

Proposal -

That members consider that the mayor has not fulfilled his role as chair within this council. There has been no continuity, sometimes bordering on chaos in and out of meetings, little to no communication, and little or no consideration for all members opinions, and a visible lack of respect for staff. A catalogue of errors made seemingly with little or no approach to rectify.

The basic Nolan principles such as *integrity, openness, honesty, and leadership* have been considerably absent.

Multiple Complaints put into the monitoring officer, over the last 12 months of office for potential breaches in the code of conduct, initially resulting in recommendations from the monitoring officer of bespoke training, which whilst was seemingly beneficial to those who attended, reminding us of our roles and responsibilities in our opinion has not covered the many aspects of the issues we face such as;

Communication, respect, openness and dispute resolution. All of which we still see a lack of from the mayor even after the training and up until the point of this report.

Members are to consider at this point, that a lack of confidence has arisen in the Mayor of Burnham on Crouch Town Council for the following reasons:

Code of Conduct:

1:2 I treat local authority employees with respect and respect for the role they play

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

i) Treat all persons fairly and with respect.

ii) I do not improperly seek to confer an advantage or disadvantage on any person.

iii) Unlawful discrimination is where someone is treated unfairly because of a protected characteristic.

4.1 I do not disclose information.

4.2 I do not improperly use information gained

4.3 I do not prevent anyone from getting information that they are entitled to by law.

5:1 I do not bring my role or local authority into disrepute.

6:1 I do not use my position improperly to the advantage or disadvantage of myself or anyone else.

7.1 I do not misuse council resources.

There are further complaints in progress with the monitoring officers relating to some or all of the above codes of which the outcomes have yet to be decided.

The supporting report provides the background information required to allow members to put this motion into perspective.

All the above could lead to public funds being spent defending the council for claims against defamation and reports to the ombudsman.

Detailed supporting report.

2nd June 2023: (code of conduct 4.1, 4.2, 4.3,)

Informal meeting held in Chamber with 3 members and 1 staff.

This meeting was called by newly elected member following multiple conversations to seek further clarity and evidence with regards to allegations against the former town council administration for the misappropriation of council funds.

At this meeting the mayor left part way through, upon his return he stated he had made a phone call to Essex Police reporting fraudulent activity by the previous administration, at a later phone call to the police he named individuals.

10th July 2023 and 12th July 2023:

Correspondence between the mayor and Essex Police took place regarding updates on the investigation on the dates stated above.

This was confirmed by an email sent by Essex Police to the mayor on the 19th of July 2023.

1st August 2023:

11 days after the police had ended the investigation and the mayor sent a letter to all council members stating the following: (Copy attached) an extract from that letter shown below.

"I would like to confirm that this investigation was reported under 'Burnham on Crouch Town Council' and is in relation to potential misuse of council funds. Whilst this is being investigated, I must remind you that the matter remains a private and confidential concern and at the request of the investigating officer is not to be discussed outside of the council and refer you to section 4 of the code of conduct. As soon as any further information is provided, I will update you accordingly".

This letter was sent to all members knowing full well that the case had been closed by Essex Police and that there was no case to answer and knowing that individuals had been named in the process.

No update was provided that the police investigation had concluded. His letter to all councillors on 1st August 2023 misled members.

This behaviour by the mayor demonstrates a complete disregard as to the limitations placed upon him by Council, a belief that as the mayor that he can do as he wishes. As such this is a dereliction of the mayor's duties in serving the interests of the people of Burnham on Crouch.

that the mayor acted out of his scope and his lawful authority to do so, as he did not seek to bring this to council for a discussion and conclusion at the earliest opportunity.

11th July 2023: (code 4.2, 4.3, 5.1, 6.1)

At a town council meeting matters pertaining to the investigation were discussed and an argument took place between the mayor and another member. This led to a complaint being made and the office staff was required to investigate. In order to attempt to conclude the matter it was suggested that the mayor apologise to all members collectively and to the other individual involved. This was agreed to, however the individual member did not receive an apology until 31st July 2023, On the 31st a telephone conversation was held between staff and the mayor and a letter of apology was dictated over the phone.

Call time 31/07/23 @ 11:12am 7 minutes long. 31st July 2023:

The apology was received and reciprocated, 10 days later on the 10th of August 2023 email sent by the mayor acknowledged the reciprocated apology and the matter considered closed.

18th December 2023: (code 1.2, 6.1)

At a meeting with the Monitoring Officer held at Maldon District Council, discussing complaints the above apology letter was denied by the mayor. At this meeting the mayor made claim that the Office staff acted outside her remit and acted alone in sending the apology and that he was unaware the apology even existed.

This misled all at the meeting and did not treat the Office staff fairly or with respect. It also led to other councillors believing the office staff had not acted appropriately.

August 2023 – to date: (code 1.1, 1.2, 2.3, 5.1, 6.1)

The mayor has continually failed to communicate with the Office staff within a reasonably expected manner that would assist the smooth operational running of Burnham on Crouch Town Council.

The mayor has failed to communicate effectively with all council members within a reasonably expected manner that would assist the smooth operational running of Burnham on Crouch Town Council.

Some members have not received a single email reply for over 8 months. This despite multiple emails sent detailing council business, pertinent to the operation of the town council.

It is essential that the mayor communicates effectively with the office and members. Confirmation is required to ascertain if the mayor has attended any committee meetings or working groups on behalf of Burnham on Crouch Town Council for at least 6 months.

The Burnham on Crouch Town Council website states:

The mayor sits on all Town Council Committees

The mayor hosts receptions and other events organised by the Town Council and acts as a civic representative at events in Burnham on Crouch and beyond.

The mayor has not attended civic functions or events in the capacity that could be expected from Burnham on Crouch Town Council. There have been no mayoral reports for 5 months. There may have been deputising for some time but is unaware of any official town council vote or approval, or of this is required, given the distinct absence from the mayor.

The Code of Conduct applies to all forms of communication and interaction: (Local Government Association Model Councillor 2020)

Face to face meetings

Online or telephone meetings

Written communication

Verbal communication

Non-verbal communication

Electronic communication and social media, by posts and statements and comments.

11th August 2023: (code 1.1, 2.1, 2.2, 2.3, 5.1, 6.1)

the mayor called a meeting with the Elections Officer at Maldon District Council to question the ability and legality of a members ability to stand as a councillor due to his mental health.

the mayor used his position to make attempts to seek clarification as to his rights to establish what medication may be being prescribed.

the mayor called a meeting with the Elections Officer at Maldon District Council to question the ability and legality of a member to stand as a councillor and sought for the Election Officer to confirm if they have a criminal record.

the mayor has absolutely no authority whatsoever to pry into the medical history of a council member.

the aforementioned are governed by GDPR and within law. To attempt to levy information from a Maldon District Council Officer may well constitute a breach of Human Rights.

There is good reason to believe that information was sought to undermine the position of a member and possible removal as a democratically elected councillor for Burnham on Crouch Town Council.

This also compromised the Election Officer at Maldon District Council, however the Election Officer promptly terminated the meeting and made clear the remit and legalities around the line of questioning from the mayor.

that the mayor did not:

- iv) Treat all persons fairly and with respect.**
- v) I do not improperly seek to confer an advantage or disadvantage on any person.**
- vi) Unlawful discrimination is where someone is treated unfairly because of a protected characteristic.**

14th November 2023: (code 4.1, 4.2, 5.1)

A member formally requested an update from the mayor surrounding the alleged allegations mentioned earlier in this report, some 4 months later. The mayor did not respond to the email requesting an update. Instead choosing to bring a private and confidential matter into the public and chose to read a statement at a full council meeting held on 14th November 2023.

The mayor did this without proper consultation and process, he proceeded to mention the very much private and confidential matter of the town council's audit and the previous police involvement, insinuating in his statement that the previous council administration had misappropriated council funds.

14th November 2023: (code 4.1,4.2,5.1)

Following the repercussion of the mayor's statement, Burnham on Crouch Town Council issued an apology to the aggrieved. The aggrieved specifically asked for the mayor to read the apology and stated that if the mayor apologised for his actions, that it was likely no further action would be taken. The mayor refused to read out the apology, prolonging grievance against Burnham Town Council. The mayor continues to refuse to apologise to the former administration.

14th November 2023: (code 1.2, 2.1, 6.1)

When referring to the approval of the draft minutes from the Office staff, the mayor stated in public that he *'hadn't picked up the minutes'*.

(Recording point 12/12/23 at 1.24 – 1.34)

When referring to the apology on behalf of the Burnham Town Council, the Mayor states he *had 'not seen a copy of the apology'*.

(Recording point 12/12/23 at 6.37)

The mayor received and read the supporting documents. He had seen the minutes and he had read the minutes.

They were sent: Tuesday, December 12, 2023, 2:35:35 PM and they were read (read receipt) on Tuesday, December 12, 2023, 3:13:09 PM.

As such it is evidence that the mayor did have prior knowledge of the minutes and the apology.

that the mayor deliberately intended to undermine the Office staff in her role at a council meeting and in public session.

that the mayor has failed in his duty as a mayor by repeatedly refusing to conduct council meetings in an orderly manner as expected.

that the mayor has not acted with integrity, honesty, or transparency.

28th November 2023: (code 4.1, 4.2, 4.3, 5.1)

Subsequently, at an EOM meeting held at Burnham Town council members voted unanimously to agree to distance the council from the mayor's statement and agreed that the mayor, did not conduct himself in the correct manner and acted alone in bringing the statement to the public. Not considering members opinion.

Subsequently, correspondence from the aggrieved indicates that they have sought advice with a view to commencing legal proceedings against Burnham Town Council for possible defamation.

3rd December 2023: (code 1.2, 6.1)

The mayor has breached private and confidential matters pertaining to council business. The mayor has discussed private and confidential matters in repeated meetings held with Maldon District Council Officers who have no connection with any of the matters discussed and should not have been privy to such information.

The mayor has repeatedly discussed private and confidential matters pertaining to council business with people outside the council who have no connection with any of the matters.

The mayor has sought, used, and referenced advice from people who have no connection with Burnham on Crouch Town Council and that the advice he obtained he used to seek influence over the Office staffs decisions with regards to a GDPR release.

August 2023: (code 2.1, 6.1, 7.1)

Under delegated authority it was agreed to purchase 'personal attack' alarms they were purchased so the staff could alert passersby, should a specific member enter the office and attack the staff.

There was absolutely no evidence for this, and this has caused the member much anguish. This appears to be a deliberate and contrived attempt to seek momentum for the removal as a democratically elected councillor. In fact, the mayor had previously entered the town council office and verbally abused and threatened the Office staff. This is considered as gaslighting and attempting to distract from his own questionable behaviour.

The Office staff and other members at one point were on their hands and knees searching the Burnham on Crouch local government building and council office for covert 'listening devices' or 'bugs', Sweeping under the desks convinced that another member could be secretly bugging the town council office. No bugs or devices were located.

WhatsApp and messages of a derogatory and demeaning video clip and an image of fellow council members, past and present. These members are female, one female is considered vulnerable through a disability. These were sent unsolicited to the Office staff. One video clip seemingly refers to a former town councillor with explicit foul language. the clip is misogynistic and falls well below the professional expectation of a town councillor, Deputy Mayor, or Mayor. It is wholly unacceptable behaviour.

The mayor abused staff in chamber last year. He allegedly got in her face and shouted using explicit foul language.

The mayor allegedly verbally abused staff in the town council offices. Calling them 'insubordinate'.

It shows a distinct pattern of concerning behaviour towards members of the council, and not least unprofessionalism, and over some time.

March 2024:

In a final attempt to lay a criminal charge against a serving member and in light of all of the above, the mayor made another formal complaint to Essex Police, reporting them for sending official email correspondence which again Essex Police made it clear that the emails do not meet the requirements for any criminal threshold.

The sharing of information with the police must be:

reasonable and in the public interest; and

made in good faith and in compliance with the reasonable requirements of the local authority.