

WEST NORTHAMPTONSHIRE COUNCIL

DEMOCRACY AND STANDARDS SUB COMMITTEE HEARING PANEL

DECISIONS NOTICE

DECISION BY:

WEST NORTHAMPTONSHIRE COUNCIL

**DEMOCRACY AND STANDARDS SUB COMMITTEE HEARING PANEL
ON 24 MAY 2023**

Hearing Panel:

Councillor Suresh Patel (Chair)
Councillor Andrew Grant
Councillor Jonathan Harris
Councillor Andrew Kilbride
Councillor Danielle Stone

Peter Glover – Independent Person (present over telephone call)

Subject Member: Councillor Phil Bignell of West Northants Council

Officers supporting the panel:

Catherine Whitehead - Director of Legal and Democratic & Monitoring Officer - Legal Advisor
Tracy Tiff - Deputy Democratic Services Manager
Ed Bostock, Democratic Services Officer, Clerk to the Hearings Panel

Investigating Officer:

Alex Oram – External Investigator appointed by WNC

Witnesses present (for the Investigating Officer)

Councillor Rosie Humphreys, WNC

Witnesses present (for the Subject Member)

Councillor Daniel Lister, WNC
Councillor Charles Morton, WNC
Councillor Kevin Parker, WNC

Summary of the allegation

The Hearings Panel considered the complaint that had been received in relation to the conduct of Councillor Phil Bignell (the Subject Member).

On 22 November 2022, the Monitoring Officer at West Northamptonshire Council (WNC)

received a Code of Conduct complaint in which it was alleged that Councillor Phil Bignell had failed to comply with the Council's Code of Conduct. The allegations concerned Councillor Brignell's conduct during Daventry Area Planning Committee's meeting of 2 November 2022.

Following receipt of the complaint the Deputy Monitoring Officer in consultation with the Independent Person decided to refer the complaint for investigation and appointed an independent investigator through Chi Associates.

The Investigating Officer carried out an investigation and prepared a final report. The report recommended that Councillor Bignell be found to have failed to comply with West Northamptonshire Council's code of conduct in relation to three areas:

Paragraph 3.1 that Councillor Bignell did not treat the Senior Planning Officer with respect during the Planning Committee meeting of 2 November 2022

Paragraph 3.8 that Councillor Bignell conducted himself in a manner that could be regarded as bringing the Council into disrepute.

Paragraph 3.12 that Councillor Bignell used his position as a councillor improperly to confer on an advantage or disadvantage on himself or another person (e.g. the applicant).

Before reaching its decision the Panel consulted with and sought the views of the Independent Person and these were taken into account by the Hearing Panel.

Decision:

Findings as to whether or not the Subject Member failed to follow the Code of Conduct including reasons for that finding:

Paragraph 3.1: You must treat others with respect.

The Hearings Panel found that Councillor Phil Bignell had not breached paragraph 3.1 of the West Northamptonshire Code of Conduct.

The Panel members recognised that the officers had felt unfairly treated a number of those present felt he had not overstepped the line whereas others felt he had. On balance it was felt that the Chair or Solicitor would or should have intervened if the behaviour was unreasonable and the Council as a whole should ensure that officers are supported and meetings should be conducted in a way that supports effective questioning. It was recommended that training should be conducted for planning chairs on managing behaviours, training for the wider membership in assertive (rather than aggressive) questioning techniques and support should be provided to officers to enable them to raise concerns informally.

Paragraph 3.8: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute; and

Paragraph 3.12: You must not use or attempt to use your position as a councillor improperly to confer on, or secure for yourself or any other person, an advantage or

disadvantage.

The Hearings Panel found that Councillor Phil Bignell had breached paragraph 3.8 and 3.12 of the West Northamptonshire Code of Conduct in that he had predetermined the decision and in doing so had improperly used his position as a councillor to disadvantage the applicant and which could be regarded as having brought the Council into disrepute.

Sanctions applied:

- (a) Findings in respect of the Member's conduct be published;
- (b) Recommend to the Member's Group Leader that Councillor Bignell is suspended as a member of the Strategic Planning Committee and Planning Policy Committee for a period of three months from 1 June 2023.
- (c) Instruct the Monitoring Officer to arrange individual training for the Member to take place during the 3-month Committee suspension period.

A review of the Hearings Sub-Committee may be sought by the complainant or the Subject Member:

- a) Where the complainant or Member concerned consider that the Local Hearing was not conducted in accordance with the process set out in these Arrangements or the principles of natural justice;
or
- b) where significant new evidence is available which has not been considered by the Hearings Sub-Committee.

Any such request for a review should be made to the Monitoring Officer in writing (by letter or e-mail) within 20 working days from the date the decision notice was issued to the parties.

Signed

Councillor Suresh Patel, Chair
Democracy and Standards Sub-Committee Hearing Panel

Date: 24 May 2023