

**WARWICK DISTRICT COUNCIL**  
**WESTON UNDER WETHERLEY PARISH COUNCIL**

**REPORT**

**Report of an investigation**  
**pursuant to arrangements made under section 28(6) of the Localism Act 2011**  
**by Peter Oliver (Senior Solicitor, Warwickshire County Council)**  
**appointed by the Monitoring Officer of Warwick District Council**  
**into allegations concerning Councillor Mrs Lesley Mobbs,**  
**a member of Weston under Wetherley Parish Council.**

Date: 11 December 2013

## Contents

1	Executive Summary	3
2	Councillor Mobbs' official details	3
3	Relevant legislation	4
4	The complaints	4
5	The evidence gathered	5
6	Summary of the material facts	6
7	Reasoning as to whether there have been failures to comply with the Code of Conduct	10
8	Findings	16
Appendix A	Schedule of evidence taken into account and appended to this report	17
Appendix B	List of correspondence relevant to the investigation but not appended to this report on account of it containing material of a confidential nature	18
Appendix C	List of unused materials	19

## **1. Executive Summary**

- 1.1 Three complaints have been received (from Maria Norman, Peter Haine and Stephen Evans) which allege that Councillor Mobbs failed to comply with various provisions of the Weston under Wetherley Parish Council Code of Conduct. The allegations are that she failed to treat various people, including Mrs Norman, Mr Evans and other councillors, with respect, and that she acted in a bullying or intimidatory manner towards Mrs Norman and Mr Evans. I was appointed by Andrew Jones, the Monitoring Officer to investigate these complaints.
- 1.2 I interviewed the three complainants, together with Councillor Beth Roberts and Councillor John Hammon. I sought to interview Councillor Mobbs, but was unable to arrange an interview with her. I also considered various papers relevant to the complaint.
- 1.3 I find that Councillor Mobbs failed to comply with the following requirements of the Code of Conduct:
  - 1.3.1 she did not behave towards Mrs Norman in such a way that a reasonable person would regard as respectful.
  - 1.3.2 she did not behave towards Councillor Roberts and Mr Evans in such a way that a reasonable person would regard as respectful.
  - 1.3.3 she acted in a way that a reasonable person would regard as bullying and / or intimidatory towards Mrs Norman.

## **2. Councillor Mobbs' official details**

- 2.1 As I have not interviewed Councillor Mobbs (see paragraphs 5.2 and 5.3 below), I do not have all her details. I understand that she was a member of Weston under Wetherley Parish Council before 2005 and it seems probable that she has been a member throughout the ensuing period. She was re-elected to the Parish Council in May 2011, and signed a declaration of acceptance of office (which includes a declaration to observe the code of conduct) on 10 May 2011. She completed a Disclosable Pecuniary Interests Form on 30<sup>th</sup> October 2012.
- 2.2 Councillor Mobbs was chairman of Weston under Wetherley Parish Council from May 2011 until May 2012. In the absence of a chairman of the Council between May 2012 and January 2013, she chaired meetings of the Parish Council, being appointed on a meeting-by-meeting basis.

2.3 I do not have any information on whether Councillor Mobbs has undertaken any training on the code of conduct.

### **3. Relevant legislation**

3.1 Section 27 (2) of the Localism Act 2011 requires an authority to adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. Section 28 of the Act sets out the principles with which a code must comply, and requires that it must contain provisions dealing with pecuniary and other interests. Weston under Wetherley Parish Council adopted a Code of Conduct (“the Code of Conduct”) which complied with those principles and requirements on 3rd October 2012. The Code of Conduct is based on the NALC template code of conduct for parish councils, and a copy is at document 1 in Appendix A.

3.2 The Code of Conduct contains the following provisions which are relevant to this complaint:

#### *Member Obligations*

*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.*

#### **The complaints**

4.1 Three complaints were received by the Monitoring Officer regarding the conduct of Councillor Mobbs. All three complaints relate to similar incidents or facts and it is convenient to consider all three complaints together.

4.2 The first complainant is Mrs Maria Norman, who has been the clerk to Weston under Wetherley Parish Council since 16<sup>th</sup> July 2012. Her complaint, which is set out in detail at document 2 in Appendix A, alleges that Councillor Mobbs did not behave in a respectful way towards her.

4.3 The second complaint is from Mr Peter Haine, who is a resident of Weston under Wetherley, and who was elected to the Parish Council in January 2013. He was subsequently appointed vice-chairman of the Parish Council. His complaint, which is set out at document 3 in Appendix A, alleges that Councillor Mobbs’ actions were of an intimidatory nature towards the clerk.

- 4.4 The final complaint is from Mr Stephen Evans, who is also a resident of Weston under Wetherley. He was a member of the Parish Council for more than 34 years until he did not seek re-election in 2011, and was chairman on four occasions. His complaint (document 4 in Appendix A) alleges that Councillor Mobbs did not behave in a respectful way towards him, the clerk and various other people to whom she referred in a public on-line forum. He also alleges that the Councillor Mobbs tried to bully and intimidate the clerk and him.
- 4.5 Mrs Norman and Mr Haine also allege that by her actions Councillor Mrs Mobbs brought the council and / or her office into disrepute. Although it was a requirement of the old (pre July 2012) code of conduct that a councillor should not bring the council and/or his office into disrepute, it is not a requirement of the present Code of Conduct. I shall therefore ignore those specific allegations.
- 4.6 On 10<sup>th</sup> May 2013, I was appointed by the Monitoring officer, Andrew Jones, to investigate these complaints.

## **5. The evidence gathered**

- 5.1 I interviewed and took statements from the three complainants, Maria Norman, Peter Haine and Stephen Evans. The signed statements from these three people are in Appendix A to this report (documents 5 - 7). I also interviewed and took statements from Councillor Beth Roberts (who has been a member of the Parish Council for most of the time to which these complaints relate and has been chairman of the Council since January 2013) and District Councillor John Hammon whose ward includes Weston under Wetherley and who attends most of the Parish Council meetings. Their statements are at documents 8 and 9 respectively in Appendix A.
- 5.2 I have attempted unsuccessfully to arrange to interview Councillor Mobbs. I wrote to her on 13 August, 28 August, 17 September and 1 October requesting that she provide me with some convenient dates for such an interview to be held. Councillor Mobbs replied on 12 September and 7 October without providing any dates. I wrote to Councillor Mobbs again on 11 October, advising her that as she had not provided me with any proposed dates for the interview to take place, I was proceeding with the preparation of my report. Further correspondence took place between us (Councillor

Mobbs' letters of 29<sup>th</sup> October and 16<sup>th</sup> November and mine of 4<sup>th</sup> November and 2<sup>nd</sup> December) but at no time were any dates put forward for me to interview Councillor Mobbs. This correspondence is not reproduced in the Appendix to this report, as it contains some confidential information, but will be made available to the Monitoring Officer and any Hearing Panel if required for the consideration of this report

- 5.3 It is clearly unsatisfactory that I have not been able to interview Councillor Mobbs and to hear her account of the events to which the complaints relate. However, I am mindful that whilst every opportunity must be given to a councillor to explain his or her version of events, a duty is also owed to the complainants to produce my report within a reasonable time span. There was a period of more than eight weeks between my first requesting Councillor Mobbs to propose dates for an interview and my decision to prepare my report without the benefit of interviewing her. I consider that this period of time strikes an appropriate balance between my duties to Councillor Mobbs and the complainants.
- 5.4 I issued a draft of this report to Councillor Mobbs and the three complainants on 4<sup>th</sup> November. I have not received any substantive comments from any of them on the draft. This final report contains some updating and some minor textual amendments compared with the draft, but this does not affect my findings save in respect of the matters set out in paragraphs 6.3 and 7.9 below.

## **6. Summary of the material facts**

- 6.1 Having not had the benefit of interviewing Councillor Mobbs, nor of receiving any documents or statement from her, the only evidence I have is from the complainants and two other witnesses whom they suggested I should interview. Nevertheless, there is a considerable degree of common ground between the five witnesses. Having interviewed them, I find them to be honest witnesses, and accept the version of events which they have put forward. Accordingly, the material facts as I find them are set out in the following paragraphs.
- 6.2 Weston under Wetherley Parish Council should have six members. In July 2012, as a result of resignation and death of other members, there were only three – Councillors Mobbs, Coles and Roberts. A long standing clerk had

resigned in May 2011, and three further clerks and come and gone in the ensuing fourteen months. Following an advertisement, Mrs Maria Norman applied for the post and was appointed to it in July 2012 following an interview by the three councillors. She had no previous knowledge of Weston under Wetherley or any of its councillors. Although she had a legal background, Mrs Norman had no previous experience of parish councils or clerking, and those appointing her were aware of this in making the appointment.

- 6.3 Disagreements between Councillor Mobbs and Mrs Norman became apparent almost from the start, when Councillor Mobbs was one of two councillors who put pressure on Mrs Norman to change draft minutes which she had prepared and which she (Mrs Norman) considered accurate. Councillor Mobbs also became angry that Mrs Norman had approached the County Council to seek to clarify a matter concerning one of those minutes without her permission. At this time, Councillor Mobbs had access to the clerk's email account and sent out an email in the clerk's name without Mrs Norman's knowledge or permission. This resulted in Mrs Norman changing the password for the account so that Councillor Mobbs could no longer access it.
- 6.4 Towards the end of the council meeting on 5<sup>th</sup> December 2012, Councillor Roberts resigned. This was over the failure of the council to co-opt additional members. She considered that her resignation, thereby making the council inquorate and forcing an election, was the only way of getting additional members onto the council.
- 6.5 In December, Sue Chambers, who was one of those who had applied to be co-opted onto the council and who was subsequently elected to the council in January 2013 (see paragraph 6.9 below), drew Mrs Norman's attention to the CPALC<sup>1</sup> web site, on which had been posted a number of derogatory comments about a council clerk. They had been posted under the user name "severn45". The profile on the web site for Councillor Mobbs revealed that this was her user name. Whilst it may be possible for another person to have used Councillor Mobbs identity (there appears to be no check of registration of names on the web site), I find that, in the absence of any evidence to the

---

<sup>1</sup> Communities Parish and Local Councils

contrary, this is prima facie evidence that Councillor Mobbs posted these comments.

- 6.6 The relevant postings appear as part of the complaint by Mrs Norman at document 2 of Appendix A. Under the heading of “Wayward Clerk” (a thread which appears to have been started by severn45) the postings include comments such as “We have a rookie clerk (no experience whatsoever in clerking or PCs) who is a loose cannon, doesn’t communicate with councillors, questions everything they do etc. etc.” and “.she now thinks she knows more than we do...she has avoided any phone contact since the last meeting wanting everything in writing”. In a separate thread under the heading of “Who is running your parish council” (a thread not started by severn45), severn45 commented “We had a new clerk start 5 months ago – a complete rookie who knew nothing about councils or clerking, but we thought she was eager, mature and would learn quickly. Oh how wrong. We have a situation whereby a little knowledge is a dangerous thing and she thinks what she says goes and the clerk runs the show”.
- 6.7 severn45 has also made a number of postings about other topics. In a thread which she appears to have started entitled “Inquorate Council” she writes “Since this May we have been running with 3 councillors and at our last meeting, one resigned – she threw her toys out of the pram”. In the same blog she continues “We also have lots of villagers who are intent on destroying, or taking over the parish council for their own ends. Since May last year, when one councillor of 30 years standing also threw his toys out of the pram, we have had problems, mostly led by him.....to top it all, we have an inexperienced clerk of 5 months worth of experience, who thinks she knows everything”. I find that the comment relating to a Councillor of 30 years standing refers to Mr Evans, and that the comment relating to villagers intent on taking over the Parish council refers to the Parish Plan committee, which Mr Evans chairs.
- 6.8 In a separate thread entitled “Principal Authority Appointees”, severn45 wrote “to make our council quorate, our principal authority have appointed 3 of their councillors, two district and one county. It would not appear that they will be inpartial (*sic*) when it comes to their views – they have been around a long time and know too many people in our area to make them inpartial”.

- 6.9 Following the resignation of Councillor Roberts, an election was called. To make the council quorate in the meantime so that it could continue to conduct its business, Warwick District Council (as they are empowered to do) appointed three district/county councillors to the parish council until the vacancies were filled. Five councillors were nominated for the four vacancies, but one subsequently withdrew his nomination. The other four – Beth Roberts, Peter Haine, Sue Chambers and Tracy McAllen – were therefore elected unopposed.
- 6.10 The meeting of the Parish Council originally scheduled for 9th January 2013 was cancelled and the meeting re-arranged for 24<sup>th</sup> January. This was a Thursday, although parish council meetings are normally held on a Wednesday. Because the village hall was not available on that night, Mrs Norman arranged for the meeting to be held in the church.
- 6.11 It had been the practice, when meetings were to be held on a Wednesday, for public notice of the meeting to be put on the parish notice board on the preceding Friday. For the meeting on 24<sup>th</sup> January, the public notice was put on the notice board on the preceding Sunday. Councillor Mobbs contacted the WALC<sup>2</sup> secretary (Alison Hodge) and was advised by Ms Hodge that the notice should have been placed on the Saturday. After receiving a copy of Ms Hodge's email, Mrs Norman discussed this point at length with her. Ms Hodge subsequently wrote to Councillor Mobbs retracting her original statement and saying that as a matter of law she could not say that the correct notice had not been given<sup>3</sup>. Councillor Mobbs then telephoned Mrs Norman furious that she (Mrs Norman) had challenged Councillor Mobbs' view.
- 6.12 On the day of the meeting, Councillor Mobbs telephoned Mrs Norman at 5.15 p.m. (the meeting was due to start at 7 p.m.) to say that she had just sent her an email which she wanted read out in full before the meeting began. The email (which is enclosure 3 to Mrs Norman's complaint) said that having taken independent advice, Councillor Mobbs believed that the meeting had not been properly constituted in respect of both the statutory notice periods given and the manner in which the meeting was called by Mrs Norman as clerk. The

---

<sup>2</sup> Warwickshire Association of Local Councils

<sup>3</sup> The legal requirement is for three clear days' notice to be given of the meeting (see the Local Government Act 1972 Schedule 12 Paragraph 10(2)(a)). The computation of dates is governed by s.243 of that Act.

email does not quote the source of the independent advice nor give any statutory references (apart from “the requirements of the LGA 1972”) for the basis of her view. This was also the first time that Councillor Mobbs had queried the calling of the meeting by Mrs Norman (as opposed to the period of public notice required to be given).

6.13 The meeting was the first attended by the four new elected councillors. Councillors Mobbs did not attend – her email explained that her husband (Councillor Coles) had received sad news about his father and neither of them would be at the meeting. Before the start of the meeting, Mrs Norman read out Councillor Mobbs’ email and explained that in the short time available to her, she had checked the relevant statutes and to the best of her knowledge, proper notice had been given. Following support from two district councillors present, the meeting proceeded. Councillor Beth Roberts was elected as Chairman of the Council

6.14 The next meeting of the Parish Council was on 27<sup>th</sup> February. Earlier that day, Councillor Mobbs sent a letter (enclosure 7 of Mrs Norman’s complaint) by email to all members of the Parish Council purporting to resign as Chairman of the Council. She said that this would leave the way open for Councillor Roberts to be appointed as chairman, but only on a meeting by meeting basis until the annual meeting of the council in May.

6.15 Immediately before the start of the meeting, Councillor Mobbs handed Mrs Norman a sealed envelope. It contained a copy of her letter which had been emailed earlier in the day. At the end of the meeting, Councillor Mobbs came up to Mrs Norman and said “I want that minuted”. Mrs Norman asked her what she was referring to as she had not spoken during the meeting. Councillor Mobbs indicated that she was referring to her letter.

## **7. Reasoning as to whether there have been failures to comply with the Code of Conduct.**

### **(a) Whether Councillor Mobbs was subject to the Code**

7.1 The first matter which it is necessary for me to consider is whether, at the times to which the various matters of complaint relate, Councillor Mobbs was acting, claiming to act or giving the impression of acting as a representative of Weston under Wetherley Parish Council. It is only in those circumstances that she is subject to the provisions of the Code.

- 7.2 Weston under Wetherley adopted the Code of Conduct at its meeting on 3<sup>rd</sup> October 2012. Between 1<sup>st</sup> July 2012 and that date there was no code in force to govern the conduct of the members of the Parish Council, as the previous code had been abolished on 1<sup>st</sup> July. It is therefore only from the adoption of the Code of Conduct on 3<sup>rd</sup> October that Councillor Mobbs was subject to it.
- 7.3 The matters of complaint can, in my opinion, be divided into two broad categories. The first category is those complaints which directly relate to the running of the Parish Council – those occurring at Council meetings, those which relate to the preparation of agendas, papers and minutes relating to Council meetings, those where Councillor Mobbs was communicating with the clerk about Council business or other Council matters and the instance where she attempted to stop Mr Evans proceeding with work on the Parish Plan. This covers all matters of complaint apart from those in the second category (see below), and I have no hesitation in finding that Councillor Mobbs was acting or claiming to act on behalf of the Parish Council.
- 7.4 The second category relates to the complaints about the postings on the CPALC web site under the user name of “Severn45”. According to its web site CPALC is “an independent body which promotes local democracy by aiding and supporting all whether residents, town and parish councillors or parish clerks”. It also claims to be “the leading web site for information and support for communities, parish and town councils”. Its primary function is therefore as a vehicle for the giving and sharing of information about the running and operation of parish and town councils.
- 7.5 In my opinion, the mere act of posting a message or question on this web site is not an indication of acting, claiming to act or giving the impression of acting on behalf of the parish council, particularly as the website can be used by local residents who are not councillors. Something more is required. In my view, references to “we”, “our council” and the like in the posts are indicative of a person acting (or giving the impression of acting) on behalf of the council, particularly when associated with a request for advice about how the council should act in a particular situation. On the other hand, merely responding to another person’s request for advice does not seem to me to be acting on behalf of the council.

7.6 I therefore find that in relation to the postings she made in the threads entitled “Principal Authority Appointees”, “Wayward Clerk”, and “Inquorate Council”, Councillor Mobbs was acting, claiming to act or giving the impression of acting on behalf of the parish council and therefore subject to the requirements of the Code. In respect of the postings in the thread entitled “Who is running your parish council”, I find that Councillor Mobbs was not acting, claiming to act or giving the impression of acting on behalf of the parish council and was not therefore subject to the requirements of the Code.

**(b) Whether Councillor Mobbs failed to behave in such a way that a reasonable person would regard as respectful**

7.7 The complaints under this heading are from Mrs Norman (that Councillor Mobbs failed to treat her with respect), Mr Haine (that Councillor Mobbs acted in an intimidatory manner towards Mrs Norman) and Mr Evans (that Councillor Mobbs failed to treat him, Mrs Norman and various other people named by her in her postings on the CPALC website with respect, and that she had endeavoured to bully and intimidate Mrs Norman and himself).

7.8 The requirement to treat others with respect was part of the old (pre-2012) national Code of Conduct, on which guidance was issued by the (former) Standards for England. In relation to the requirement to treat others with respect, that guidance included the following: “Individuals should not be subject to unreasonable or excessive attack. This particularly applies to dealing with the public and officers” and “Members should as far as possible treat the public courteously and with consideration. Rude and offensive behaviour lowers the public’s expectations and confidence in its elected representatives”. Whilst I recognise that this does not constitute formal guidance on the current code of conduct, I consider that it continues to provide a useful benchmark of the standards which the public should reasonably be entitled to expect from councillors. Accordingly, I shall apply these principles to the findings which I have made in section 6 of this report.

7.9 The first matters I have to consider are those set out in paragraph 6.3. I do not consider that putting pressure on the clerk to change draft minutes constitutes, of itself, failure to treat her with respect. However, I believe that a reasonable person would consider that sending out an email in the clerk’s name without her knowledge or consent shows a lack of courtesy and

consideration and therefore constitutes a failure to behave in such a way that a reasonable person would regard as respectful. Nevertheless, I do not have the date on which that happened and therefore do not know whether it was after 3<sup>rd</sup> October, which means that I cannot be certain that Councillor Mobbs was subject to the Code of Conduct at the relevant time. I therefore conclude that a failure to comply with the Code has not been established in this instance.

7.10 I turn next to the procedural aspects (detailed at paragraphs 6.11 and 6.12) of the calling of the parish council meeting on 24<sup>th</sup> January 2013. I consider that Councillor Mobbs' reaction to Mrs Norman discussing the issue with Ms Hodge (i.e. Councillor Mobbs being furious that Mrs Norman had challenged her view) failed to take account of the fact that it is part of the clerk's role to provide legal and procedural guidance to the parish council and its members in relation to the conduct of parish council business. I find that a reasonable person would regard it as discourteous to, and lacking consideration of the role of, Mrs Norman. Again, the sending of a letter challenging the legality of the calling of the meeting less than two hours before the meeting was due to commence and after the usual avenues for advice available to the clerk (e.g. WALC, NALC, or WDC) would have closed for the day showed, in my opinion, a total lack of consideration for the clerk and I believe would be similarly considered by any reasonable person. As such, I find that all these matters amount to a failure to behave towards Mrs Norman in such a way that a reasonable person would regard as respectful.

7.11 I now consider the postings made by Councillor Mobbs (under the user name 'severn45') on the CPALC website. In relation to the comments about Mrs Norman, I limit myself to the postings under the heading of "Wayward Clerk" as I have already found that in relation to the postings under the heading "Who is running your parish council", Councillor Mobbs was not subject to the Code. I consider that a reasonable person would regard the comment "loose cannon" as discourteous. Furthermore, the evidence I have shows that the comments "doesn't communicate with councillors", "questions everything they do", "she now thinks she knows more than we do", "she has avoided any phone contact since the last meeting, wanting everything in writing" are not

correct and as such I find that a reasonable person would regard this as behaviour which was not respectful.

- 7.12 The comments on the website also make reference to persons easily identifiable as Councillor Roberts (“at our last meeting one resigned”) and Mr Evans (“one councillor of 30 years standing”). The evidence I have is that all that these two persons did was to resign from the Parish Council (in the case of Councillor Roberts) or to decide not to seek re-election (in the case of Mr Evans). Both of these are perfectly lawful actions, and in my opinion cannot in any way justify the use of the phrase “threw her/his toys out of the pram” simply because the action may not have suited Councillor Mobbs. As such I find that a reasonable person would regard the making of the comments as behaviour which was not respectful.
- 7.13 In relation to Mr Evans, Councillor Mobbs also wrote “we have had problems, mostly led by him”. It is not clear to me whether or not this relates to the earlier reference to “lots of villagers who are intent on destroying, or taking over the parish council for their own ends” (which I have found relates to the Parish Plan Committee). Whilst this may show a lack of understanding of, or disregard for, the basis of local democracy on the part of Councillor Mobbs, I do not believe that a reasonable person would consider that it amounts to a failure to behave in a way which is respectful.
- 7.14 Finally in relation to the postings on this website, it is necessary for me to consider the comments under the thread “Principal Authority Appointees”. The three district/county councillors appointed to the parish council would be easily identifiable, and Councillor Mobbs alleges that they would not be impartial. At first sight, this appears to be a serious allegation. Impartiality implies that the person concerned has no connection to any of the two or more parties involved in a dispute or contest, and is therefore able to judge or officiate without showing bias or favour to any of the parties. However, that is not the role of a councillor. Councillors are political (small ‘p’) animals who come with their own beliefs and ideologies, whether or not they are members of a political party. Nor is their role (even when appointed as in this case) that of a judge or official. Analysed in this way, the comment is meaningless but cannot be said to be disrespectful.

**(c) Whether Councillor Mobbs acted in a way which a reasonable person would regard as bullying or intimidatory.**

7.15 The final matter I need to consider is the complaint by Mr Evans that Councillor Mobbs tried to bully and intimidate Mrs Norman and him, and by Mr Haine that she acted in an intimidatory way towards Mrs Norman. The prohibition on bullying was previously part of the old National Code of Conduct and bullying was defined by Standards for England as

*“offensive, intimidating, malicious, insulting or humiliating behaviour which attempts to undermine, hurt or humiliate an individual or group. It can have a damaging effect on a victim’s confidence, capability and health. Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of their colleagues, through the press or in blogs. It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying.”*

Again, I consider that whilst this guidance is no longer extant, it remains a useful benchmark and the best available definition for use in these circumstances.

7.16 This definition includes intimidating behaviour, and the provisions of the present code are therefore somewhat tautologous. As far as I am aware, intimidation was not defined by Standards for England, but a dictionary definition of intimidate<sup>4</sup> is to frighten or scare.

7.17 The evidence shows a series of actions on the part of Councillor Mobbs towards Mrs Norman, from the shouting at her for approaching the County Council to clarify a matter, the various derogatory comments about the clerk on the CPALC website to the issues relating to the calling of the January council meeting. In the words of the definition above, this was in my opinion, insulting and humiliating behaviour, which together with the making of allegations through blogs was part of a pattern of behaviour. It is my opinion, and I believe that it would be the opinion of a reasonable person, that this shows that, having become dis-satisfied with the actions of Mrs Norman, Councillor Mobbs was seeking to undermine Mrs Norman’s confidence to the point where she would follow her predecessors and resign. In my opinion, the reasonable person would regard this as bullying and / or intimidatory

---

<sup>4</sup> Collins English Dictionary

behaviour, and it therefore constitutes a failure to comply with the provisions of the Code.

7.18 I turn finally to the allegation that Councillor Mobbs sought to bully and intimidate Mr Evans. The evidence on this relates to the attempt by Councillor Mobbs to get Mr Evans to cease work on the Parish Plan, and the comments about Mr Evans on the CPALC website. The former occurred in February 2012 (more than 12 months before Mr Evans made his complaint), and I do not believe that it fulfilled any of the kinds of behaviour identified within the Standards for England definition, other than possibly a minor degree of intimidation. Whilst I have found that the comments about Mr Evans on the website were disrespectful, I do not consider that they were bullying or intimidatory. Therefore I find that no bullying or intimidation occurred (other than possibly a minor isolated incident which Mr Evans did not report for more than 12 months), and that in this respect Councillor Mobbs did not breach the Code of Conduct

## **8. Findings**

- 8.1 I find that in respect of the actions and for the reasons set out in paragraphs 7.10 and 7.11, Councillor Mobbs failed to comply with the Code of Conduct of Weston under Wetherley Parish Council in that she did not behave towards Mrs Norman in such a way that a reasonable person would regard as respectful
- 8.2 For the reasons set out in paragraph 7.12, I find that Councillor Mobbs failed to comply with the Code of Conduct of Weston under Wetherley Parish Council in that she did not behave towards Councillor Roberts and Mr Evans in such a way that a reasonable person would regard as respectful.
- 8.3 For the reasons set out in paragraph 7.17, I find that Councillor Mobbs failed to comply with the Code of Conduct of Weston under Wetherley Parish Council in that she acted in a way that a reasonable person would regard as bullying or intimidatory towards Mrs Norman.
- 8.4 There are various other matters set out in the report which I find do not amount to a failure to comply with the provisions of the Code.

Peter J R Oliver  
Senior Solicitor  
Warwickshire County Council  
11 December 2013

## **Appendix A**

### **Schedule of evidence taken into account and appended to this report**

1. Code of Conduct of Weston under Wetherley Parish Council
2. Complaint from Mrs Maria Norman dated 10<sup>th</sup> March 2013
3. Complaint from Mr Peter Haine dated 4<sup>th</sup> March 2013
4. Complaint from Mr Stephen Evans dated 13<sup>th</sup> March 2013
5. Statement of Mrs Maria Norman dated 27<sup>th</sup> July 2013
6. Statement of Mr Peter Haine dated 13<sup>th</sup> June 2013
7. Statement of Mr Stephen Evans dated 23<sup>rd</sup> July 2013
8. Statement of Councillor Elisabeth Roberts dated 7<sup>th</sup> August 2013
9. Statement of Councillor John Hammon dated 31<sup>st</sup> July 2013
10. Minutes of the meeting of Weston under Wetherley Parish Council held on 5<sup>th</sup> December 2012
11. Minutes of the meeting of Weston under Wetherley Parish Council held on 24<sup>th</sup> January 2013

## **Appendix B**

### **List of correspondence relevant to the investigation but not appended to this report on account of it containing material of a confidential nature**

[N.B. This correspondence will be made available to the Monitoring Officer and any Hearing Panel if requested by them]

1. Letter from Investigating Officer to Councillor Mobbs dated 13<sup>th</sup> May 2013
2. Letter from Investigating Officer to Councillor Mobbs dated 13<sup>th</sup> August 2013
3. Letter from Investigating Officer to Councillor Mobbs dated 28<sup>th</sup> August 2013
4. Letter from Councillor Mobbs to Investigating Officer dated 12<sup>th</sup> September 2013
5. Letter from Investigating Officer to Councillor Mobbs dated 17<sup>th</sup> September 2013
6. Letter from Investigating Officer to Councillor Mobbs dated 1<sup>st</sup> October 2013
7. Letter from Councillor Mobbs to Investigating Officer dated 7<sup>th</sup> October 2013
8. Letter from Investigating Officer to Councillor Mobbs dated 11<sup>th</sup> October 2013
9. Letter from Councillor Mobbs to Investigating Officer dated 29<sup>th</sup> October 2013
10. Letter from Investigating Officer to Councillor Mobbs dated 4<sup>th</sup> November 2013
11. Letter from Councillor Mobbs to Investigating officer dated 16<sup>th</sup> November 2013
12. Letter from Investigating Officer to Councillor Mobbs dated 2<sup>nd</sup> December 2013

## **Appendix C**

### **List of unused materials**

1. Correspondence with Monitoring Officer and witnesses relating to conduct and progress of complaint.
2. Standing Orders of Weston under Wetherley Parish Council
3. Minutes of various other meetings of Weston under Wetherley Parish Council