



**REPORT of
ACTING MONITORING OFFICER**

**to
JOINT STANDARDS COMMITTEE
6 SEPTEMBER 2021**

STANDARDS COMPLAINTS - COUNCILLOR CHRISY MORRIS

1. PURPOSE OF THE REPORT

- 1.1 To advise the Committee of two investigations following complaints against Councillor Chrisy Morris in respect of which the Committee is required to adjudicate and to guide the Committee through the hearing.
- 1.2 It should be noted that given previous complaints and in the interests of ensuring that there is a fair hearing, Paul Turner, Monitoring Officer of Essex County Council has been appointed as Acting Monitoring Officer of Maldon District Council for the purpose of this hearing. He is therefore the author of this report.

2. RECOMMENDATIONS

- (i) For the Committee to consider both investigation reports appended to this report and any representations made by Councillor Morris;
- (ii) For the Committee to decide, with respect to each of the allegations summarised in paragraph 3.2, whether Councillor Morris has failed to comply with the Code of Conduct; and
- (iii) With respect to each any of those allegations where the Committee find that Councillor Morris has breached the Code of Conduct, to consider what sanctions (if any) are to be applied.

3. SUMMARY OF KEY ISSUES

- 3.1 Please see two investigation reports attached at **APPENDICES 1 and 2** to this report.
- 3.2 Allegations have been grouped into seven headings in the table below. which will all need to be considered by the Joint Standards Committee.

Complainant	Summary	Finding of Investigator
Report of Mr Oram		
1.Councillor Christopher Swain	At Planning Committee on 13 August 2020 Councillor Morris made abusive, haranguing and potentially slanderous comments towards Mr Paul Dodson (the Council's Director of Strategy, Performance and	Recommendation that this is a breach of paragraph 3.2 of the code of conduct, namely a failure to treat people with respect. Further, that this taken with the other breaches, constitutes bullying contrary to paragraph 3.5(b) of the code and conducted himself in a manner which could reasonably

Complainant	Summary	Finding of Investigator
	Governance and Returning Officer) and Mr Richard Holmes (the Council's Director of Service Delivery and Head of Paid Service.	be regarded as bringing his or office or the Authority into disrepute, contrary to paragraph 3.5(e) of the Code.
2. Councillor Maddie Thompson	On 14 August 2020 Councillor Morris made comments in an email to Councillor Mark Heard (which was copied to all members) which were rude about her and other members of the Council.	<p>Recommendation that this is a breach of paragraph 3.2 of the code of conduct, namely a failure to treat people with respect.</p> <p>Further, that this taken with the other breaches, constitutes bullying contrary to paragraph 3.5(b) of the code and conducted himself in a manner which could reasonably be regarded as bringing his or office or the Authority into disrepute, contrary to paragraph 3.5(e) of the Code.</p>
3. Councillor Bob Boyce	On 3 September 2020, during the meeting of the Council's Joint Standards Committee, Councillor Morris referred to him as having diminished mental capacity.	<p>Recommendation that this is a breach of paragraph 3.2 of the code of conduct, namely a failure to treat people with respect.</p> <p>Further, that this taken with the other breaches, constitutes bullying contrary to paragraph 3.5(b) of the code and conducted himself in a manner which could reasonably be regarded as bringing his or office or the Authority into disrepute, contrary to paragraph 3.5(e) of the Code.</p>
4. Councillor Penny Channer	<p>On 29 October 2020, Councillor Morris disclosed confidential information on social media relating to an investigation into the conduct of former councillor Elaine Bamford.</p> <p>On 5 February 2021, Councillor Morris used an aggressive and bullying tone during a private telephone conversation with Councillor Channer and that he subsequently posted a recording of his conversation with Councillor Channer on Facebook without her permission</p>	<p>Recommendation that this is a breach of paragraph 3.2 of the code of conduct, namely a failure to treat people with respect.</p> <p>Further recommendation that this is disclosing confidential information contrary to paragraph 3.6 of the Code of Conduct.</p> <p>Further, that this taken with the other breaches, constitutes bullying contrary to paragraph 3.5(b) of the code and conducted himself in a manner which could reasonably be regarded as bringing his or office or the Authority into disrepute, contrary to paragraph 3.5(e) of the Code.</p>
Report of Mr Lewin		
5. Complaint of Maldon DC's Corporate Leadership Team	That Councillor Morris's behaviour towards Cheryl Hughes during a phone call on 22 April 2021, at an extraordinary meeting of the council held on 29 April 2021, at the annual meeting of the council on 20 May 2021 and in	<p>Taken together, these incidents show a clear pattern of aggressive, intimidating behaviour targeted at an individual officer in an attempt to undermine and humiliate her. It is undoubtedly bullying behaviour and therefore a breach of paragraph 3.5(b) of the Code.</p> <p>The public way in which Councillor Morris has</p>

Complainant	Summary	Finding of Investigator
	a facebook post on 21 May 2021 were inappropriate.	targeted Ms Hughes gives the impression that Councillor Morris can act with impunity. This brings both Councillor Morris's office as councillor, and the Council as a whole, into disrepute, in breach of paragraph 3.5(e) of the Code.
6. Complaint of CLT	Councillor Morris's behaviour towards Paul Dodson on 10 June 2021	This behaviour constitutes a serious breach of the Code: it amounts to bullying (paragraph 3.5(b)) and brings both Councillor Morris office as a councillor, and the Council as a whole, into disrepute (paragraph 3.5(e)).
7. Other findings by Mr Lewin	Councillor Morris's behaviour during Mr Lewin's investigation; towards the investigator and to the Leader of the Council.	by attempting to undermine and publicly discredit this investigation, Councillor Morris has brought his office and the Council into disrepute, in breach of paragraph 3.5(e) of the Code.

4. PRELIMINARY MATTERS

- 4.1 Councillor Morris has been asked to indicate whether he wishes to raise any issues of factual dispute with the reports. He has raised no disputes of fact on either report, although Councillor Morris's initial comment on Mr Oram's report was that he had not read it. Should Councillor Morris seek to raise any dispute of fact he will need to explain to the Committee why he has not raised it in the three months or so since he was sent the first report. It will be a matter for the Committee to decide whether or not to allow him a further opportunity to raise any disagreement with the facts. Any such dispute may lead to a successful request for the hearing to be adjourned.
- 4.2 Councillor Morris was asked whether or not he wished to seek permission to call witnesses and, if so, upon which issue they would be able to provide evidence. Councillor Morris was reminded that if permission was given to call any witnesses then he would be responsible for ensuring that they attended. Councillor Morris initially provided a list of proposed witnesses but did not provide any information about the issues upon which each witness would be able to provide evidence – any evidence would need to be relevant to an issue that the Committee will need to determine. Accordingly, Councillor Morris has not been given permission to call any witnesses. If Councillor Morris makes a request at the hearing it will raise similar issues to those outlined in paragraph 4.1.
- 4.3 Councillor Morris was asked whether there were any documents that he wished to rely upon at the hearing. Councillor Morris's initial request was to ask whether or not he was compelled to provide the documents. It was explained to him that if he did not provide a document upon which he subsequently sought to rely then it may be that the Committee would not consider the document or the hearing may need to be adjourned. Councillor Morris then produced some text messages, although it is not clear how they are relevant to any matter to be determined as they appear to be significantly after the issues considered by Mr Oram and significantly before the issues considered by Mr Lewin.
- 4.4 When this report was being finalised a minor factual issue with the report of Mr Oram came to light which is that it states that Councillor Morris is a member of the Overview and Scrutiny Committee (and of the Overview and Scrutiny Committee sitting as the Crime and Disorder Committee). In fact Councillor Morris ceased to be

a member of that committee on 20 May 2021 which was after the report was written but before it was sent to the Council.

5. THE HEARING

- 5.1 The meeting has been convened to hold a hearing into the allegations summarised in paragraph 3.2 of the report.
- 5.2 It is important that, taken together, the process followed before the hearing and during the hearing is fair both to Councillor Morris and those who have raised concerns about his behaviour.
- 5.3 It is suggested that the following process would be appropriate:
 - 5.3.1 Welcome and introductions from the Chairman.
 - 5.3.2 Acting Monitoring Officer to explain the process to those present.
 - 5.3.3 Mr Oram to present his report
 - 5.3.4 Councillor Morris invited to ask any questions of Mr Oram relating to his report.
 - 5.3.5 Committee Members and Independent Person invited to ask any questions of Mr Oram.
 - 5.3.6 Mr Lewin to present his report.
 - 5.3.7 Councillor Morris invited to ask any questions of Mr Lewin relating to his report.
 - 5.3.8 Committee Members and Independent Person to ask any questions of Mr Lewin.
 - 5.3.9 Councillor Morris to make any representations with respect to the conclusions of the reports and, with the permission of the committee, to call third parties (note that no permission has been granted).
 - 5.3.10 Mr Oram to ask questions of Councillor Morris.
 - 5.3.11 Mr Lewin to ask questions of Councillor Morris.
 - 5.3.12 Committee Members/Independent Person to ask questions of Councillor Morris.
 - 5.3.13 Independent person invited to give advice to the Committee.
 - 5.3.14 Press and public excluded so that the committee can deliberate with the assistance of the Independent Person. The monitoring officer may be called for advice.
 - 5.3.15 Press and public are re-admitted to the meeting and the chairman announces the decision on breach.
 - 5.3.16 If the Committee has found a breach of the code then it will consider what sanctions to apply, using the following process:
 - (i) Councillor Morris will be invited to make any representations he wishes to make on the sanction to apply.
 - (ii) The Committee will give Mr Oram and Mr Lewin an opportunity to respond.

- (iii) Independent person invited to give advice to the Committee on sanction.
- (iv) Press and public excluded so that the committee can deliberate with the assistance of the Independent Person. The Acting Monitoring Officer may be called for advice.
- (v) Press and public are re-admitted to the meeting and the chairman announces the decision on what (if any) sanction to apply.

6. SANCTIONS

6.1 If the Committee determines that there are breaches of the Code of Conduct then it can impose one or more of the following sanctions, subject to the law it may wish to make other 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 Acting Monitoring Officer to arrange training for the member;
4. Recommending withdrawal of facilities provided to the Member by the Council, such as a computer and/or email and internet access or use of offices other than for statutory meetings;
5. Recommending to Council that he/she be removed from any Committee, Working Group or Outside Body.

7. IMPACT ON STRATEGIC THEMES

7.1 None.

8. 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.

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