

**Notice of meeting of
Joint Standards Committee - Assessments Sub-Committee**

To: Councillors Kent, Runciman and Steward

Ms R Mazza (Independent Person)

Date: Wednesday, 28 January 2026

Time: 10.00 am

Venue: West Offices - Station Rise, York YO1 6GA

A G E N D A

1. Appointment of Chair

To appoint a member to chair the meeting.

2. Apologies for Absence

To receive and note apologies for absence.

3. Declarations of Interest

(Pages 5 -
6)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

4. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of the private report at Agenda Item 5, on the grounds that this contains information relating to individuals and information likely to reveal the identity of individuals. This information is classed as exempt under Private Document Pack paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

Note: the private report referred to above follows the public report in the agenda papers.

**5. Code of Conduct Complaint received in (Pages 7 -
respect of a City of York Councillor 46)**

To consider a complaint of breach of the Code of Conduct received in respect of a City of York Councillor and determine next steps.

6. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services Officer responsible for this meeting:

Name: Ben Jewitt

Contact details:

- Telephone – (01904) 553073
- E-mail – benjamin.jewitt@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

Registering to speak
Business of the meeting
Any special arrangements
Copies of reports and
For receiving reports in other formats

Contact details are set out above.

Alternative formats

To request reasonable adjustments or to provide this document in an alternative language or format such as large print, braille, audio, Easy Read or BSL, you can:



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We can also translate into the following languages:

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

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Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.



Joint Standards Assessments Sub-Committee**28 January 2026**

Report of the Deputy Monitoring Officer

Code of Conduct Complaint received in respect of a City Councillor**Summary**

1. To consider complaints of breach of the Code of Conduct received in respect of a City Councillor and determine next steps.

Recommendations

2. The options available to the Sub-Committee are as follows:
 - a. Rule that the complaint is out of scope.
 - b. Rule that the complaint is in scope and choose to
 - (i) take no further action,
 - (ii) seek to resolve the matter informally; or
 - (iii) refer the matter for investigation.

In either eventuality there are no rights of appeal to this decision.

Background

3. On 6 January 2026 the Monitoring Officer received a complaint from a member of the public alleging that the Subject Member had breached the Code of Conduct. The Complainant reports that the Subject Member has failed to comply with “multiple, specific duties set out in the Code of Conduct while a live, quasi judicial planning process is ongoing”; and in doing so, has breached Section 3, 5 and 6 of the Code. The Code is appended at Appendix A.

Procedure

4. Under the Case Handling Procedure set out in Appendix 29 of the Constitution, an initial filter is applied to all complaints, essentially “is there a case to answer?”
5. The complaint will initially be referred to the Joint Standards Sub Committee.
6. An Independent Person is also invited to give a view on what should happen next. The assessment of the IP should be considered in determining which of the following actions, under paragraph 9 should follow, namely
 - a. to take no further action;
 - b. to seek to resolve the matter informally; or
 - c. to refer the matter for investigation.

Advice of Deputy Monitoring Officer

Initial Assessment – Jurisdictional Test (can we look at the complaint?)

7. The matters to consider in applying the initial filter are set out in Paragraph 4 of the Procedure:
 - i. check that the complaint is against a Councillor;
 - ii. that they were in Office at the time of the alleged incident; and
 - iii. that the matter would be capable of being a breach of the Code. The Council has no authority to deal with complaints which relate solely to a Councillor’s private life or things they do which are not related to their role as a Councillor or as a representative of the Council.
8. Factors i and ii are plainly satisfied in this case. Members must decide if there is prima facie evidence of breaches to the following aspects of the Code:
Section 3 – Impartiality of Council Officers – a Councillor should not attempt to, or compromise the impartiality of a Council Officer
Section 5 – Disrepute of a Councillor – a Councillor should not bring the Office of Councillor or the Council into disrepute.

Section 6 – Use of Position – a Councillor must not attempt to use their position improperly to the advantage or disadvantage of myself or anyone else.

If members agree that there has been a breach of any of the above, the matter is in scope.

2nd Stage Test (Should we look at the complaint?)

9. If the jurisdictional tests have been met, the subcommittee should continue to determine the appropriate course of action taking into account the assessment criteria found in paragraph 10 of the Case Handling Procedure namely:
 - a. does the complaint contain sufficient evidence to demonstrate a potential breach of the Code?;
 - b. are there alternative, more appropriate, remedies that should be explored first?;
 - c. where the complaint is by one councillor against another, a greater allowance for robust political debate (but not personal abuse or unparliamentary language may be given
 - d. is the complaint in the view of the MO malicious, politically motivated or “tit for tat”
 - e. whether an investigation would not be in the public interest or the matter, even if proven, would not warrant any sanction;
 - f. whether the complaint is the same as one which has previously been considered and no new material evidence has been submitted within the current administration;
 - g. whether the same complaint has been submitted and accepted;
 - h. does the complaint relate to conduct in the distant past (over six months before)? This would include any reason why there had been a delay in making the complaint;
 - i. does the complaint actually relate to dissatisfaction with a Council (or parish council) decision rather than the specific conduct of an individual?; and
 - j. is it about someone who is no longer a councillor or who is seriously ill?

Local Government Association Guidance

10. The Local Government Association publishes guidance on interpretation of the Code and complaints handling which is referred to as a background document.

Options

11. The Sub-Committee must now consider the following options:
 - a. Rule that the complaint is out of scope.
 - b. Rule that the complaint is in scope and choose to (i) take no further action, (ii) seek to resolve the matter informally; or (iii) refer the matter for investigation.

Implications

Financial

12. There will be costs incurred in the event that the matter progresses to investigation.

Human Resources (HR)

13. Not applicable to this report.

Equalities

14. Councillors are offered the support of an Independent Person as part of the Complaints Handling Procedure.

Legal

15. The Monitoring Officer is required to consider all formal complaints received in respect of the Code of Conduct in line with the published Procedure for managing Code of Conduct Complaints.

Crime and Disorder, Information Technology (IT) and Property

16. Not applicable to this report.

Other

17. Not applicable to this report.

Contact Details

Author and Officer

Responsible for the report:

Julie Gallagher

Deputy Monitoring Officer

Report
Approved



Date 20 January 2026

Wards Affected: All

All



For further information please contact the author of the report

Background Papers:

- [City of York Council Code of Conduct and Procedure for Handling of Complaints](#)
- [City of York Council Constitution](#)
- <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#respect>

Appendices

Appendix A – Member Code of Conduct

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

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