



**MINUTES of
JOINT STANDARDS COMMITTEE
3 SEPTEMBER 2020**

PRESENT

Chairman	Councillor M W Helm
Vice-Chairman	Councillor W Stamp
Councillors	M G Bassenger, Mrs P A Channer, CC, K W Jarvis, C Mayes, S P Nunn, Stilts and J V Keyes
Parish Councillors	Councillor Peter Stilts
Substitute Councillor(s)	Councillor J V Keyes
In Attendance	Councillors E L Bamford, A L Hull, K M H Lagan, C Morris, N Skeens and R H Siddall

1. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 pandemic. He took Members through some general housekeeping issues together with the etiquette for the meeting and then asked Officers present to introduce themselves.

This was followed by a roll call of Committee Members present and any Councillor in attendance

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs M E Thompson.

In accordance with notice duly given Councillor J V Keyes was attending as a substitute for Councillor M E Thompson.

3. DISCLOSURE OF INTEREST

There were none.

4. STANDARDS COMPLAINT - COUNCILLOR CHRISY MORRIS

The Committee considered the report of the Monitoring Officer advising of two complaint reports (attached as Appendix 1 and 2 respectively) following receipt of complaints against Councillor C Morris.

In accordance with the Procedure for Complaints Determination the Chairman called on the Lead Legal Specialist and Monitoring Officer to present the reports. The Monitoring Officer clarified that there were two complaint reports and the Committee agreed they be considered separately. It was noted that Councillor C Morris would have an opportunity to ask questions of the Monitoring Officer after each report summary, followed by questions from Members of the Committee to the Monitoring Officer.

Prior to the presentation the Monitoring Officer, in response to a query as to why the letter from the member of the public relating to Appendix 2 was not included in the meeting papers, said that this formed part of the report from Mr Jennings and that the detail was covered in paragraph 1.2 of Appendix 2 at page 42 of the pack. He advised there was no requirement to append the letter but that he would locate the correspondence and read it to the Committee at the appropriate point on the agenda.

He then drew Member's attention to his report that set out the three key decisions for consideration by the Committee based on the evidence before them and the sanctions it could apply should it be determined that a breach of the Code of Conduct had occurred in either of the complaints.

4(a) APPENDIX 1- Complaint against Councillor C Morris

The Committee considered the report of the Lead Legal Specialist and Monitoring Officer, advising of an investigation (attached at Appendix 1 to the report) that had been undertaken following receipt of a Code of Conduct complaint against Councillor C Morris.

The Committee's attention was drawn to the Monitoring Officer's covering report that set out the three key decisions for consideration by the Committee based on the evidence before them and the sanctions it could apply should it be determined that a breach of the Code of Conduct had occurred.

In accordance with Procedure the Chairman asked the Monitoring Officer to summarise the conclusion of the first report at appendix 1. The Monitoring Officer provided the background to the report which was a result of a complaint by Councillor R P F Dewick. He said the complaint was twofold, the first part related to behaviour at a meeting of the Overview and Scrutiny Committee where Councillor Morris presented as Mr Morris, a member of the public, not as a Councillor. He advised that he had dismissed this as Councillor Morris' attendance was not as a Councillor therefore it fell outside the jurisdiction of the Code of Conduct. However, he felt the second part of the complaint relating to two Council meetings on the 3 October and 21 November 2019 respectively did engage the Code of Conduct as it related to behaviour when conducting Council business.

It was noted that the exchanges at the aforementioned Council meetings were outlined in the annexes appended to the report and that paragraph 5 provided a summary of both meetings as a continuing form of conduct. The Monitoring Officer then drew Members' attention to paragraphs 13/14 where he concluded that following his interview with Councillor Morris and further investigation as outlined in the report, Councillor Morris had failed to treat the Chairman with respect and his behaviour could reasonably be regarded as bringing his office or the authority into disrepute.

In accordance with the Procedure the Chairman then called Councillor C Morris to ask any questions of the Monitoring Officer

Councillor Morris proceeded to ask a series of questions not related to the matter at hand. At this point the Chairman interjected and requested that the questions be confined to the business of the meeting. Councillor Morris continued his line of questioning and the Chairman proposed in accordance with Rule 10 – Disorderly Conduct, that the Committee agree the member be not further heard.

Councillor Channer raised a point of order regarding the process being followed in the meeting. She felt that the discussion was diverting from the business of the meeting, was contrary to the articles of the Constitution and agreed to second the proposal unless Councillor Morris could give assurance that he would confine his questions to the business of the meeting. Councillor Morris continued in the same vein therefore Councillor Channer seconded the proposal.

The Chairman put the proposal that the member be not further heard to the Committee and upon a vote being taken it was carried.

The Chairman reverted to the agenda and in accordance with the Procedure invited Members to address their questions to the Monitoring Officer.

The Lead Legal Specialist and Monitoring Officer responded to several questions raised, drawing Members' attention to specific points within the report, providing clarification and further information as follows:

- That for completeness, the issue of the Overview and Scrutiny Committee meeting in November 2019, whilst dismissed at today's meeting, was included in the paperwork as it formed part of the original complaint.
- That the reason these issues were being considered this late was due to the February Joint Standards Committee (JSC) being cancelled, the March meeting being cancelled due to COVID-19 and the decision by the Interim Measures Group that it was not appropriate to consider such items until it was possible to hold a formally constituted JSC.
- That when considering what weight to attribute to the former Chairman not willing to bring a complaint the Committee should focus, not so much on the complainant, but on the conduct.
- That the sense that Councillor Morris was unaware of his responsibilities as a Councillor (Section 11 of the report) came from the interview process, not in response to a direct question on responsibilities but from the denial of any type of interference, or interruption on his part. Councillor Morris' main concern was his rights and not an appreciation of his responsibilities as a Councillor to abide by the constitution, alongside all other Members. In addition, he reminded Members that at paragraph 9 in the report he cited Rule 23' that the decision of the Chairman should be final'.
- That Article 10 Freedom of Expression under the Human Rights Convention applied to Maldon District Council (MDC) as a Public Body. The Code of Conduct had to be read in light of Article 10. The Code of Conduct (COC) and

Article 10 were completely in harmony. The Committee had to decide whether it was legitimate for a Councillor, when you have rules of procedure for meetings, to disobey those conduct rules and choose when he/she does or doesn't obey those rules. If the Committee deems that behaviour is acceptable then you will find there is no disrespect.

A debate ensued around the flow of exchanges contained within the annexes and the different styles of engagement. It was acknowledged that all Members had different styles of delivery but that it was important to achieve a balance in order to be effective. It was further acknowledged that it was important all had a right to speak. Members felt it would be helpful to hear back from Councillor Morris regarding his views on responsibilities as a Councillor, acting within, and respecting the rules of the Council.

Before recalling Councillor Morris, the Chairman asked the Monitoring Officer to read out the Independent Person's views on the report to the Committee. It was noted that these had been circulated previously to all Committee members. The Chairman then invited Councillor Morris back to the meeting.

Councillor Channer asked Councillor Morris how he understood his responsibilities as a Councillor in the Chamber. In response Councillor Morris said he abided by the Nolan Principles, he was responsible to the public that voted him in and as such responsible for tackling any form of wrong doing.

At this point as a result of certain Councillors being named inappropriately by Councillor Morris and in accordance with Procedure Rule 8, paragraph 16 – Respect for the Chairman, the Chairman stood.

Councillor Jarvis, noting that it was important to strike a balance to function effectively asked Councillor Morris about working together for the greater good. Councillor Morris said he had great respect for Councillor Jarvis and acknowledged that some may not like his methods but could not deny his results. Councillor Jarvis reiterated that procedures and regulations were essential in order to function as a Council, that change was happening and working together going forward could achieve great results.

Councillor Nunn then put forward a proposition that having read the report carefully and listened to the evidence and comments he felt that the behaviour issue at the Overview and Scrutiny Committee in November 2019 should not have been before the Committee as there was no breach. The other two concerns he felt were close to the mark, however, he noted that recent times had been difficult for all as evidenced by the earlier Joint Standards Committee (JSC). He did not believe that the evidence before the Committee represented a breach of the Code of Conduct on the part of Councillor Morris. This was seconded by Councillor Mayes.

A debate ensued where some Members felt that there was a balance to be struck and that it was difficult not to conclude that his actions brought the Council into disrepute. This was evidenced in the Monitoring Officer report and the views of the Independent Person. Other Members felt that Councillor Morris had been limited in his opportunities to speak hence his actions and that he had never been disrespectful to them. All Members agreed that the Overview and Scrutiny element of the complaint be dismissed.

The Chairman then put Councillor Nunn's proposal that the first element of the complaint relating to Mr Morris should not have been brought before the committee. That in respect of the second element Councillor Morris' behaviour was very close to the mark but given it was a heated debate in the context of very difficult times for the Council as demonstrated by the earlier JSC meeting that Councillor Morris had not failed to comply with the Members' Code of Conduct. This was duly seconded by Councillor Mayes.

A recorded vote was requested by Councillor S P Nunn and seconded by Councillor C Mayes and in accordance with Procedure Rule 13 (3) the voting was as follows:

For the Proposal

Councillors M G Bassenger, K W Jarvis, J V Keyes, C Mayes, S P Nunn and W Stamp.

Against the Proposal

Councillors Mrs P A Channer and M W Helm.

Abstention

There was none.

RESOLVED that Councillor Morris had not breached the Members Code of Conduct (in relation to the complaint detailed in appendix 1 to the report).

Councillor Morris thanked the Committee and the Councillors.

4(b) APPENDIX 2 – Complaint against Councillor C Morris

The Committee considered the report of the Deputy Monitoring Officer, advising of an investigation (attached at Appendix 2 to the report) that had been undertaken following receipt of a Code of Conduct complaint against Councillor C Morris.

The Committee's attention was drawn to the Monitoring Officer's covering report that set out the three key decisions for consideration by the Committee based on the evidence before them and the sanctions it could apply should it be determined that a breach of the Code of Conduct had occurred

In accordance with Procedure the Chairman, in the absence of the report author Mr Jennings, the Deputy Monitoring Officer, asked the Lead Legal Specialist and Monitoring Officer to summarise the conclusion of the second report. The Monitoring Officer provided the background to the report which was a result of a complaint by a member of the public Mr Tom Kelly. He also referenced another anonymous complaint noted at paragraph 1.11 in the report.

The Monitoring Officer then read aloud the formal complaint from Mr Kelly dated 14 February 2020. The complainant referenced disgust at the behaviour in the Chamber that showed utter contempt for the Council as a regulatory body. In summary the report concluded at paragraph 1.14, page 44 of the report that there was a breach of the provision of the adopted Local Code of Conduct for Councillors at paragraph 3.2, not showing respect and at 3.5 (e) bringing the authority or his office into disrepute.

At this point Councillor Mrs P A Channer declared a non-pecuniary interest as she knew Mr Kelly, he was one of her residents in her role as County Councillor.

Councillor M W Helm declared a non-pecuniary interest as he had known Mr Kelly some years ago and Councillor S P Nunn declared a non-pecuniary interest as he was acquainted with Mr Kelly.

Prior to Councillor Morris posing his questions Councillor Nunn asked to speak. He asked the Monitoring Officer where in the report the use of the word 'accosted' was clarified and what the rationale was for including the anonymous complaint at 1.11. In response the Monitoring Officer referred to the clarification of the use of the word 'accosted' in paragraph 1.4. and with reference to including the anonymous complaint at 1.11 he said it was for completeness and that the Committee was welcome to dismiss it, or he could read it to the Committee. Councillor Stamp proposed that it be removed from the record and this was seconded by Councillor Nunn. A recorded vote was requested by Councillor C Mayes and duly seconded.

The Chairman put Councillor Stamp's proposal that paragraph 1.11 be removed from the record. In accordance with Procedure Rule 13 (3) a recorded vote was taken, and the results were as follows:

For the proposal

Councillors M G Bassenger, Mrs P A Channer, M W Helm, K W Jarvis, J V Keyes, C Mayes, S Nunn and W Stamp.

Against the Proposal

None

Abstention

None

A debate ensued around paragraph 1.10 of the report, the reference to the Chairman's age and his inability to do the job. Some Members felt this comment, made in public in the chamber did demonstrate disrespect, as age was a protected characteristic. Other Members expressed concern regarding the tone of the complaint, the fact that Councillor Boyce had not complained, the use of mobiles by all Members and the fact that there was no dress code so references to individual style were inappropriate

In response to a comment made during the aforementioned debate the Monitoring Officer clarified that he believed Mr Jennings, Deputy Monitoring Officer, in his report was not relating the comment about age to the equalities legislation but more to the issue of a failure to show respect.

In accordance with the Procedure the Chairman then invited Councillor Morris to put his questions and the Monitoring Officer responded as follows:-

- that he had first met Mr Kelly in 2002;
- that Mr Kelly was not a serial complainant, this was the first complaint he had received from him;
- that he knew Mr Kelly to be very forthright in his views;
- that he agreed with Councillor Morris regarding the response from the Leader and the Chairman and the inappropriate use of the word 'accosted' in this instance.

The Monitoring Officer addressed further questions including clarifying that reading the comments made by the Strategy, Policy and Communications Manager in context regarding the behaviour in the Chamber she was saying that Councillors should behave in a respectful manner not dissimilar to the workplace, in other words if this behaviour had happened in the workplace it would have been dealt with there and then.

A debate ensued where Members commented on the narrowness of the investigation and the need to garner a larger range of officer views. It was noted however that there was access to the complete audio recording of the meeting which was paramount.

The Chairman asked if Members felt that Councillor Morris had breached the code of conduct.

Councillor Mayes said that having listened to the debate and witnessed the events in person she could not see there was any evidence to support the five complaints listed. She proposed that there had been no breach of the code of conduct based on the evidence presented. This was seconded by Councillor Jarvis.

A brief debate ensued where some Members still expressed concern regarding the comment on a protected characteristic. However other Members agreed that the comment had not been delivered in an aggressive manner. It was acknowledged that all points had been fully debated, everyone's style differed, there was no breach and it would be good if Councillor Morris took on board some of the comments raised about working together going forward,

A recorded vote was requested by Councillor S P Nunn and seconded by Councillor C Mayes.

The Chairman put Councillor Mayes' proposal that Councillor Morris had not breached the Code of Conduct based on the evidence presented in this particular instance. In accordance with Procedure Rule 13 (3) a recorded vote was taken, and the results were as follows:

For the Proposal

Councillors M G Bassenger, K W Jarvis, J V Keyes, C Mayes, S P Nunn and W Stamp.

Against the Proposal

Councillors Mrs P A Channer and M W Helm,

Abstention

There were none

RESOLVED that Councillor C Morris had not breached the Members' Code of Conduct (in relation to the complaint detailed in Appendix 2 to the report).

There being no further items of business the Chairman closed the meeting at 4:01 pm.

M W HELM
CHAIRMAN