

Leicestershire County Council

Guide to making a complaint about the conduct of a councillor or co-opted member

Leicestershire County Council is committed to maintaining high standards of conduct by councillors and co-opted members. It also recognises the fundamental importance of freedom of expression and open political debate in a democratic society. Councillors must be able to express political views, challenge decisions and speak robustly on matters of public interest, including views that others may disagree with or find controversial.

The member conduct complaints process is not a way of challenging Council decisions, policies or political opinions. A complaint will not be upheld simply because someone disagrees with a councillor's views, objects to the way those views have been expressed, or finds them controversial. Particular regard will be given to freedom of expression where the complaint concerns political speech or matters of public interest.

Freedom of expression is not, however, absolute. The Council may consider conduct that is capable of amounting to bullying, harassment, discrimination, intimidation, misuse of position or another breach of the Members' Code of Conduct.

If you believe that a councillor or co-opted member has breached the Code, you may make a complaint to the Monitoring Officer. Complaints will be considered fairly and proportionately in accordance with the Council's adopted procedure.

Before You Make a Complaint

This complaints process deals with the conduct of individual councillors and co-opted members. It is not a way of challenging Council decisions or policies, or political views with which you disagree.

Councillors have an important right to express political views and speak on matters of public interest. When considering a complaint, the Council will have regard to the councillor's right to freedom of expression, particularly where the complaint concerns political speech or democratic debate.

A complaint will not be upheld simply because someone disagrees with a councillor's views or finds them controversial. However, freedom of expression does not excuse conduct that may amount to bullying, harassment, discrimination, intimidation, misuse of position or another breach of the Code of Conduct.

Please note that if your concern is about a Council service, you should use the Council's corporate complaints procedure instead, which can be accessed at [Compliments and complaints](#).

Making a Complaint

A complaint must be made in writing, preferably on the Council's [online Councillor complaint form](#).

Alternatively, you may send an email to democracy@leics.gov.uk or write a letter and submit this to: The Monitoring Officer, Leicestershire County Council, Department of Public Health, Communities, Law and Governance, County Hall, Glenfield, Leicester, LE3 8RA.

Please provide:

- The name of the councillor or co-opted member concerned.
- Details of what happened, when and where.
- Why you believe the Code of Conduct may have been breached.
- Any supporting evidence, such as documents, emails, photographs or screenshots.

What Happens Next?

The Monitoring Officer will initially assess the complaint in accordance with the Council's adopted procedure. This will include considering whether the complaint is one that the Council can deal with and whether the alleged conduct, if established, could amount to a breach of the Code.

After considering the complaint and obtaining the views of an Independent Person, where required by the Council's procedure, the Monitoring Officer may:

- Take no further action.
- Seek to resolve the matter informally.
- Refer the complaint to the Member Conduct Panel for further consideration.

The Monitoring Officer will consider factors such as the seriousness of the allegation, the evidence available, the public interest and whether further action would be proportionate.

The Monitoring Officer may refer a matter to the police or another appropriate body where the circumstances justify this. It may not always be possible to provide information about such a referral while it is being considered or investigated.

Investigations, Hearings and Sanctions

Most complaints can be resolved without a formal investigation. Others may be referred to the Member Conduct Panel, which may decide that a formal investigation

or other action is appropriate. A hearing will only take place where the circumstances require this, following an investigation.

If, following an investigation and hearing, the Member Conduct Panel concludes that the Code of Conduct has been breached, it may impose or recommend proportionate action. This may include formal censure, requesting an apology, recommending training, or making recommendations to the relevant political group or another Council body if appropriate.

The Council's powers under the current standards regime are limited by law. It cannot suspend or disqualify a councillor from elected office. Depending on the circumstances, the Panel may make recommendations to the councillor's political group or to the relevant Council body concerning positions or responsibilities held by the councillor.

Confidentiality

The councillor or co-opted member will normally be told who has made the complaint and will be given sufficient details of the complaint to respond fairly.

A request to withhold the complainant's identity will not automatically be granted. The Monitoring Officer will consider the reasons for the request alongside the requirements of fairness, natural justice and the public interest.

If the request is refused, the complainant may be given an opportunity to withdraw the complaint. However, in exceptional circumstances the Council may decide that it is necessary to continue dealing with the matter and to disclose the complainant's identity. Relevant considerations may include whether disclosure could expose the complainant to a significant risk of harm or other serious adverse consequences. Each request will be considered on its individual circumstances.

Independent Persons

The Council has appointed Independent Persons to provide an impartial and independent view on complaints. Their views will be sought and taken into account at the stages required by law and the Council's adopted procedure.

Further Information

To make a complaint or find out more about the Members' Code of Conduct, please use the complaint form available on the Council's website.