

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:

- 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.*

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

- (1) The Panel will publish its findings in local media about the conduct of Councillor Mrs Mobbs' towards Mrs Norman, Councillor Roberts and Mr Evans;
- (2) The Panel will report their findings to Weston under Wetherley Parish Council; and
- (3) 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
- (4) 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.