

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