

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.