
Joint Standards Assessments Sub-Committee 1 May 2025

Report of the Deputy Monitoring Officer

Code of Conduct Complaints received in respect of a Parish Councillor

Summary

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

Recommendations

2. The options available to the Sub-Committee are as follows:
 - a. Rule complaint 1 out of scope.
 - b. Rule complaint 1 in scope and choose to (i) take no further action, (ii) seek to resolve the matter informally; or (iii) refer the matter for investigation.

Option B is recommended.

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

- c. Rule complaint 2 out of scope.
- d. Rule complaint 2 in scope and choose to (i) take no further action, (ii) seek to resolve the matter informally; or (iii) refer the matter for investigation.

Option B is recommended.

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

Complaint 1

Background

3. On 28 March 2025, the Monitoring Officer received a complaint alleging that a Parish Councillor of Heworth Without Parish Council had breached the Code of Conduct by inappropriate use of council resources, and in behaving disrespectfully when this action was queried.
4. The complainant alleges that the Councillor used a “gov.uk” email account for parish council business, and in doing so shared a link to a petition that had been set up and distributed by a political party. The complainant maintains that “gov.uk” domains are not permitted to be used for political purposes in a way which could be perceived as being politically biased, including political campaigning, and that the action of the Councillor represents a breach of the terms of use of a “gov.uk” domain.
5. In querying the sharing of the petition link with the Parish Council, the complainant alleges that the Councillor’s response, accepting their “apology” was intended to cause embarrassment and that this is “gaslighting” type behaviour.
6. The complainant contacted domains.gov.uk to report the alleged breach. The complainant advised that, on 28 March 2025, they officially reported the Councillor to domains.gov.uk.
7. The complainant therefore asserts that the Councillor’s actions in sharing the petition link via the gov.uk domain, and their subsequent behaviour in responding to them querying the matter, may constitute breaches of the following aspects of the Code of Conduct:
 - (1.) Respect
 - (3.) Impartiality of officers of the council
 - (6.) Use of position
 - (7.) Use of local authority resources and facilities

Complaint 2

Background

8. On 16 April 2025, the Monitoring Officer received a further complaint against a Heworth Without Parish Councillor.

9. This complaint concerns a leaflet that was distributed to households within Heworth Without Parish. A member of the public had referred the leaflet to the Chair of Heworth Without Parish Council (HWPC) and the complainant alleges this is an attempt to politicise and influence a Heworth Without Parish Council vote.
10. The complainant alleges that the leaflet is not a fair, balanced or truthful representation of the facts and is intended to cause reputational damage to HWPC. The complainant maintains that this may constitute a breach of the following aspects of the Code of Conduct:

(3.) Impartiality of officers of the Council

(5.) Disrepute

Procedure

11. 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?”
12. The Monitoring Officer is responsible for applying that filter except that under paragraph 5 of the Procedure, cases of complaints against a member of the Executive or Shadow Executive or a committee chair or deputy, must be referred to a JSC Sub Committee.
13. In all cases, the subject member is notified of the complaint and may provide comments.
14. An Independent Person is also invited to give a view on what should happen next. The assessments of the IP should be considered in determining which of the following actions, under paragraph 9 should follow for each complaint, namely
 - a. to take no further action;
 - b. to seek to resolve the matter informally; or
 - c. to refer the matter for investigation.
15. These will be the options available to the Sub Committee if either complaint is determined to be in scope. Guidance on factors to be taken into account is offered in Paragraph 10 of the Procedure.

Advice of Deputy Monitoring Officer

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

16. 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.
17. Factors i and ii are clearly satisfied in the case of both complaints. The inappropriate use of Council resources, disrespectful behaviour to a fellow councillor and any action that causes reputational harm to the parish council could be capable of constituting a breach of the Code. Members must decide if there is evidence of such behaviours which establishes a case to answer in both complaints. If so, the matter is in scope.

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

18. If the jurisdictional tests have been met, the sub-committee should continue to determine the appropriate course of action for each complaint, 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?

19. Members may consider factors a, b, c, d and e relevant to both cases.

The Heworth Without Parish Council Code of Conduct

20. The HWPC Code of Conduct states:

1. Respect As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

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 councillor, 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. 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 councillors. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or

interaction in person or online and report them to the local authority, the relevant social media provider or the police.

This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor/officer protocol.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority. Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute. As a Councillor, 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 councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute. You are able to hold the local authority and fellow councillors 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.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else. Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and*
- b. ensure that such resources are not used for political purposes*

unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed. You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support*
- stationery*
- equipment such as phones, and computers*
- transport*
- access and use of local authority buildings and rooms.*

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

Local Government Association Guidance

21. The Local Government Association publishes guidance on interpretation of the Code and complaints handling which is referred to as a background document. The introductory paragraph on **respect** sets the context:

“You will engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions, and policies. Doing these things in a respectful way will help you to build and maintain healthy working relationships with fellow councillors, officers, and members of the public, it encourages others to treat you with respect and helps to avoid conflict and stress. Respectful and healthy working relationships and a culture of mutual respect can encourage positive debate and meaningful communication which in turn can increase the exchange of ideas, understanding and knowledge.”

22. Other Key aspects of that guidance regarding disrespect are:

- a. The key roles and responsibilities of councillors; representing and serving your communities and taking decisions on their behalf, require councillors to interact and communicate effectively with others.
- b. Ways in which you can show respect are by being polite and courteous, listening and paying attention to others, having consideration for other people’s feelings, following protocols and rules, showing appreciation and thanks and being kind.
- c. Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others.
- d. Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another;
- e. The circumstances in which the behaviour occurs are relevant in assessing whether the behaviour is disrespectful and include the place where the behaviour occurs, who observes the behaviour, the character and relationship of the people involved
- f. Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, or attempts to shame or humiliate others in public.

23. In relation to impartiality the Guidance states that *“Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or*

alter the content of that report, if doing so would prejudice their professional integrity.

“Both councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective local authority.

“At the heart of this relationship, is the importance of mutual respect. Councillor-officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.”

24. With regard to Disrepute, the Guidance states:

“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:

a) reducing the public’s confidence in them being able to fulfil their role;
or

b) adversely affecting the reputation of your authority’s councillors, in being able to fulfil their role.

25. The guidance on Misuse of position advises: “Your position as a councillor provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others’ private interests or to disadvantage anyone unfairly.

“You should not use, or attempt to use, your public office either for your or anybody else’s personal gain or loss. For example, your behaviour would be improper if you sought to further your own private interests through your position as a councillor.

“Involving yourself in a decision in which you have an interest, to seek to benefit yourself or another would be a breach of this paragraph of the code. For guidance on how to conduct yourself when you have an interest and how to balance your rights as an individual and your

responsibilities as a public decision maker see the chapter on registration of interests.”

26. With respect to Misuse of resources, the guidance states: *“You should never use local authority resources for purely political purposes, including designing and distributing party political material produced for publicity purposes.*

“However, your authority may authorise you to use its resources and facilities for legitimate political purposes in connection with your authority’s business. For example, holding surgeries in your ward and dealing with correspondence from your constituents. In this case, you must be aware of the limitations placed upon such use for these purposes. Using your authority’s resources outside of these limitations is likely to amount to a breach of the Code of Conduct. Where you are part of a formally-recognised political group, your local authority is also allowed to give you such resources as you need for local authority business, for example use of a room for group meetings.”

It then goes on to clarify what constitutes resources of the local authority:

“The resources of the local authority include services and facilities as well as the financial resources of the authority.

“Resources could include any land or premises, equipment, computers, and materials. The time, skills, and assistance of anybody employed by the authority, or working on its behalf, are also resources, as is information held by the authority which it has not published.

27. The guidance goes on to state that the section of the code on improper use of resources complements Section 2 of the Local Government Act 1986, which prevents the publication of material *“designed to affect public support for a political party”*. The code, however, goes further than the Code of Recommended Practice on Publicity. It covers not only the publication of campaigning material but also any other activity that is intended to promote purely party-political interests. Publicity is defined as *“any communication, in whatever form, addressed to the public at large or to a section of the public”*. It will cover meetings, websites, and social media postings as well as printed and other written material.”

Options

28. The Sub-Committee must now consider the following options:

Complaint 1

- 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.

Complaint 2

- 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

- 29. There will be costs incurred in the event that either matter progresses to investigation.

Human Resources (HR)

- 30. Not applicable to this report.

Equalities

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

Legal

- 32. 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

- 33. Not applicable to this report.

Other

34. Not applicable to this report.

Contact Details

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**Report
Approved**



Date 22 April 2025

For further information please contact the author of the report

Background Papers:

- Heworth Without Parish Council code of conduct
[CODE OF CONDUCT HWPC November 2023.pdf](#)
- City of York Council Code of Conduct and Procedure for Handling of Complaints
[Appendix 29 - Joint Standards Committee Procedures.pdf](#)
- LGA Guidance on Model Councillor Code of Conduct
<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#respect>