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DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE'S OFFICE
DIRECTOR OF STRATEGY, PERFORMANCE
AND GOVERNANCE
Paul Dodson

22 January 2020

Dear Councillor

You are summoned to attend the meeting of the;

JOINT STANDARDS COMMITTEE

on **THURSDAY 30 JANUARY 2020** at 11.00 am.

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP

COUNCILLORS

R G Boyce MBE
M W Helm
S P Nunn
R H Siddall
Mrs M E Thompson

PARISH COUNCILLORS

Councillor J Anderson
Councillor P Stilts

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting.
Electronic copies are available via the Council's website www.maldon.gov.uk.

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AGENDA
JOINT STANDARDS COMMITTEE
THURSDAY 30 JANUARY 2020

1. **Election of Chairman**

To elect a Chairman of the Committee for the remainder of the municipal year.

2. **Election of Vice-Chairman**

To elect a vice-Chairman of the Committee for the remainder of the municipal year.

3. **Chairman's notices (please see overleaf)**

4. **Apologies for Absence**

5. **Minutes of the last meeting** (Pages 7 - 10)

To confirm the Minutes of the meeting of the Committee held on 22 August 2019 (copy enclosed).

6. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

7. **Standards Complaint - Councillor Adrian Fluker** (Pages 11 - 36)

To consider the report of the Monitoring Officer (copy enclosed).

8. **Any other items of business that the Chairman of the Committee decides are urgent**

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

This meeting is being monitored and recorded by CCTV.

Procedure for complaints determination - Joint Standards Committee

1. Chairman welcomes everyone and then follows the agenda requirements before moving to procedure 2 below.
2. Investigator or Monitoring Officer invited to summarise the conclusion of the report and to make any clarifying remarks.
3. The Member concerned invited to ask any questions of the Investigator/Monitoring Officer.
4. Committee Members and Independent Person invited to ask the Investigator / Monitoring Officer any questions.
5. The Member concerned invited to make any representations and call any third parties.
6. The Committee Members and Independent Person invited to ask questions of the Member concerned and any third party.
7. The Independent Person invited to make any representations or give advice.
8. The Committee adjourns and withdraws to discuss the complaint along with the help of the Independent Person.
9. The Chairman reopens Committee and announces decision.

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**MINUTES of
JOINT STANDARDS COMMITTEE
22 AUGUST 2019**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor R G Boyce MBE
Councillors	M W Helm, R H Siddall, C Swain and Anderson
Parish Councillors	Councillor J E Anderson
In Attendance	Councillors M R Edwards, M S Heard, C Mayes, C Morris and N J Skeens

187. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

For the benefit of all in attendance she introduced Parish Councillor John E Anderson, the Parish representative on the Committee from Southminster Parish Council.

188. APOLOGIES FOR ABSENCE

There were none

189. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 20 June 2019 be received.

ATTENDANCE LIST to note that the attendance list be updated to include Councillor John E Anderson as he was in attendance at the meeting on 20 June 2019.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 20 June 2019 be confirmed.

190. DISCLOSURE OF INTEREST

Councillors R G Boyce, MBE, and M W Helm, in the interest of openness and transparency, advised that they had both been present at the meeting of the South Eastern Area Planning Committee where the alleged incident took place.

191. REPORT INTO AN ALLEGED BREACH AGAINST THE MEMBERS' CODE OF CONDUCT

The Committee received the report of the Monitoring Officer in respect of the alleged breach against the Members' Code of Conduct.

The Chairman asked the Monitoring Officer to take the Committee through the report.

In advance of the discussion the Monitoring Officer clarified the rules of debate for all in attendance. He advised that in accordance with Procedure Rule 20 of the Council Constitution a Member of the Council may speak at Committee meetings of which they are not a member, by prior arrangement with, and at the discretion of, the Chairman. In response to queries raised the Monitoring Officer further advised that the Constitution had legal effect, it was published on the website and it was the responsibility of all Members to follow the rules of the Constitution. The Chairman then reported that no one had requested to speak in advance of the meeting.

Both the Chairman and the Monitoring Officer clarified that since Councillor Bassinger had requested support from Councillor Heard he would be partaking in the proceedings of the meeting alongside Councillor Bassinger.

The Monitoring Officer, addressing his report, outlined the sequence of events leading up to this juncture. He advised that subsequent to discussion with the Independent Person, Norman Hodson, it was agreed that this issue be investigated further by the Monitoring Officer. The two key issues were:-

- a) Should Councillor Bassinger have declared a disclosable pecuniary interest because the development was likely to affect Councillor Bassinger's home in accordance with paragraphs 4.2, 7.1 and 8.1 of the Members' Code of Conduct; and,
- b) If he should have declared a disclosable pecuniary interest, did he believe that he was bound to declare it or was it simply poor judgement.

He said that a judgement needed to be formed by each member of the committee as to what they think the reasonable man in the street, in possession of the full facts, would perceive.

Following statements from both Councillor Bassinger and Councillor Heard a lengthy debate ensued on the aforementioned key issues. The general consensus was that a disclosable pecuniary interest should have been declared. This was further compounded by Councillor Bassinger's own wording used in the call-in reason on the committee report. However, it was acknowledged that the declaration made was largely down to

inexperience, there was no malicious aforethought involved and it was more a case of poor judgement.

Councillor Boyce, given the general consensus of the committee, formally proposed a motion that Councillor Bassinger should have declared a disclosable pecuniary interest. This was duly seconded.

At this point, 13:06pm, the Chairman adjourned the meeting due to public disturbance. The Chairman then re-opened the meeting at 13:06 and put the motion that Councillor Bassinger should have declared a disclosable pecuniary interest to the Committee. Upon a vote being taken this was carried.

The Chairman then addressed the issue of 'A sanction' and drew Members' attention to the options outlined in the Monitoring Officer's report.

Councillor Siddall proposed Option C) *Require that more training is undertaken to understand more clearly the requirements of the Code*; as the most appropriate option. This was seconded by Councillor Swain.

Further discussion took place on the sanctions and the Chairman proposed an amendment to Councillor's Siddall's proposal to include Option B) *Issue a formal censure in the form of a letter which is publicised on the Council's website*. This was duly seconded by Councillor Helm. The Chairman put the amendment to the Committee to agree that Option B) be added to the original motion of Option C) from Councillor Siddall. Upon a vote being taken this was carried.

The Chairman then put the substantive motion to the Committee that, having previously established that it was a disclosable pecuniary interest, Option B) *Issue a formal censure in the form of a letter which is publicised on the Council's website* and Option C) *Require that more training is undertaken to understand more clearly the requirements of the Code*. Upon a vote being taken this was carried.

Following discussion with the Monitoring Officer, the Chairman proposed that the content of the letter be agreed in consultation with the Chairman of the Committee and that Councillor Bassinger have sight of the letter prior to publication. This was duly seconded by Councillor Siddall. The Chairman put the proposal to the Committee and it was carried.

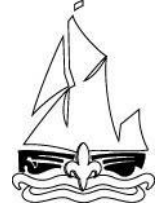
RESOLVED

- (i) That Councillor Bassinger should have declared a disclosable pecuniary interest;
- (ii) That the sanction includes Option B) *Issue a formal censure in the form of a letter which is publicised on the Council's website*; and Option C) *Require that more training is undertaken to understand more clearly the requirements of the Code*;
- (iii) That the content of the letter be approved by the Chairman and that Councillor Bassinger have sight of the content in advance of publication.

192. ANY OTHER ITEMS OF BUSINESS THE CHAIRMAN DEEMS ARE URGENT

There being no further items of business the Chairman closed the meeting at 1.17 pm.

MRS M E THOMPSON
CHAIRMAN



REPORT of MONITORING OFFICER

**to
JOINT STANDARDS COMMITTEE
30 JANUARY 2020**

STANDARDS COMPLAINT - COUNCILLOR ADRIAN FLUKER

1. PURPOSE OF THE REPORT

- 1.1 To advise the Committee of an investigation following a complaint against Councillor A S Fluker.

2. RECOMMENDATIONS

- (i) That the Committee consider the report of the Deputy Monitoring Officer;
- (ii) that the Committee decide if Councillor Fluker has failed to comply with the Code of Conduct;
- (iii) that if it is decided that Councillor Fluker has breached the Code of Conduct, the Committee to consider what sanctions (if any) are to be made in light of the report.

3. SUMMARY OF KEY ISSUES

- 3.1 Please see the Investigation Report attached at **APPENDIX 1** to this report

4. CONCLUSION

- 4.1 The Committee must decide based on the evidence before them:
- (a) That Councillor Fluker has not failed to comply with the Member Code of Conduct and no further action needs to be taken in respect of the matters considered at the hearing; or
 - (b) That Councillor Fluker has failed to comply with the Member Code of Conduct but that no further action needs to be taken in respect of the matters considered at the hearing; or
 - (c) That Councillor Fluker has failed to comply with the Member Code of Conduct and that a sanction and/or an informal resolution should be imposed in respect of the matters considered at the hearing.

5. IMPACT ON STRATEGIC THEMES

5.1 None.

6. IMPLICATIONS

- (i) **Impact on Customers** – None.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers: None.

Enquiries to: Simon Quelch, Monitoring Officer.

Summary of Findings

1. The Complaints

Three complaints were received from Councillor Morris, Councillor Stamp and Councillor Mayes following the meeting of full Council on Thursday 12 September 2019.

Complaint 1

The first complaint referred to the action of Councillor Fluker at the meeting of full Council on 12 September 2019 and alleged that Councillor Fluker carried out a cut-throat gesture aimed at 2 councillors; Councillor Siddall and Councillor Fleming, following a vote on which they abstained.

Councillor Stamp

Councillor Stamp stated that she had witnessed a cut-throat gesture aimed at Councillor Fleming and felt that Councillor Fluker's behaviour called in to question the Nolan principles especially "Leadership" and that this action was in breach of the Code of Conduct specifically:

A Councillor must not:

(b) bully any person

(e) conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.

Councillor Stamp stated that the behaviour was shocking and unacceptable.

Councillor Mayes

Councillor Mayes stated that she had initially thought the gesture was being directed towards her. Councillor Mayes stated that the gesture was distressing and offensive. Councillor Mayes stated that Councillor Fluker's behaviour did not follow the Nolan Principles was bullying in nature and as such was in breach of the Code of Conduct specifically:

A Councillor must not:

(b) bully any person

(e) conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.

Councillor Morris

Councillor Morris stated that he had not directly witnessed the gesture. He stated that he had been advised that the gesture had been made and that any gesture of this nature was threatening and was not acceptable to be directed at any party especially a female. He stated that this behaviour was of a bullying nature, was disrespectful and should not be tolerated.

Councillor Morris stated that this action breached the Code of Conduct.

Complaint 2

Councillor Morris also raised a second complaint regarding a comment made by Councillor Fluker directed towards Councillor Siddall of "Hello Sailor"

For ease of reference throughout the report I have separated my comments as 1 and 2 in relation to the 2 complaints above.

2. Evidence

I have interviewed Councillor Siddall and Councillor Fleming by phone.

I have had email correspondence and spoken to Councillor Fluker in person.

I have had email correspondence with Councillor Stamp and Councillor Mayes and I have discussed the complaint with Councillor Morris.

I reviewed the CCTV from the evening but due to the location of the camera no footage of the incident was available.

I am satisfied that a gesture was made at the meeting on the 12 September which involved a drawing of the hand across the throat.

I am also satisfied that Councillor Fluker used the term “Hello Sailor” following a discussion in which Cllr Siddall had confirmed that he sailed.

Councillor Siddall

1. Councillor Siddall confirmed that he had seen the action and that he wished to make no comment or take the matter any further at this stage.
2. Councillor Siddall has confirmed that he felt that the gesture was aimed at him.
3. Councillor Siddall confirmed that he had been offended by the Hello Sailor comment. Councillor Siddall stated that this was a homophobic comment.
4. Councillor Siddall confirmed that Councillor Fluker had apologised to him privately in an email the next day for any unintended offence he may have caused. Cllr Siddall confirmed that following his acceptance of this apology he received additional information in relation to the comments made and formally withdrew his apology as he felt it was insincere.
5. Councillor Siddall did not wish to take the matter any further at this stage.

Councillor Fleming

1. Councillor Fleming confirmed that she had seen the gesture. Councillor Fleming confirmed that she found the gesture offensive and was concerned that Councillor Fluker had not understood that this gesture may cause offence.
2. Councillor Fleming confirmed that she felt that the gesture was aimed at her as she stated she sits in his direct line of sight and that she did think it was directed at her.

Councillor Fluker

1. In both writing and at an interview Councillor Fluker stated that the he meant the gesticulation as a signal to ‘stop and move on’. Councillor Fluker stated that he has used this gesture in the past and that it was a means of communicating to the Conservative Group Members to cease some activity “i.e. to stop pontificating, wind up the debate or move on to the next part of the debate”.

This gesture was used at a time in the meeting where a vote had been taken which had resulted in a close vote. There was also a level of general noise within the chamber.

Councillor Fluker stated that he wished members to cease and move on as the motion had been passed.

Councillor Fluker felt that to preserve good order in the chamber matters should move on and that this gesture was directed to the whole administration.

Councillor Fluker has stated that he was not directing the gesture to any individuals but to the administration.

Councillor Fluker stated that "The gesticulation is commonly used in debates and the Speaker of House of Commons has used it himself. It is also used as a signal to stop a process or progression for example an aircraft or other engine or an unfolding event."

Councillor Fluker stated that the interpretation of throat slitting is very offensive and has stated that "that was not in my mind"

Councillor Fluker has stated that the gesture is one he has used on previous occasions and that it is a common gesture used to indicate that a behaviour should be ended, usually where communicating verbally is not appropriate or possible **(For further information see Annex 4)**.

2. The comment "Hello Sailor" was made. Councillor Fluker stated that he made this comment without being aware of the connotations it had or that it would cause offence. He added that, on leaving the meeting, he realised the possible homophobic nature of the comment. Councillor Fluker contacted Councillor Siddall the morning after the meeting and apologised for any offence that may have been taken from his comment. Councillor Fluker advised the Head of Paid Service and the Monitoring Officer of his actions by email on the 13 September 2019.

3. Analysis of Evidence

It is not disputed that both incidents occurred at the meeting of 12 September. The first instance took place in a public meeting the second in private confidential sitting of the Council. Both incidents took place in the view of Officers and Members of the Council.

1. The complainants have all stated that their view was that the hand gesture was of a threatening nature and was not appropriate for the leader of the Council to be making. Councillor Fluker has stated that this was not the intention of the gesture, but that it was an indication to the Councillors to cease talking.
2. Councillor Siddall has confirmed that he found the comment offensive and was disgusted by it.

In relation to the 1st complaint all complainants found the gesture offensive.

In relation to the 2nd complaint Cllr Siddall has stated quite clearly that he found the incident offensive.

Councillor Fluker has stated his view of the intention and meaning of his actions. I am unable to provide a definite answer in relation to the thoughts in Councillor Fluker's mind at the time of the gesture. His explanation is a plausible one and is backed up by the circumstances in the chamber of the time at the incident.

Councillor Fluker has been willing to apologise to those members who were offended by the incident and to set out his position in relation to his intentions.

While Councillor Fluker's intention may not have been to offend, both actions have been perceived as offensive by Councillor Siddall and Councillor Fleming and the complainants in this case.

Code of Conduct

The relevant terms of the code of conduct are as follows:

3.2 You must treat others with respect

3.5b You must not bully any person

3.5e You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the authority into disrepute.

Treating Others with Respect

All members must treat others with respect.

My view is that the incident on the 12 September was disrespectful on 2 counts. One count was made in public and the second was of a homophobic nature both of which should be taken seriously.

1. The gesture has been interpreted as offensive and as such is not respectful of the fellow Members within the chamber. A member of the public could have come to the same view as that of the complainants. A member of the public observing this action would not be aware of any previous history or the previous practice of the party. They would judge such an action only on its visible action. I am of the view that the gesture could be viewed as disrespectful.
2. In relation to the Hello Sailor comment this comment has been viewed by Cllr Siddall as homophobic and therefore is clearly disrespectful.

Bullying

Bullying may occur in a single incident or as a course of conduct.

In order for a claim of bullying to stand it is for the alleged victim to confirm whether they felt bullied by the actions of the individual. While a third party may infer an action was an act of bullying it is the interpretation of the victim in each case which is central to the decision.

1. Councillor Fluker has stated that the gesture made was at the whole party and was not intended to bully any individual but was to bring the matter to a close.

In this instance the 2 alleged victims have not wished to take the matter and have not stated that they felt these individual actions were bullying in nature.

2. In relation to the Hello Sailor comment, Councillor Fluker confirmed that he issued an email apology via email on the 13 September to Councillor Siddall. Councillor Siddall confirmed that he did not wish to take the matter any further at this stage.

Bring Office into disrepute

This element of the Code is often associated with a breach of another element of the Code and its impact on the public confidence in the Council and the Councillor. In the opinion of the Investigating Officer, making gestures or speaking in a manner which could reasonably be considered disrespectful could be considered to pose a reasonable risk of bringing the Council into disrepute by reducing public confidence in the Office of Leader of the Council.

4. Conclusion

On considering the code of conduct I have considered the three possible grounds:

Disrespectful

1. In relation to the first complaint while Councillor Fluker's actions may not have been intended to be disrespectful, but they have been interpreted by the complainants and Councillors Fleming and Councillor Siddall as such.
2. In relation to the second complaint while Councillor Fluker may have meant no offence by his comment the comment was offensive to Councillor Siddall and was disrespectful.

The committee may wish to consider in determining any sanctions the intention of Councillor Fluker in both incidents and in relation to the second complaint his subsequent apology.

Bullying

In relation to the allegation of bullying I do not believe there is evidence to support an allegation of bullying.

Bringing the Office into disrepute

In relation to the possibility of bringing the office into disrepute this will be a matter for the Committee to decide based upon the weight that they place on the disrespectful comments made and whether they are serious enough in nature to bring the Council or the Office of Leader into disrepute

5. Full Council Apology

At the meeting of full Council on 21 November 2019 Cllr Fluker made reference to the 2 incidents contained within this report.

In relation to the cut throat gesture he gave an apology to anyone who had been offended by his gesture at a previous meeting. Cllr Fluker stated that the gesture was not intended to be offensive but that he apologised if it had caused offence. This apology was made generally to the whole Council, no specific individual Councillors were named.

In relation to the "Hello Sailor" comment again Cllr Fluker apologised for any offense that this comment had caused and that this had not been his intention. The apology was again directed to the whole Council.

Cllr Fluker also confirmed that he was prepared to undertake diversity training and had asked the HoPS to arrange this

6. Sanctions

If the Joint Standards Committee agrees with me on one or both issues that there have been breaches of the Code, then the following options are available or a combination of them:

1. Issue a formal censure in the form of a letter which is published on the Council's website;
2. Require Councillor Fluker to attend a training course to better understand the nature of offensive comments on individuals, protected characteristics and rights under the Equalities Act
3. Require that Councillor Fluker write a letter of apology to the Councillors who were offended and/or the Council as a whole;
4. Recommend to the Council that Councillor Fluker should be removed from one or more committees for a set time.
5. Recommend to the Council that Councillor Fluker is removed as Leader of the Council

I make no recommendation as to the appropriate sanctions if any are to be made. All options are listed above for completeness only.

Emma Holmes (Deputy Monitoring Officer)

December 2019

Documents

Annex 1 Letter of Complaint Cllr Mayes

Annex 2 Letter of Complaint Cllr Stamp

Annex 3 Email of Apology to Cllr Siddall

Annex 4 Email from Cllr Fluker

Annex 1

Emma Holmes

From: Cllr. Carlie Mayes
Sent: 27 September 2019 07:32
To: Emma Holmes
Subject: CONFIDENTIAL: Complaint

26 September 2019

CONFIDENTIAL

Dear Ms Holmes

I am writing to you regarding my wish to make a formal complaint about the threatening and bullying behaviour of the Leader, Cllr Adrian Fluker, during the full Council meeting on Thursday 19 September 19.

Following the debate on the Air Quality Management Area for Maldon Market Hill Paper there was a vote. During this debate it transpired that I had been removed from the working group to be replaced by non Ward members. At the point of voting, and during that vote, tabled by the Leader, Cllr Adrian Fluker, of Maldon District Council, Cllr Fluker made a cut throat gesture. Initially I thought this was to me indicating that I had been "cut" unceremoniously and somewhat aggressively, from my position on the working party. As you can imagine I was physically shocked and offended by this in such a blatant and public situation. Almost immediately this was followed by a motion from the Leader to raise hands voting positively to the motion. It then became clear that he was indicating to those behind me, whom I could not see, to raise their hands in his support. Cllr Flemming sits to my left and Cllr Siddall to my right. Moments later I was aware who the Leader was signalling - Cllr Fleming and Cllr Siddell!

This threat, which I believed was initially directed at me, is distressing and offensive. It is bullying in its rawest form. We should be setting high standards and should be fighting all bullying including that in politics. It seems to have become more and more acceptable for harassing, threatening, intimidating and abusive behaviour to be demonstrated in the political arena and can be seen every day in Parliament. Bullying of any kind by any other councillor, whether to me, as a female councillor, or to any other councillor, male or female, should not be tolerated, irrespective of their political position. This level of intimidation is unacceptable.

Section 3.5 of Part 5 - Codes and Protocols

You must not:

(b) bully any person

(e) conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.

This behaviour calls in to question the Nolan principles particularly in relation to: "Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs."

The Leader is dismissive of this and it is clear he will even bully those of his own party to get "his" way. This is not politics. This is bullying. It is disgusting and shocking, is unacceptable and cannot be viewed as "amusing" on any level; a notion Cllr Fluker will use to "justify" and "explain" his behaviour. Indeed, the aggression towards the Cllr's Flemming and Siddall continued once the meeting had concluded - and in public. Dreadful. This was both embarrassing for me, other councillors and them!

Please can you investigate this as a matter of urgency?

As a newly elected member, I now feel very uncomfortable, and somewhat intimidated, attending meetings with a senior councillor who feels this level of behaviour is acceptable within Malden District Council.

I was not the only witness to Cllr Fluker's "cut throat" action and associated gestures who is willing to say what they saw.

I trust this complaint will be dealt with respectfully and confidentially.

Please acknowledge receipt.

Yours sincerely

Carlie

Cllr Carlie Mayes
Malden District Councillor- Malden North Ward
07979 862952

Council Tax Support Scheme 2020-2021
We need your views visit: <https://www.maldon.gov.uk/LCTS>

Annex 2

Emma Holmes

From: Cllr. Wendy Stamp
Sent: 16 September 2019 11:37
To: Emma Holmes
Subject: MDC's adopted Code of conduct complaint. Confidential

Dear Emma

I have given this complaint a great deal of thought and consideration over the weekend but I feel it is my duty to stand up to bullying and threatening behaviour.

Following a vote at Thursdays Full Council meeting where two conservative councillors chose to abstain from a motion, Cllr Fluker, the LEADER, of Maldon District Council made a cut throat gesture to Cllr Fleming and Cllr Siddell!

We as councillors are painfully aware of the murder of Jo Cox by a member of the public, our own personal safety is paramount. This threat, albeit not directed at me personally, is distressing, offensive and falls far below the standard of an elected councillor.

This behaviour calls in to question the Nolan principles especially "Leadership" - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Section 3.5 of Part 5 - Codes and Protocols

You must not:

- (b) bully any person
- (e) conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.

As a female councillor witnessing this threatening behaviour towards another female councillor is shocking and unacceptable. Under NO circumstances could this action be considered funny.

Can you please investigate this as a matter of urgency? I feel uncomfortable attending meetings with a councillor who feels this level of behaviour is acceptable within Maldon District Council.

I am not the only witness to Cllr Flukers cut throat action who is willing to say what they saw.

I trust this complaint will be dealt with respect and confidentially.

Kind Regards

Cllr Wendy Stamp

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Annex 3

From: Adrian Fluker <adrian@skmaddison.co.uk>
Sent: 13 September 2019 08:10
To: Richard Siddall <richard@advocatetraining.com>
Subject: Last Night

Morning Richard

I understand that you are upset with regards to a comment I made in the chamber last night can I assure you it was meant in the context of the fact that we are both yachtsman and nothing else. If you are offended then I apologise unreservedly as no offence was meant whatsoever – in fact having unexpectedly found out that we share an interest in sailing I was hoping that you might like to come for sail on my boat some time. Its berthed at Bradwell marina and I leave it in all winter so there will be plenty of opportunities if you wish.

Moving back to the coal face the circumstances of your voting last night were unfortunate and will need to be resolved as soon as possible and hopefully before the next group meeting. Jane has accounted for her actions and apologised to me as Leader – I would ask you to considering doing the same and as light as you wish so that I

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can get the Group to move on and focus on what we need to deliver on.

In passing can I thank you for your input into the Theatic Strategies working Group and that said and subject to us all getting back on a even keel I look forward to working with you on more specific working groups in the future.

Regards Adrian

Adrian S Fluker
The Wheat Barn Keelings Road Dengie Southminster Essex CM07US UK
Telephone 01621 778888 Messages 01621 778080 Mobile 07743 778797

Regards Adrian

From: Adrian Fluker <adrian@skmaddison.co.uk>

Sent: 13 September 2019 10:51

To: 'Richard Holmes' <richard.holmes@maldon.gov.uk>

Subject: Last night - URGENT

Morning Richard

Rough old meeting last night fortunately we both got what we wanted though.

I hadn't realised the significance of my 'Hello Sailor' comment until we were driving home luckily it was in P&C – just in case Richard was offended and I certainly didn't mean to offend him I have apologised.

From: Cllr.Adrian Fluker <Cllr.Adrian.Fluker@maldon.gov.uk>

Sent: Tuesday, September 24, 2019 5:13 pm

To: Emma Holmes

Subject: Clarification

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Dear Emma

Further to our previous conversation I confirm the gesticulation was meant as a signal to 'stop and move on'. I have used this signal and others which are understood by the Conservative Group Members lots of times during debates in the chamber. Group members know what it means and the purpose i.e. to stop pontificating, wind up the debate or move on to the next part of the debate which on this occasion was the confirmation of a vote which I knew the administration had won.

For clarity I used the gesticulation as it was clear from the mutterings and gestures in the Chamber that there was large amount of disquiet on the Conservative benches likewise the public gallery where the Maldon District Council Group Secretary was sitting alongside the Chairman of the Maldon Conservative Branch that said and in my mind it was important for the integrity of the Group and preservation of good order in the chamber that we moved on. When I made the signal it was directed towards the Administration and my eyes were moving between the Conservative benches the Group Secretary and Branch Chairman in the public gallery.

The gesticulation is commonly used in debates and the Speaker of House of Commons has used it himself. It is also used as a signal to stop a process or progression for example an aircraft or other engine or an unfolding event.

Some Members of the Opposition are now politicising my actions and bullying me on Outlook where they are interpreting it as 'throat slitting' which I find very offensive as that was not in my mind at all and that said I wish to clarify again that all I was signalling to the Conservative Group as a whole was 'stop and move on' that is what I meant and nothing else.

As for being bullied on Outlook with all members looped in - whilst some would regard it as bullying to me its just political interaction all be it not very pleasant and certainly not something I would want to bother you with.

Regards

Adrian

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