

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 21st 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