



PUBLIC REPORT

Joint Standards Assessment Sub-Committee

5 March 2026

Report of the Deputy Monitoring Officer

Summary

1. To consider complaint of a breach of the Members' Code of Conduct received in respect of a City Councillor and to determine next steps.

Recommendations

2. The options available to the sub-committee are as follows:
 - (i) To take no further action
 - (ii) To seek to resolve the matter informally, or
 - (iii) To refer the matter for further investigation
3. There is no internal right of appeal to the sub-committee's decision.

Background

4. On 12 February 2026 Deputy Monitoring Officers received complaint from a member of the public alleging that a City Councillor had made a statement which breached the Members' Code of Conduct.
5. The details of the allegation and the parts of the Code of Conduct to which it relates are as follows:
 - i) The statement offends the Nolan Principle of Accountability (the Nolan principles are set out at page 12 of the Code).

- ii) The statement offends the Nolan Principle of Openness.
- iii) The statement offends the Nolan Principle of Leadership.
- iv) The statement amounts to an improper use of position contrary to paragraph 6 (p8) of the Councillors' Code of Conduct by disadvantaging another.
- v) The statement brings the City Councillor's role, and the reputation of the Authority itself, into disrepute, as set out at paragraph 5 (p7) of the Members' Code of Conduct.
- vi) That the complaint is neither trivial nor outside the public interest.

Procedure

6. Under the Case Handling Procedure set out in Appendix 29 of the Constitution, an initial jurisdictional filter is applied by the Monitoring Officer to all complaints received, which essentially asks, "can the standards procedure be used here?"
7. To legally engage the procedure and pass this initial filter, the complaint must be:
 - against one or more councillors of the Authority, or of a parish or town council for which the Authority is responsible,
and
 - the subject councillor was in office at the time of the alleged conduct,
and
 - the alleged conduct is not a private matter and relates to when the subject councillor was acting in their role as a councillor or was representing the Authority, parish or town council,
and
 - the complaint, if proven, could amount to a breach of the Code of Conduct under which the subject councillor was at the relevant time operating.
8. The Monitoring Officer has decided that this complaint has passed the initial filter.

9. Once the initial filter is passed, the Authority must make an initial assessment of the complaint, which essentially asks, “should the complaint be dealt with under the standards procedure?”
10. In all cases, the subject member is notified of the complaint and is invited to provide their comments.
11. An Independent Person is also invited to consider the matter and share their view on what they believe should happen next. This view must be considered and taken into account before the sub-committee may come to a decision.

Advisory

Sub Judice

12. The concept of ‘sub judice’ is a longstanding parliamentary rule which prevents matters from being raised, debated or questioned whilst a matter awaits legal adjudication in a court or tribunal. The purpose is to avoid any potential prejudice to the outcome of those proceedings. Whilst this is not an adopted rule of the Authority, it remains a rule of general relevance to contempt of court proceedings at common law.

Nolan Principles

13. **Openness** – information should not be withheld from the public unless there are clear and lawful reasons for so doing.
14. **Accountability** – holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
15. **Honesty** – members should be truthful and protect the public interest.
16. **Leadership** – members should demonstrate high standards in their own behaviour and should actively promote and robustly support the Nolan Principles and be willing to challenge poor behaviour wherever it occurs.

LGA Guidance

17. The Local Government Association has issued guidance to help with the application and interpretation of members' Codes of Practice adopted by an Authority. This guidance includes the following:

Code section 1

18. **Respect** - Respect means civility, courtesy and politeness. Robust political discourse can challenge, criticise and disagree with views, opinions and policies. Respectful working relationships encourage positive debate and meaningful communication which is essential to a functioning democratic society.
19. Establishing whether something is disrespectful is circumstantial, subjective and, even where apparent, must still be balanced between an individual's freedom of expression and the rights of others under the Human Rights Act. Freedom of expression should not be curtailed simply because others may find it offensive or insulting, but a balance between competing rights must be found.
20. Political commentary enjoys a wider degree of tolerance, known as 'enhanced protection' and includes criticism of the performance of public duties by others. The members' Code of Conduct is not designed to stifle expressions of passion or frustration that often accompany local Authority business. However, this enhanced protection does not extend to gratuitous personal attacks, outbursts of anger or bullying.

Code section 5

21. **Disrepute** - Political comments can, therefore, be disrespectful but within the boundaries of the 'enhanced protection' afforded by the right to Freedom of Expression under Article 10 of European Convention on Human Rights, but still bring both the councillor's role and the reputation of the Authority as a whole into disrepute, particularly where deceitful, malicious or threatening in nature.
22. Comments that reduce public confidence in the local Authority being able to fulfil its functions and duties will bring the Authority into disrepute.

23. Comments that affect the reputation of a councillor or reduce public confidence in their ability to fulfil their role, will bring a member into disrepute.

Code section 6

24. The role of a City Councillor cannot of itself disadvantage another.

Options

25. The Sub-committee must now consider the material before it carefully, and make a ruling:
 - a. To take no further action, or
 - b. To seek to resolve the matter informally, or
 - c. To refer the matter for further investigation

Implications

Financial

26. There may be a costs implication of an informal resolution where the proposed outcome involves training, mediation or other assistance to the subject member.

There may also be a costs and resource implication if the matter is referred for further investigation. Such an investigation may be conducted by the Monitoring Officer, an officer appointed by him, or externally by an independent firm of solicitors. Depending on complexity, witness issues and evidence gathering, the subsequent report may cost significant amounts of public money and, following LGA guidance, these costs should be weighed against necessity and proportionality to the seriousness of the Code of Conduct breach alleged.

Human Resources (HR)

27. Not applicable to this report

Equalities & Human Rights

28. Councillors subject to an allegation are offered the support of the Independent Person as part of the complaints handling procedure and may seek independent legal advice and representation if they wish.

The current allegation raises no issues concerning the protected characteristics listed at section 4 of Equality Act 2010

It is unlawful for the sub-committee to act in a way that is incompatible with rights under the European Convention of Human Rights as set out in Schedule 1 of Human Rights Act 1998.

In the present matter Article 10 – freedom of expression – is of particular interest. This right includes the freedom to hold opinions and to receive and impart information and ideas without interference. This is a qualified right and may be subject to such conditions, restrictions and penalties as are deemed necessary in a democratic society in the interests of public safety, the prevention of disorder and crime, the protection of morals and the protection of the reputation and rights of others.

Legal

29. In line with the part 1 chapter 7 of Localism Act 2011, the sub-committee is obliged to follow these rules:

- Complaints may only be considered where they are made in writing, and the initial assessment the sub-committee is now required to consider must limit itself to matters contained with the complaint itself and not other information or matters of concern that may be known or may become known during the process of the investigation.
- The sub-committee is to deal with the matter only in accordance with the case-handling procedure set out in Appendix 29
- The sub-committee is not required to rule as to whether a breach of the Members' Code of Conduct has occurred. It is asked only to consider whether it believes the matter should be dealt with under the procedure and, if so, whether it can be summarily disposed of by way of informal resolution or requires further investigation.
- The views of the Independent Person are to be sought, and taken into account, before the sub-committee makes its decision.

Crime, Disorder, Information Technology (IT) and Property

30. Not applicable to this report

Other

31. Not applicable to this report

Contact details

Author and

Officer Responsible for this report:

Chris Coss

Head of Legal Services &
Deputy Monitoring Officer

Report approved: ✓

Date: 20.02.2026

Wards Affected: All

For further information please contact the Author of this report

Background Papers:

- City of York Constitution
- Member's Code of Conduct
(Constitution Appendix 14)
- Case-handling procedure for Code of Conduct complaints
(Constitution Appendix 29)
- LGA Guidance
<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>