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## 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.

Option B is recommended.

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.

## **2<sup>nd</sup> 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