

# Unrestricted Document Pack

APOLOGIES Committee Services  
Tel.

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

12 August 2020

Dear Councillor

You are summoned to attend the meeting of the;

## **JOINT STANDARDS COMMITTEE**

on **THURSDAY 20 AUGUST 2020** at 1.00 pm.

Please note that this will be a **remote meeting** – Members to access the meeting via Teams. Members of the press & public may listen to the live stream on the Council's website:

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=148&MIId=2229>

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance  
COMMITTEE MEMBERSHIP CHAIRMAN

VICE-CHAIRMAN

COUNCILLORS

M G Bassenger  
Mrs P A Channer, CC  
M W Helm  
K W Jarvis  
C Mayes  
S P Nunn  
W Stamp  
Mrs M E Thompson

PARISH COUNCILLORS

Councillor J Anderson  
Councillor P Stilts

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**AGENDA**  
**JOINT STANDARDS COMMITTEE**  
**THURSDAY 20 AUGUST 2020**

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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 5 - 10)

To confirm the Minutes of the meeting of the Committee held on 30 January 2020, (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 Chrisy Morris** (Pages 11 - 50)

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**

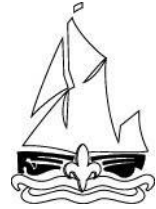
Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.

### **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 (if investigator is absent) invited to summarise the conclusion of the report and to make any clarifying remarks. (see footnote)
3. The Member concerned invited to ask any questions of clarification 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
6. The Committee Members and Independent Person invited to ask questions of the Member concerned
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.

#### **Footnote:**

The meeting is of a committee and is not a court hearing. Questions should not be of a confrontational nature but only to clarify any doubts concerning the report. The Chairman may prevent further questioning if s/he considers that the questioning is too aggressive or confrontational



**MINUTES of  
JOINT STANDARDS COMMITTEE  
30 JANUARY 2020**

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**PRESENT**

Chairman	Councillor
Vice-Chairman	Councillor
Councillors	R G Boyce MBE, S P Nunn, Anderson and Stilts
Parish Councillors	J Anderson and P Stilts
Substitute Councillor(s)	B E Harker, K W Jarvis and Miss S White
In Attendance Councillors	E L Bamford, M G Bassenger, Mrs P A Channer, CC, M R Edwards, J L Fleming, A L Hull, C Mayes, C Morris, W Stamp and C Swain.

**1. ELECTION OF CHAIRMAN**

The Monitoring Officer opened proceedings by calling for nominations from the Committee for Chairman of the Joint Standards Committee for the remainder of the municipal year.

Councillor R G Boyce, MBE, nominated Councillor Mrs M E Thompson and this was seconded by Councillor Miss S White. For the sake of clarity the Monitoring Officer explained that should Councillor Mrs M E Thompson be voted in as Chairman she would not be partaking in today's proceedings as she had sent apologies and formally nominated a substitute for this meeting, Councillor Miss S White.

The Monitoring Officer then put Councillor Boyce's proposal, duly seconded, to the Committee and it was agreed that Councillor Mrs M E Thompson be appointed Chairman of the Joint Standards Committee for the remainder of the municipal year.

**2. ELECTION OF VICE-CHAIRMAN**

The Monitoring Officer, noting that a chairman was still required to conduct the business of this meeting then called for nominations from the Committee to the position of Vice-Chairman of the Joint Standards Committee. Councillor Miss S White nominated Councillor R G Boyce, MBE and this was duly seconded by Councillor B E Harker.

The Monitoring Officer put Councillor White's proposal to the Committee and it was agreed that Councillor R G Boyce, MBE be appointed Vice-Chair to the Joint Standards Committee for the remainder of the municipal year.

IN THE CHAIR: COUNCILLOR R G BOYCE, MBE

### **3. ADJOURNMENT OF THE MEETING**

**RESOLVED** that the meeting be adjourned at 11.05am for a fifteen minute period to ensure all committee members had the opportunity to familiarise themselves with the paperwork.

### **4. RESUMPTION OF BUSINESS**

**RESOLVED** that the meeting of the Joint Standards Committee be resumed at 11:20 am.

### **5. CHAIRMAN'S NOTICES**

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

### **6. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M W Helm, R H Siddall and Mrs M E Thompson

In accordance with Council Procedure Rule 16, paragraph (9), substitutions at the meeting were as follows:-

#### **Substitutions:**

Councillor Miss S White on behalf of Councillor Mrs M E Thompson;  
Councillor B E Harker on behalf of Councillor M W Helm; and,  
Councillor K W Jarvis on behalf of Councillor R Siddall.

### **7. MINUTES OF THE LAST MEETING**

Mr N Hodson, the Independent Person, advised that he had not been informed of the previous Joint Standards Committee meeting therefore was not in attendance on 22 August 2019.

**RESOLVED** that the Minutes of the meeting of the Committee held on 22 August 2019 be approved and confirmed.

## **8. DISCLOSURE OF INTEREST**

At this point Councillor S Nunn, noting that the Committee as a whole had an interest in Agenda Item 9, requested an explanation as to why, given the matter related to the Leader of the Council, it was not subject to an independent investigation and an independent adjudication.

The Monitoring Officer explained that the Leader of the Council was also a Member like any other Member. Under the Localism Act when a complaint was made the Monitoring Officer had to deal with it under the Localism Act, in accordance with the Council's scheme set up to deal with investigations. That scheme gave discretion to the Monitoring Officer/Deputy Monitoring Officer to determine if they were able to investigate a matter. In this case it was felt that this matter could be dealt with by the Deputy Monitoring Officer.

It was noted that all members of the Committee declared an interest in Agenda Item 9 *Standards Complaint- Councillor Adrian Fluker* as they knew Councillor A S Fluker.

## **9. STANDARDS COMPLAINT - COUNCILLOR ADRIAN FLUKER**

The Committee considered the report and associated appendices from the Monitoring Officer and Deputy Monitoring Officer advising the Committee of an investigation following a complaint against Councillor A S Fluker.

The Chairman, following the procedure for complaints determination, invited the Deputy Monitoring Officer to summarise the conclusion of the report and make any clarifying remarks as appropriate. The Deputy Monitoring Officer took the Committee through the report outlining the two complaints received in relation to two incidents that took place at full Council on Thursday 12 September 2019.

The first complaint related to an allegation that Councillor Fluker had carried out a cut-throat gesture aimed at two Councillors, Councillors Siddall and Fleming, following a vote at the meeting. Complaints were received from Councillor Stamp, Councillor Mayes and Councillor Morris in relation to a breach of the Code of Conduct, Sections B and E. The Deputy Monitoring Officer said that this had been expanded to include not showing respect.

The second complaint was from Councillor Morris relating to a comment made to another Councillor in private session at full Council Thursday 12 September 2019. The Deputy Monitoring Officer confirmed that Councillor Fluker had sent an email of apology to Councillor Siddall in respect of the second complaint and made a general apology to full Council in December for any offence he may have caused regarding gestures and/or comments. Councillor Fluker stated that he intended to cause no offence and gave a full explanation as to what he was thinking and the actions that he took.

She then drew the Committee's attention to the options open to the Joint Standards Committee, outlined below, in respect of the recommendations in the report:-

1. To take no further action;

2. Issue a formal censure in the form of a letter which is published on the Council's website;
3. 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;
4. Require that Councillor Fluker write a letter of apology to the Councillors who were offended and/or the Council as a whole;
5. Recommend to the Council that Councillor Fluker should be removed from one or more committees for a set time; or,
6. Recommend to the Council that Councillor Fluker is removed as Leader of the Council.

The Chairman, addressing section 4 of the procedure for complaints determination invited questions from the Committee Members and the Independent Person, Norman Hodson. He approached Mr Hodson in the first instance who commented that from the report it was obvious it had been a busy meeting, and, in light of the councillor complaints, clear that the events did take place. This Committee now had to decide if they caused offence, equated to a form of bullying or disrespectful behaviour. He said that given the complaints had come from Councillors led him to accept that Councillor Fluker did in fact bully those Councillors.

Councillor Nunn asked for clarification on two points 1) if the apology in relation to the second complaint had not been accepted and 2) if it was the case that the Committee could impose options 1-3 and only recommend 4 and 5. The Deputy Monitoring Officer advised that the apology had been accepted but subsequently the acceptance was withdrawn and that options 5 and 6 would be recommendations to Council.

Councillor Stilts, noting how long Councillor Fluker had been in office concluded that he was fully aware of the Nolan Principles.

Councillor Jarvis, referring to the bottom of page 15 of the Deputy Monitoring Officer's report, asked for clarification regarding the statement 'His explanation is a plausible one and is backed up by the circumstances in the chamber at the time of the incident'. In response the Deputy Monitoring Officer said that Councillor Fluker had explained he was attempting to quieten down the noise with the gesture and that at the time there was a lot of noise in the Chamber.

Councillor Jarvis acknowledged that the discussion in the chamber was robust, at the time of the gesture the vote had taken place and the two councillors in question had abstained, therefore it was not unreasonable to assume they took offence at the gesture. He asked the Deputy Monitoring Officer if it had been meant in an expression of displeasure would her conclusion have been different. The Deputy Monitoring Officer said yes, it would have been deemed disrespectful.

Councillor Jarvis asked what weighting the Committee should apply to the pieces of evidence supporting the report, in particular the course certificates. The Monitoring Officer advised that the Committee should first determine if the action had resulted in a breach of the code and if so which part or parts. Then, when determining what course of



action to take in terms of the options available, the certificates would become more important.

Councillor Stilts, referring to Councillor Fluker's explanation of the gesture on page 14 of the report and noting the short period of time the new councillors had been in office, suggested that they may not have been aware of the gesture used as an indication to the group to stop talking. The Chairman, in response, said the gesture was universal.

Councillor White noted the content of the report and the attachments, pointing out that Councillor Fluker had apologised to both Councillor Siddall personally and the Council as a whole, whilst also noting that he had voluntarily undertaken diversity training. Given regards to the evidence and the context of events she did not believe that there had been a failure to comply with the code of conduct. In light of the aforementioned she proposed that with regards to section 4.1 (a) of the report in relation to complaints 1 and 2 Councillor Fluker had not failed to comply with the Members' Code of Conduct and therefore no further action was required in respect of the matters considered at the meeting. This was duly seconded by Councillor Harker.

Councillor Jarvis said that the evidence in front of the committee suggested that there had been a breach and he would be putting forward a counter proposal to that effect.

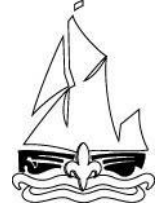
In accordance with procedure the Chairman advised that the first proposal would be put to the Committee for approval. He then put Councillor White's proposal, seconded by Councillor Harker, to the Committee and it was agreed with 3 votes against and 4 votes for the proposal.

**RESOLVED** that in light of the evidence, the apologies tendered and training undertaken, Councillor Fluker, in respect of section 4.1 (a) of the report in relation to complaints 1 and 2, had not failed to comply with the Members' Code of Conduct and therefore no further action was required.

There being no further items of business the Chairman closed the meeting at 11.45 am.

COUNCILLOR R G BOYCE, MBE  
CHAIRMAN

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## **REPORT of MONITORING OFFICER**

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**to  
JOINT STANDARDS COMMITTEE  
20 AUGUST 2020**

### **STANDARDS COMPLAINT - COUNCILLOR CHRISY MORRIS**

#### **1. PURPOSE OF THE REPORT**

- 1.1 To advise the Committee of two investigations following complaints against Councillor Chrisy Morris.

#### **2. RECOMMENDATIONS**

- (i) For the Committee to consider both investigation reports;
- (ii) For the Committee to decide if Councillor Morris has failed to comply with the Code of Conduct;
- (iii) If it is decided that Councillor Morris 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 two investigation reports attached at **APPENDIX 1** and **2** to this report.
- 3.2 The Committee must decide based on the evidence before them:
- (a) That Councillor Morris 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 Morris 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 Morris 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.

3.2 If the Committee determines that there are breaches of the Code of Conduct then it can impose one or more of the following sanctions:

1. Reporting its findings to Council for information;
2. Recommending to Council that the Member concerned be issued with a formal censure or reprimand that is posted on the website ;
3. Instructing the Monitoring Officer to arrange training for the member;
4. Recommending withdrawal facilities provided to the Member by the Council, such as a computer, website and/or email and internet access or use of offices other than for meetings;
5. Recommending to Council that he/she be removed from any Committee, Working Group or Outside Working Group.

#### **4. IMPACT ON STRATEGIC THEMES**

4.1 None.

#### **5. 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 01621 875870

**Complaint against Councillor Chrisy Morris**

1. On 27 November 2019 Councillor Dewick made a complaint against Councillor Morris in relation to his conduct at Overview and Scrutiny Committee on 14 November 2019 and then in relation to Council meetings held on 3 October and 21<sup>st</sup> November 2019. He complained in the following terms:

“At the Overview & Scrutiny Committee he asked the chairman, Councillor Michael Helm, if he could speak as a private individual. Councillor Helm gave his permission and Councillor Morris immediately started to make a statement in which I could identify at least one councillor and at least one officer of Maldon District Council. The statement was phrased in such a way that it also called into question the behaviour of other senior officers of the council. In my view the statement was at least disparaging and worse, slanderous to individuals and questioned the integrity of the council as a body. He ignored the chairman’s requests to stop speaking.

At the October meeting of the Full Council, Councillor Morris behaved in such a way that the Chairman of the Council had no option but to suspend the Council meeting and ultimately adjourned it for another time. At the November Full Council meeting, Councillor Morris refused on a number of occasions to follow the rules of the council, refused to accept the authority of the Chairman of the Council and generally behaved in a disrespectful way that could have resulted in the suspension of the council for a second time.

2. I attach the complaint in full as **ANNEX 1**.

**Investigation**

3. I interviewed the committee clerk who was the minute taker for the Overview & Scrutiny Committee on the 14 November 2019. She confirmed that Councillor Morris requested permission to speak as a private individual and she explained in that capacity Councillor Morris would have only 2 minutes to speak. He was introduced by the Chairman as Mr Morris rather than Councillor Morris which underlines that Councillor Morris spoke as a private individual. The Code applies when a member acts as a councillor or gives that impression. It follows that the Code of Conduct is not engaged and therefore there can be no breach of the Code irrespective of Councillor Dewick’s assessment of his conduct.
4. I have not therefore investigated further how Councillor Morris conducted himself at the Committee.
5. I interviewed the Committee Services staff member who was the minute taker for the two Council meetings on 3 October and 21 November 2019. She provided me with a transcript of the audio recordings of both Council meetings. They are attached as **ANNEX 2** and **3**. They reveal the following in relation to the conduct of Councillor Morris;
  - Councillor Morris repeatedly spoke over the Chairman at both meetings;
  - The Chairman stood on 1 occasion in October and 4 times in November;
  - At both meetings resolutions were passed that Councillor Morris should no longer be heard that were both proposed by the Chairman. Councillor Morris spoke after the resolution insisting that he could still speak despite the Chairman stating that he needed to be quiet;

- In October Councillor Morris refused to leave the Chamber at the request of the Chairman;
  - The Chairman prematurely closed the October meeting and threatened to close the November meeting.
6. I interviewed Councillor Morris on 8 January 2020 in my office. He denied that any of the things listed above had happened but said that the Chairman had been rude to him by interrupting him and preventing him from speaking. Furthermore, Councillor Morris believed that at both meetings his human rights had been breached by the Chairman. He did not accept that the Chairman prematurely closed the October meeting due to his conduct but because of the Chairman's failure to respect his right to speak. Finally, Councillor Morris did not believe that his conduct at either meeting had brought the Council into disrepute on the basis that the Council already has a poor reputation. He believes that his actions will serve to improve the public's perceptions.
7. During the interview Councillor Morris was cooperative and I am grateful for his attendance at my office.
8. I spoke with Councillor Bob Boyce, Chairman of the Council, on 9 January 2020 and he confirmed that he did not wish to make a complaint against Councillor Morris and that he considered Councillor Morris' attitude towards him as part of his role as Chairman. He was not prepared to express views either in favour or contrary to the complaint.

#### **Analysis**

9. I set out in this paragraph the relevant parts of the Council Procedure Rules which form a part of the Constitution. Rule 8's purpose is to ensure that respect is shown to the Chairman. In the Constitution it is titled "Respect for Chairman". Rule 10 speaks for itself and is to deal with unruly conduct by a member in the Council Chamber. Rule 23 is important because if there is any dispute about the Chairman's interpretation or application of the Rules then the Chairman's decision is to be seen by all members as final.

*R 8 Whenever the Chairman rises during a debate a Member then standing shall resume his seat and the Council shall be silent.*

*R10 If at a meeting any Member of the Council misconducts himself by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Chairman or any other Member may move "that the Member named be not further heard", and the motion if seconded shall be put and determined without discussion.*

*If the Member named continues his misconduct after a motion under the foregoing paragraph has been carried the Chairman shall:-*

***EITHER*** move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);

***OR*** adjourn the meeting of the Council for such period as he in his discretion shall consider expedient.

*R23 The ruling of the Chairman as to the construction or application of any of these Rules, or as to any proceedings of the Council, or of its Committees or Sub-Committees, shall not be challenged at any meeting of the Council, or of its Committees or Sub-Committees and his decision shall be final.*

10. The relevant parts of the Members Code of Conduct are shown below:

R 3.1 You must treat others with respect;

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

11. In my view Councillor Morris sincerely believes that his right to speak transcends the Council's Constitution and the authority of the Chairman. He believes that he is the arbiter of what his rights are, and the Constitution and the Chairman cannot trump his view of his right to speak. If all councillors had such an opinion that would prevent the Council acting as a body of councillors because each councillor would be able to speak in accordance with his/her personal view of his/her "rights". During the interview I did not sense that Councillor Morris was aware of his "responsibilities" to act within a democracy of councillors who are all subject to the Constitution. In my view this is the reason for Councillor Morris' conduct, even though I accept he sincerely believes that he is the wronged person. He focusses on his perception of his "rights without the "responsibilities" that are enshrined in the Constitution or the authority of the Chairman.
12. **ANNEX 2** and **3** show that the Chairman was not respected by Councillor Morris in both meetings. His behaviour resulted in the Chairman prematurely closing the October meeting and threatening to close the one in November. In my view this brings the Council into disrepute and equally brings the office of a councillor into disrepute on the basis that it gives the impression that there is unruliness in Council meetings to such an extent that proper business cannot be transacted.

### **Conclusion**

13. I do not believe that Councillor Morris contravened the Code of Conduct in relation to his conduct at the Overview and Scrutiny meeting
14. I am of the view that Councillor Morris contravened the Code of Conduct in relation to the Council meetings in October and November on the basis that he did not treat the Chairman of the Council with respect. Additionally, his conduct could reasonably be regarded as bringing his office as councillor and the Council into disrepute.

### **Sanctions**

15. There are a few options, singularly or in combination, available to the Committee that can be imposed or recommended if the Committee agree with my report.
- A) That a letter of censure is sent to Councillor Morris and this is published on the Council's website for 28 days:
  - B) That an oral or written apology is requested to be given or sent to the Chairman of the Council:
  - C) That it is recommended to Council that he should be removed from Central Area Planning Committee and District Planning Committee and not be appointed to any Committee, Working Group or Outside Body until a satisfactory apology has been given:
  - D) That Councillor Morris is offered some training on the requirements of the Code of Conduct and the Council Procedure Rules and further that it is recommended to Council

that he should be removed from the Central Area Planning Committee and District Planning Committee until training is satisfactorily completed or that he is removed from both if the training is not completed by a set time. (This sanction might need to be varied depending on whether sanction C is imposed)

Annex 1 - letter of complaint

Annex 2 - Notes of October Council Meeting

Annex 3 – Notes of November Council Meeting

Simon Quelch

Monitoring Officer



**From:** Cllr. Richard Dewick  
**Sent:** 27 November 2019 12:12  
**To:** Emma Holmes <[Emma.holmes@maldon.gov.uk](mailto:Emma.holmes@maldon.gov.uk)>  
**Subject:** Complaint

Good morning Emma,

Further to our telephone conversation earlier today I wish to confirm that I am now making an official complaint about the behaviour of Cllr Chrissy Morris.

Although I have found his behaviour at meetings, especially Full Council, completely unacceptable, I have suffered it until now believing that it may have been down to a lack of good manners and a lack of understanding as to how public meetings at Maldon District Council are run. However, over the last two months I have come to believe that his behaviour is deliberate and he knows exactly what he is doing. I also believe that his aim is to deliberately disrupt meetings to the point that business cannot be transacted.

My complaint falls into two parts. Firstly his behaviour at Overview & Scrutiny Committee on 14th November 2019. Secondly his behaviour at Full Council 3<sup>rd</sup> October 2019 and, his behaviour at Full Council on 21<sup>st</sup> November 2019.

1. At the Overview & Scrutiny Committee he asked the chairman, Cllr Michael Helm, if he could speak as a private individual. Cllr Helm gave his permission and Cllr Morris immediately started to make a statement in which I could identify at least one councillor and at least one officer of Maldon District Council. The statement was phrased in such a way that it also called into question the behaviour of other senior officers of the council. In my view the statement was at least disparaging and worse, slanderous to individuals and questioned the integrity of the council as a body. He ignored the chairman's requests to stop speaking.
2. At the October meeting of the Full Council, Cllr Morris behaved in such a way that the Chairman of the Council had no option but to suspend the Council meeting and ultimately adjourned it for another time. At the November Full Council meeting, Cllr Morris refused on a number of occasions to follow the rules of the council, refused to accept the authority of the Chairman of the Council and generally behaved in a disrespectful way that could have resulted in the suspension of the council for a second time.

This boorish behaviour, I believe, is deliberate. Cllr Morris clearly has no respect for the democratic authority of Maldon District Council, he has no respect for the Chairman of Maldon District Council, nor for its Members and Officers. In my view this behaviour brings Maldon District Council itself, as well as the positions of Members and Officers into disrepute. It also shows contempt for the democratic process of the Council and the Electorate as a whole.

I can honestly say that in over twenty eight years as a Maldon District Councillor I have never witnessed such appalling behaviour.

Yours sincerely,

Cllr Richard Dewick  
Ward member for Tillingha

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**COUNCIL 3 October 2019 (special meeting)**

Chairman	Councillor R G Boyce MBE	Y
Vice-Chairman	Councillor Mrs P A Channer, CC	Y
	E L Bamford	Y
	M G Bassenger	Y
	Miss A M Beale	Apologies
	B S Beale MBE	Y
	V J Bell	Y
	R P F Dewick	Y
	M F L Durham, CC	Y
	M R Edwards	Y
	Mrs J L Fleming	Y
	A S Fluker (Leader)	Y
	B E Harker	Y
	M S Heard	Y
	M W Helm	Apologies
	A L Hull	Y
	K W Jarvis	Y
	J V Keyes	Y
	K M H Lagan	Y
	C Mayes	Y
	C P Morley	Y
	C Morris	Y
	S P Nunn	Y
	N G F Shaughnessy	Y
	R H Siddall	Y
	N J Skeens	Y
	W Stamp	Y
	Mrs J C Stilts	Y
	C Swain	Y
	Mrs M E Thompson (Deputy Leader)	Y
	Miss S White	Y
Officers	Richard Holmes Paul Dodson Emma Holmes	

MOP:	6
Press:	0

**1 Chairman's Notices**

Speaker	Notes
	Reads out

**2 Apologies for Absence**

Speaker	Notes
	Councillor M W Helm

**3 Disclosure of Interests**

Speaker	Notes
Durham	Non-pec as a Member of ECC for any items pertaining to that organisation.
Mrs Channer	Non-pec as a Member of ECC should there be anything relating to that organisation.

**4 Minutes – 12 September 2019 (Pages 7 - 20)**

Speaker	Notes
Stamp (10:38)	Minute 397 pg 18 – Should say <b>life</b> not live in first paragraph.  By Lord Paul Bew pages 12 section 3.3 otherwise it not clear of the evidence she using
	AGREED subject to amendment

**5 Public Questions**

Speaker	Notes
	NONE

**6 Chairman's Announcements**

Speaker	Notes
Chr	None for this meeting

**7 Minute Book (pages 21 - 28 and supplementary pack)**

Speaker	Notes

**a) Planning and Licensing Committee 9 July (Pages 21 - 28)**

Speaker	Notes
Mrs Channer	Presents
	2nd
	AGREED

**b) Finance and Corporate Services Committee 24 September 2019 (Supp. Pack pg 3 – 9)**

Speaker	Notes
Harker	Presents
	2 <sup>nd</sup>
	AGREED

**8 Minutes of Meetings of Committees**Minutes published:

South Eastern Area Planning Committee	9 September 2019
Appointments Committee	4 September 2019

Minutes NOT finalised for publication:

District Planning Committee	19 September 2019
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**9 Questions in accordance with Procedure Rule 6(3) of which notice has been given**

Speaker	Notes
Chr	Refers to the questions on the supplementary pack.
Swain	Hopes Members can read the question and answer.
	NOTED

**10 Appointment of Membership of Committees of the Council (Supp. Pack page 11 – 18)**

Speaker	Notes
Director of Service Delivery	Presents the report and highlights the political balance.
Chr	This is a report of Head of Paid Service with the reccs contained under 2 little 1 to 3. Mr Holmes are you putting this.
Director of Service Delivery	<p>Thank you chairman, good evening members. Yes, this report is to consider the appointment of membership of committees of the Council for the remainder of the municipal year in light of the new committee structure agreed by this Council. As the Chairman has indicated a number of recommendations set out in point 2. I refer to point 3 of the report on page 15 and this is regarding political balance. So in the light of the new committee structure agreed by Council it is necessary to review the proposed seats on the committee by law seats on the committee must be allocated by proportion of political composition of the Council. Under 3.2 you will see the two political groups constituted for the purpose of political balance are the conservatives and independents. 17 members for conservatives and 13 for independent. It should also be noted that in addition to the above Councillor Morris is not aligned to a political group and is therefore not covered by the political balance provisions. However paragraph 4.3 of this report suggests that the Council considered allocating a position on the committee. The Conservative Group has the majority of members of this council, so it has the right to request the majority of every committee.</p> <p>Under Section 3.5 of this report the council is asked to ratify the allocation of seats on Committees and you'll see those set out within the table below.</p> <p>Section 3.5.1 deal with the Investigating and Disciplinary Panel and again you will see the make-up and it is suggested that membership is drawn from all ten named Councillors.</p>

	<p>3.5.2 of this report deals with the Appointments Committee and this, there, members are required to appoint members to serve on the newly appointed, established Appointments Board. In Terms of Reference of the board provide two members to serve in addition to the leader or deputy leader of the council, opposition leader or deputy and chairman or vice-chairman of the Strategy &amp; Resources and Performance, Governance and Audit Committees.</p> <p>3.6 of the report highlights the fact that it is noted that the new Committee structure removed the concept of ex-officio appointments to the Committees including the three area planning committees.</p> <p>Section 4 of the report details the nominations from the Leader of the Conservative Group and the Leader of the Independent Group.</p> <p>Finally, on page 18 of the report, under 4.3, you will see it is suggested that the council considers allocating a place on the strategy and resources committee for Councillor Morris.</p> <p>Thank you, Chairman.</p>
Chr	This is a matter of fact. Members agree the three recommendations?
	AGREED
Chr	Councillor Morris
Morris	I'd like to ask for a recorded vote under rule 13(3), please for this.
Chr	Is that seconded
Skeen	2 <sup>nd</sup>
Chr	<p>That's seconded.</p> <p>Would you call the roll and this is to agree all three recommendations.</p> <p>Again if you're for the recommendations you say for, if you're against you say against.</p>
Director of Service Delivery	And also abstain chairman
Chr	And or abstain, yes thank you Mr Holmes
Director of Service Delivery	Chairman, may I remain seated so that I can mark the sheet.
Heard	Chairman can we see the recommendations again please.
	Shown on the screen
Heard	Thank you
Chr	Carry on
Director of Service Delivery	Thank you

Name of Member	Agenda Item: ____10_		
	Vote: Three reccs set out in the report		
	For	Against	Abstain
BAMFORD, E L	✓		
BASSENGER, M G		✓	
BEALE, MISS A M			
BEALE, MBE, B S		✓	
BELL, V J		✓	
BOYCE, MBE, R G	✓		
CHANNER, CC, MRS P A	✓		
DEWICK, R P F	✓		
DURHAM, CC, M F L	✓		
EDWARDS, M R		✓	
FLEMING, J L	✓		
FLUKER, A S	✓		
HARKER, B E	✓		
HEARD, M S		✓	
HELM, M W			
HULL, A J	✓		
JARVIS, K W	✓		
KEYES, J V	✓		
LAGAN, K M H		✓	
MAYES, C		✓	
MORLEY, C P	✓		
MORRIS, C		✓	
NUNN, S P		✓	
SHAUGHNESSY, MRS N G F		✓	
SIDDALL, R H	✓		
SKEENS, N		✓	
STAMP, W		✓	
STILTS, J		✓	
SWAIN, C		✓	
THOMPSON, MRS M E	✓		
WHITE, MISS S	✓		
TOTALS	15	14	0

	That's passed 15, 14.
Chr	Now that, that I think leaves a bit of a problem, because as I understand it the appointment, I mean I've got problems with the independents, why they are not supporting their own recommendation, but you must have your reasons. I think, I think that the recommendation (i) is certainly carried and I think recommendation (ii) is certainly carried and that subject to (i) above, the Council is asked to agree the membership of the following Committees of the Council for the remainder of the current municipal year, Miss Holmes can you advise me please.
Emma Holmes (22:00)	Yes Chairman, in relation to Councillor Morris' appointment that has to be made by unanimous vote which obviously hasn't been the case this evening. In which case, his, according to regulations he is not able to sit on that committee and another member of the independent group will need to be put forward to sit on that committee.
Chr	Thank you. Councillor Morris.  Do you understand what you have just been told, that the Council has not been unanimous, your appointment therefore has not been confirmed and the independents have got the opportunity to appoint another of their Members into that Committee
Morris (22:38)	As they should Sir as well, they are not obliged to give me any seat
Chr	No they're not
Morris	and I don't want to take a seat from another independent councillor and I would just like it noted for and on the record that I am now an elected representative that is not allowed to speak at committee or sit on committee, which is not why I am here. I would also ask you why my request for a question under rule 6 has been denied?
Chr	Can, can I take that second bit in a minute and just complete the business of appointments to the, independents appointments to the Committees.  Councillor Heard as I understand it at the moment you have voted against your own nominations and therefore technically the only people on these Committees are conservatives which is ridiculous. Can you, would you like to explain to the Council why he voted against your own nominations?
Heard	I will, I will Chairman. First of all we've, we've voted on all three of those on block
Chr	Yep
Heard	And it says that the Council notes the nominations of the Leader of the Conservative Group and the Leader of the Independent Group to those places
Chr	Yeah
Heard	And yes I would agree that that is the case. But what we are, what we are suggesting is that the membership of those Committees is not politically balanced and what we, what is happening is, we've got 45% of this Council and we are only entitled to 40% and what we would like is more representation, not only (Chr interrupts him)
Chr	Councillor Heard that is the law. Miss Holmes



Emma Holmes	Thank you, Chairman. Yes, the political breakdown is set out in law. Chairman, the Motion has been passed so the issue of independents not being on those groups is not technically correct because the motion has been passed so those members are able, baring Councillor Morris, to sit on those committees
Chr	Okay, thank you for correcting me. Councillor Heard you was speaking, do you wish to make a further nomination to the Strategy and Resources Committee? In replace of Councillor Morris.
Heard	Yes I will and I'd like it know I would have liked Councillor Morris to have been offered place, but in the light of this vote I will recommendation that Councillor Swain is.
Chr	Is that agreed by Council?
	AGREED (adding Councillor Swain to the proposed list of Members for the Strategy and Resources Committee)
Chr	Councillor Morris.
Morris (25:37)	I'd just like to make the point that it's a little bit quaint that you guys are relying on law when for the whole week you've been telling me that constitution trumps law and have denied me my right to free speech. Could we please discuss my question Rule 6
Chr	<p>The constitution, the constitution...</p> <p>Councillor Morris please be seated for a minute.</p> <p>The constitution is taken from the law it doesn't trump the law or the law trump the constitution. The constitution is taken from the law and is the similar constitution to most other councils.</p> <p>Now you raised an issue of a question under 6(2) Rules state (reads out rule 6(2)(b))</p> <p>(with the permission of the Chairman, that's the first thing to note)</p> <p>You were given opportunity to advise the Head of Paid Service what the nature of your question is, how can I determine whether your question is a) urgent b) a matter this council has to deal with. I am in a position where I have ruled that you cannot ask a question under that rule. Now Councillor Swain had the same, similar position at the last meeting and he has learnt how to use rule 6(2) and that is my ruling.</p>
Morris (20:53)	I stand under British law and under the human rights Act of 98 I have a freedom to speak, I am exercising that right, I will not be silenced and (continued to speak over the Chairman)
Chr	Councillor Morris, Councillor Morris you only have in this, in this Council Chamber
Morris	And I would like to ask the question. Very rude to interrupt Sir
Chr	(STANDS) In this Council Chamber, Councillor Morris you only have the right to speak under our constitution
Morris	That does not go above British law, (Chr, yes, yes, yes it does) you cannot deny me the right to speak, I have a right to speak which is enshrined by law and I would like to

Chr	(Morris talks over)  Councillor Morris you have not have the right to speak outside of our constitution unless
Morris	Your constitution is not legislation Sir
Chr	It is and I'm not arguing ?? anymore
Morris	(speaking over the chairman) and I would like to ask the Monitoring Officer if it is primary or secondary legislation
Chr	You are not asking any more questions on this issue. (Morris again speaks over)
Morris	I will speak if I need to chair
Chr (28:53)	No you will not (Morris – Yes I will), I have ruled (Morris – I am), I have ruled, if you continue like that I will ask for your removal from the chamber.
Morris	Well you can ask for my removal but I am a democratically elected representative that has been put here by the people (Chr - are you going to be quiet Councillor Morris) to ask questions. I will be quiet once I have asked my questions.
Chr	No you will not ask you questions
Morris	I will ask my question
Chr	You will not ask your question
Morris	I will ask my question
Chr	You will not.
Morris	I will ask my question
Chr	Can I have a motion that the Member no longer be heard?
	2 <sup>nd</sup>
	Puts  For – 15
Morris	You do not have the right to take away my rights
Chr	Is that counted.  Those against
Chr (29:45)	That's carried (AGREED)  Councillor Morris the result of that is if you do not be quiet you will be asked to leave this council chamber
Morris	Then you can ask me to leave, I will not be silenced I am a democratically elected representative
Chr	(with Cllr Morris speaking over him) Please will you leave this chamber.
Morris	No sir, I have been duly appointed, I have a mandate I will not be leaving this chamber I've asked speak, I've been denied that that is against my article 10

	of the Human Rights Act (Chr – Rubbish) of which, rubbish, the Human Rights Act is rubbish
Chr	(with Councillor Morris speaking over him) Councillor Heard, Councillor Heard. Councillor Morris I might add that if you don't, if you think your feel your Human Rights have been interfered with I will quite happily go with you to the court of Human Rights and defend my position
Morris	Great
Chr	So we'll leave it at that (Morris -that would be great, that would be great). Councillor Heard
Heard (30:32)	Chairman I'd like to, I'd like to call for restraint on all areas, all areas of this. Here we are again playing politics, I don't think this is the right way for the council to go on. The reason it has been in this vain is because of the constant exclusion of Independent Group and I'm very very sad to see this happen because what we're doing here is we are wasting time trying to score points when all we want to do is to be heard
Chr (31:16)	Thank you for that Councillor Heard. I don't think that I am playing politics I'm just trying to work, to have the council operate in a legal and constructive way.
Morris	Is it legal Chair to have a Councillor bully (Chr – please Councillor Morris)
Morris speaking over the Chairman	...the rest of the Councillors to draw a finger across the throat to other Councillors (Chr – Councillor Morris, Councillor Morris) and to make homophobic remarks in full Council (Chr – could we get the caretaker up to remove, could we get the caretaker up to remove this). Is that, is that running this Council probably. (Chr – can we get the Caretaker up to remove Councillor Morris).  I'm sorry I will not be being moved. I am here democratically you have no right to remove me, ((31:55) Chr – I adjourn, I adjourn this meeting) I am here for the people I represent you are stopping me from having my democratic rights, my human rights, you are suffering (Chr ??time of adjournment) a councillor that is threatening other councillors, that is being, that is paying Officers and you are doing nothing about it, you
Chr	Please get the caretake up to remove Councillor Morris
Chr	Asks for the caretaker to come and remove Councillor Morris

## 11 Adjournment of the meeting

Speaker	Notes
	Meeting adjourned at 19:55

## 12 Resumption of business

Speaker	Notes
	Meeting resumed at 20:19
Chr	I reconvene the meeting and adjourn it to another date at 20:19

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## ANNEX 3

**COUNCIL 21 November 2019**

Chairman	Councillor R G Boyce MBE	Y
Vice-Chairman	Councillor Mrs P A Channer, CC	Y
	E L Bamford	Y
	M G Bassenger	Y
	Miss A M Beale	Y
	B S Beale MBE	
	V J Bell	Y
	R P F Dewick	Y
	M F L Durham, CC	Y
	M R Edwards	Y
	Mrs J L Fleming	Y
	A S Fluker (Leader)	Y
	B E Harker	Y
	M S Heard	Y
	M W Helm	Y
	A L Hull	Y
	K W Jarvis	Apologies
	J V Keyes	Apologies
	K M H Lagan	Y
	C Mayes	Y
	C P Morley	Y
	C Morris	Y
	S P Nunn	Y
	N G F Shaughnessy	Y
	R H Siddall	Y
	N J Skeens	Apologies
	W Stamp	Y
	Mrs J C Stilts	Y
	C Swain	Y
	Mrs M E Thompson (Deputy Leader)	Y
	Miss S White	Y
Officers	Richard Holmes Paul Dodson Emma Holmes	

MOP:	4
Press:	

**1 Chairman's Notices**

Speaker	Notes
	Reads out

**2 Apologies for Absence**

Speaker	Notes
	Councillors K M Jarvis, J V Keyes and N Skeens

## ANNEX 3

**3 Disclosure of Interests**

Speaker	Notes
Durham	Non-pec as a member of ECC and any item on the agenda pertaining to that organisation
Mrs Channer	Non pec as a member of ECC as to any matter on the agenda that may relate or refer to it and in addition Agenda 13 – recc relates to resolution of Stat Ann in May 16 and I removed self from the chamber at that point and did not take part in any discussion and therefore feels is prudent to do so because about money regarding the scheme and is for superfast Essex, the money does go to ECC but they merely coordinate the scheme which is based under the delivery of superfast Essex under BDUK programme and as relates back to resolve of 2016 will remove herself from the chamber for that matter.

**4 Minutes – 3 October 2019 (Pages 7 - 14)**

Speaker	Notes
Morris	Page 12 – why there is no mention on the Minutes that he was threatened with the police to make me leave the chamber
Chr	Doesn't know what part of the meeting that may have been said but as soon as meeting adjourned that then ceases all business of the council and the meeting was adjourned it may have been after that
Morris	So you answer is So I was threatened with arrest
Chr	No you wasn't
Morris	What then sir
Chr	I don't know but I can't
Morris	It was you that done it
Chr	No I didn't
Morris	You did, you threatened to have the police called on me
Chr	Did not threaten I just laid out what the procedures could be.
Morris	Before the meeting was adjourned you asked the caretaker to remove me, why isn't that on the Minutes
Chr	That's sufficient Councillor Morris. If you are going to continue disrupt this meeting I will do the same again, I will close the meeting.
Morris	I am asking pertinent questions and being polite and respectful doing it
Chr	This is the accuracy of the Minutes
Morris	Minutes are not accurate because they do not portray what happened on the evening
Chr	Page 12, page 13 - Members agree the Minutes
	AGREED
Chr	Thank you

## ANNEX 3

Morris	Sorry I'm hearing that we don't agree the Minutes, sorry
Chr	Members agreed the meeting do you wanna take a vote on it?
Morris	Yes please and I'd like to ask for recorded vote 13(3)
Chr	(Talking over Councillor Morris) right that those that agree the Minutes please show
Morris	Chr I've requested a recorded vote please
Chr	I heard you. Right we're going to do a recorded vote then.
Stamp	Asks that recording is visited again because the people's view may be a little cloudy and I do not want to vote on something I am unsure about
Chr	Mrs Stamp, I've said I've been accused of asking someone to be arrested, this is not the case and if whatever I said did indicate I do remember saying that the police could be called which is not the same as saying he will be arrested. That now closes that down.
Morris	Why don't you ask police
Chr	That now, (Morris speaking over), that now. The police were not called
Morris	Why would you ask that the police be called
Chr	Because you're disrupting a public meeting
Morris	I am a public representative I cannot disrupt something I have been mandated to
Chr	Standing – Cllr Morris please decrease your disruption of this meeting
Morris	I am not being disruptive I am simply asking questions which I have been put in place to do
Heard	Agrees with Cllr Stamp – because to be honest I am unsure as to what was said at what stage and I feel I cannot agree these Minutes are correct unless they are checked against the tape. I am not disagreeing with what either party are saying, but I think to be sure we should be revisiting the tape.
Chr	Council this is the accuracy of the Minutes. Minutes are not a hand ??? our minutes are not a hand??? And not a verbatim record and have how said do you agree with the accuracy of the Minutes and I now propose that. asks for recorded vote.
	RECORDED VOTE (for 13, Against 8, Abstain 7)
Chr	Minutes therefore accepted

## 5 Public Questions

Speaker	Notes
	NONE

## ANNEX 3

## 6 Chairman's Announcements

Speaker	Notes
Chr	<p>11/11 Maldon Conservation and design awards – doing for last 30 years and well received by building industry and public.</p> <p>Remembrance Sunday – BOC and Maldon Services.</p> <p>11/11 – Remembrance service at the Quay and War Memorial. Something he instigated when last chr.</p> <p>This afternoon attended unveiling of unmarked grave plaque at Maldon Cemetery to recognise those people in unmarked graves that died in the old workhouse and the fever hospital.</p>
Stamp	Thanks Chr on behalf of BOC for him attending services and fantastic and a gentleman when laying the wreaths.

## 7 Notice of Motion

Speaker	Notes
RGB unsure of what he is going to do i.e. refer to PGA or consider at the Council meeting	
Chr	<p>Outlines the different ways to deal with and advises he will take motion tonight</p> <p>Substance of the motion is the second sentence – initial is a pre-amble.</p> <p>Elections in May brought in many new members to the council who were enthusiastic with involvement and contributing to the Council's facilities which is what electors would have expected. They have been frustrated to varying degrees because of leadership aim to keep control of the activities of the council. This is not leadership in the sense of what the constitution enjoins in terms of cooperation across the Council.</p> <p>Aware there is a legal requirement for political balance. The non-conservatives have been shut out of working groups and other appointments. This is damaging to the performance of the council and also perhaps to its reputation.</p>
Swain	<p>Reasonable that members for Tillingham and Bradwell area should be on working groups concerned with Bradwell nuclear power project and perhaps Great Totham concerned with waste in view of proximity of the proposed rivenhall incineration plant.</p> <p>Might have thought reasonable that member that has market hill in her ward might be part of the AWMA and on car parking largely in Maldon and BOC representation excluded members from those working parties. Most absurd, member lives on crouch next to riverside part not considered for crouch or events working group. Not just insulting to the members but also the public who elected those members. It seems really for the future with change balance that council needs to draw on talent, expertise and local knowledge in those areas for it to exceed therefore showing greater response of this and accountability. And greater respect for the public.</p>



## ANNEX 3

	This motion is common sense, but needs to be put on the record and invites members to support the motion.
Bell	<p>2<sup>nd</sup></p> <p>Refers to as a Ward Member having local knowledge but also being approached by Members of the public about these issues and they expect answers, you to be informed and who may provide you with useful information.</p>
Heard	<p>Concurs with previous two councillors.</p> <p>Refers to specific members have experience in specific areas and hopes all of one mind to do the best for this Council. Something within your specialism should be allowed to be on WG. Appeals to consider the authority as a whole not an individual or an individual organisation.</p>
Leader	<p>Grateful for the motion. Difficult in many instances to ascertain which Ward Members would be affected. E.g. car parking affects the whole of the district. We are here for the District as a whole. Sure all Members would like to know what the working groups do, not decision making bodies and make recc to the Council.</p> <p>Cheryl – has confirmed once approved, as long as not confidential the notes of the WG will be published for the benefit of all Members.</p> <p>Matters that effect specific Wards as far as council business is concerned should be conveyed to the Ward Members unless confidential.</p> <p>Refers to having spoken to Leader of the Opposition. Accepts is highly emotive. You'll remember during a previous debate regarding the appointment to working groups I gesticulated in such a way that some members of the council found it offensive. That wasn't my intention to be offensive to anyone, but if anyone was offended I apologise unreservedly to them and to the Council and that gives some weight I think to the emotions around this subject.</p> <p>Given the practicalities of this motion, and Ward members in some cases may not be part of the awarding body, I cannot support this motion and ask all members to do the same.</p> <p>Part 1 para 4.2 of constitution – reads out. Given Council politically aligned and given that the conservative party is in administration it follows that advice for council on policy should come from WG of the administration which is why there is no requirement to balance WG politically. This is what the constitution says.</p> <p>However, as Leader recognises not all WG steeped in political policy and more than happy to meet with LofOp in advance of Stat Ann (say February) to discuss where may be appropriate to appoint opposition members onto WG. E.g. CGWG – should all work together to ensure we have the best possible constitution and rules or procedure we can and consider other changes because for all of us to decide.</p> <p>Doesn't support motion but accepts why you brought it forward</p>

## ANNEX 3

	For the benefit of the record and I would like it RECORDED in Minutes – that I would be very happy to meet with LofOp to discuss ways of taking this forward in February.
Stamp	Interesting – who decides appropriateness
Chr	Discussions that leaders would have between them
Leader	Used word loosely and sure him and Leader of Opp will go through. Will look at the list in February. Gives us plenty of time, sure whatever I convey or what we discuss, sure Leader of Opp can take back to his group as my group has given me permission to bring this forward.
Heard	Grateful to Leader for this opportunity – but been here since May, not a new thing, fears if meet in Feb and he ‘feels’ not appropriate to put people on there nothing will change. So we have motion before us, lets decide upon it.
Chr	Implies from what you say that if motion fails you are not prepared to speak to the Leader of the Council
Heard	I am always prepared to talk to the leader and welcomes every opportunity. Will meet with him in February whether this fails or not.
Morris	Note that ASF just talking about the cabinet system. Strange and ...
Chr	Don’t remember Councillor Fluker in any of his comments talking about a cabinet system
Morris	He said a cabinet system, he said a cabinet system similar to parliament
Leader	With respect Chairman
Morris	Got the mic, not going to  (Asked to stand by other members of the Council)  It’s alright guys I am not going to show the respect that I’ve been denied. I was denied the right to speak
Chr	(STANDS) Councillor Morris
Morris	Can I finish please chairman
Chr	No, no you can’t
Morris	So I don’t see why I should give you the privilege of standing when I’m speaking when you wouldn’t even give me my right to speak. Now the point I was going to make was wouldn’t it be fantastic if we chose the best people for the job and not because of political affiliation
Chr	Well I certainly should think you wouldn’t be included.
Morris	Sadly I have been elected so I will be included and I will have my say and I’m, fed up with the bullying that’s going on here.
Chr	There’s no bullying going on here.
Morris	Only the other meeting Cllr Fluker threatened his own councillors in full chamber. He made a homophobic remark in full chamber which we all hear. That has caused distress to quite a few people. That is bullying
Chr	(STANDING) Councillor Morris I’m quite prepared to close this meeting down

## ANNEX 3

Morris	That is your prerogative chairman
Chr	Because you are being disruptive
Morris	I'm not being disruptive, and I am simply asking to speak. Would you like to threaten me with the police again for being respectful?
Chr	No but I will be prepared to adjourn meeting (Morris – that's your prerogative chair) wait a minute and in doing so advise ask the officers in consultation with the leader and myself conduct the business of this Council. That is what you're denying, you would be denying the democracy of this council
Morris	I wouldn't be denying the democracy of this council because that wouldn't be my choice. I'm simply requesting
Chr	Councillor Lagan
Lagan	Listened to Cllr Swain, refer to cutting through the emotion and politics played. Seems clear that motion (reads out motion) irrespective of what political belief you have we are here to serve the people of the district. Believes this is a very sensible motion.
Chr	Swain you have the right to sum up.
Swain	Not emotional issue about thinking about the best way the council should run  Not impressed with some of the views expressed by Cllr Fluker. Difference between the Minutes and  Didn't see point about confidentiality. Any member can maintain.  Hopes Members will support this motion
Morris	2 <sup>nd</sup>
Chr	Don't have to it's been seconded.
Swain	I would like a recorded vote on this.
Morris	2 <sup>nd</sup>
	RECORDED VOTE (for 13, against 15)
	Motion lost and therefore not carried.

(35:33)

**8 Minute Book**

Speaker	Notes

**a) Strategy and Resources Committee 17 October (Pages 15 - 22)**

Speaker	Notes
Miss White	Presents
	2nd

## ANNEX 3

Heard	Minutes are incorrect.
Chr	Suggests take issue up with the next meeting of the Cttee where they are approved. We are not approving the Minutes
Heard	<p>464 – Appointment of Chr and Vice-Chairman</p> <p>“At this point” – this is not actually correct</p> <p>Director of Strategy, Performance and Governance in the Chr when he initially opened the meeting it was RGB that said Cllr Harker, I propose Cllr Harker within seconds Cllr White had seconded that. The process was stopped by Director of Strategy, Performance and Governance quite rightly because he said I haven’t started yet. I had previously asked to make a statement in relation to the fairness of voting for chairman and vice-chairman and I was given that opportunity by Director of Strategy, Performance and Governance quite rightly. When I began speaking it was yourself chairman that interrupted me on a point of order and as a result of that you suggested that Director of Strategy, Performance and Governance was frustrating the appt of a Chr which he wasn’t he was allowing me to speak. So these are incorrect in that they’ve got them round the wrong way because what happened it, it should start off with permission Councillor Mark Heard...., at this point.</p>
Chr	Are you a member of this cttee
Heard	I’m not a member of this committee
Chr	The constitution says, does it not, that a member who is not a member of a committee may speak with the Chairman’s consent. There was no chairman, Director of Strategy, Performance and Governance was not the Chairman of the meeting. Director of Strategy, Performance and Governance was without our constitution
Heard	<p>These are still incorrect as they have the sequence wrong. Happy to submit the correct sequence. Whole point</p> <p>Noted – that when Director of Strategy, Performance and Governance did call for nominations and actually the nomination came first for an Indp. Councillor he quite rightly called for any other nominations and although the first one failed (as I expect it to) he called for other nominations which Cllr White might like to take into account who doesn’t call for any other nominations.</p>
Chr	Your comments have not been noted, I do not agree with them because of constitutional reasons which I will take up with you after this.
Harker	Asks Cttee Services revisit the tape to get in the right order
Chr	No I don’t think that is necessary. Comments noted.
Heard	Already done.
Chr	It is available for anyone
Miss White	Continues to present the Minutes
Heard	Pg 19 – refers to independent councillors who were democratically elected are being denied the opportunity and if it take 3 ½ years I will keep brining up

## ANNEX 3

	473 – refers to request for him to speak, told unable to do so until after the nominations (first paragraph) after the horse bolted and another example of where council being badly led and badly advised
Chr	Continues with presentation
	AGREED
Heard	Pg 20
Chr	You had the opportunity and Chairman presented the minutes and issue now closed.
Heard	Not been noted (Chr – they have been) – once again not entitled to speak
Chr	Not prepared to note that.

(42:32)

**b) Performance, Governance and Audit Committee 24 September 2019 (Pages 23 - 30)**

Speaker	Notes
Bamford	Presents – if just for noting and not accuracy will not go through individual pages as are some inaccuracies which will correct at the meeting.
Chr	Purpose to present is because of rules 6(2) to allow members to question resolves of cttees. Asks her to go through page by page.
	AGREED

**9 Minutes of Meetings of Committees**Minutes published:

North Western Area Planning Committee	<a href="#">30 September 2019</a>
Overview and Scrutiny Committee	<a href="#">2 October 2019</a>
South Eastern Area Planning Committee	<a href="#">7 October 2019</a>
Appointments Board	<a href="#">4 November 2019</a>

Minutes NOT finalised for publication:

North Western Area Planning Committee	<a href="#">30 September 2019</a>
Overview and Scrutiny Committee	<a href="#">2 October 2019</a>
South Eastern Area Planning Committee	<a href="#">7 October 2019</a>
Appointments Board	<a href="#">4 November 2019</a>

**10 Questions in accordance with Procedure Rule 6(3) of which notice has been given**

Speaker	Notes
	None

**11 Outstanding Business from the Adjourned Council meeting on 3 October 2019**

Speaker	Notes

## ANNEX 3

**11a Special meetings of Committees to elect Chairman and Vice-Chairman**

Speaker	Notes
Chr	That Joint Standards and Licensing Committees appoint their Chr and Vice at their respective next meetings
	AGREED

**11b Appointment of Representatives to Local Government and Outside Bodies (Pages 31 - 36)**

Speaker	Notes
	<p>Leader will proposing amendments to:</p> <ul style="list-style-type: none"> <li>• Maldon Sure Start – nominated Member to be Councillor Mrs A L Hull with Councillor Miss S White as substitute</li> <li>• Responsible Authorities Group - nominated Member to be Councillor Mrs A L Hull with Councillor Miss S White as substitute</li> </ul>
Leader	<p>Proposes we agree all appointments subject to following changes.:</p> <ul style="list-style-type: none"> <li>• Maldon Sure Start – nominated Member to be Councillor Mrs A L Hull with Councillor Miss S White as substitute</li> <li>• Responsible Authorities Group - nominated Member to be Councillor Mrs A L Hull with Councillor Miss S White as substitute</li> </ul> <p>Proposes</p>
Harker	2 <sup>nd</sup>
Heard	Local Area highways Panel – bring to your attention there is no one representing Maldon or Burnham. Proposes Cllr Stamp goes onto this panel.
	2 <sup>nd</sup>
Chr	Is a proposal for all of these with the minor changes the Leader suggested, so if that goes down you then come up with another motion. Those in favour of that proposal please show.
	For – 15 Against – 11
	AGREED
Swain	If we haven't moved on from that – you did say that Cllr Heard could make a comment after that vote.
Chr	No, Said Cllr Heard could make a new proposal if the proposal on the table was lost.
Swain	But even as it passed one can surely make, propose a motion to add an additional person to that panel
Chr	No once a motion is proposed you cant amend it that's a simple rule and once the motion is agreed or lost that ends that debate. Cllr Heard recognises that.
Stamp	Clarity If someone proposes a motion cannot amend at that stage
Chr	<p>Once a motion is on the table it can be amended provided it does not negate all or any part of that motion.</p> <p>Would it be helpful if asked Director of Service Delivery to arrange another session on the constitution? No? Right okay.</p>

49:31

## ANNEX 3

**11c Appointment of Members to serve on Working Groups of the Council (pages 37 - 40)**

Speaker	Notes
	Discussion regarding Corporate Projects Working Group and it now sitting under Strategy and Resources Committee. See emails from Cheryl (re. query from Councillor Siddall)
	ASF to propose change to membership of the Working Group to now be: Fluker, Miss White, <u>Siddall</u> , Mrs Channer, Mrs Thompson and <u>Harker</u> (not Bamford or Helm)
Leader	Page 38 subject to this proposal  Proposes Corp Project WG members are: <u>Fluker, Miss White, Siddall, Mrs Channer, Mrs Thompson and Harker</u>  Some mis-understanding as to where this working group works to and reports to S&G and or Council because of the work it does  Proposes recc be agreed subject to that amendment.
Mrs Channer	2 <sup>nd</sup>
Stamp	From all these WG etc. does any changes of ToR come back to Full Council or are they allowed to be amended at the groups.
Chr	As a general rule the constitutional criteria of any WG has to get approval by the Council. Yes the appointing body.
Swain	Can we have an amending motion
Chr	Can ask for an amendment, as long as doesn't negate whole or part of existing motion.
Swain	Will be proposing additional names
	For – 15 Against 12
	AGREED

**11d Thematic Strategy (Pages 41 - 154)**

Speaker	Notes
	That the three Thematic Strategies ( <b>APPENDICES A – C</b> ) be approved and adopted as Council Policy.
Leader	Pays tribute to Georgina Button for the enormous work she has done on this document to ensure it  Thanks Cllr Siddall for his work and knowledge on this.  Propose we agree the recc as set out in the report.
Mrs Channer	2 <sup>nd</sup>
	AGREED
Swain	All underpinned by a SWOT analysis and wonders if at some stage the SWOT analysis should be reviewed. Review annually by PGA or O&S.
Leader	Fluid document and can review when we want to make sure we have got it right.



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**12 Polling District, Polling Place and Polling Station Review (Pages 155 - 170)**

Speaker	Notes
(i)	That Members consider the proposed changes as presented at APPENDIX 2 and APPENDIX 3 of this report;
(ii)	That where the proposed Polling District, Polling Place or Polling Station is considered unsuitable, Members are requested to suggest alternatives for consideration. Members are to note, that these will need to be assessed for suitability by Officers prior to any changes being made.
Shaughnessy	Pg 158 – Great Totham North – thinks this should be Maldon North
Chr	Good spot
Leader	Stat obligation to do a review. Changes will come into effect after general election. Proposes agree the recc
	AGREED

**13 Superfast Essex Update (Pages 171 - 208)**

Speaker	Notes
	That the £45,000 monies outstanding be paid to Superfast Essex as per the resolution of the Council at its Statutory Annual meeting in May 2016
Channer	Declares her previous interest and leaves the chamber.
Durham	Cllr Channer believes pecuniary and doesn't affect him and doesn't hold the same interest.
Leader	Presents the report. Cannot delay any further, they have delivered on their contract.  Proposes that we agree the recc and release the money.
	2 <sup>nd</sup>
Heard	Sad to say that are areas in his ward, longship way some 130 houses that don't have this or broadband. What is happening with these houses. 109 houses in Maldon west which don't have this broadband. What is happened about those people living in Maldon.
Leader	Understanding are issues and very much where you live. If you have 100 houses I would suggest get everyone together and speak to BT etc. and seek a response. We do know that 28k houses in the district and 91% so around 3k that will not be connected.
Beale	Refers to other districts paying varying amounts of monies. Has a check been undertaken and are other districts paying what we are or what we have expected to pay.
Chr	When discussed in the past, been in P&C so sure he has the same information, but does represent value for money and sure that our auditors would have picked up on if it didn't.
Durham	If Heard looks at superfast essex – longship way (reads out from website).
Chr	Agreed?
	AGREED



## ANNEX 3

	Councillor Mrs Channer joins the meeting
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**14 A12 Chelmsford to A120 Widening Scheme – October 2019 Update (Pages 209 - 214)**

Speaker	Notes
	That Members agree the proposed response to the public consultation for A12 Junctions 23-25, as set out in section 3.4.1 of this report.
Leader	Huge amount of work put into this project. We are consultees. Proposes that the recc as set out in the report is agreed.
	AGREED
Swain	Preferred route, involves rejigging accesses at Hatfield Peveral is there any information, presume link road would be responsibility of ECC and whether any preparatory work been done on this.

**15 Adoption of Freeman / Freewoman Scheme (Pages 215 - 228)**

Speaker	Notes
	<p>Working Membership will be</p> <ul style="list-style-type: none"> <li>• Chairman of the Council</li> <li>• Leader of the Council</li> <li>• Leader of the Opposition</li> <li>• Councillors M W Helm, S P Nunn and Miss S White</li> </ul> <p>(i) that the Council approves the adoption of a Freeman / Freewoman Scheme for the District of Maldon encompassing the Alderman Scheme and includes revenue provision in the sum of £500 within 2020 / 21 estimates;</p> <p>(ii) that subject to (i) above, the Council agrees the terms of reference for the Freeman and Freewoman Working Group (the Working Group) as set out within APPENDIX 2;</p> <p>(iii) that subject to (i) above, the Council agrees the change to the Membership of the Working Group as set out within APPENDIX 2;</p> <p>(iv) that subject to (i) above; the Council approves the nomination form and guidance notes as recommended by the Working Group as set out within APPENDIX 3;</p> <p>(v) that subject to (i) above; that the Working Group is given authority to meet and consider nominations as and when necessary and make recommendations to the Council for consideration;</p> <p>(vi) that subject to (i) above; that Council presents future recipients of the Award with a certificate as recommended by the Working Group and agrees to the use of the Council official Seal in this connection.</p>
Leader	<p>Thanks Members of WG who dealt with this in particular Cllr Nunn who brought forward a lot of information as to how Maldon Town dealt with.</p> <p>Recc (iii) now need WG to consider any nominations and proposes that the WG membership be:</p> <ul style="list-style-type: none"> <li>• Chairman of the Council – should be commended for bringing scheme forward</li> <li>• Leader of the Council</li> <li>• Leader of the Opposition</li> <li>• Councillors M W Helm, S P Nunn and Miss S White</li> </ul> <p>Propose the rest of the reccs subject to amendment to (iii)</p>

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Chr	And making special note of the value of the community paragraph 3.1
Heard	Welcomes Fluker change of heart.
Fluker	Makes perfect sense to have Leader of the opposition on the working group and Cllr Nunn.
Chr	Recc that two members from the voluntary sector be invited to joint this working group.
	AGREED

**16 Appointment of Representatives on Liaison Committees (Pages 229 - 230)**

Speaker	Notes
	Reference to the Sense of Place Board to be removed as covered in earlier agenda item.
	That the Council appoints representatives to the bodies detailed below, for the ensuing municipal year.
Chr	Left over from DP – Sense of Place Board was agreed earlier.
Leader	Last one for purpose of mopping up all these appointments. Sense of Place Board already dealt with under earlier agenda item 11B, so proposes that member rep for Heritage and Design is Chr of Council or their sub
	AGREED

**17 Membership of the Performance, Governance and Audit Committee (on agenda)**

Speaker	Notes /
	To consider the request from the Opposition Leader to replace Councillor K M H Lagan on the Performance, Governance and Audit Committee with Councillor B S Beale MBE.
Chr	Presents
	AGREED

**18 Schedule of Meetings 2019 / 20 (on agenda)**

Speaker	Notes
	Item to be withdrawn – meeting referred to has now been cancelled.
Chr	

**19 Questions to the Leader of the Council in accordance with Procedure Rule 1(3)(m)**

Speaker	Notes
Dewick	I've been a member of this Council for more than 28 years and I've never known a council to deliver its accounts late. Can you please confirm what steps are being taken to assure that the 2019 / 20 accounts will be delivered on time.
Fluker	Pays tribute to former S151 and the enormous amount of work that she did when at this Council. Wishes her every success in her new role at the Local Government outsourcing company Capita PRC – she has taken on a very big

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	<p>job there and now leading a team that is supervising 5 local government. Good luck to her and well done.</p> <p>Delivering 19/20 accounts - asked Interim Section 151 Officer to assess the situation and has been reviewing resources and levels of resources in Resources Dept in relation to the future model to ensure we have the right people in the right places to be able to deliver these accounts. Hopefully we will have a solution to that we are working on those accounts on an ongoing basis and so will be delivering them.</p> <p>Confirms that council has appointed new Director of Resources who will join us early in the new year. Will take on S151 duties and first priority will be to deliver the accounts on time.</p> <p>He advises that he has not entered into any 3<sup>rd</sup> party agreements with any members of staff.</p>
Durham	<p>Lot of public interest regarding the future of Canada wharf and the current tenant is maldon yacht club could you confirm that Maldon YC will be included in discussions regarding the future of the site</p>
Leader	<p>Debated this in private session. During that private session he made a comment that some members found offensive and didn't mean to be offensive and if anyone was offended I apologise unreservedly and happy (and has spoken to Head of Paid Service) to undertake some diversity training.</p> <p>Maldon YC, sailed on east coast all of his life and know the good work that the YC does. As a responsible landlord will consider the community benefit alongside enterprise when we deal with Canada dock, be assured will be working closely with them throughout this whole process. The Council has decided to extend the lease so there is plenty of time. Most important to work closely with them to explore shared opportunities on that site. Forms part of CMAHMP very valuable site. Yacht Club been there a long time. Will be working with them to ensure if they wish they will be included in our future plans.</p>
Siddall	<p>Point or order – question put to the question was about the future of the wharf and not related in anyway whatsoever in comments made at a committee meeting. Asks that what leader in terms of answer said is removed from this meeting because it is not relevant.</p>
Chr	<p>Answers may not be liked but they are answers. Doesn't believe it is a point of order.</p>
Helm	<p>As Chr of O&amp;S – do you agree with me and in best interest for residents of this council and the business of the council and its committees should not be disrupted, and should a member wish to make a complaint or raise an issue about another member they should in the first instance should contact the monitoring officer</p>
Fluker	<p>Not only must the council conduct its business need to be seen to be flexible in business and chairman made reference to what will happen if we cant. proven tonight can engage dealt with a lot of business in a professional way and would be a terrible day if proceedings of the council were halted and had to use emergency powers would mean excluding members from the decision making process. Hope all members listen and respect the rules of this council and if any member has anything to say about other members they put it to the MO and let the natural view of constitution prevail.</p>

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Stamp	In interest of openness and transparency – can assure that any amendments etc. to ToR cttee, sub-cttees or WGs come to full council for recc approval, refusal or stay the same. Assure council has not taken place in this municipal year without the full council approval.
Leader	His understanding when WG formed, ToR come back to appointing body, could be main cttee or council. Understanding come back normally if changed if not changed Miss Bird can direct to where TOR are. Any questions take up with Cheryl Hughes. Any issues please email Director of Strategy, Performance and Governance who deal with.
Chr	I often, Miss Bird will confirm this, often have long discussion with her and Mr Jennings regarding constitution and what is changes. As far as I am aware of chr of council never been changes to criteria of WG without it going back to its parent body and being approved by its parent body.
Morris (1:24:32)	I would just like to ask Councillor Fluker if apology he gave earlier was also for the throat slit gesture threatening gesture that he made to his own two councillors in that same evening and I'd also like to ask if Councillor Fluker, if he has given a monetary loan to any officer ever.
Chr	Councillor Morris I think the Leader has answered all those questions. He did refer to gesticulations when he first started talking on I forget what, it was one of the agenda items, I forget which, I distinctly heard him say so because I was quite amazed. And so, and he also commented about no third party transactions and that, that puts that to bed.
Morris	Well I'd just like to ask another question, I am sure he has a mouth of his own.
Chr	You heard him say it
Morris	He's told me point blank that he has made a loan to an officer previously, so has he lied to me? Has he lied about making that loan?
Chr	Councillor Morris I think we're getting into personal issues
Morris	It's not a personal issue sir, I have a council leader and councillor making personal loans to an officer that's bribery. (speaking over the Chr)
Chr	Miss Holmes are we, Mrs Holmes are we, please
Holmes	Councillor Morris this matter, a complaint has, you have spoken to me about it, you're aware of the current situation about it is not a matter to be discussed at this meeting at this time.
Morris	I believe it is a matter the people deserve to hear the public needs to know
Chr	You've heard the Monitoring Officer
Morris	(Chr – Councillor Morris, you've heard the Monitoring Officer, Councillor Morris you've heard) As Councillor Dewick says in 20 odd years accounts have never been late and all of a sudden they're late and there is a financial loan been made to one of the officers.
Chr	(STANDS) Councillor Morris please you're getting into very difficult territory and you have been advised by the Monitoring Officer and it is not
Morris	That is advice I do not have to take it and I believe
Chr	Well you have to take my advice and it is
Morris	that the CLT Corporate Leadership Team has also been nobbled (speaking over the Chr)

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Chr	Cllr Morris please desist.
Morris	Sorry, what?
Chr	Please desist. We can play this game all night
Morris	I know we can play this game, is all I ask, is all I ask is to be heard.
Chr	I think you've been heard more enough
Morris	Yet again, yet again, (Chr – Councillor Morris, Councillor Morris, I will) you won't let me speak
Chr	I will adjourn this meeting.
Morris	You're welcome to adjourn this meeting. If you need to adjourn the meeting, adjourn the meeting. (Chr – How else, how else am I as Chairman) Is all I wanted, is all I wanted was an answer from Cllr Fluker of house ??
Chr	He has answered, he has answered
Morris	Not yet. He hasn't, answered my question he hasn't.
Chr	Councillor Morris, you hear the advice I gave somebody earlier, he has given answers and to questions. You might not like
	Well, he has bullied you, you're protecting him.
Morris	Close it yeah, do whatever you want, I've seen bullying going on and I've written it up (Chr – I have, I have) and everyone, everyone in this chamber ??? complicit if they keep quiet.
Chr	I have to have a Motion that the member no longer be heard.
Morris	I'd like it recorded please
Chr	And I propose that
Morris	Recorded, please
Chr	Is that seconded
	2 <sup>nd</sup>
Morris	Recorded
Chr	Right thank you
	Mr Holmes please take a vote that Councillor Morris no longer be heard.
Director of Service Delivery	Chairman, Members, remind Members I'll be asking you for for, against or abstain.
FOR	Bamford, Miss Beale, Boyce, Mrs Channer, Dewick, Durham, Fleming, Fluker, Harker, Helm, Hull, Morley, Mrs Thompson, Miss White
AGAINST	Bassenger, Beale, Bell, Edwards, Heard, Lagan, Mayes, Morris, Nunn, Shaughnessy, Siddall, Stamp, Stilts,
ABSTAIN	Swain
Morris	I have the right to speak as an Independently elected representative and I'm still speaking

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Director of Service Delivery	For – 14 Against – 13 Abstain - 1
	AGREED
Chr	Member will no longer be heard at this meeting, anything he says will not be Minuted and we will now move Agenda Item 20.
Morris	???, I will speak (speaking over the Chr)
Heard	Question for the leader
Chr	I have shut that down now. I can.

**20. Business by reason of special circumstances considered by the Chairman to be urgent**

Speaker	Notes
Chr	NONE

Meeting closed at 21:38pm.

**Maldon District Council**

**Investigation into standards complaints against  
Councillor Chrisy Morris**

**Report of Investigator**

**February 2020**

**Stuart Jennings  
Deputy Monitoring Officer**

## **The investigation**

1.1 I have been appointed by Simon Quelch, Monitoring Officer of Maldon District Council, to investigate a complaint that has been made about the conduct of Councillor Chrisy Morris, a Maldon District Councillor.

## **The complaint**

1.2 The complaint was made by a member of the public, Mr T Kelly, following his attendance at a meeting of the Council on 13 February 2020. He cites these aspects of Councillor Morris' behaviour –

- Being accosted by him after having put his questions
- Showing disrespect to the Chairman
- Aggressive behaviour towards a Committee Chairman (Councillor Harker)
- Taking/making mobile telephone calls during the meeting
- Disrespectful wearing of a cap
- Actions which would bring the Council into disrepute had the press been present.

## **The evidence**

1.3 I was not at the meeting but have listened to the official and published sound of this meeting at which, in line with procedure, Mr Kelly was permitted to ask two questions to which he received replies from the Leader of the Council. At the end of the second reply, there was an intervention from Councillor Morris who addressed Mr Kelly as to his thoughts on the matters raised in one of Mr Kelly's questions. The Chairman was then heard asking Councillor Morris to desist from continuing his intervention with Councillor Morris clearly intent on having his say. During that exchange, Councillor Morris was heard to assert that the Chairman was too old and needed to quit. There were audible gasps at this, and the voice of a Councillor asking that the Chairman be shown some respect. Councillor Morris responded to that by indicating that he had no respect of anyone associated with the outcome of certain other recent deliberations within the Council. A subsequent and brief exchange between Councillor Morris and Councillor Harker (Chairman of the Strategy and Resources Committee) referred to in the third bullet point of Mr Kelly's complaint was swiftly dealt with by the Chairman.

1.4 I have spoken with Mr Kelly regarding his complaint and was anxious to clarify what was meant by the word 'accosted' in the first of the above bullet points. Mr Kelly said that he was taken aback by the intervention of Councillor Morris appearing to be aimed at him after asking his questions and receiving replies. Other than the third bullet point already referred to, the points raised in his complaint can be taken together as indicative of the disgust Mr Kelly said he felt at what he witnessed. Not only might the behaviour cause offence, but Mr Kelly also felt that it demonstrated utter contempt for the Council as a regulatory body. He added that it would not be something that a member of the public or other visitor present at the Council meeting would expect to see. He felt that Councillor Morris should at least apologise to the Chairman and the Council.



- 1.5 A clear picture of events was confirmed to me by Simon Quelch, Monitoring Officer, Maldon District Council, who was present at the meeting. I have also spoken with the Council's Strategy, Policy and Communications Manager who was also at the meeting, attending a Council meeting for the first time. She also confirmed the events and spoke of her disgust and horror at witnessing the behaviour of Councillor Morris from early in the meeting, mentioning his sitting with his feet on the table and taking a mobile 'phone call while in his place, audibly speaking over the Chairman at the time in responding to the call. She also expressed her discomfort at being recorded by Councillor Morris when she and other Officers were speaking. Taken together with the subsequent exchange with the Chairman, she felt that the effect of the behaviour displayed by Councillor Morris was embarrassing for all concerned and totally unprofessional. From her experience in both the private and public sector she considered that such behaviour was totally unacceptable in the workplace.
- 1.6 The Monitoring Officer had already notified Councillor Morris of this complaint and Councillor Morris had responded in a manner seemingly unrepentant for his behaviour. I notified Councillor Morris of the fact that I was preparing an investigation report and gave him the opportunity to comment further or speak with me. I did not receive a response.

### **The Code of Conduct and constitutional context**

- 1.7 The Councillors' Code of Conduct adopted by the Council has effect when Councillors are engaged on official duties, and participation in a meeting of the Council itself is a fundamental official duty of Councillors. The Code of Conduct in section 3 (Rules of Conduct) places on Councillors certain 'General Obligations' when engaged on official duties and amongst these are at 3.2 which states "You must treat others with respect", and at 3.5(e) which says "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute".
- 1.8 The Council is a statutory body with powers and functions. It has agreed a Constitution within which there are rules and procedures by which it operates. The Chairman of the Council is a statutory position and the Council elects a Chairman annually to preside at meetings of the Council. The Council and Committee Procedure Rules give strength to the Chairman in this role, a key aspect of which is to ensure that the Council transacts the business before it at meetings in a proper and efficient way.

### **Assessment**

- 1.9 There is no dispute over what took place as those present at the meeting would have witnessed, and for those not present the sound recording is clear and helpful. Councillor Morris intervened following the conclusion of the responses to Mr Kelly's questions without reference to or seeking permission of the Chairman to speak. Questions from the public are taken and replies given without further debate or comment. It was clear that Councillor Morris was intent on speaking and finishing what he wished to say regardless of requests by the Chairman to

desist. The initial interruption by, and refusal of Councillor Morris to accede to the request of the Chairman to desist, was in my view disrespectful to the Chairman. To then make the personal remark as to the Chairman being too old and needing to quit was equally disrespectful as well as offending the Equalities legislation in that age is a protected characteristic.

- 1.10 The fact that the complaint has been made by a member of the public brings the other feature of the Code of Conduct mentioned in paragraph 1.7 into focus. The judgement to be reached here would be based on what a reasonably-minded person witnessing the behaviour might think. In other words, might the apparent contempt for the office of the Chairman together with associated Council procedures and rules lead any members of the public witnessing the behaviour to lower their regard for any Councillor, feel that it reflects badly on other Councillors and believe that it is acceptable to behave that way.
- 1.11 I am aware and simply note for the record that the Monitoring Officer received a separate complaint from a member of the public raising similar concerns as to the behaviour of Councillor Morris at the same meeting. The complainant wished to remain anonymous and therefore my investigation has been confined to the complaint by Mr Kelly.

## Conclusion

- 1.12 It is clear to me that the intervention of Councillor Morris following the public questions without first having approached the Chairman was not in order, and then to continue to speak despite the repeated requests of the Chairman to desist, was disrespectful to the Chairman. In the subsequent exchange with the Chairman, the assertion by Councillor Morris that the Chairman was too old and needed to quit was equally disrespectful and offensive in terms of Equalities legislation.
- 1.13 The other aspects of the behaviour mentioned by the complainant and confirmed by the Council's Strategy, Policy and Communications Manager, if not disrespectful to everyone present would seem to demonstrate an element of contempt for the proceedings. Given the significance I have placed on the fact that a member of the public has made a complaint, I conclude that the behaviour of Councillor Morris could reasonably be regarded as bringing the office of Councillor or the Authority into disrepute.
- 1.14 In summary, for the reasons given above, I conclude that Councillor Morris has breached the provisions of paragraphs 3.2 and 3.5(e) of the adopted Local Code of Conduct for Councillors.

Stuart Jennings  
Deputy Monitoring Officer  
28 February 2020