



Report of Helen Lynch, Head of Legal and Democratic Service and Monitoring Officer

Electoral division(s) affected:

None.

Purpose of the Report

- 1 To inform Members of the national picture on standards issues affecting Local Government.

Executive summary

- 2 This report is for information to update the Committee on national developments, consultations and cases which relate to the work of the Committee since the last meeting on 3 September 2021.

Recommendations

- 3 The Standards Committee is recommended to:
 - (a) note the report and request that Officers monitor the progress of the matters referred to and keep the Committee updated; and
 - (b) consider any recommendations it wishes to make arising out of the content of the report.

Background

- 4 As agreed by the Committee on 25 June 2021, as part of the Annual Work Programme, this is a standing agenda item with a quarterly update to the Committee.

Code of Conduct Complaints and Reports

- 5 Since the abolition of the Standards Board for England, national statistics and case reports are no longer collated. Any cases reported are taken from news reports and general research where Councils publish details of their conduct hearings in public.

Councillor Chrisy Morris –Maldon District Council - 6 September 2021

- 6 The Joint Standards Committee considered two investigations following a number of complaints against Councillor Chrisy Morris of Maldon District Council.
- 7 The allegations for determination were:
 - (a) On 13 August 2020 at a Planning Committee it was alleged that the Councillor made abusive, haranguing and potentially slanderous comments towards the Council's Director of Strategy, Performance and Governance and Returning Officer and the Council's Director of Service Delivery and Head of Paid Service.
 - (b) On 3 September 2020, during the meeting of the Council's Joint Standards Committee, the Councillor referred to the complainant as having diminished mental capacity.
 - (c) On 29 October 2020, the Councillor disclosed confidential information on social media relating to an investigation into the conduct of former councillor.
 - (d) On 5 February 2021, the Councillor used an aggressive and bullying tone during a private telephone conversation with another Councillor and he subsequently posted a recording of his conversation with the Councillor on Facebook without her permission.
 - (e) The Councillors behaviour towards one of the complainants 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 a Facebook post on 21 May 2021 were inappropriate.

- 8 The Committee heard from the investigating officer in determining the complaint. The investigating officer reported that 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 the Councillor and the Authority into disrepute.
- 9 The Investigating Officer informed the Committee of the Article 10 implications, 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.
- 10 The Councillor made representations to the Committee, he said he had concerns that he had tried to get addressed but had not been able to do so. He also felt that the fellow Councillors complaint had no basis and that he disagreed with the reports.
- 11 As part of the procedure, the Chairman then invited the Independent Person to make any representations or give advice. The Independent Person said that 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.
- 12 The Chairman read out the findings of the Committee which were agreed unanimously as follows:
 - (i) 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 the Councillor 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 the Councillor and restrict access to IT and email. The restriction to IT will be so that the Councillor can only contact the Council and Councillors via FreshService until 1 May 2022.

(iii) That although the Committee had found serious breaches of the code, it noted that the Councillor does not appear to realise how he comes across to others. The Committee therefore recommend that the Councillor be provided with and accepts training on conflict management and resolving disputes.

13 It was also recommended that :

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

Councillor Chrisy Morris - Maldron District Council 4 November 2021

- 14 It has been reported in national news that the police were called to a council meeting at Maldon District Council after a councillor refused to stop saying "point of order".
- 15 The Councillor was challenging the council's consideration of a report that found him to have breached the member code of conduct (as detailed in the section above).
- 16 At the Council meeting Councillors voted on sanctions against Councillor Morris in light of the Joint Standing Committee findings. The Chair of the meeting, attempted to call a vote on the sanctions however he was interrupted by Councillor Morris who was repeatedly saying "point of order".
- 17 The Chair read out the relevant Committee Procedure Rules, which says the chair may move that a "member named be not further heard" if they are disruptive. Where a Council member continues to behave irregularly, improperly, or offensively, or by wilfully obstructing the business of the council, the Chair can move that the member leave the meeting or move to adjourn the meeting altogether.
- 18 The Councillor, who during the meeting used a megaphone, responded by saying "at least I've got the testicular fortitude to sit here and speak my truth" before the Chair moved that the Councillor shall not be heard, which the majority of councillors seconded.
- 19 When the Councillor continued to disregard the motion, the chair moved to have him removed. Soon after, two police officers entered the room, and an officer told the Councillor he was breaching the peace.
- 20 The chair asked the members to rise and walk out in protest and closed the meeting.

Complaints against Police and Crime Commissioners

- 20 The Standards Committee may be aware of a review by the Home Office into the role of Police and Crime Commissioners. At the end of October 2021, the Home Office informed the Local Government Association that they were considering giving responsibility for investigating complaints about the PCC (which do not fall within the remit of the Independent Office for Police Conduct) to Local Authority Monitoring Officers.
- 21 The LGA wrote to Monitoring Officers requesting initial views in respect of the proposals. The Council's Monitoring Officer responded requesting the opportunity to be consulted properly on the proposals so that the implications can be fully understood and explained that the cost of such investigations would need to be fully funded by the Home Office Grant.
- 22 Officers will continue to monitor these proposals and will keep the Standards Committee and the Police and Crime Panel (who are responsible for hearing complaints against the PCC) informed.

Background papers

- None

Other useful documents

- <https://democracy.maldon.gov.uk/ieListDocuments.aspx?CId=148&MId=2576&Ver=4>

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Appendix 1: Implications

Legal Implications

The Council has a duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles. Ensuring that the Standards Committee is kept up to date with national Standards issues is expected to facilitate compliance with this duty.

Finance

None.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None.

Climate Change

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.