



**MINUTES of
JOINT STANDARDS COMMITTEE
6 SEPTEMBER 2021**

PRESENT

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| Chairman | Councillor M G Bassenger |
| Vice-Chairman | Councillor Mrs J L Fleming, CC |
| Councillors | Miss A M Beale, C Mayes, R H Siddall, N J Skeens and Stilts |
| In attendance | Councillor C Morris and Mr R Perry (Councillor Morris's Advocate) |
| Substitute | Councillor N Skeens |
| Town Councillor | Councillor Peter Stilts |
| Independent Person | Mr John Mitchell |
| Officer | Mr Paul Turner, Acting Monitoring Officer |
| Investigators | Mr Alex Oram, Mr Matt Lewin |

250. CHAIRMAN'S NOTICES

The Chairman opened the meeting and asked all present to introduce themselves. He then took the Committee through some housekeeping arrangements for the meeting.

251. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICE

Apologies for absence were received from Councillors R P F Dewick, K W Jarvis and S P Nunn.

In accordance with notice duly given Councillor N Skeens was attending as a substitute for Councillor S P Nunn.

252. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 17 August 2021, with the inclusion of the amendment to Appendix 1 as agreed at Council on 2 September 2021, be approved and confirmed.

253. DISCLOSURE OF INTEREST

There were none.

254. STANDARDS COMPLAINTS - COUNCILLOR CHRISY MORRIS

The Committee considered the report of the Acting Monitoring Officer that advised the Committee of two investigations following complaints against Councillor Chrisy Morris in respect of which the Committee was required to adjudicate. The Committee noted that in the interests of ensuring that there was a fair hearing, Paul Turner, the Monitoring Officer of Essex County Council had been appointed as Acting Monitoring Officer of Maldon District Council for the purpose of the hearing.

The report set out the seven areas of complaint for consideration by the Committee based on the evidence before them and the sanctions it could apply if it was determined that a breach of the Code of Conduct had occurred.

The Acting Monitoring Officer presented the report and took the Committee through the procedure for complaints determination. He advised the Committee that Mr Oram, the Independent Investigator from ch&l associates, who had carried out an investigation into five complaints from Councillors would present his report first followed by Mr Lewin, from Cornerstone Barristers, who had investigated the complaints from both the Corporate Leadership Team and the Programmes, Performance and Governance Manager. Prior to deferring to Mr Oram, he said that once all reports, discussions and questions had been covered the Committee would deliberate in private.

Mr Oram then took the Committee through the headline issues in his report covering the four complaints. He drew Members' attention to the summary and the findings of his investigation which had concluded that all four complaints fell within the scope of the Code of Conduct (CoC). At paragraph 5.38 of the report he highlighted several occasions where Councillor Morris's conduct met the definition of bullying and accordingly he had failed to comply with paragraph 3.5 (b) of the CoC. It was further found that Councillor Morris's behaviour could reasonably be regarded as bringing his office or the authority into disrepute accordingly he had failed to comply with paragraph 3.5(e) of the Code and in terms of Councillor Morris's disclosure of confidential information, accordingly, he had failed to comply with paragraph 3.6 of the CoC.

In accordance with the Procedure, the Chairman invited Members of the Committee and the Independent Person to ask the Investigator, Mr Oram and the Acting Monitoring Officer any questions.

Officers responded to several questions raised, drawing Members' attention to specific points within the report, providing clarification and further information including:

- That publishing conversations was a point of principal and can have a detrimental impact on ability to work well together. The conversation in question related to council business.
- That breaches of the code also apply to behaviour on social media when presenting as a Councillor.
- That the use of the word 'corrupt' suggested serious wrong doing and questioned the integrity of Officers. This issue should not have been addressed in the Forum outlined in the report given Officers did not have the right to reply.

- That there was no requirement to sign the Code of Conduct as it applied to all members by operation of law under the Localism Act 2011.

With the exception of Councillor Morris there was general consensus that the Code applied to all elected Councillors who signed the 'Office of Acceptance' form. In accordance with procedure Councillor Morris then put his questions to Mr Oram who responded as follows:

- That the Councillor who had used a nickname throughout a meeting was from another authority and that authority found that member to have breached the Code of Conduct.
- That the report did not find a breach in relation to the Councillor Boyce complaint. With the other four complaints there was a breach.
- That in respect of the complaint by Councillor Swain the investigation was to determine if the disrespectful conduct had happened and he felt that this had been established through listening the remote meeting recording of 13 August 2020.

At this point there was a brief discussion around the use of language and how certain words can have serious detrimental reputational impacts when the situation could be a case of not having time to furnish information due to busy schedules.

255. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 13:55 hours for a short comfort break.

256. RESUMPTION OF BUSINESS

RESOLVED that the business of the meeting resumed at 14:00 hours.

257. STANDARDS COMPLAINTS - COUNCILLOR CHRISY MORRIS

The Committee resumed consideration of the report of the Acting Monitoring Officer that advised the Committee of two investigations following complaints against Councillor Chrisy Morris in respect of which the Committee was required to adjudicate.

The Chairman called on Mr Lewin, from Cornerstone Barristers to present his report. Mr Lewin, in summary, said that both complaints were well founded and upheld. The conclusion in the report was clear. The YouTube posts were published in an official capacity commenting on Council business and filming on Council premises. The aggressive, intimidating and bullying behaviour brought both Councillor Morris and the Authority into disrepute. He went on to cite instances against the Director of Strategy, Performance and Governance and the Programmes Performance and Governance Manager. A total disregard had been demonstrated for the Code of Conduct which was reflected in the report.

He then referenced Article 10 that provided enhanced protection relating to freedom of expression in the case of political speech, however, he pointed out that this did not apply here as the issue was verbal attacks on officers and those officers should be afforded a level of protection.

In accordance with the complaints procedure, the Chairman then invited Members of the Committee and the Independent Person to ask the Investigator, Mr Lewin and the Acting Monitoring Officer any questions.

Officers responded to several questions raised, drawing Members' attention to specific points within the report, providing clarification and further information including:

- That in these instances passion was not a fair description for this behaviour. The incident at Performance Governance and Audit Committee was recorded and demonstrated bullying behaviour. That Councillors were in effect employers and that employees should be entitled to a safe work environment.
- That during the course of the investigation the Investigator had found Councillor Morris intimidating and that Councillor Morris's behaviour was as outlined in the report.
- That the fact an entire Corporate Leadership Team had made a complaint indicated the seriousness of the situation.

A brief discussion ensued around the focus of this report and the importance of setting an example. It was noted that whilst it was appropriate for strong, albeit respectful, discourse between Councillors, it was not possible for Officers to shout back when being shouted at.

In accordance with procedure Councillor Morris questioned the Investigator, Mr Lewin, as to the purpose of his call to the Programmes, Performance and Governance Manager. In response, the Investigator said the purpose was not at issue, it was how the call was dealt with. The Officer felt intimidated as a result of the call and reported the issue to the Line Manager.

At this point there was consensus that it would be normal for an officer to defer to their line manager should they feel intimidated and that language used and the manner in which it was used had consequences.

There being no further comment from Committee Members the Chairman invited Councillor Morris to make any representations with respect to the conclusions of the reports. Councillor Morris said he had concerns that he had tried to get addressed but had not been able to do so. He also felt that Councillor Swain's complaint had no basis. Mr Perry said that they disagreed with the reports.

The Chairman then asked Mr Oram and Mr Lewin if they had any questions for Councillor Morris, they had none. The Chairman then invited the Independent Person to make any representations or give advice. Mr Mitchell said he had listened very carefully to all arguments put forward and that the hearing had been fair. He felt that the allegations in the reports indicated breaches of control. His real concern was the seriousness of an entire Leadership Team submitting a complaint. The reports were well researched, contained sound evidence with serious allegations. These required the Committee's full attention and in his opinion there had been a breach of the Code of Conduct.

258. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 and

Paragraph 6 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

259. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting resumed in open session at 16:00 hours.

260. STANDARDS COMPLAINTS - COUNCILLOR CHRISY MORRIS - THE COMMITTEE DECISION

The Chairman read out the findings of the Committee which were agreed unanimously.

RESOLVED

- (i) That having listened to the various speakers today the Committee unanimously agreed all the findings of the investigation reports and breaches of the code of conduct by Councillor Morris as set out in the reports and adopted the reasoning of the investigating officers in their reports.
- (ii) That in terms of sanction the Committee proposed to formally censure Councillor Morris and restrict access to IT and email. The restriction to IT will be so that Councillor Morris can only contact the Council and Councillors via FreshService until 1 May 2022. A formal letter of censure would shortly be issued to Councillor Morris.
- (iii) That although the Committee had found serious breaches of the code, it noted that Councillor Morris does not appear to realise how he comes across to others. The Committee therefore recommend that Councillor Morris be provided with and accepts training on conflict management and resolving disputes.

RECOMMENDED

- (iv) That Councillor C Morris be removed from all Committees, Working Groups or Outside Body for the remainder of the Municipal Year.

261. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

There were none and the Chairman took the opportunity to thank all present for their contributions.

The meeting closed at 16:05 hours.

M G BASSENGER
CHAIRMAN