

Weston under Wetherley Parish Council Meeting
Ordinary Parish Council Meeting to follow Annual General Meeting

Wednesday 21st May 2014

To all members of the Council

You are summoned to attend a meeting in the Village Hall on Wednesday 21st May 2014 at 7pm for the purpose of transacting the following business.

Maria Norman, Clerk to the Parish Council. Contact westonpclerk@gmail.com

AGENDA

1. Apologies: to receive apologies
2. Declarations of interest
 - a. Register of Interests: Councillors are reminded of the need to update their register of interests.
 - b. To declare any personal and pecuniary interests in items on the agenda and their nature. (Councillors with disclosable pecuniary interests must leave the room for the relevant items).
3. Minutes: To approve the minutes of the last meeting of the Council on the 9th April 2014.
4. Progress reports:
 - a) Clerk: dog fouling, Common Permit Scheme.
 - b) Cllr Haine: to receive reports on the progress of the Parliamentary Petition in opposition to HS2
 - c) Coventry Gateway project
5. Standards Committee Warwick District Council:
 - a) to receive the decisions made by the Hearing Panel in respect of the Code of Conduct complaint against Cllr Coles (see below)
 - b) to consider the recommendations made by the Hearing Panel in respect of the above findings.
6. Standards Committee Warwick District Council:
 - a) to receive the decisions made by the Hearing Panel in respect of the Code of Conduct complaints against Cllr Mobbs (see below)

b) to consider the recommendations made by the Hearing Panel in respect of the above findings.

7. Annual Parish Meeting: to finalise arrangements for the Annual Parish Meeting on the 28th May 2014
8. Finance: a) to consider and approve payments to be made as on the list attached.
b) to receive the internal audit report
9. Planning applications: to consider any planning applications that may be received
10. Business from members of the public (that has been notified to the Clerk the Thursday before the meeting).
11. Councillors' reports and items for future agenda: each Councillor is invited to use this opportunity to report minor matters of information not included elsewhere on the agenda and to raise items for future agendas. Councillors are respectfully reminded that this is not an opportunity for debate or decision making.
12. Correspondence list
13. Signing of cheques and payment list

A handwritten signature in black ink, appearing to read 'M. J. ...', is located at the bottom of the page.

Decision of the Hearing Panel 28 April 2014, 4pm – Code of Conduct Complaint – Councillor Coles (Weston-under-Wetherley Parish Council)

The Panel had received a letter in the names of Councillor Coles and Councillor Mrs Mobbs the night before the hearing. The Panel had read the contents of the letter and, after taking legal advice on the issues raised in the letter, had decided to proceed in the absence of Councillor Coles. The Panel was disappointed that Councillor Coles had chosen not to attend the hearing to make representations and answer questions from Members. However, the Panel was satisfied that Councillor Coles had been given sufficient opportunities to respond to the complaints and had had sufficient notice of the hearing.

Preliminary Matters

Councillor Coles was elected as a member of Weston under Wetherley Parish Council in May 2011 and signed a declaration of acceptance of office which included a declaration to observe the code of conduct, on 10 May 2011. That code of conduct ceased to apply on 1 July 2012 when the new standards regime came into force. On 3 October 2012 the Parish Council adopted a new code of conduct under the new standards regime. All parish councillors were required to comply with that Code of Conduct from the time of its adoption by the Council. Councillor Coles completed a Disclosable Pecuniary Interest Form on 31 October 2012. The obligations placed on parish councillors by the new code included the requirement that:

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations:

- 1. He/she shall behave in such a way that a reasonable person would regard as respectful.*
- 2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.*

Complaint details – that Councillor Coles failed to treat Mrs Maria Norman with respect and that he acted in a bullying and/or intimidatory manner towards Mrs Norman.

The Panel accepted the facts and reasoning set out in sections 6 and 7 of the investigating officer's report and their conclusions on the incidents are summarised below.

The first incident, outlined in paragraph 6.3, related to a meeting that took place in August 2012. The Panel agreed that as there was no Code of Conduct in place at the time of the incident, Councillor Coles could not have failed to comply with it.

The second incident, outlined in paragraph 6.4, related to the clarification of minutes. The Panel agreed that Councillor Coles, by failing to respond to the request for clarification and by acting in the way he did in seeking to get the draft minutes changed, failed to behave towards Mrs Norman in a way that a reasonable person would regard as respectful.

The third incident related to the series of emails, outlined in paragraph 6.6 of the report, the Panel agreed that on their own, the emails did not contain anything

offensive and did not amount to a failure to behave towards Mrs Norman in a way that a reasonable person would regard as respectful.

The fourth incident related to the request for items to be added to the agenda for 27 February 2013 meeting and the subsequent conduct of Councillor Cole. The Panel was mindful that there had been confusion regarding the timings for submission of items and the publication of the agenda due to Councillor Roberts being busy or away. The Panel agreed that, had the clerk failed to comply with the Local Government Act or the Council's Standing Orders, other legal avenues would have been available to Councillor Coles to challenge such failures.

The Panel considered the events that took place on 27 February 2013 which included the contents of the email sent shortly before the start of the Council meeting and the behaviour of Councillor Coles toward Mrs Norman at the meeting. The Panel concluded that the remarks made by Councillor Cole in the email were both disparaging of Mrs Norman and an attempt by Councillor Cole to undermine Mrs Norman and her role as the proper officer of the Council. The Panel agreed that Councillor Coles' behaviour at the meeting had been intimidatory and that he had failed to behave in a way that a reasonable person would regard as respectful.

The Panel found the events of 27 February 2013 particularly disturbing and that the behaviour of Councillor Cole taken as a whole showed not only a lack of respect for Mrs Norman but was also bullying and intimidatory. The Panel, therefore, found that Councillor Coles was in breach of his obligations as a member under the Parish Councils code of conduct.

Sanctions

The Panel considers the bullying and intimidation of officers to be particularly serious and has therefore decided to impose the following sanctions:

- (1) The findings of the Panel in respect of the member's conduct will be published in local media and the Panel also recommends that this includes the local Parish Newsletter; and
- (2) The Panel will make a formal report to the Parish Council recommending that Councillor Coles be censured for his behaviour towards the Parish Clerk, Mrs Maria Norman, unless Councillor Coles apologises to Mrs Norman for his behaviour at a public council meeting, within eight weeks from 28 April 2014.

Decision of the Hearing Panel 28 April 2014, 6pm – Code of Conduct Complaint – Councillor Mrs Mobbs (Weston-under-Wetherley Parish Council)

The Panel had received a letter in the names of Councillor Coles and Councillor Mrs Mobbs the night before the hearing. The Panel had read the contents of the letter, and after taking legal advice on the issues raised in the letter, had decided to proceed in the absence of Councillor Mrs Mobbs.

Although the Panel was aware that a hearing relating to Councillor Coles had taken place earlier in the day, the Panel did not know the outcome and did not wish to know of any decisions that may have been reached as they wished to approach this hearing with an open mind.

The Panel were disappointed that Councillor Mrs Mobbs was not in attendance at the hearing but were satisfied that every reasonable opportunity had been provided to engage her in the process.

Preliminary Matters

Councillor Mrs Mobbs had been a member of Weston-under-Wetherley Parish Council prior to 2005. She was re-elected to the parish council in May 2011 and signed a declaration of acceptance of office, which included a declaration to observe the code of conduct, on 10 May 2011. That code of conduct ceased to apply on 1 July 2012 when the new standards regime came into force. On 3 October 2012 the Parish Council adopted a new code of conduct under the new standards regime. All parish councillors were required to comply with that Code of Conduct from the time of its adoption by the Council. Councillor Mrs Mobbs completed a Disclosable Pecuniary Interests form on 30 October 2012.

The obligations placed on parish councillors by the new code included the requirement that:

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations:

- 3. He/she shall behave in such a way that a reasonable person would regard as respectful.*
- 4. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.*

Councillor Mrs Mobbs was chairman of the parish council from May 2011 until May 2012. In the absence of any chairman of the Council between May 2012 and January 2013, she chaired meetings of the parish council on a meeting by meeting basis.

Complaint details – that Councillor Mrs Mobbs failed to treat various people, including Mrs Maria Norman, Mr Stephen Evans and other Councillors with respect and that she acted in a bullying and intimidatory manner towards Mrs Norman and Mr Evans.

The material facts relating to this matter were summarised in section 6 of the Investigation Report. After hearing from the Investigating Officer the Panel accepted the facts and reasoning set out in sections 6 and 7 of the report. The Panels conclusions in respect of those matters are set out in the following paragraphs.

The Panel considered the three complaints before them which related to similar facts and agreed that all three should be considered together.

The Panel agreed that any conduct of the members of the parish council could not be considered prior to the adoption of the Code of Conduct on 3 October 2012. Therefore, any incidents relating to Councillor Mrs Mobbs in August 2012 could not be considered because there was no effective code in force to be breached.

With regard to the issues relating to the running of the Parish Council, including notice of meetings, agendas and minutes, the Panel agreed that Councillor Mrs Mobbs' behaviour, in person and in writing, was discourteous and showed a failure to behave towards Mrs Norman in such a way that a reasonable person would regard as respectful.

The Panel considered the postings made on the CPALC website in January 2013, under the username 'Severn45' and agreed that Councillor Mrs Mobbs' profile confirmed that this was her username. The Panel were mindful that although some of the 'threads' of conversation in the blog had not been initiated by Councillor Mrs Mobbs, the titles and topics of conversation had been about the workings of the Parish Council and Councillor Mrs Mobbs had given the impression that she was acting on their behalf.

The Panel agreed that many of the comments posted on the CPALC website by Councillor Mrs Mobbs were discourteous, incorrect and disrespectful towards Mrs Norman.

In addition, the Panel considered that the comments made on the website by Councillor Mrs Mobbs towards Councillor Roberts and Mr Evans were disparaging and that a reasonable person would regard this as behaviour which was not respectful.

In response to the complaint that Councillor Mrs Mobbs had tried to bully and intimidate Mrs Norman, the Panel were satisfied that there was a pattern of behaviour displayed by Councillor Mrs Mobbs towards Mrs Norman, which a reasonable person would regard as bullying and intimidatory. The Panel considered this behaviour to be of serious concern.

Therefore, the Panel found that Councillor Mrs Mobbs breached the Parish Council's Code of Conduct because

- (a) she did not behave towards Mrs Norman in such a way that a reasonable person would regard as respectful; and

(b) she did not behave towards Councillor Roberts and Mr Evans in such a way that a reasonable person would regard as respectful; and

(c) she acted in a way that a reasonable person would regard as bullying and intimidatory towards Mrs Norman.

Sanctions

The Panel decided to impose the following sanctions

- (3) The Panel will publish its findings in local media about the conduct of Councillor Mrs Mobbs' towards Mrs Norman, Councillor Roberts and Mr Evans;
- (4) The Panel will report their findings to Weston under Wetherley Parish Council; and
- (5) The Panel recommends to Weston under Wetherley Parish Council that Councillor Mrs Mobbs should be censured for her behaviour towards Mrs Norman, Councillor Roberts and Mr Evans unless she apologises for her behaviour to said individuals in a public council meeting on or before 23 June 2014; and
- (6) The Panel's report will recommend that Weston under Wetherley Parish Council review its Code of Conduct with regard to the acceptable use of Social Media.