

MONITORING OFFICER DECISION NOTICE

Complaint Number COC023
Cllr. Bill Morgan of Stoke Lacy Council

DECISION

That Parish Cllr. Bill Morgan **DID** breach Stoke Lacy Parish Council's Code of Conduct – *1.1 I treat other councillors and members of the public with respect.*

COMPLAINT

The Council received a complaint that on 9 November 2022, Mr. Carrier (the complainant) and his partner (Ms. Warren) attended Stoke Lacy Parish Council meeting. Ms. Warren asked a question and Mr. Morgan was aggressive, banged the table and left the room.

Mr. Carrier emailed Mr. Morgan prior to the next meeting to ask him to confirm he would not behave in this way again, and received no reply. At the end of the Parish Council meeting on 8 February Mr. Carrier went and sat next to Mr. Morgan to discuss the issue, and at that point Mr. Morgan walked away shouting that Mr. Carrier was going to report him, which then caused the Chair of the Parish Council to start shouting that Mr. Carrier was harassing a councillor, culminating in a letter from the Parish Clerk to the complainant.

PROCEDURE

An Investigator was asked to carry out an investigation into the facts. The evidence she collected and used to form her conclusions was:-

- Complaint & various attachments
- Code of Conduct of Stoke Lacy Parish Council
- Response from Mr. Morgan
- Notes of meeting with Mr. Morgan
- Notes of meeting with Paul Hayden, Parish Clerk
- Email from third party present at the meeting
- Response from Mr. Morgan on draft report

FINDINGS OF THE INVESTIGATOR

As with the assessment of all ethical standards matters this is considered on the balance of probabilities, that is; would a reasonable person in possession of all the facts and viewing them objectively, consider that it is more likely than not that Mr. Morgan has breached the Code of Conduct.

Mr. Morgan clearly has a difficult relationship with Ms. Warren. He describes her as a 'completer-finisher', beauracratc and delaying, and someone who likes everything to be 100%. This is at odds with his own personal style, where he felt he had to 'drive' the NDP – he explained he had a background in major projects and felt frustrated by her style and behaviours.

At this stage, I would point out that this was meant to be a group of volunteers, coming together for the good of the village. There should be room for everyone on this type of group, regardless of personal styles and as a Councillor, I would have expected Mr. Morgan to set an example. Instead, by his own admission he swore several times at a meeting in November 2021. He did send round an apology to the NDP Group for his behaviour, and Ms. Warren was included on this general apology, but he did not apologise to Ms. Warren herself. She subsequently left the NDP group. The Clerk says that Mr. Morgan was asked to apologise to Ms. Warren by the Chair of the Parish Council, and Mr. Morgan refused to do so as he felt he was provoked by her.

The Clerk says that Ms. Warren and Mr. Carrier have taken to attending parish council meetings and are provocative. When I asked what he meant by provocative, he said they asked spurious questions to which they already know the answer, to provoke a response. I do not give any weight to this statement – from the minutes, I can see that Ms. Warren and Mr. Carrier have only attended two meetings, and Mr. Morgan himself says that Ms. Warren did not usually come to meetings. Whether or not they asked a question to which they knew the answer is irrelevant – as members of the public they are entitled to ask questions at a parish council meeting in accordance with standing orders.

At the Parish Council meeting in November 2022, Ms. Warren asked a question on the NDP:-

Extract from minutes;

Meg Warren attending as a member of the public asked had the footpaths been referenced per CPRE recommendations in the NDP. RESOLVED: Meg Warren to read the current NDP and to advise Cllr Morgan if this requirement exists and Cllr Morgan will present to the NDP steering committee for consideration

Mr. Morgan says he 'felt rather exposed as it was just before the NDP referendum in January. Ms. started talking about things she herself had put into the NDP and Mr. Morgan felt she hadn't read it – it was available on the website and she could have done so. The question she asked was superfluous and he felt she was trying to make it fail.'

Ms. Warren was attending the meeting as a member of the public as she had resigned from the NDP Group in January 2022 – she didn't have to read the NDP, it was the role of Mr. Morgan and the NDP group to respond to her question, not the role of the Parish Council to tell Ms. Warren to read it and advise them. A more appropriate response would have been to thank her for her interest and tell her that the NDP Group would consider it.

Whether or not the question was 'superfluous', Ms. Warren was entitled to ask it, and to be given a proper response. The Clerk says he felt Mr. Morgan left the room at this point to de-escalate the tension – Ms. Warren was asking probing questions and Mr. Morgan was getting upset by this. I do not have any sympathy with this viewpoint, as it is part of the role of a councillor to respond to public questions, provided they are put in a respectful way. There is no evidence to suggest that Ms. Warren was asking questions which were not relevant, even if Mr. Morgan didn't like the content of her questions. Mr. Carrier says that Mr. Morgan slammed the table and said a loud and sarcastic goodnight to Ms. Warren and walked out of the meeting. Mr. Morgan himself says he 'stormed out of the room in frustration', and agrees that he said a loud & sarcastic 'goodnight'.

The events of the meeting of 8th February 2023 are relevant as to background, as otherwise this report is only concerned with the behaviour of Mr. Morgan, and not that of Mr. Carrier. It was the events of the meeting of 8th February and afterwards that prompted the complaint.

I think it is unfortunate that, following Mr. Carrier's email to Mr. Morgan, no-one responded to him. If the advice from HALC was not to respond, then the Clerk could have conveyed this to Mr. Carrier rather than advising Mr. Morgan to ignore the email. Ignoring the email just inflamed the situation.

There are differing views of what happened after the Parish Council meeting. The Clerk says that after the meeting, Mr. Carrier 'stormed across' to Mr. Morgan and there was a heated conversation. Mr. Morgan himself says that Mr. Carrier 'sidled up to him and sat down uninvited' but that he remained calm, although rapidly became aggressive. Again, I do not give weight to the Clerk's account as it differs so much from others. This leaves me with the version from the third party, who only heard the Chair shouting. The third party says that Mr. Morgan got up and started putting tables away, banging them loudly.

The Clerk also says that Mr. Morgan started to put the table away, and I don't find this fits with Mr. Morgan's account that he was scared he was going to be hit. Mr. Morgan says he was being intimidated by someone larger and more threatening than him so started putting the tables away, which he always does at the end of the Parish Council meeting and that they bang loudly as they are heavy. Regardless of the various versions of events, Mr. Carrier is not a parish councillor and his conduct is a matter for the parish council to deal with themselves, which I understand that they have done.

As a councillor, you are expected to communicate effectively with others and are required to interact with many different people, often from diverse backgrounds and with different or conflicting needs and points of view.

Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others. Any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour. I think the behaviour exhibited by Mr. Morgan in his treatment of Ms. Warren would influence the willingness of others to join groups or ask questions of Mr. Morgan.

I think a reasonable person would consider that using the 'f++k' word at meetings or banging the table and 'storming' out of a meeting or being sarcastic following a public question, is disrespectful.

I conclude the Mr. Morgan was disrespectful to Ms. Warren in breach of the Stoke Lacy Parish Council Code of Conduct – Paragraph 1.1. This is in respect of his conduct at the meeting in November 2022.

I also consider that his conduct in not apologising to her for his outburst in 2021 was also disrespectful - I note that Ms. Warren was copied into an email to others, but this did not directly provide her with an apology, which Mr. Morgan refused to make when requested to do so by the Chair. As this conduct was so long in the past, I have not taken it into account other than by way of background.

Also by way of background, Mr. Morgan also sent an email to another member of the NDP on 1 March 2022, which he copied to everyone else on the group – this also contained comments about Ms. Warren. If he had sent this email to the other member of the NDP without copying in others, then it would have been in his private capacity, but he chose to make all others on the NDP aware of matters which were not their concern and this also was potentially disrespectful. The Clerk says in his letter of 25 February 2022 that he had 'reminded Mr. Morgan strongly 'about the Code and I would expect Mr. Morgan to give more thought to the effect that his communications can have on others.

CONCLUSION

In accordance with S28(7) Localism Act 2011 I have sought and taken into account the views of two Independent Persons appointed by Herefordshire Council for the purposes of the Act. The Independent Persons agree that Mr. Morgan has breached Paragraph 1.1 of the Stoke Lacy Parish Council Code of Conduct.

I have therefore recommended to the Parish Council that Mr. Morgan be asked to apologise in writing to Ms. Warren for his behaviour at the meeting in November 2022 and that he undertake further Code of Conduct training particularly in the areas of disrespect and equalities.

There is no right of appeal against this decision notice.

A handwritten signature in black ink, appearing to be 'D. C.', written in a cursive style.

.....
Monitoring Officer

Dated: 01 September 2023