



WEST NORTHAMPTONSHIRE COUNCIL

Standards Hearing Sub-Committee 24th May 2023

Report Title	Report in relation to a complaint against a member of West Northants Council
Report Author	Catherine Whitehead catherine.whitehead@westnorthants.gov.uk

Contributors/Checkers/Approvers

Monitoring Officer	Catherine Whitehead	
Chief Finance Officer (S.151)	Martin Henry	
Communications	Becky Hutson	

List of Appendices

Appendix A – Hearing Bundle

1. Purpose of Report

- 1.1 The purpose of this report is present to the Hearing Sub-Committee the findings of an investigation in relation to a complaint against Councillor Phil Bignell which was referred for investigation.

2. Executive Summary

- 2.1 Under the Council's Procedure for determining Complaints against members where an investigating officer has determined that there is a case to answer, the Monitoring Officer will consult the Independent Person. In relation to this complaint they have concluded that the complaint should be referred to the hearing sub-committee for determination.
- 2.2 The Council's Constitution sets out a Procedure for Dealing with Complaints Against Members and the determination hearing is dealt with under paragraphs 8-10 of that procedure.
- 2.3 The role of the Hearing Sub-Committee is to hold a hearing which provides the opportunity for the member concerned to present their case and call any witnesses and for the Investigating Officer to present their report to the Panel. The panel will then determine, having followed the hearing procedure, whether there is a breach of the Council's Code of Conduct.
- 2.4 Where it is determined that there is a breach of the Code of Conduct the Hearing Sub-Committee is responsible for determining the remedy for the breach having heard representations.

- 2.5 The Hearing Sub-Committee is supported in its determination by the Monitoring Officer, the Independent Person and the Democratic Services team.

3 Recommendations

- 3.1 It is recommended that the Hearing Sub-Committee determines the Complaint.

3.2 Reason for Recommendations

- a) To comply with the statutory responsibilities of the Council to follow its procedures for the determination of complaints against its members.

4 Report Background

- 4.1 A complaint was received in relation to the conduct of Councillor Phil Bignell. The complaint was considered by the Monitoring Officer and Independent Person and determined that it should be referred for investigation. Given the seriousness of the allegations the complaint was referred to an independent investigator with expertise in the investigation of complaints. Alex Oram from Chi Associates was appointed as the independent investigator and his report is attached as part of the hearing bundle.
- 4.2 The investigating officer conducted his investigation and determined that there was evidence of a breach of the Code of Conduct for Members. His recommendation is that Councillor Bignell be found to have failed to comply with paragraph 3.1 of the Code, on the basis that he did not treat the Senior Planning Officer with respect during the Planning Committee meeting of 2 November 2022 and that Councillor Bignell involved himself as a Committee member in both the discussion and decision to reject the planning application despite having predetermined his position on it.
- 4.3 The investigating officer therefore recommends that Councillor Bignell be found to have failed to comply with paragraphs 3.7 and 3.11 of the Code, on the basis that he used his position improperly to disadvantage the applicant and brought his office and authority into disrepute by undermining the integrity of the Council's planning service.

4 Issues and Choices

- 5.1 The Standards Hearing Sub-Committee is asked to consider the complaint and if appropriate consider any remedy in relation to the allegation.

5 Implications (including financial implications)

5.12 Resources and Financial

- 6.1.1 There are no specific financial implications arising from this report.

6.2 Legal

- 6.2.1 There is a legal requirement to conduct the hearing in accordance with the principles of a fair hearing and in accordance with Article 6 of the Human Rights Act.

6.3 Risk

6.2.1 There are no significant risks arising from this report.

6.4 Consultation

6.4.1 Consultation is undertaken with an appointed independent person who is not a member or officer of the Council who considers the steps and process take in relation the determination of complaints.

6.4.2 Consideration by Overview and Scrutiny

6.4.3 Not applicable to this report.

6.5 Climate Impact

6.5.1 There is no climate impact to consider in relation to the recommendation. Papers for the hearing are produced in accordance with statutory requirements and electronic means are used where possible.

6.6 Community Impact

There is a public interest in holding members of the council to account for their conduct.

7 Background Papers

None