, as far as he was concerned, at the time of his election, he was no longer a director.
- 4.43 In order to support his position, Mr Whitford provided a copy of a letter he had received from Companies House that stated that APPCHATZ LTD would be struck off the register and dissolved no later than 3 April 2025. Mr Whitford told us that when the complaint was received, he contacted Companies House and was informed that there can sometimes be a delay in their dissolution of companies. Mr Whitford said that if he had done anything wrong in terms of completing his Member's Register, it was wholly unintentional.
- 4.44 In his comments on the draft report, Complainant C noted that the apps created by APPCHATZ LTD remain available to download online. Complainant C stated, *"This suggests he may still be financially benefiting from them. I believe his status as a director is only one component of what should qualify this as a pecuniary interest."*

### Additional matters pertaining to Mr Whitford's use of Facebook

- 4.45 During the course of the investigation, Complainant C told us that he believed that Mr Whitford had used fake Facebook accounts under the name "Mark Ford" and 'Leicestershire Times' to comment on matters related to these complaints, including again threatening to expose his identity.
- 4.46 The first 'Mark Ford' Facebook comment highlighted by Complainant C was posted in response to a BBC Leicester article, published on 20 November 2025. This article reported that Mr Whitford had been temporarily stood down from his Cabinet role by the Leader of the Council as a result of these complaints. And a Facebook user had then posted a copy of Mr Whitford's email to Complainant C (shown at paragraph 4.14 – though this version had removed Complainant C's identity).
- 4.47 In response to this post, 'Mark Ford' wrote: *"why you posted these, that is a attack on a councillor that has been diagnosed with Cancer, these emails have already been shown*

*to be fake, would you like the name of the creator of these emails? His first name starts with a T and he comes from Markfield and part of a group of 5 councillors 3 friends of councillors and 1 MP all being Conservatives. All attacking a man that is already down it's disgusting and shows how despicable they are". [sic]*

- 4.48 The other exchange highlighted by Complainant C involved both the 'Mark Ford' profile and a profile called 'Leicestershire Times'. The posts read as follows:

Leicestershire Times: *"More problems for County Council leader Dan Harrison, as information just coming in to our news desk; The suspension of one of his cabinet councillors was illegal and the councillor is taking legal action, a set procedure was not followed and Cllr Harrison suspended the said councillor before any investigation had taken place, the question we ask is innocent till proven guilty or guilty till proven innocent? This is not the first time that Cllr Harrison has donned a wig and gown and raised himself up to judge and jury, mixed with all the threats of violence is it time Cllr Harrison stood down?" [sic]*

Mark Ford: *"Not surprised it's been chaos since he was elected leader, I'm told that the conservative leader is the one pulling the strings and Dan the man is a puppet. I think this is the fourth councillor to be kicked out of cabinet. Still vote Reform one bad apple and all that, get Dan out and the suspended councillors back in" [sic]*

- 4.49 Before speaking with Mr Whitford on this matter, we examined the Facebook profiles for 'Mark Ford' and 'Leicestershire Times'. The Mark Ford profile, which appeared to have been created on 14 October 2025, stated that he was a Corporate Lawyer at Ford & Warren Solicitors (a Leeds firm that ceased trading in 2015), studied at the University of Leicester, and lived in Syston. Mark Ford's only listed friend was the Leicestershire Times. The 'Leicestershire Times', also a newly created account, had a professional Facebook profile.<sup>4</sup> Its only listed follower was 'Mark Ford.'

- 4.50 On 8 December 2025, when we interviewed Mr Whitford, he told us that he knew nothing about these accounts and that he only used Facebook under his own name. He said, *"I have been on Facebook for a long while, but I've never involved myself with fake accounts. It's always been family holidays, that sort of normal stuff. It annoys me that this is my personal Facebook account. It's not as a councillor. That's my own view, and I don't even use the title councillor on Facebook. I have currently suspended my Facebook account, and apparently, there have been some comments in the last two or three weeks, but they are from the fake Charles Whitford account, which I have told Facebook about. Until that is sorted out, I'm keeping a low profile on social media".*

- 4.51 When we asked Mr Whitford about his removal from Cabinet, he told us that Councillor Harrison had prematurely suspended him, stating, *"Since I've been suspended, I'm not involved in it anymore. Although there is a lot of support for me from the Reform Group, with the exception of the group leader. They have said they miss me and want me back as soon as possible, but Dan Harrison has said he will not lift the suspension until the investigation is over."*

- 4.52 Within a week of our interview with Mr Whitford (which was the next time we checked Facebook in relation to this matter), the 'Mark Ford' Facebook account had changed its

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<sup>4</sup> A professional account allows you to have 'followers', who can see your public posts, while not allowing you access to their content as a 'friend' would.

profile name to *'Leicestershire Times'*. Shortly afterwards, both accounts were either deleted or rendered inaccessible.

4.53 When considering Complainant C's allegation that Mr Whitford used a fake Facebook account to further intimidate him, there were several factors that we considered supported his concern. In the first instance, the direct connection between the two accounts, with each having the other as its only connection and then the 'Mark Ford' account changing its name to the 'Leicestershire Times, makes it more likely than not that the same person was responsible for both. In addition, Mark Ford's claim to have been employed by a defunct law firm, the lack of any other evidence suggesting the existence of an organisation called the Leicestershire Times, and the fact that both were newly created and then deleted at a similar time, suggest that both accounts were fake.

4.54 The finding that these were fake Facebook accounts does not automatically demonstrate that Mr Whitford was responsible for them. In our view, though, the following factors all go to suggest that he did:

- The 'Mark Ford' account was created shortly after Mr Whitford had been informed of this complaint.
- The name 'Mark Ford' combines Mr Whitford's middle name (Mark) with the suffix of his surname (Ford). This is a common pattern in fake accounts, where the creator uses a derivation of their own identity.
- '*Mark Ford*' had information about the author of the email (Complainant C) that was known to Mr Whitford but was unlikely to have been much more widely known. And that he threatened to expose Complainant C's identity, something Mr Whitford had previously referred to doing.
- The temporal link between our interview with Mr Whitford and the deletion of the accounts.

In our draft report, when we weighed these factors alongside Mr Whitford's active presence on social media, his knowledge of digital media, his admitted frustration with the Council Leader and belief that these complaints were prompted by a political conspiracy against him (assertions that were wholly consistent with the posts published by the two fake Facebook accounts), the most plausible conclusion for us was that Complainant C's concerns were justified, and that Mr Whitford created these accounts to disparage his political opponents and defend himself under a veil of anonymity, with the Leicestershire Times acting as a manufactured news source to validate Mr Whitford's grievances regarding the apparent "*illegal*" nature of his suspension. We comment further on this below, in light of Mr Whitford's representations on this draft report.

#### Mr Whitford's comments on the draft report

4.55 Mr Whitford sent us several emails in response to the draft report, which we summarise as follows:

- Mr Whitford vehemently denied creating or using fake Facebook accounts. He told us that 'Mark Ford' is a real person (referring to him as Marc and Marcus Ford). Mr Whitford said that while he does not personally know Mr Ford, he does know Mr

Ford's mother and his aunt. Mr Whitford argued that we have therefore been misled by Complainant C, whom he alleged was part of a group actively harassing him and others in the village. Mr Whitford demanded that we remove all references to him being responsible for the alleged 'fake' Facebook accounts in our report, arguing that our finding was based on "*hearsay*" and "*probability*" (which he likens to a coin flip) rather than actual proof. Mr Whitford warned that if this report is published with the 'fake account' allegations intact, he will pursue legal action for slander against us, as he believes the report would unfairly damage his political career.

- Mr Whitford told us that there is an ongoing police investigation into Complainant C and another for physical and verbal attacks against himself and two former councillors. Mr Whitford told us that one person has been arrested and bailed by the police; he does not know their identity as the Police would not disclose it. Mr Whitford referenced the involvement of "Operation Ford," a Police reporting system for political figures facing harassment and suggested that this report is inadvertently aiding those attempting to destroy his career.
- Mr Whitford accepted our provisional findings regarding his emailed responses to the four complainants about the flag hanging and acknowledged that he will face and accept the consequences for his actions. However, he denied being "Anti-Islam," and criticised the use of the term "Islamophobia."
- Mr Whitford thanked us for our consideration around his failure to register his position as a Director of "Appchatz".

4.56 In light of Mr Whitford's strong challenge to our provisional considerations about his use of fake Facebook profiles, we invited him to provide us with any corroborating evidence to support his contention that Marc/Marcus Ford exists. Mr Whitford told us that he had asked Mr Ford's mother and aunt to verify Mr Ford's existence; they declined. Mr Whitford told us, therefore, that he has no further evidence to offer beyond reiterating that he had nothing to do with them

4.57 Our own online searches have established that there is a person on Facebook from Markfield with the same name as that given to us by Mr Whitford for Mr Ford's mother. We have still seen no evidence, however, of a connection between her and a Mark/Marc/Marcus Ford, or indeed, any evidence that this person exists. Therefore, we are effectively left with the same evidence as we had at the draft report stage, other than the vehemence of Mr Whitfield's denial. We do, though, understand the difficulty Mr Whitford says he faces in effectively proving a negative and understand the impact a decision on this matter could have on his political career. We also recognise that Mr Whitford has co-operated with us throughout and, to an extent, been accountable for his actions when responding to the four complaints concerning flag hanging; we have to take his strong denial seriously.

4.58 When considering whether to investigate this particular aspect of the complaint further, we recognised that the only relevance of Mr Whitford's apparent use of 'Mark Ford's' Facebook account to our considerations is the post where he threatened to name Complainant C as the complainant. We have undisputed evidence demonstrating that Mr Whitford had done this elsewhere (directly and by email). And this investigation must be proportionate to what was intended to be a light-touch regulatory scheme with limited sanctions. We have therefore decided not to investigate this matter further, and to make no finding of fact on it.

## 5: Analysis

### Capacity

- 5.1 Section 27(2) of the Localism Act 2011 requires all relevant authorities to adopt a code of conduct "dealing with the conduct that is expected of members ... when they are acting in that capacity" (our emphasis). The Council has reiterated this in its own Code.
- 5.2 It is clear then that the Code does not seek to regulate what members do in their purely private and personal lives. The Code only applies to members when conducting Council business or when carrying out their constituency work. Conduct that might be regarded as reprehensible and even unlawful is not necessarily covered by the Code; a link to that person's membership of their authority is needed.
- 5.3 In offering our own views on this, we recognise that the Localism Act is vague on the key point of what acting in an 'official capacity' involves. We do have the following guidance from the Local Government Association:

***The Code of Conduct applies to you when you are acting in your capacity as a councillor, which may include when:***

- *you misuse your position as a councillor*
- *your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor."*

The Guidance further states,

*"There is no formal description of what the role of a councillor is, but aside from formal local authority business it would include promoting and representing the local authority in the local community and acting as a bridge between the community and the local authority. The LGA's guidance for new councillors is a helpful reference point.*

*The code does not, therefore, apply solely when you are in local authority meetings or on local authority premises.*

*The code applies to all forms of communication and interaction, including:*

- *at face-to-face meetings*
- *at online or telephone meetings*
- *in written communication*
- *in verbal communication*
- *in non-verbal communications*
- *in electronic and social media communication, posts, statements, and comments.*

*This includes interactions with the public as well as with fellow councillors and local authority officers...*

*For something to fall within the code there must be a clear link to a local authority function or your role as a councillor. For example, an argument with a neighbour*

*which does not relate to local authority business would not engage the code, even if your neighbour happens to know you are a councillor and therefore complains to the local authority about being treated disrespectfully.”*

- 5.4 We consider that Mr Whitford was clearly acting in his capacity as both a councillor and a Cabinet member when he used his County Council email address to respond to the emails from the four complainants. His auto signature on each stated: “*Cllr. Charles Whitford (Cllr. / Mr) County Councillor - Markfield Thornton and Desford - Cabinet Member for Highways Transport and Waste Leicestershire County Council*” and included the County Council’s logo. Furthermore, the matter under discussion, the unauthorised hanging of flags on a County Council asset, was directly related to his role as a Cabinet member. The Code is therefore engaged in relation to these aspects of the complaints.
- 5.5 Turning to the concerns raised about Mr Whitford’s use of Facebook: A councillor’s social media accounts are almost always set up by them as private individuals (rather than because they have been instructed to by the Council) and often predate their election to office. Furthermore, on platforms such as Facebook and Twitter, councillors can also have ‘blurred identities’, using the same account to comment both as a councillor and as a private individual. For example, a councillor might use the same Facebook account to post about a great night out (personal) and then explain their authority’s position on pothole repairs (councillor). Such blurred identities can lead to situations where a councillor’s individual views are taken as those of their organisation or political party, rather than as their personal opinion. For this reason, most local authorities will have a social media policy to help Members understand their responsibilities in this area. It does not mean, however, that all of their activity on social media will fall within the jurisdiction of the Localism Act
- 5.6 A report on Ethical Standards in Local Government, published in January 2019 by the Committee on Standards in Public Life, stated that “*The widespread use of social media presents a particular challenge to determining whether a code of conduct applies to instances of behaviour.*” The report suggests that public office holders are expected to maintain high standards in their use of social media, even when commenting on matters wholly unrelated to their official duties. What is relevant to the public is not just whether an individual is acting in an official capacity or a personal capacity, but also whether the behaviour itself is in public or in private. Restrictions on what an individual may do or say in public are different in kind from restrictions on an individual’s private life. While the report makes it clear that the current legislation does not reflect this fully when it comes to considering the conduct of councillors in England, it does state: “*it is clear to us that when a social media account identifies the individual as a councillor or an individual makes comments related to their role as a councillor, then the code of conduct applies. This would be the case even if the individual posts a ‘disclaimer’ to suggest that the account is a personal one.*”
- 5.7 Councillors, therefore, can find that the Code can be applied to their conduct on social media, even where they are not immediately identifiable as a councillor. An important case in this area is *McTigue v Middlesbrough Council* (2009). Councillor McTigue made a series of postings on the forum of the Middlesbrough Evening Gazette using the pseudonym “Indie” that related to wheelie bin collections and included insulting comments about a local resident. Councillor McTigue argued that she was not acting in her official capacity at the time because all her forum comments were made in her own time and under the pseudonym “Indie”. The Adjudication Panel held she was not acting

as a councillor when commenting about things in general as 'Indie', but that she was acting within the ambit of the Code when the contents of her posts concerned Council business, even though she was using a pseudonym that did not identify her as a councillor. The determining factor is whether the content of any individual post/tweet/blog is sufficiently connected to Council business is sufficient to justify regulatory intervention.

- 5.8 Given that Mr Whitford's own Facebook account clearly identifies him as a councillor, we are satisfied that his social media posts fall within the jurisdiction of the Localism Act. This would also be the case if the Panel decided that they had sufficient evidence to conclude that he was also responsible for the fake Facebook accounts. Therefore, Mr Whitford's conduct can be considered.

### Code Principles

- 5.9 The intention of the Code is to ensure that the conduct of public life at the local government level does not fall below a minimum level which engenders public confidence in democracy. To objectively assess Mr Whitford's conduct, we need to set out clearly what we understand each requirement (relevant to these complaints) to mean, and what a breach of that requirement looks like. We will then consider whether the conduct found constitutes a breach of the Code.
- 5.10 **Respect:** The Local Government Association's guidance (The LGA Guidance) provides that a failure to treat others with respect occurs when unreasonable or demeaning behaviour is directed at or about another person. The circumstances surrounding the behaviour are relevant to assessing whether it is disrespectful. The circumstances include the location where the behaviour occurred, who observed it, the character and relationship of the people involved, and any provoking factors. Disrespectful behaviour can take many different forms, ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would consider likely to influence the willingness of fellow councillors, officers, or members of the public to speak up or interact with a councillor because they expect the encounter to be unpleasant or highly uncomfortable, constitutes disrespectful behaviour.

Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language such as swearing in meetings or written communications, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault-finding, the use of inappropriate sarcasm in communications, and the sharing of malicious gossip or rumours.

That is not to say that councillors cannot be critical about others or robustly defend themselves from criticism. In the day-to-day operations of a local authority, it is inevitable that councillors will at times disagree with officers and other councillors. The Code of Conduct is not intended to constrain councillors' involvement in local governance, including the role of councillors to challenge the performance of officers. Councillors can question and probe poor officer performance provided it is done in an appropriate way.

The Standards Board for England Case Review 2010 (2011 Edition), which focused on the way in which local councillors should treat others, and in particular each other,

provides guidance on treating others with respect by indicating a ‘rule of thumb’ comparison: “You’re talking drivell” is likely to be an acceptable expression of disagreement. Calling someone an “incompetent moron”, on the other hand, is more likely to be a failure to comply with the Code. We can see that the first comment is aimed at the expression of an idea or argument. The second is aimed at the person and their personal characteristics. Whilst some care must be taken in adopting wholesale a test applicable to a provision of the former national model code, it is the personalisation of comments that cause the user to breach the Code.

**5.11 Bullying and harassment** The LGA guidance accompanying the Code of Conduct assesses bullying using the same definition as ACAS. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation. Examples of bullying may include verbal abuse, such as shouting, swearing, threatening, insulting, being sarcastic towards, ridiculing or demeaning others with the use of inappropriate nicknames or humiliating language.

Harassment is any unwanted conduct that has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Bullying and harassment can happen to anyone. It can be obvious, like physical threats or intimidation, or it can be more hidden, happening privately or in ways that are hard to spot at first. For example, within the workplace it might start with small things like constant criticism or picking on someone, but over time, these actions can add up and turn into more serious behaviour, allowing the bully to isolate and control the person.

Some bullies lack insight into their behaviour and are unaware of how others perceive it. Others know exactly what they are doing and will continue to bully if they feel they are unlikely to be challenged. Bullying and harassment can sometimes be overlooked because of common euphemisms being used by way of explanation or justification, referring to someone as having a “poor communication style” or a “bad attitude”, for example, or to the problem being due to a “personality clash”.

**5.12** The Local Government Guidance on dealing with Code of Conduct complaints (the LGA Guidance) states, about bullying: *“Conduct is unlikely to be considered as bullying when it is an isolated incident of a minor nature, where it is targeted at issues, rather than at an individual’s conduct or behaviour, or when the behaviour by both the complainant and councillor contributed equally to the breakdown in relations. However, the cumulative impact of repeated ‘minor’ incidents should not be underestimated.”*

**5.13 Equalities:** The general equality duty requires organisations to consider how they could positively contribute to the advancement of equality and eliminate discrimination. The equality duty covers the nine protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It requires equality considerations to be reflected in the design of policies and the delivery of services, including internal policies, and for these issues to be kept under review.

There are four main forms of discrimination: Direct discrimination (treating people differently because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation); Indirect discrimination (treatment which does not appear to differentiate between people because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation but which disproportionately disadvantages them); Harassment (engaging in unwanted conduct on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment); and Victimisation (treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination)

Some councillors have particular roles that may increase the risk of discrimination; for example, if they are on an appointment panel for a position in the local authority, or are able to award local grants in their ward and decide which organisations to support. As explored further below, however, the Code is not intended to stifle democratic debate. Members should always remember that Article 10 of the Human Rights Act 1998 gives a high level of protection to even offensive comments, if genuinely made in the course of political debate. Thus, merely arguing, or even voting, against a proposal which is aimed at complying with a positive anti-discriminatory duty would not be enough, by itself, to cause this paragraph to be engaged. However, under the equality enactments, an authority is made liable for any discriminatory acts which a member commits. This will apply where a member says or does something in their official capacity that is discriminatory. Members must therefore be careful not to conduct themselves in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders the fulfilment by the authority of its positive duties under the equality enactments. Such conduct may cause the authority to breach an equality enactment, and the member may find themselves subject to a complaint that they have breached this paragraph of the Code.

**5.14 Disrepute:** In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor's behaviour in office will bring their role into disrepute if the conduct could reasonably be regarded as either:

- reducing the public's confidence in the Council's ability to fulfil its role;
- or adversely affecting the reputation of your authority's councillors, in being able to fulfil their role.

Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring the authority into disrepute.

**5.15 Register of Interests:** A Member's duty to register and declare their pecuniary and non-pecuniary interests was introduced as part of the Localism Act 2011. A councillor needs to register their interests so that the public, local authority employees and fellow councillors know which of their interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects councillors by allowing them to demonstrate openness and a willingness to be held accountable.

The interests that constitute Disclosable Pecuniary Interests (DPIs) are set out in Regulations made by Parliament and include the Directorship of any Limited Companies. All authorities were given the power to define which interests should be included in their Member's Register, the DPIs were compulsory. They must be registered and, when they come up in a meeting, declared. Failure knowingly to register or declare a DPI is a criminal offence under the Localism Act.

**5.16 Freedom of Speech:** As referred to above, when considering this matter, we must give regard to the enhanced protection politicians are offered in Article 10 of the Human Rights Act. This would include considering whether any interference or restriction to a councillor's freedom of expression is prescribed in law and, if so, whether it is necessary in a democratic society.

Councillors operate in a political environment and must be free to make political points and discuss matters of public concern without undue interference. That said, the Localism Act, under which the Council has adopted a Code of Conduct, provides that a councillor's freedom of speech can be legally restricted. When considering whether it is necessary, we believe that one of the objectives of the Code and its provisions (along with the imposition of any sanction if a breach is found) is to protect the reputation and rights of others, for example, from offensive, abusive, and defamatory remarks. Other aims would include preventing the disclosure of confidential information; ensuring that the council or the office of a councillor is not brought into disrepute; preventing good administration; and ensuring that public confidence in the council or in democracy itself is not undermined.

Councillors should consider, therefore, both what they are expressing and the way they are expressing it. They should also consider how their conduct could be perceived. There is no reason councillors should not be able to undertake a scrutiny role, represent the public and their constituents, or make a political point in a respectful, courteous, and appropriate manner, without resorting to personal attacks, being offensive, abusive/or unduly disruptive. In fact, it is encouraged.

Summaries of some of the principles established by the Courts can be found in Annex 5. Particularly relevant to this matter are the principles that any restrictions must reflect a '*pressing social need*' and that '*political expression*' must be interpreted widely and include open discussion on political issues, including public administration and public concern, including comments about the adequacy or inadequacy of the performance of public duties by others.

#### Mr Whitford's conduct

**5.17** To briefly recap, Complainant A, B, C and D all contacted Mr Whitford to report that men erecting flags in Markfield were apparently doing so without the County Council's consent or having consulted the local community to ascertain whether it was welcomed. All parties raised additional concerns regarding their intent and the potentially damaging consequences such actions might have on community cohesion. Furthermore, in some emails, serious allegations were made against those responsible. This included the use of racially and homophobically charged language and aggressive and intimidatory behaviour, by the men erecting the flags in the street. The concerns were raised with Mr Whitford both because he was the County Councillor for Markfield and the Cabinet Member for Highways, Transport, and Waste. In our view, his latter position serves as a significant aggravating factor in this investigation. Mr Whitford's conduct must be

viewed through the lens of his being a senior member of the administration, who held a direct responsibility for deciding how the County Council might respond to the unauthorised hanging of flags on its street furniture.

- 5.18 Before we consider Mr Whitford's conduct in relation to these complaints, we would firstly stress that it is not part of our role to consider the legitimacy of the County Council's response to the hanging of flags. While we believe that attaching anything to a lamppost without permission is technically an offence under the Highways Act 1980, Councils across England have adopted varying policies in response to a nationwide issue of people hanging Union Jacks and St George's flags on streetlights. These decisions have often balanced the relevant authority's legal requirements with local sentiment, safety concerns and potential costs. Our considerations are focused on whether Mr Whitford, as the relevant Cabinet member, communicated the County Council's position appropriately when responding to four complainants on this matter.
- 5.19 In Mr Whitford's response to Complainant A (complaint 1), he did not address the alleged harassment she had described. Instead, he questioned Complainant A's character, asking, "*Are you anti-British?*", while labelling those who objected to the flags, as Complainant A clearly did, as "*far-left extremists*". In our view, Mr Whitford's response to Complainant A was dismissive and highly inflammatory. While confirming that the County Council did not intend to remove the flags, he questioned the complainant's patriotism rather than addressing her safety concerns, implied that it was her opposition to them that was responsible for any conflict on '*our streets*' and expressed a personal disappointment in her for raising the matter with him.
- 5.20 In his response to Complainant B (complaint 2), Mr Whitford not only expressed his personal disappointment in her, but he also said that he was '*ashamed for her*'. Despite recognising the legitimacy of her concerns about the possible illegality of the actions carried out by those who hung the flags, Mr Whitford suggested that she was '*anti-British*' for raising them.
- 5.21 In Mr Whitford's response to Complainant D (complaint 4), he suggested she was anti-British, that she re-evaluate her own political agenda, and claimed (without basis that we have seen) that 98% of British people approved of the flags. Mr Whitford further warned her that confronting men who were acting illegally was dangerous, while simultaneously defending the presence of the flags and reminding her that she did not own the lamp posts.
- 5.22 As stated above, members must treat others with respect. This does not mean that they cannot disagree with or be critical of others. They must, however, avoid personal attacks, offensive language, or demeaning language. While Mr Whitford is entitled to express his patriotic views robustly, the personalisation of his responses, such as labelling a long-term resident as anti-British for raising legitimate concerns about the unauthorised use of streetlights, crosses the line between political debate and personal attack. Furthermore, responses such as "*I am ashamed for you*" and "*Very disappointed in you*" are clear examples of demeaning behaviour directed at members of the public. Rather than providing a civil explanation of the County Council's position regarding the flags, he used his official platform to attempt to shame those who were expressing concerns. By his own admission, Mr Whitford later conceded that aspects of these emails were "*disrespectful*" and "*too hard*". In our view, the personal insults and dismissive rhetoric Mr Whitford used in his response to Complainants A, B and D meant he failed to meet the requirement to treat others with respect.

- 5.23 Complainant D in particular characterised Mr Whitford's response to her as intimidating and bullying, specifically citing his use of an unsubstantiated 98% approval statistic to marginalise her, and his warnings that confronting flag-hangers was dangerous. We agree with her concerns. By ignoring her reports of feeling unsafe and instead labelling her as part of an "anti-British" minority, Mr Whitford's conduct could be reasonably interpreted as an attempt to demean and belittle her. While his warning about safety might have been intended as advice, in the context of his other aggressive remarks and antagonistic tone, it contributed to an environment that Complainant D reasonably perceived as intimidating. Given that Mr Whitford held a position of authority in relation to this matter, and that Complainant D was reaching out to him with legitimate concerns about what Mr Whitford himself described as unlawful behaviour, we consider that his response constitutes bullying behaviour.
- 5.24 Finally, while in relation to these three complaints, we do not find a specific breach of the Equalities paragraph (2.7.3), as the disagreement was over the display of a national symbol, we do consider that on each occasion, Mr Whitford used his official platform to shame and belittle members of the public for expressing concerns that he did not share. Indeed, despite repeatedly stating that the flag-hanging was illegal, he made it clear that he loved to see it and considered anyone who did not, 'anti-British'. Instead of providing any of the legitimate reasons the County Council might have considered when deciding not to remove the flags, Mr Whitford's response risked leading the public to reasonably conclude that when making such decisions, he would prioritise his personal ideology over the rule of law. In our view, such conduct from a Cabinet Member lowers public confidence in the Council's ability to discharge its functions fairly, thereby bringing both his role and the authority into disrepute.
- 5.25 Turning to the allegations made by Complainant C (complaint 3). For the reasons given above, we recommend that Mr Whitford be found to have failed to treat Complainant C with respect, to have bullied him, and to have brought his role and authority into disrepute. As in his response to Complainant D, Mr Whitford's initial response to Complainant C was dismissive, personally insulting, and contributed to an environment that Complainant C reasonably perceived as intimidating. Furthermore, in terms of his bullying behaviour, Mr Whitford took the decision to contact Complainant C after he had submitted his complaint to say that he believed that Complainant C *'was the one causing division'*, warn that many who agreed with Mr Whitford had asked for his contact details *'to make it clear how they feel'* and indicate that that it might feel the need to provide it. The guidance from the Local Government Association states: *"Once there is the possibility of a complaint that the Code of Conduct has been broken, councillors need to be alert to how their behaviour towards potential witnesses or officers involved in handling their case may be viewed."* Members of the public should not be fearful that they will be subject to revengeful action when they make a complaint about a councillor to an appropriate body, as Complainant C did. In our view, this is another clear example of bullying behaviour.
- 5.26 Mr Whitford's response to Complainant C's complaint is not the only reason why we have separated it from the other three. In his initial response to Complainant C, Mr Whitford used his County Council email to disseminate Anti-Muslim conspiracy theories, referencing an *"influx of soon to be millions of mainly muslim men of fighting age coming here to make this country a Muslim state, as proved by the attempt to bring in sharia law in London last week"* and implying that opposing the flags is encouraging Britain

becoming an Islamic state. Complainant C highlighted a similar Facebook post that Mr Whitford had published to demonstrate another example of his Islamophobia.

- 5.27 As with all our considerations in relation to these complaints, when considering whether Mr Whitford has failed to comply with the Code in relation to these comments, we have carefully balanced its provisions against the higher level of protection Article 10 offers to political speech. During the course of the investigation, Mr Whitford contacted the County Council's Director of Law and Governance to highlight the employment case of 'Patrick Lee v Institute and Faculty of Actuaries', where the judge held that Islam-critical beliefs met the threshold for 'protected philosophical belief' under the Equality Act 2010. Her response, dated 12 November 2025 (see annex 6), provides an excellent summary of the relevant considerations. While the Tribunal in that case must still decide, at a final hearing (scheduled for February 2026), whether Mr Lee's social media posts were a "proportionate manifestation" of that belief, it does reinforce the right of individuals, including councillors, to hold and express opinions that might offend others, including Islam-critical beliefs.
- 5.28 Applying that to Mr Whitford's conduct, we consider that his Facebook post showing the image of a large banner with words "ITS TIME TO END THE ISLAMIC COLONIZATION OF THE UK" is unlikely to amount to a breach of the Code. In the first instance, we are not satisfied that the necessary nexus exists between the statement and Council business to justify regulatory intervention. On a personal social media account, councillors have far more leeway to express '*political views*' even if they are controversial, as long as they are not personalised. Courts have historically afforded such political expression substantial protection, provided it doesn't incite violence. And some general principles that have emerged from previous Code of Conduct cases and tribunal hearings include that a finding that a councillor failed to treat others with respect normally requires comments that are aimed at or about an identifiable person and their individual characteristics. Disrespect is harder to find when comments are made about an organisation or distinguishable group, and impossible when directed at a general group (though other aspects of the Code may well be engaged). As an example, while insults aimed at 'Travellers' generally would not engage this aspect of the Code, insults aimed at an identifiable group of Travellers would.
- 5.29 While the law affords a councillor significant latitude to express personal opinions on social media, the Council's statutory obligations require a strict separation between private views and the impartial administration of public services. As a Cabinet Member, Mr Whitford had a central role in ensuring that equality and neutrality are embedded within the authority's decision-making and performance. Furthermore, the principle of Leadership dictates that a councillor's duty extends beyond merely repeating information; they are expected to rigorously verify the accuracy and evidentiary basis of their assertions. By choosing to disseminate inflammatory tropes regarding "Sharia law" and "Islamic colonisation" within an official response to a constituent, Mr Whitford has failed to uphold these standards. Such conduct, performed in his capacity as the relevant Cabinet Member, constitutes a fundamental failure to foster good community relations and undermines public confidence in the County Council's commitment to promoting equality and avoiding unlawful discrimination. As such, we recommend that Mr Whitford also be found to have failed to comply with paragraph 2.7.3 of the Code.
- 5.30 Finally, to consider Mr Whitford's failure to include his position as a Director of APPCHATZ LTD in his Register. The information published by Companies House demonstrates that Mr Whitford held the position until the company was dissolved on 23

September 2025. As such, Mr Whitford was legally required to include the position in his Members Register. His failure to do so is therefore technically a breach of the Code.

- 5.31 Given that Mr Whitford demonstrated during the investigation that Companies House had left him with the reasonable belief that the company would be dissolved by April 2025, and without any suggestion that his failure to include it in his Register improperly advantaged him or disadvantaged anyone else, we do not recommend that any further action be taken in relation to this aspect of the complaint. While we note Complainant C's concern that APPCHATZ apps are still available online, we have seen no evidence to suggest that Mr Whitfield enjoys any financial benefit from them.

## 6. Recommendations

- 6.1 We consider that Mr Whitford's emailed responses to the various complainants represent an egregious breach of the Code, evidencing as they do his failure to treat others with respect, bullying others, failing to promote equalities, putting the County Council at risk of breaching the Equality Act 2010, and bringing his role and the Council into disrepute. While we recognise that Mr Whitford subsequently offered an apology for his conduct, he has also continued to an extent to defend his actions. As stated previously, we consider that Mr Whitford's position as the Cabinet Member for Highways, Transport, and Waste serves as a significant aggravating factor in this investigation. We therefore recommend that these complaints be referred to a Member Conduct Panel to make a formal determination.

## Annex 1

### Emails from Complainant C to Councillor Whitford

**25 September 2025**

"Good Morning Councillor Whitford,

I trust you're well,

I'm writing to you on the advice of Cllr Claire Harris and would like to report some horrendous, intimidating and antisocial behaviour from two men who were putting up flags on Sunday night.

I'd like to start by saying I've always been a public minded and respectful citizen, I'm a Director of a large IT company - Employing 1200 people and was in fact was doing Jury service earlier this month, voted Jury foreman so I'm not your typical lout who wants arguments in the street. I am, however, disgusted by what I'm witnessing happening in our county and the country as a whole.

We live on XXXXXXXXXXXX in Markfield and object to the raising of flags without permission, as we see it as a racist misappropriation of our country's flag stoking the fires of division and causing unrest. These people are using patriotism as a smokescreen for their obvious racism, xenophobia and homophobia which became abundantly clear during our conversation.

While we have both been born and bred in England (both in our mid 40s) - however I am of a very mixed heritage and my wife is half XXXXX, so we object to this kind of loutish and divisive behaviour entirely. I've lived in Leicestershire for 25 years and have never seen this kind of thing before.

I made the decision to drive down to try and talk calmly to these two men, but my attempt to understand what they were trying to achieve and their intention with putting up flags was met with instant aggression and anger. Two other ladies who live nearby were also caught up in a very fractious conversation with them before me and I'm sure they would be happy to confirm what they witnessed with my exchange.

I'm very sure the only way I didn't come away injured was because the ladies started to film them and they didn't want to be caught on camera so the man in the white pulled the other man away from me. The ladies sent me the attached video, which is only a small amount of the abuse I received from them. This kind of intimidating behaviour should not be accepted or tolerated.

I tried to ask them what the flags were trying to do, why use the flag of St George as opposed to the Union Jack and why we were not asked permission - but they just wanted to talk about Tommy Robinson, their attendance at his Rally in London, how 2 million people are fighting for our country against immigrants and just swearing consistently at me calling me everything you would expect from these kinds of men.

In relation to the intent of these two men, they kept talking about Tommy Robinson - As you'll no doubt know all about his criminal convictions - but the rally also had many other reprehensible far-right speakers ranging from Elon Musk's video link inciting violence and

calling for people to fight back against the violence which is coming for them - to the likes of Avi Yemini, who has admitted to assaulting his wife and killed civilians, Gurmit Singh, who spent 6 years in prison for violent robbery and Eric Zemmour, who has been convicted multiple times for inciting racial hatred along many other far-right speakers promoting hate. Do you as our local councillor ascribe to the view that these people push? If not, what is your stance? I'd very much welcome a rational debate with you to try to understand your position in welcoming flag raising.

I feel utterly disgusted that the racist ideology and hateful language and xenophobia that we all thought we'd moved on from as a society has raised its ugly head in our peaceful Leicestershire village. My wife and children have felt intimidated, fearful and been scared for days now and we shouldn't be made to feel that way in our own homes by these disgusting men, who, by the way, do not even live in the village.

We're facing division and racism, masquerading as patriotism in a manner not seen since the 70s and it needs to be addressed, your party is a key part of what is causing this division and I really hope we can get a grip of the rhetoric that is being used - otherwise we as a society are doomed.

The vast majority of this country are moderate, good people, but by allowing the issue of 30,000 migrants to dominate the news rather than the 1.4 Million long term unemployed and the insanely expanding wealth between the top 0.1% and the rest - is just stoking the fires of division.

I'd like to know what recourse we have - we have reported to the police and have had no response - and from what we understand from others are they completely in their rights to do this?

I do not have means to get to the height of the flag to remove as my ladder is only 4 metres high and would like it removed, how do we go about getting the council to rectify.

Finally, I'm aware that Reform wants to distance itself from racism, however, while not all Reform voters will be racists, you can guarantee all of the far-right and racists will be voting Reform, so there is a huge burden of responsibility on your party leader to quell this kind of behaviour.

Thanks for your time in reading this, I look forward to hearing from you."

### **3 October 2025**

"Dear Charles,

Thank you for your message. I recognise that this has been a difficult matter for you, as it has been for many of us in the village.

It is sad that so many people felt the need to complain and that we have ended up here.

I want to be clear that my complaint was never about us simply having 'different views.' As neighbours, of course we can disagree respectfully -that is part of what makes our society work. I welcome healthy debate and the chance to discuss different views and opinions.

I also want to make it clear that I love our country every bit as much as you do. I love our history, our heritage, our language, our values and and it's precisely for that reason that I believe we must do everything we can to stand against extremism in all its forms, whether from the right or the left, to keep our country safe, fair, and united.

I note your decision to step down from your role. That is not something I take any pleasure in whatsoever, but I thank you and I do believe it is the right step in the circumstances - and I hope it will help restore confidence in the Council.

You will have read my complaint and therefore understand my concerns and the basis for them, so I don't think there is any benefit in reopening those points. What matters now is that our county and community can prosper, live in harmony and peace, and aim to be good to one another.

I am sure we will continue to cross paths in Markfield as neighbours, and I would like that to be on the basis of civility and mutual respect.

I have no doubt you undertook your role with the intention of doing what you believed to be right.

Yours sincerely,

[Complainant C]".

**Annex 2**

Email from Complainant A to Mr Whitford CC

**26 September 2025**

Good Morning Charles

I am writing to raise a formal complaint regarding the flags that were recently put up in Markfield (Main Street and Ashby Road).

I strongly object to the raising of the St George's flag in this context, as it currently carries a divisive and racially charged association, particularly following the march in London on 10th September. On Sunday 21st September. At around 7pm, I approached the two men installing the flags in our village. During our conversation, they openly stated that they had attended the march. They also made comments referencing the Islamic Centre in Markfield and the display of the Rainbow Flag in schools. From this, it was clear that their motivation was driven by racist and homophobic views, rather than a genuine expression of national pride.

I have lived in this village for 32 years, and I do not believe it is appropriate for such flags to be installed so close to residents' homes without consultation. I expressed to the men that residents should be asked before such a decision is made on behalf of the community, particularly as one of the individuals involved does not even live in Markfield, but in Groby.

I ask that this matter be addressed promptly, as residents should not be left to take action themselves, which could risk creating unnecessary conflict within the village. I look forward to your urgent response on how this situation will be handled.

Yours sincerely,

Complainant A

### Annex 3

#### Emails from Complainant D to Mr Whitford CC

**29 September 2025**

*"Dear Councillor Whitford,*

*I'm disappointed to have not yet had a reply from the email that I sent you last week. To help manage your busy in-box, please see below.*

*I'm keen to understand your position on the Union Jack and St Georges flags that are being placed, without consultation or communication, around the village of Markfield on lampposts.*

*I am proud to be British, I'm proud of what I believe these flags represents- unity and harmony, and good will to all. However, I believe that, sadly, both flags are currently being coopted to represent anti-immigration and racist/Islamophobic ideologies under the thinly valid disguise of patriotism, and that this is what the flags in the village are intended to represent.*

*The flags put up directly outside of my house were placed there by 2 drunk men, in darkness, on a Sunday evening. When I asked them what they were doing and why they were doing it, they both said they were doing it for me, and they were being patriotic, but they also quickly became intimidating ("you would be better off living in Palestine") and despite self-identifying as not being racist, they went onto used language and expressed sentiments that I feel were racist ("all the immigrants coming over here are fighting age men and I'm worried for the safety of my 3 girls").*

*Talking to the 2 men on Sunday night they informed me that Councillor C\*\*t had given them permission to erect the flags. I double checked the name and they confirmed it. I understand that you are responsible for the lampposts in Markfield, so maybe they meant you? Please can you confirm if you gave them permission to display the flags on lampposts, and if not, whether Councillor C\*\*t did, or whether they didn't actually have permission. It maybe that Councillor C\*\*t us fictitious and they were using foul language in an attempt to intimidate me.*

*The following day, in daylight, my neighbours and myself took down the 2 flags that were directly outside my neighbours house. During this time we were approached by 2 different men, who were extremely angry at our decision to remove the flags and their behaviour was very intimidating and irrational and again, despite identifying themselves not being racist, then used deeply offensive language ("the immigrants are coming here and taking over the whole country, 7.5 million of them"). They became so intimidating that my husband called the police as a precaution.*

*None of these 4 men-acted in a way I would describe as respectful or patriotic despite claiming that that was their motivation. I fully support people's right to display a flag of their choice on their individual property. However, flags that are placed on lampposts and other similar public property, under cover of darkness, by men who are drunk, intimidating, rude and racist are flags that I feel deeply uncomfortable about seeing. These flags, and by extension, the ideologies that they currently represent have been imposed upon us without consultation or agreement. When these flags are placed directly outside people's homes - without their knowledge or consent -it implies that the individuals living in those houses support the Ideology the flags represent. This is incorrect. I am deeply concerned that they mis-represent my views, and I find them personally intimidating, something I never thought I would say about*

*a village I have considered beautiful, safe home for the last 18 years. I am very concerned and worried that the display of so many flags are intimidating to members of minority communities in our village.*

*Please can you confirm what your view on the flying of flags in public spaces is?*

*Please excuse any errors in my spelling, I am dyslexic and while I endeavour to proof-read my writing sometimes spelling mistakes creep through.*

*Thank you for your time and I look forward to hearing from you soon,  
With kind regards and best wishes,*

*[Complainant D].”*

**1 October 2025**

*Dear Councillor Whitford,*

*Thank you for your swift reply. Unfortunately, it has raised a couple of points that I'd like clarifying please. For ease I have bullet pointed them below.*

*Please can you confirm:*

- *You believe me to be anti-British? ("the only people taking them down are anti British")*
- *Why you think its dangerous for me to confront the men putting up the flags? Do you believe them to be dangerous men? ("Confronting the men putting them up is dangerous and id advise you never to do that"). As a point of accuracy, I'd like to correct you that I did not confront them, I just spoke to them.*
- *You believe that the flag is politically motivated and not an act of patriotism ("If the UK flags offend you flying locally I suggest you reevaluate your own political agenda")*
- *The data source for your statistic that 98% of British people are in favour of flying these flags*

*You did not address my initial point that I felt intimidated by both sets of men and the way they spoke to me, in my home village, that I have felt safe in for the last 18 years. Do you have a view on this?*

*Thank you so much for your time and I look forward to hearing from you soon,  
[Complainant D]”*

**Annex 4**Email from Complainant B to Mr Whitford CC

*“Dear Mr Whitford,*

*I am writing to you to register my concerns with you as councillor for Markfield re the erection of flags in Markfield, including Main Street. I do feel those of us in the village who are uncomfortable with some of the affiliations and misappropriation of our national flag should have a choice as to whether that flag is displayed outside / on the boundary of their homes and the sensitivities and unease resultant for some residents, including myself, my family and many of my immediate neighbours. They certainly shouldn't be intimidated into accepting the flags outside their homes as was the approach of those erecting them on Sunday evening.*

*I would like to know what you are going to do to address this situation with consideration of the views of ALL residents of Markfield.*

*I await your response.”*

## Annex 5

### CASE LAW ON ARTICLE 10

1. **Heesom v Public Services Ombudsman for Wales [2014] EWHC 1504 (Admin):** The High Court recognised that politicians have an enhanced protection in respect of political expression, which applies to all levels of politics, including local, and that political expression in itself is a broad concept. The Court further held that public servants are subject to wider levels of acceptable criticism than other members of the public when matters of public concern are being discussed. However, the limits were not as wide as they were for elected politicians. The need to protect officers when imposing a restriction, in terms of Article 10(2), on freedom of expression must be weighed up against a politician's right to enhanced protection. The Court noted that the right to freedom of expression was not absolute but that any restriction was required to respond to a 'pressing social need', to be for relevant and sufficient reasons, and to be proportionate to the legitimate aim being pursued. However, that margin must be construed narrowly in this context as there was little scope under Article 10(2) for restrictions on political speech or on debate on questions of public interest. The Court had further recognised that it was in the public interest that officers were not subjected to unwarranted comments that prevented them from performing their duties in conditions free from perturbation as this could undermine public confidence in the administration. The Court recognised that local government could not 'sensibly function' without such a mutual bond of trust and confidence.

2. **R (Calver) v Adjudication Panel for Wales (2012) EWHC 1172:** This case outlined the order a Tribunal would require to adopt when considering Article 10, which was firstly whether there had been a breach of the Code; secondly, if so, whether the finding of a breach and the imposition of a sanction was a limitation of the right to freedom of expression afforded by Article 10; and thirdly, if so, whether the restriction involved was one that was justified by Article 10(2). The High Court noted that if the conduct in question is less egregious, it is more difficult to justify any restriction. The Court further noted that 'political expression' had to be interpreted widely and it included open discussion on political issues including public administration and public concern, including comments about the adequacy or inadequacy of the performance of public duties by others. It had been held that there was no distinction between political discussion and discussion of matters of public concern. In making observations about the general purpose of a Code that proscribed conduct, the High Court noted that a Code could seek to maintain standards and to ensure that the conduct of public life at the local government level, including political debate, does not fall below a minimum level so as to maintain public confidence in local democracy.

3. **Guja v Moldova (2011) 53 EHRR 16:** The European Court of Human Rights (EHRR) found that the signalling or disclosure of wrongdoing by an officer should be made in the first place to the individual's superior or other competent authority or body and that the question of whether there was any other effective means of remedying the wrongdoing should be considered before information was disclosed in public. The EHRR further found that the public interest in particular information could sometimes be as strong as to override even a legally imposed duty of confidence.

4. **Lombardo v Malta (2009) 48 EHRR 23:** The EHRR stated that a very narrow margin of appreciation must be afforded to competent national authorities to restrict discussions on matters of public interest. Comments in the political context, which amount to value judgements, are tolerated even if untrue, as long as they have some or any factual basis. Even a statement of fact will be tolerated if what was expressed was said in good faith and

there is some reasonable (even if incorrect) factual basis for saying it. The Court noted it did not matter whether the restriction was imposed by civil or criminal proceedings when determining whether interference with the freedom of expression was proportionate to the aim pursued and was necessary in a democratic society.

**5. Mamere v France (2009) 49 EHRR 39:** The EHRR noted that individuals taking part in public debates on matters of general concern must not overstep certain limits, particularly with regard to respect of the reputation and rights of others, a degree of exaggeration or even provocation is permitted. The requirement to protect civil servants had to be weighed against the interests of freedom of the press or of open discussion on matters of public concern. In a political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, is tolerated. The Court noted that Article 10 protects all modes of expression but that the means of disseminating information can be of significance in determining whether measures taken by a competent authority to restrict freedom of expression were proportionate to the legitimate aim being pursued.

**6. Busuioc v Moldova (2006) 42 EHRR 14:** Even if comments are made as part of a debate on an issue of public interest, there are limits to the right to freedom of expression where an individual's reputation is at stake.

**7. Livingstone v Adjudication Panel for England (2006) EWHC 2533:** The High Court notes that restraints imposed by a code of conduct designed to uphold proper standards in public life are in principle likely to fall within Article 10(2) ECHR but such restraints should not extend beyond what is necessary to maintain those standards. The Court noted that interference with the right of free speech which impedes political debate must be subjected to particularly close scrutiny but that simply indulging in offensive behaviour was not to be regarded as expressing a political opinion, which attracts the enhanced level of protection.

**8. Pederson v Denmark (2004) 42 EHRR 24:** The EHRR recognised that there can be a conflict between the right to impart information and the protection of the rights and reputation of others. In determining whether a restriction on freedom of expression was legitimate, consideration should be given to whether or not there were sufficient other opportunities for person imparting the information to achieve his or her objective.

**9. Janowski v Poland (1999) 29 EHRR 705:** The EHRR considered rights of public servants and their entitlement to protection but noted they are subject to the wider limits of acceptable criticism, meaning such criticism could be harsh or expressed in strong form. Public servants can expect criticism at higher level than the public but not quite the same level as politicians. They did not knowingly lay themselves open to close scrutiny of their every word and deed to the extent to which politicians do and should not, therefore, be treated on an equal footing with the latter when it comes to criticism of their actions. The Court noted that civil servants can expect protection if there is a pressing social need. Any such protection must also be proportionate to the legitimate aim being pursued and be relevant and sufficient. Civil Servants must enjoy public confidence in conditions free from undue perturbation if they are to be successful in performing their tasks and it may therefore prove necessary to protect them from offensive and abusive verbal attacks.

**10. Thorgeirson v Iceland (1992) 14 EHRR 843:** The EHRR noted that freedom of expression was not just applicable to information and ideas that were favourably received or regarded as inoffensive or as a matter of indifference, but also to those which shock, offend

or disturb. The Court observed that there was no distinction between political discussion and discussion on matters of public concern.

## Annex 6



Mr Charles Whitford CC

Date: 12<sup>th</sup> November 2025  
 My Ref: LH/LW  
 Your Ref:  
 Contact: Lauren Haslam  
 Phone:  
 Email: [Lauren.Haslam@leics.gov.uk](mailto:Lauren.Haslam@leics.gov.uk)

Dear Mr Whitford CC

Thank you for your email dated 10<sup>th</sup> November. I have seen the case to which I think you are referring [*Patrick Lee v Institute and Faculty of Actuaries*] which has been reported in the media but is not yet formally published. It is important to note that this is an Employment Tribunal decision which means it is not binding on other courts or tribunals. Having said that, it is persuasive, and I would expect that the principles will apply as they are consistent with other cases on protected characteristics, such as those relating to gender critical beliefs.<sup>1</sup>

The key principle established by the case law to date is the recognition of the right established under Article 10 of the European Convention on Human Rights (ECHR)<sup>2</sup> to hold and express opinions, including those that may be controversial or critical of religion. However, the right is not absolute but rather it is qualified – in other words the law permits the right to be restricted where such restrictions are:

- Prescribed by law.
- Necessary in a democratic society.
- In pursuit of a legitimate aim (such as protecting the rights of others or maintaining public safety/order etc.).

For your reference, I have included the full text of Article 10 in the Annex attached.

In the case that you highlighted, the Employment Judge held that Islam-critical beliefs constitute a protected philosophical belief under Section 10 of the Equality Act and can be a legitimate expression of a view under art 10(1) ECHR. In other words, views which are critical of religious doctrines (including Islam) may be lawfully expressed provided they meet the legal criteria<sup>3</sup> of being:

- Genuinely held.
- Cogent and serious.

<sup>1</sup> [Forstater v CGD Europe \[2021\] 6 WLUK 104](#)

<sup>2</sup> Incorporated into UK law by Human Rights Act 1998

<sup>3</sup> [Grainger plc v Nicholson \[2010\] IRLR 4 \(EAT\)](#).

- Compatible with human dignity.
- Worthy of respect in a democratic society.

The case to which you referred recognises and confirms that the right to hold Islam-critical views can be protected under both Article 10 and the Equality Act. However, the manifestation of those beliefs/views remains subject to the Article 10(2) ECHR limitations. The Employment Tribunal has adjourned the consideration of whether the views expressed by the claimant Mr Lee were a lawful manifestation of his beliefs and it will be interesting to see how the case develops in the new year when this issue is considered.

The important point for the consideration of the complaints against you under the Code of Conduct will be whether your comments and engagement with the complainants amount to a manifestation of your beliefs that falls outside the protection of Article 10(2) - for example, if they amount to harassment, discrimination, incitement, or are targeted at individuals or groups based on religion. Such conduct could potentially breach the Equality Act 2010.

Alongside this, the Council's Code of Conduct recognises that the manifestation of a member's beliefs is subject to additional scrutiny recognising their role as a public office holder. As you know, the Code of Conduct requires members to:

- Treat others with respect.
- Promote equality and avoid unlawful discrimination.

Whilst political expression is afforded a high level of protection, this does not extend to speech/comments that are abusive, discriminatory, or incite hostility.

The practical implications of the above are that a member may:

- Hold and express Islam-critical beliefs, provided such expressions are focused on ideas, are not personalised to individuals, and are respectful and proportionate.
- Express concerns or criticisms about religious ideologies in a respectful and policy-focused manner. However, the use of terms or statements that could reasonably be interpreted as being demeaning, inflammatory, or hostile toward Muslims may breach the Code and the equality duties.

To summarise, the tribunal's judgment confirms that beliefs are protected, but not all expressions of those beliefs will be lawful or appropriate in a public role. The balance between freedom of expression and equality duties is nuanced and whilst elected members are entitled to hold and express personal beliefs, they must do so in a way that complies with Article 10(2) ECHR limitations, the Equality Act, and the Code of Conduct. I believe this intersection between the ECHR, the Equality Act 2010 and the Code is an issue that may properly be explored as part of an investigation and is beyond the remit of my initial screening.

The Panel will be advised on this issue by its own legal advisor, but I will include your email and this response in the papers so that the important point you have made and your views on the issue can be taken into account.

Yours sincerely

*Lauren Haslam*

Director of Law and Governance

## Annex - Article 10 ECHR

## Article 10 – Freedom of Expression

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. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
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 national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.