



**West  
Northamptonshire  
Council**

**Democracy and Standards Hearing Sub-Committee (Hearing Panel)**

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**West  
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## **Democracy and Standards Hearing Sub-Committee**

### **Procedure**

- 1 The meeting of the Democracy and Standards Hearing Panel**
- 1.1 The Chair introduces the Hearings Panel Members, all Officers specifying their roles at the meeting, the Investigating Officer, the subject Member, and any witnesses
- 1.2 The Monitoring Officer will summarise the process for the meeting and clarify that agendas for meetings of the Hearings-Panel shall be published and shall be held in public unless:
  - This would involve disclosure of exempt information as defined by Schedule 12A, Local Government Act, 1972; and
  - In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 1.3 The Monitoring Officer will advise who will speak and when during the meeting and will clarify the role of the subject Member's representative, if any. The Chair and subject Member may ask for advice at any stage from the Monitoring Officer.
- 1.4 The Investigating Officer will introduce their report and outline the facts of the case. The Hearings Panel can ask questions of the Investigating officer. The subject Member can ask questions also.
- 1.5 The Investigating Officer is provided with the opportunity to sum up.
- 1.6 The Chair will give ask the subject Member to make a submission to the Hearings Panel and call any witnesses they have.
- 1.7 The Investigating Officer may ask questions of the subject Member. The Hearings Panel can ask questions also of the subject Member.
- 1.8 The subject Member is provided with the opportunity to sum up.
- 1.9 The Hearings Panel will adjourn so that the Hearings Panel can consider all facts of the case. Once the Hearings Panel has been concluded, the Hearings Panel will

retire to consider its decision. It may call on the Monitoring Officer to provide advice and guidance.

- 1.10 The Hearings Panel will then return and announce its findings on whether there has been a breach of the Code, with reasons. If it is found that there is a breach to the Code of Conduct the Chair will invite representations.
- 1.11 Following the announcement of the Hearings Panel's findings the Investigating Officer is provided with an opportunity to speak on sanctions if they so wish.
- 1.12 The subject Member is provided with the opportunity to present mitigation in relation to the breach.
- 1.13 The Hearings Panel will then consider what, if any, sanction it wishes to impose. It shall retire whilst it considers this. It will then announce its decision and give reasons.
- 1.14 If the Member wishes to make representations to the Hearings Panel and/or consult with an Independent Person the Hearing will adjourn, normally for one week, and reconvene to hear any representation or statement from the Member before either confirming or amending their decision. If the Member does not wish to make representations to the Panel, or consult with an Independent Person, the decision of the Panel will stand as announced.
- 1.15 Following the meeting of the Hearings Panel, the Monitoring Officer shall draft a record of the decision for approval by the Hearings Panel. Once the record of decision has been settled, a copy shall be sent to each of the parties.

## 8.2 Members' Code of Conduct

### PART 1: THE CODE

#### SECTION 1: INTRODUCTION

The Members' Code of Conduct is intended to promote high standards of behaviour amongst councillors of West Northamptonshire Council.

The Code is underpinned by the following seven Nolan principles of public life, which should be adhered to when interpreting the meaning of the Code. councillors should behave with:

1. **Selflessness** – and act solely in terms of the public interest. They should not act in order to gain financial or other benefits for themselves, their family or their friends.
2. **Integrity** – and should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
3. **Objectivity** – in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits; choices should be made on merit.
4. **Accountability** – and are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
5. **Openness** – and should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
6. **Honesty** – and declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
7. **Leadership** – and should promote and support these principles by leadership and example.

#### SECTION 2: GENERAL PROVISIONS

##### 1. Introduction and Interpretation

1.1 This Code applies to all councillors and co-opted members of West Northamptonshire Council. It is your responsibility to comply with the provisions of this Code.

1.2 In this Code:

- (a) "the Council" refers to West Northamptonshire Council.

(b) “Councillor” means any person being a Member of West Northamptonshire Council.

(c) “Meeting” means any meeting of:

- (i) the Council
- (ii) the Cabinet
- (iii) any of the Council’s or the Cabinet’s committees, sub-committees, joint committees, joint sub-committees, or area committees
- (iv) any of the Council’s advisory groups and executive boards, working parties and panels.

## **2. Scope**

2.1 This Code applies to you whenever you are acting in the capacity as a Member of the Council: not only when attending meetings. For example, it will also include Members’ dealings with officers, Members’ dealings with the public, when Members represent the Council on outside bodies, any statements made by a Member on behalf of the Council, etc.

## **3. General Obligations**

3.1 You must treat others with respect.

3.2 You must not do anything which may cause the Council to fall foul of UK equalities legislation.

3.3 You must not bully or intimidate any person or do anything which compromises the independence of those who work for the Council.

3.4 For the purposes of this paragraph, bullying is defined as: “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Examples of bullying include:

(a) spreading malicious rumours, or insulting someone by word or behaviour.

(b) copying communications that are critical about someone to others who do not need to know.

(c) ridiculing or demeaning someone – picking on them or setting them up to fail.

(d) exclusion or victimization.

(e) unfair treatment.

- (f) overbearing supervision or other misuse of power or position.
  - (g) unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected.
  - (h) making threats or comments about job security without foundation.
  - (i) deliberately undermining a competent worker by overloading and constant criticism.
  - (j) preventing individuals progressing by intentionally blocking promotion or training opportunities.
- 3.5 You must not intimidate or attempt to intimidate any person who is or may be:
- (a) a complainant;
  - (b) a witness; or
  - (c) involved in the administration of this Code.
- 3.6 You must not make trivial or malicious allegations against others.
- 3.7 You must not do anything which compromises or may compromise the impartiality of those who work for, or on behalf of, the Council.
- 3.8 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
- 3.9 You must not accept any gifts or hospitality that could be seen by the public as likely to influence your judgement in relation to any matter that you deal with in your official capacity.
- 3.10 You must not pass on information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless:
- (a) you have the consent of a person authorised to give it
  - (b) you are required by law to do so
  - (c) the disclosure is made to a third party for the purpose of obtaining professional advice, provided that they agree not to pass on the information to any other person; or
  - (d) the disclosure is:

- (i) reasonable and in the public interest; and
  - (ii) made in good faith and in compliance with the reasonable requirements of the Council.
- 3.11 You must not prevent another person from gaining access to information to which that person is entitled by law.
- 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.
- 3.13 You must, when using, or authorising the use by others of, the resources of the Council:
  - (a) act in accordance with the Council's reasonable requirements
  - (b) ensure that such resources are not used improperly for political purposes (including party political purposes).
- 3.14 You must have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.
- 3.15 You must comply with any formal standards investigation into your conduct or the conduct of another councillor.
- 3.16 You must, when reaching decisions on any matter, have regard to any relevant advice provided to you by:
  - (a) the Council's Chief Finance Officer; or
  - (b) the Council's Monitoring Officer
- 3.17 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

## **SECTION 3: INTERESTS**

### **1. Registration of Interests**

- 1.1 Within 28 days of this Code being adopted by your Council or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Appendix A (Disclosable Pecuniary Interests) and Appendix B (Other Registerable Interests).
- 1.2 You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Appendix A or B, or of any change to a

registered interest, notify the Monitoring Officer.

- 1.3 The register of interests of all councillors is a public record and must be available online for members of the public to view.
- 1.4 Under the provisions of the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, you must give the Monitoring Officer written notice of any pecuniary or other interests (and any changes), which apply to you or where it is an interest of your spouse or partner (a person with whom you are living as a husband and wife; or a person with whom you are living with as if you are civil partners) within 28 days of:
  - (a) election or appointment to office (if that is later);
  - (b) any change to the interests;
  - (c) disclosing an interest at a meeting (where not otherwise entered on the register);
  - (d) becoming aware of the interest when solely discharging a function of the authority as a member of the council's Cabinet.
- 1.5 It is a prosecutable offence to fail to notify the Monitoring Officer of your interests or knowingly/recklessly provide false or misleading information.

## **2. Disclosable Pecuniary Interests**

- 2.1 Where a matter arises at a meeting in which you have an interest in Appendix A, you must declare the interest (unless it is sensitive - see section 5 below), not participate, or participate further, in any discussion or vote further on the matter and must not remain in the room unless granted a dispensation.

## **3. Other registerable interests**

- 3.1 Where a matter arises at a meeting in which you have an interest in Appendix B, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation.

## **4. Non-registerable interests**

- 4.1 Where a matter arises at a meeting which relates to your own financial interest (and is not a Disclosable Pecuniary Interest) or your own wellbeing or is otherwise to your advantage or relates to a financial interest or wellbeing or is otherwise to the advantage of a relative, friend or close associate, you must disclose the interest and not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.
- 4.2 Where a matter arises at a meeting which affects your own financial interest or a financial interest of a relative, friend, close associate or body covered by Appendix B



you must disclose the interest;

- 4.3 Where the matter referred to in paragraph 4.2 affects the financial interest to a greater extent than if affects the financial interests of the majority of inhabitants of the area affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you must not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

## **5. Sensitive Interests**

- 5.1 Where you consider (and the Council’s Monitoring Officer agrees) that the nature of a Disclosable Pecuniary Interest, or other interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a “sensitive interest” for the purposes of the Code. The details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed.
- 5.2 In granting any dispensation, the overriding concern should be the safety and welfare of the councillor and their family. If the Monitoring Officer is satisfied that there is a genuine and well-founded threat of violence or intimidation to the councillor if their details were published by the Council, then such details should not be published. Receiving criticism or complaint may not amount to such and may be seen as simply part of the expected role of an elected politician. The Monitoring Officer will usually ask for evidence to substantiate the threat to hold on record.
- 5.3 It should be noted that, even if a dispensation is granted, the Register shall still show the existence of an interest with an explanatory note saying that the details have been withheld under these provisions.

## **6. Single Member Action**

- 6.1 If you are empowered to discharge functions of the Council acting alone (for example, as a member of the Cabinet), and:
  - (a) have and are aware that you have a Disclosable Pecuniary Interest in any matter to be dealt with by you in that role, you must not take any action, or further action on the matter (except for the purposes of enabling the matter to be dealt with by other means);
  - (b) have and are aware that you have an interest in any matter dealt with by you in that role, which relates to an interest in Appendix B (‘Other Registerable Interest’), you must not take any action, or further action, on the matter (except for the purposes of enabling the matter to be dealt with by other means);

- (c) the matter to be dealt with by you in that role relates to your own financial interest (and is not a Disclosable Pecuniary Interest) or your own wellbeing or is otherwise to your advantage or relates to a financial interest or wellbeing or is otherwise to the advantage of a relative, friend or close associate, you must not take any action or further action on the matter (except for the purposes of enabling the matter to be dealt with by other means) and you must notify the Monitoring Officer;
- (d) the matter to be dealt with by you in that role affects your own financial interest or a financial interest of a relative, friend close associate or body covered by Appendix B, you must notify the Monitoring Officer before taking any action or further action, and if the Monitoring Officer determines that the matter affects the financial interest to a greater extent than it affects the financial interests of the majority of inhabitants of the area affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you must not take any action or further action.

**APPENDIX A – DISCLOSABLE PECUNIARY INTERESTS**

- 1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.
- 2. You have a Disclosable Pecuniary Interest if it is of a description specified in regulations made by the Secretary of State and either:
  - 2.1 it is an interest of yours, or
  - 2.2 it is an interest of:
    - (a) your spouse or civil partner
    - (b) a person with whom you are living as husband and wife, or
    - (c) a person with whom you are living as if you were civil partners; and
    - (d) you are aware that that other person has the interest.
- 3. Disclosable Pecuniary Interests are:

<b>INTEREST</b>	<b>DESCRIPTION</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on by you for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses.

INTEREST	DESCRIPTION
	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract which is made between you (or a body in which you have a beneficial interest) and the Council  (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land</b>	Any beneficial interest in land which is within the area of the Council.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
<b>Corporate tenancies</b>	Any tenancy where (to your knowledge)  (a) the landlord is the Council; and (b) the tenant is a body in which you have a beneficial interest.
<b>Securities</b>	Any beneficial interest in securities of a body where:  (a) that body (to your knowledge) has a place of business or land in the area of the Council; and (b) either  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) where the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;*

*“director” includes a member of the committee of management of a registered society within the meaning given by section 1(1) of the co-operative and community benefit Societies Act 2014, other than a society registered as a credit union.*

*“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;*

*“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act*

*2000 and other securities of any description, other than money deposited with a building society.*

## **APPENDIX B - OTHER REGISTERABLE INTERESTS**

1. Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Council;
2. Any body-
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management;
3. Any gifts or hospitality worth more than an estimated value of £10 which you have received by virtue of your office, or a series of gifts or hospitality, from the same source within any 12-month period which together are worth more than an estimated value of £10.

## **PART 2: GIFTS AND HOSPITALITY OFFERED TO COUNCILLORS**

### **1. General Principles**

- 1.1 Councillors should treat with caution any offer of a gift, favour or hospitality that is made to them. Whilst the person or organisation making the offer may be doing so entirely without expectation of gain, the public may see it differently if that person or organisation is doing business, or seeking to do business with the Council. Councillors should ask themselves “Would I have been given this if I was not on the Council?”
- 1.2 It is essential that any suggestion of improper influence should be avoided. When receiving offers of gifts and hospitality, councillors should be particularly sensitive as to their timing in relation to decisions which the Council may be taking. For example, hospitality must not be accepted knowingly from interested parties during the tendering period of a contract, or whilst an application for planning permission or some other kind of permission/decision is being considered by the Council.
- 1.3 Councillors may come into contact with individuals seeking to enhance the prospects of their business. Sometimes suppliers (or potential suppliers/tenderers for services) make approaches to councillors with a view to demonstrating a particular product or service. In order to avoid suspicion of unhealthy influence, councillors should ensure

that such offers are advised to appropriate officers.

- 1.4 As with all other aspects of this Code, councillors should be confident that whatever they do should be seen to be an example to the community of proper conduct and behaviour.

## **2. Registering Gifts and Hospitality**

- 2.1 This Code of Conduct sets out the requirement for councillors to register the receipt of any gift or hospitality worth £10 or over that they receive in connection with their official duties as a councillor. If in doubt as to the value, the councillor should register the offer anyway. An accumulation of gifts from the same source over a short period that adds up to £10 or more should also be registered. The Member must register the gift or hospitality and its source by completing a written declaration within 28 days of receiving it.
- 2.2 The Council will maintain a register of gifts and hospitality received by councillors where the value is £10 or more in value. The register is maintained by Democratic Services on behalf of the Monitoring Officer. Members should immediately notify Democratic Services of any such gifts or hospitality received and enter the relevant details in the register. The register will be made available to the public via the Council's website. It will be updated at least quarterly.
- 2.3 Councillors do not need to register gifts and hospitality that are not related to their role as a councillor.

## **8.3 Member Complaints Procedure**

### **1. Context**

- 1.1 These "Arrangements" set out how you may make a complaint that a Member of this Council has failed to comply with the Council's Members' Code of Conduct, or in the case of a Parish or Town Councillor, that Parish or Town Council's Code of Conduct, and sets out how the Council will deal with it.
- 1.2 These Arrangements include the appointment of at least two Independent Persons, whose views must be sought by the Council before it takes a decision on an allegation which it has decided warrants investigation, and whose views can be sought by the Council at any other stage, or by a Member against whom an allegation has been made.

### **2. The Code of Conduct**

- 2.1 The Council has adopted a Code of Conduct for Members, which is set out elsewhere within the constitution.

### **3. Making a complaint**

3.1 If you wish to make a complaint, please write to:

The Monitoring Officer  
West Northamptonshire Council  
One Angel Square  
Angel Street  
Northampton  
NN1 1ED

or e-mail the Monitoring Officer at: [monitoringofficer@westnorthants.gov.uk](mailto:monitoringofficer@westnorthants.gov.uk).

3.2 The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the process in respect of complaints of alleged Member misconduct.

3.3 In order to ensure that we have all the information which we need to be able to process your complaint, please use the complaint form, which is available on request or can be downloaded from the Council's website, next to the Code of Conduct.

3.4 You are required to provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the Member against whom you make the complaint, without your prior consent. The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

3.5 The Monitoring Officer will acknowledge receipt of your complaint as soon as possible after receiving it and will keep you informed of the progress of your complaint.

### **4. Initial Assessment of Complaints Received**

4.1 The Monitoring Officer will review all complaints received by the Council and may consult with at least one of the Independent Persons (see section 13 below) at this stage. In assessing the complaint, the Monitoring Officer will apply the following 'public interest' test:

'CAN' we investigate your complaint?

(a) Is the person you are complaining about a councillor?

(b) Did the conduct occur within the last six months?

- (c) Is the conduct something that is covered by the code?
- 4.2 If a complaint has been made but does not fall within the scope or intent of these arrangements, the Monitoring Officer may still decide to take informal action in order to resolve the matter.
- 4.3 If the Monitoring Officer determines the complaint can be investigated, the following test will be applied:  
  
'SHOULD' we investigate your complaint?
  - (a) Is there evidence which supports the complaint?
  - (b) Is the conduct something which it is possible to investigate?
  - (c) Would an investigation be proportionate and in the public interest?
- 4.4 If the Monitoring Officer determines the complaint should be investigated, they will then decide whether the complaint:
  - (a) warrants investigation or,
  - (b) may be suitable for alternative resolution without investigation,
- 4.5 For the complaint to be admissible it must be in a legible format and relate to an existing Member of the Council.
- 4.6 In determining whether or not the complaint should be referred for investigation or to seek alternative resolution the Monitoring Officer and Independent Persons will have regard to a range of factors including the following:
  - (a) Whether there is sufficient information upon which to base a decision;
  - (b) How serious is the alleged complaint;
  - (c) Is the complaint politically motivated, vexatious or tit for tat;
  - (d) Did the action complained about occur recently or not;
  - (e) Do the allegations relate to actions occurring whilst the Member was acting in their official capacity or do they relate to their private life;
  - (f) Whether the matter is considered suitable for alternative resolution and whether either the Member concerned or the complainant is not prepared to accept this as a solution.
- 4.7 The initial assessment of the complaint will be held as soon as possible after receipt of your complaint and you will be informed, in writing, of the outcome by the

Monitoring Officer. You will be informed on progress throughout the process.

- 4.8 Unless exceptional circumstances exist that indicate otherwise, the Monitoring Officer will inform the Member concerned of the receipt and nature of the complaint and invite their comments.
- 4.9 Where the Monitoring Officer requires additional information in order to come to a decision, they may come back to you for such information, and may request information from the Member against whom your complaint is directed.
- 4.10 If, during the assessment of the initial complaint, it becomes clear that either the Monitoring Officer or the Independent Person have a conflict of interest in relation to the complaint, they will not play any further role in the assessment of the complaint. In order that the complaint can be assessed, steps will be taken to appoint a Monitoring Officer (or suitably qualified person) or an Independent Person from another authority to assess the complaint and take any further steps required under this procedure.

## **5. Alternative Resolution**

- 5.1 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. The Monitoring Officer must consult with an Independent Person about this course of action. Such informal resolution may involve the Member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the Council. Where the Member or the Council makes a reasonable offer of informal resolution, but you are not willing to accept that offer, the Monitoring Officer (and Independent Person) will take account of this in deciding whether the complaint warrants a formal investigation.
- 5.2 If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call-in the Police and other regulatory agencies.

## **6. If the Complaint is referred for Investigation how is the investigation conducted?**

- 6.1 If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another Council or an external investigator. The Monitoring Officer will agree an investigation plan with the Investigating Officer. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint. If so, then you can explain your understanding of events and suggest what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview. The Monitoring Officer will consult with an Independent Person about the need for a formal investigation.



- 6.2 The Investigating Officer would normally write to the Member against whom you have complained and provide them with a copy of your complaint. The Member would be asked to provide their explanation of events. The Investigating Officer will identify what documents they need to see and who they need to interview. In exceptional cases, where it is appropriate to keep your identity confidential, or disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.
- 6.3 At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires further consideration.
- 6.4 Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send it to the Monitoring Officer.

**7. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

- 7.1 The Monitoring Officer will, in consultation with the Independent Persons, review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned, notifying you that no further action is required.

**8. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

- 8.1 The Monitoring Officer will, in consultation with an Independent Person, review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Sub-Committee made up of councillors from the Council's Democracy and Standards Committee or seek an alternative resolution.

**8.2 Local Resolution**

The Monitoring Officer and Independent Person may consider that the matter can be resolved without the need for a hearing. Such resolution may include the Member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Democracy and Standards Committee for information, but will take no further action.

**8.3 Local Hearing**

If the Monitoring Officer and Independent Person consider that local resolution is not appropriate or it isn't possible to achieve, the Monitoring Officer will report the Investigating Officer's report to the Hearings Sub-Committee, which will conduct a local hearing in private to decide whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

In summary, the Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give their response to the Investigating Officer's report. This is in order to identify what is likely to be agreed and what is likely to be contentious at the hearing. The Chair of the Hearings Sub-Committee may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Sub-Committee.

The Member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Sub-Committee as to why they consider that they did not fail to comply with the Code of Conduct.

The Hearings Sub-Committee, with the benefit of any advice from an Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct and so dismiss the complaint. Alternatively, if the Hearings sub-committee finds that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Hearings Sub-Committee will then consider what action, if any, the Hearings Sub-Committee should take as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Hearings Sub-Committee will give the Member an opportunity to make representations to the Panel and will consult an Independent Person.

If the Member wishes to make representations to the Panel and/or consult with an Independent Person the Hearing will adjourn, normally for one week, and reconvene to hear any representation or statement from the Member before either confirming or amending their decision. If the Member does not wish to make representations to the Panel, or consult with an Independent Person, the decision of the Panel will stand as announced.

## **9. What action can the Hearings Sub-Committee take where a Member has failed to comply with the Code of Conduct?**

9.1 The Council has delegated to the Hearings Sub-Committee such of its powers to take action in respect of individual members (including town and parish council members) as may be necessary to promote and maintain high standards of conduct.

9.2 If, following an investigation and hearing, it is established that a member has failed

to comply with their council's Member Code of Conduct, one or more of the following sanctions may be applied:

- (a) Publish findings in respect of the member's conduct;
- (b) Report findings to the relevant council for information;
- (c) Recommend to the relevant council that the member be issued with a formal censure or be reprimanded;
- (d) Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to the relevant Council or committees) that they be removed from any or all committees or sub-committees of the council;
- (e) Where Executive arrangements exist, recommend to the Executive Leader that the member be removed from Cabinet, or removed from particular portfolio responsibilities;
- (f) Instruct the Monitoring Officer to arrange or recommend training for the member;
- (g) Instruct the Monitoring Officer to mediate between the complainant and the Member;
- (h) Remove or recommend the removal of the member from any outside appointments to which they have been appointed or nominated by their council where the complaint relates to that appointment and for a specified period of time;
- (i) Withdraw or recommend withdrawal of facilities provided to the member by their council, such as a computer, website and/or email and internet access, which may have been abused or improperly used;
- (j) Exclude or recommend the exclusion of the member from their council's offices or other premises, with the exception of meeting rooms as necessary for attending full Council, committee and sub-committee meetings.
- (k) Recommend that the member concerned makes a formal written or oral apology to the full Council.

9.3 There are no powers that allow the Council to suspend or disqualify a Member or to withdraw Members' basic allowances. However, removing a Member from the Cabinet or other Committee may lead to a loss of a Special Responsibility Allowance that position was entitled to for the period of the suspension.

## **10. What happens at the end of the hearing?**

- 10.1 At the end of the hearing, the Chair will state the decision of the Hearings Sub-Committee as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Hearings Sub-Committee resolves to take.
- 10.2 As soon as reasonably practicable thereafter and subject to any adjournment as set out in 8.3 above, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Sub-Committee and send a copy to you and to the Member. The decision notice will be made available for public inspection after 20 working days have elapsed from the date the decision notice was issued (provided there has not been a request for a review under paragraph 11 of these Arrangements) and the decision reported to the next convenient meetings of the Democracy and Standards Committee and of the Council.

## **11. Appeals and Reviews**

- 11.1 There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer.
- 11.2 However, a review of the decision of the Hearings Sub-Committee may be sought by you or the Member concerned in the following circumstances:
- (a) where you or the 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 (see below); or
  - (b) where significant new evidence is available which has not been considered by the Hearings Sub-Committee.
- 11.3 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 and:
- (a) if made pursuant to paragraph 11.2a above, must set out specifically how it is considered the Local Hearing was not conducted in accordance with the process set out in these Arrangements or the principles of natural justice; or
  - (b) if made pursuant to paragraph 11.2b above, must include copies of the new evidence or explain what the evidence is.
- 11.4 The Monitoring Officer may reject the request for a review if after consultation with an Independent Person they conclude that substantive reasons have not been provided to support the request or the further evidence provided is insufficient to support a request for a review. Simply expressing disagreement with the Hearings Sub-Committee's decision or repeating the original complaint will result in the request for review being rejected. If the request for review is rejected, you and the Member will be advised in writing of the reasons for rejection.

- 11.5 If a request for a review is received (provided it is not rejected), the Monitoring Officer will notify the complainant and Member concerned and convene a meeting of the Review Panel.
- 11.6 The Review Panel will review the Hearings Sub-Committee's decision in private. The Review Panel will have the documentation considered by the Hearings Sub-Committee and the decision notice of the Hearings Sub-Committee before it. It will not conduct a re-hearing. It will only consider the request for the review, (including any new evidence presented with the request for review) together with the complainant or subject Member's response to the request for the review and response to any new evidence. The Review Panel will also have the discretion to re-hear any of the original evidence if it considers this necessary
- 11.7 The Review Panel will either:
- (a) confirm the original decision of the Hearings Sub-Committee; or
  - (b) disagree with the original decision of the Hearings Sub-Committee and substitute its own decision (which may only be a decision that was open to the Hearings Sub-Committee).
- 11.8 At the end of the review, the Chair of the Review Panel will explain the Review Panel's reasons for its decision. Within 5 working days of the decision of the Review Panel, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Review Panel and send a copy to you and to the Member. The decision notice will be made available for public inspection and will be reported to the next convenient meeting of the Democracy and the Council.
- 11.9 Unless in the opinion of the Monitoring Officer in consultation with an Independent Person exceptional circumstances exist, the Review Panel must make a decision within two calendar months of the receipt of the request for a review.
- 11.10 There is no right of appeal of the decision of the Review Panel which is final.
- 11.11 If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman or take your own legal advice as to options that might be open to you.

## **12. What is the Hearings Sub-Committee?**

- 12.1 The Hearings Sub-Committee is a sub-committee of the Council's Democracy and Standards Committee. It will comprise three members of the Democracy and Standards Committee.
- 12.2 Independent Persons are invited to attend all meetings of the Hearings Sub-Committee and their views are sought and taken into consideration before the

Hearings Sub-Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

### **13. What is the Review Panel?**

13.1 The Review Panel is a sub-committee of the Council's Democracy and Standards Committee. It will comprise three members of the Democracy and Standards Committee who did not sit on the Hearings Sub-Committee, have not previously been involved in the matter concerned and who do not otherwise have any conflict of interest.

13.2 Independent Persons are invited to attend all meetings of the Review Panel and their views are sought and taken into consideration before the Review Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

### **14. Who are the Independent Persons?**

14.1 The Council has five Independent Persons.

14.2 A person cannot be "independent" if they:

- (a) are, or have been within the past five years, a Member, co-opted Member or officer of the Council or of a parish council within the Council's area; or
- (b) are a relative or close friend of a person involved in making or determining the complaint. For this purpose, "relative" means:
  - (i) the other person's spouse or civil partner;
  - (ii) living with the other person as husband and wife or as if they were civil partners;
  - (iii) a grandparent of the other person;
  - (iv) a lineal descendant of a grandparent of the other person;
  - (v) a parent, sibling or child of a person within paragraphs (i) or (ii);
  - (vi) the spouse or civil partner of a person within paragraph (iii), (iv) or (v); or
  - (vii) living with a person within paragraph (iii), (iv) or (v) as husband and wife or as if they were civil partners.

### **15. Being accompanied at a Local Hearing or Review Panel meeting**

15.1 Both the complainant and the Member complained about may choose to bring another person with them to the Local Hearing and any Review Panel meeting (if one takes place) to support (but not represent) them. It shall be a matter for the Chair of the Hearings Sub-Committee and the Chair of the Review Panel to issue directions as to the manner in which a supporting person may participate in the Local Hearing/Review Panel meeting, to ensure there is a balance between a party's need to be supported and the need for the Hearings Sub-Committee and/Review Panel to conduct its business fairly and efficiently.

## **16. Principles of Natural Justice**

16.1 For the avoidance of doubt, it is expressly stated that the procedures in these Arrangements must be conducted in accordance with the principles of natural justice. In summary, this means that each party has the right to a fair hearing, the right to make their case to an impartial person/group of people, and that the decision makers in this process act without bias or apparent bias, act impartially and do not create any procedural irregularities.

## **17. Service**

17.1 Where it is necessary for any documentation to be sent to a member against whom an allegation of breach of the Code has been made, those documents may be sent by recorded delivery post to that member's usual address and/or by e-mail to the e-mail address notified to the Council. Any documents sent by such a method are deemed to be served for the purpose of these arrangements.

## **18. Revision of these arrangements**

18.1 The Council may by resolution agree to amend these arrangements and has delegated to the Chair of the Hearings Sub-Committee (and the Chair of the Review Panel in cases where there is a review), the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## Form in relation to the Code of Conduct Hearing

On behalf of the Investigator.

Member Concerned	Councillor Phil Bignell
Date of Hearing	24 May 2023
Relevant Paragraphs to the alleged brief	<p>Paragraph 3.1 of the Code on the basis that the subject member did not treat the Senior Planning Officer with respect during the Planning Committee meeting of 2 November 2022.</p> <p>Paragraphs 3.7 and 3.11 of the Code, on the basis that the subject member 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.</p>
Witnesses to be called:	Cllr Rosie Humphreys
Attendance: (it would be helpful to know if attendance of witnesses will be on line or in person)	In person
Points Agreed:	The case of the Investigating Officer is detailed in the Investigation Report which has been shared with the subject member.
Points in Dispute:	<p>(the purpose of including the points in dispute is to narrow down the issues that the hearing needs to consider – it is helpful to agree as many matters as possible so that the time in the hearing can focus on the key matters of dispute with particular reference to the identified paragraphs in the code of conduct)</p> <p>As above</p>
Documents/Evidence in support	<ol style="list-style-type: none"><li>1. Complaint against Councillor Bignell</li><li>2. Email from Councillor Humphrey's</li><li>3. Councillor Bignell's initial response to the complaint</li><li>4. Initial statements received from officers present.</li><li>5. Councillor Bignell's interview note</li><li>6. Councillor Parker's interview note</li><li>7. Councillor Morton's interview note</li><li>8. Councillor Humphrey's interview note</li></ol>



	<p>9. Mr Mogul's interview note</p> <p>10. Ms Phillips' interview note</p> <p>11. Ms Dark and Ms Rudkin's interview note</p> <p>12. Councillor Bignell's speech and relevant document information</p> <p>13. Rules for substitution</p> <p>14. Councillor Bignell's comments on the draft report</p> <p>15. Final report</p>
<p>Time Estimate of presentation of case</p>	
<p>Special Requests: (eg hearing loop etc).</p>	

## **Schedule of evidence from the investigator**

1. Complaint against Councillor Bignell
2. Email from Councillor Humphrey's
3. Councillor Bignell's initial response to the complaint
4. Initial statements received from officers present.
5. Councillor Bignell's interview note
6. Councillor Parker's interview note
7. Councillor Morton's interview note
8. Councillor Humphrey's interview note
9. Mr Mogul's interview note
10. Ms Phillips' interview note
11. Ms Dark and Ms Rudkin's interview notel
12. Councillor Bignell's speech and relevant document information
13. Rules for substitution
14. Councillor Bignell's comments on the draft report

# Make a complaint about a councillor

Reference	DS467060544
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Date submitted	2022-11-22 13:15:59
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## Introduction

**Please complete this form to make a complaint about town and parish councillors in the West Northamptonshire area, as well as West Northamptonshire Council councillors.**

Please ensure you [read our guidance notes](#).

## Data protection agreement

In this form, we will ask for some personal information (such as name, address, postcode) in order to fulfil your request for information or services.

This information will be held securely and will be used to provide you with the service you have requested

Any processing will be performed in line with the requirements of the Data Protection Act 2018 and the General Data Protection Regulation.

West Northamptonshire is registered as a Data Controller with the Information Commissioner's Office under the reference number ZA896620

Further details about how we process personal data can be found in our [privacy notice](#).

## About you

First name	Cllr Rosie
------------	------------

Last name	Humphreys
-----------	-----------

Email address	rosie.humphreys@westnorthants.gov.uk
---------------	--------------------------------------

Telephone number	
------------------	--

Address	
---------	--

Would you like your details to remain confidential?	Yes
---	-----

## Complaint details

Which of the following best describes you in relation to this complaint	Elected or co-opted member of an authority
---	--

If you are complaining about more than one Councillor, you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account when a decision is made and what form of informal resolution you would find acceptable. For example:

- Be specific, wherever possible, about exactly what you are alleging the Councillor said or did. For instance, instead of writing that the Councillor insulted you, you should state what it was they said.
- Provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- Confirm whether there were any witnesses to the alleged conduct and provide their names and contact details if possible.
- Provide any relevant background information.

Please also indicate what you are seeking by way of a remedy, for example:

- An explanation by the subject member of the circumstances surrounding the complaint.
- An apology from the subject member.
- Agreement from the subject member to attend relevant training or to take part in a mentoring process.
- Offering to engage in a process of mediation or conciliation between the subject member and the complainant.
- Correcting an entry in a register.
- Any other action capable of resolving the complaint.

Where the Monitoring Officer requires additional information in order to come to a decision, they may come back to you for such information, and may also request information from the Councillor against whom your complaint is directed.

Please explain how you believed the Code of Conduct has been breached

My complaint concerns the conduct of two members during the Daventry APC meeting on 2/11/22. Cllr Phil Bignell (CPB) behaved with complete lack of respect and unwarranted aggression towards the planning officer presenting the Flore application. He accused him of putting the wrong photo of the site on the screen and would not accept it was the right one and wouldn't accept that the Housing Needs Survey identified 54 dwellings not 17. I can only describe his series of questions and assertions as a torrent of hostility. There seemed to be total disregard for the officer's recommendation for approval of the site and it's my belief that CPB and the 2 other ward members who were substituting that evening were likely to have all been predisposed and predetermined as regards this application. The emails sent to the MO from CPB after the meeting are relevant to this.

I asked CPB to apologise to the officer after the meeting. He did not deny that he had behaved aggressively and did apologise. [REDACTED]

[REDACTED]

I do not feel confident that all APC members follow what is required of them in the Constitution's Protocol, in particular 3.2 not to represent the views of the constituents but the interests of the wider area. The MO had to remind its members of their responsibilities before the meeting on 8/6/22. CPB was not there but I note that in the minutes as regards Cllr Longley's application in his written rep he asserted:" if the application were refused it would be allowed on appeal." Both on 2/11/22 and on other occasions CPB has displayed arrogance and ignorance contrary to what should be expected of public office and the Chair of Strategic Planning.

<b>Name(s) of the Councillor(s) you believe has/have breached the Code of Conduct</b>
---

First name	Phil
------------	------

Last name	Bignell
-----------	---------

**From:** [WNC Monitoring Officer](#)  
**To:** [Peter Glover](#)  
**Cc:** [WNC Monitoring Officer](#)  
**Subject:** strictly private and confidential  
**Date:** 12 December 2022 14:58:00

---

By email Peter [REDACTED]

**Strictly Private and Confidential**

-

[REDACTED]

[REDACTED]

[REDACTED] grateful if you could please let me have your thoughts on this matter as soon as possible.

Regards

**For and on behalf of the Monitoring Officer**

---

**From:** Cllr Rosie Humphreys <[Rosie.Humphreys@westnorthants.gov.uk](mailto:Rosie.Humphreys@westnorthants.gov.uk)>  
**Sent:** 04 November 2022 10:18  
**To:** Catherine Whitehead <[Catherine.Whitehead@westnorthants.gov.uk](mailto:Catherine.Whitehead@westnorthants.gov.uk)>  
**Cc:** Colin Walker <[Colin.Walker@westnorthants.gov.uk](mailto:Colin.Walker@westnorthants.gov.uk)>  
**Subject:** Councillor conduct and the Planning Protocol - Daventry Area Planning Committee 2nd November 2022 DA/2020/0479 Flore

Dear Catherine

Following yesterday's email to you regarding the conduct of both Cllr Phil Bignell [REDACTED] [REDACTED] I was copied in last night to two emails from Cllr Bignell to [REDACTED] Please see below (names of senders omitted):

**Email 1**

[REDACTED]

[REDACTED]

Best Wishes  
Phil Bignell  
Conservative Councillor for Long Buckby Ward

Chair Strategic Planning

[REDACTED]  
[REDACTED] | [www.westnorthants.gov.uk](http://www.westnorthants.gov.uk) Follow us on Facebook &  
Twitter @westnorthants

-----Original Message-----

From:  
Sent: 02 November 2022 21:04  
To: Cllr Phil Bignell <[Phil.Bignell@westnorthants.gov.uk](mailto:Phil.Bignell@westnorthants.gov.uk)>  
Subject: Brington Road

Hi Phil

*I just wanted to send you my personal thanks for your virtuoso performance this evening. It was extremely impressive and I am pretty sure there would have been approval without your input.*

*In particular I'm so pleased that you forced the meeting to take our Neighbourhood Plan seriously because the planners had completely ignored it. Neighbourhood Plans have been very useful in appeals!*

Thank you again.

## **Email 2**

[REDACTED]  
[REDACTED]  
Best Wishes  
Phil Bignell  
Conservative Councillor for Long Buckby Ward

Chair Strategic Planning

[REDACTED]  
[REDACTED] [www.westnorthants.gov.uk](http://www.westnorthants.gov.uk) Follow us on Facebook &  
Twitter @westnorthants

-----Original Message-----

From:  
Sent: 02 November 2022 20:05  
To: Cllr Phil Bignell <[Phil.Bignell@westnorthants.gov.uk](mailto:Phil.Bignell@westnorthants.gov.uk)>; Cllr Charles Morton  
<[Charles.Morton@westnorthants.gov.uk](mailto:Charles.Morton@westnorthants.gov.uk)>; Cllr Daniel Lister  
<[Daniel.Lister@westnorthants.gov.uk](mailto:Daniel.Lister@westnorthants.gov.uk)>



*Subject: Brington road development*

*Hi all*

*Thank you on behalf of the Parish Council for your support this evening - especially Phil. The Planning Officer was running scared!!*

*That was an excellent result, no doubt it will go to appeal but we'll wait and see.*

*Hopefully see you next Tuesday at thf PC meeting.*

*Best wishes*

These emails raise multiple concerns and I would urge you to consider whether, with so many breaches of the planning protocol demonstrated, Cllr Phil Bignell is fit for the office of Chair of Strategic Planning. I imagine it is not the first time that Cllr Bignell has forgotten his responsibilities under 3.2 not to represent the views of constituents but to consider a planning application in the interests of the wider Council area and has "played to the gallery".

Note that the second email was sent to all Long Buckby ward councillors – Cllr Lister and Cllr Morton were substituting for Cllr Cribbin and Cllr Frost. They voted in favour of Cllr Bignell's proposal not to follow officer's advice [REDACTED] and on reflection it is my belief that they were all predisposed and predetermined in favour of rejecting the officer's recommendation.

Thank you for mentioning last night that you had lodged yesterday's email as a complaint against the conduct of a member. [REDACTED]

Kind regards  
Rosie

Rosie Humphreys  
Ward Councillor for Braunston and Crick  
West Northamptonshire Council  
[REDACTED]

## **Response to complaint of 24/11/2022**

I acknowledge receipt of this complaint and refute allegations made by the Complainant and at this stage reserve the right to consult with an Independent Person if I latterly deem it necessary. Below are my responses to each of the accusations: -

### **Wrong Photo on the screen**

This photo was first identified by Cllr Morton since he lives 500yds from the scene of the photo and passes the site every day on his way to work. I continued the discussion and suggested it was a photo from a previously withdrawn application nearby. To resolve the matter the Chairman suggested Google street view was used to check and this was done and the phot was in fact wrong. Nisar Mogul the Officer accepted this and said he had taken the photo from file and had not in fact visited the site for 18 months and apologised for his error. We were all in agreement and the discussion moved on.

### **Number of dwellings**

The complainant states that the Housing Needs Survey identified 54 dwellings which is untrue as if you read the report it states various numbers but not 54. However, the point I was making was about the number of affordable dwellings which isn't 54. The Officer in his presentation stated all 54 were affordable and I was arguing that not all were affordable but a much lower number.

### **Substitute Members**

The Complainant states 'that you, together with two other substitute members'. This is untrue as there were only two substitute Members on the night, myself and Cllr Morton. I assume the complainant is getting confused with Cllr Daniel Lister who spoke as Ward member but was not a member of the Committee.

### **Predisposed and predetermined**

I listened to the Officer present his report and challenged him on points of fact namely photo and number of dwellings. I then listened to 2 members of PC plus another objector present their objections followed by Cllr Lister and then the applicant. During all these presentations I made notes of the salient points both for and against. There were two major points made during these presentations namely the total disregard of Flore Local Plan in Officers report and the relevance of the Housing Survey against actual needs.

I then used these facts alongside the Officers report to debate the decision he recommended which was for approval. It was a lengthy and robust debate during which all members were involved. Cllr Parker as an experienced Chairman fairly presided over the debate and at no time did he feel there was aggression or hostility or he would have rightfully intervened. I have sat on/chaired planning Committees myself for 10 years and do not believe my approach was inappropriate and I have the utmost respect for Officers and treat them as I would expect to be treated myself. After the meeting I spoke with Chair and both Officers and there was no indication that they were unhappy with the events.

### **Disregard of Officers Recommendation**

The recommendation is just that, a recommendation and is for debate by the Committee and as the Officer said this was a finely balanced report. This was shown by the Committee who decided on a vote Of 5-4 to recommend refusal. The planning reasons for refusal were

contained in the Flore Neighbourhood Plan that I had highlighted in debate and were first tabled earlier in the meeting by Flore residents. Our electorate expect that cases at Committee are not just nodded through but scrutinised and are debated robustly and fairly which I believe this case was.

### **Subsequent Correspondence**

After the meeting I received two emails from Flore residents thanking me for my contribution on the night and they are listed here below.

*Hi Phil*

*I just wanted to send you my personal thanks for your virtuoso performance this evening. It was extremely impressive and I am pretty sure there would have been approval without your input.*

*In particular I'm so pleased that you made the meeting to take our Neighbourhood Plan seriously because the planners had completely ignored it. Neighbourhood Plans have been very useful in appeals!*

*Thank you again.*

*Andy Anderson*

*Hi all*

*Thank you on behalf of the Parish Council for your support this evening - especially Phil.*

*That was an excellent result, no doubt it will go to appeal but we'll wait and see.*

*Hopefully see you next Tuesday at the PC meeting.*

*Best wishes*

*Kathryn Baines*

### **Conclusion**

The decision made by the Committee was decided on policies within Neighbourhood Plan and the photo along with Housing need survey which form part of this complaint did not form any part of the decision made on the night or the final report for refusal.

I do not know who the complainant is but I don't think it is from one of the Officers which if I am correct would indicate they were not unhappy with the tone of the discussions.

I felt during the meeting I conducted myself as always within the code of Conduct in a measured way and had shown respect to both Planning Officers and certainly not in a tone alleged by the Complainant.

**Phil Bignell**

**STRICTLY PRIVATE AND CONFIDENTIAL**

**Document pack 3 - Details of officers at the meeting of Daventry Area Planning Committee of 2 November 2022**

**Complaint relating to Cllr Bignell of WNC Contents**

**1 Contact details of the officers at the meeting of Daventry Area Planning Committee of 2 November 2022**

**Marina Watkins Democratic Services Officer**

[REDACTED]

**Simon Aley Planning Solicitor**

[REDACTED]

**Nisar Mogul Senior Planning Officer**

[REDACTED]

[REDACTED]

**Chuong Phillips Principle Planning Officer**

[REDACTED]

[REDACTED]

**2 Statements from the officers**

**Simon Aley, Planning Solicitor (attached)**

**Chuong Phillips, Principal Planning Officer (attached) - Nisha Mogal agrees with these comments (attached)**

**Nishar Mogul, Senior Planning Officer (attached)**

**Marina Watkins, Democratic Services Officer (attached)**

**Statement of Simon Aley, MBA, LL.B., B. A., Dip. L.G, Solicitor. following the Daventry Area Planning Committee 2nd November 2022**

I attended the briefing and meeting for the above committee, One of the items related to a proposed development for up to 45 dwellings east of Brington Road, Flore under reference DA/2020/0479. The recommendation was for approval. There would be objectors and speakers, The item was being presented by the case officer, Nisar Mogul. Also present at the briefing were Chong Philips and Rebecca Taylor from the planning officer team.

Mr Mogul took the briefing through the application and was recommending grant of permission subject to conditions. It was explained that several concerns had been addressed. Cllr Chantler as vice chairman, seemed broadly content that concerns previously raised had been addressed and the permission should be granted. The chairman, Cllr Parker, seemed more non-committal which is usually a sign in my experience that he is not intending to go with officer recommendation although may just abstain. At this stage, I could see it going either way although probably with officer recommendation. It was building out into a field but beyond existing development on at least 2 sides as I recall with lower density on the site, keeping the built development closer to existing development. I could see and indeed commented that Flore has long held that they believe they have taken more than their "share" of new housing in their and that this would come up (it did!). I have certainly seen developments like this go through at committee or on appeal and there were planning policy reasons to support that approach as well as those against but overall, this could go through as recommended. I offer this as background to the meeting that was to follow.

At the meeting, Nisar Mogul introduced the item and then we had the speakers. The objections were to further additional housing in Flore and in open countryside and access/highway concerns much as anticipated. I seem to recall that Cllr Humphreys gently cross-examined the applicant speaker and cornered them a bit.

Cllr Phil Bignell then spoke at length and challenged heavily the officer report. At no time did I see him make personal remarks against the case officer but he was very critical of the quality of the report. He identified that the photograph of the access point was wrong (something I pretty certain one of the local objectors may also have referred to)

Mr Mogul was quick to deny this was the case but Cllr. Bignell persisted with chimes of agreement from the public and other Members. After a short while and as rather a stand off response, officers, while asserting the correctness of their position said let's look on Google Maps then which they did and it soon became apparent that Mr Mogul had photographed the wrong farm gate access point which looked quite different to the one shown in Mr Mogul's presentation. Mr Mogul readily apologised for this error but the confidence damage had been achieved.

It then became apparent that a report had been prepared for a previous meeting but withdrawn late on this same item (possibly with more houses) to which Cllr Bignell referred at some length, quoting passages from it. I intervened at this point, advising Cllr Bignell that he was taking the Committee down a cul-de-sac by this line of discussion as the Committee was there to discuss this application, as reported in this report and not on a report that had been withdrawn and asked him to confine himself to this application and this report. The chairman agreed and Cllr Bignell proceeded no further on this although was keen to note the change of position of officers without, in his view, justification. On more than one occasion I recall that Chuong Philips did intervene. The officers clearly felt the reduced density of the proposed development and keeping it more in line with the edge of the village made it acceptable in their view. The provision of affordable housing was seen as a benefit. Flore

residents and Cllr Bignell were seeking to argue that such provision was for the benefit of the Council area as a whole and not just Flore. There was also criticism as to why officers were promoting grant in such circumstances where there was already a 5-year housing land supply in West Northamptonshire?

Cllr Bignell was also very critical of the officer report in that it failed to address the adopted Flore Neighbourhood Development Plan at all and cited policies that did not support this application (these were later referred to in the reasons for refusal proposed by Cllr Bignell, seconded and carried). No clear explanation was given by planning officers as to why these policies had been considered. I did remind the committee that in considering an application the Development Plan needs to be considered as a whole and that on one policy would generally trump another and not in this case. I could not do more than that as no analysis of Flore NDP policies had been provided in the report or verbally at the meeting by officers to assist them in their decision making. As far as Cllr Bignell was concerned it appeared that officers had deliberately chosen not to give sufficient or any weight to the Flore NDP in their consideration of this application even though, as officers correctly accepted it forms part of the Council's Development Plan.

The recommendation was put to refuse the application as development in the open countryside beyond the village limits and contrary to identified policies in the core NDP. I seem to recall that only Cllr James voted against having previously advised that he had no problem with the latest iteration of the application. Cllr Chantler, I think abstained.

When the draft minutes were produced no reason for refusal was provided. I think it came later that day – I was away but on return checked the reason, which again did not appear to accord with the meeting and I sent a response as soon as I could later that same week. I set this out below by way of information.

As a former monitoring officer for about 19 years did I think Cllr Bignell's tone and criticism sat well with the Member/Officer Protocol? No, not really and it would have been far better for the Councillor, if he had such concerns to have raised these with officers prior to the public meeting, or even sought an invitation to Chair's briefing rather than stage what became a stand-off between Members and planning officers. That said the officer report and presentation were deficient and led to much of what followed in the meeting. There would seem therefore to be lessons to be learned on both sides.

I hope that this is of some assistance.

Simon Aley

To: [Nisar.Mogul@westnorthants.gov.uk](mailto:Nisar.Mogul@westnorthants.gov.uk) + 4 more [Details](#)

I have had a look at this and hopefully you have not sent it out yet.

Some thoughts

In one reason for refusal, you have covered: -

1. open countryside
2. character and appearance
3. village confines
4. failure to identify exceptional circumstances

these should be separated out

The reason does NOT seem to cover the fact that the area has a 5-year housing land supply and that Flore has disproportionately delivered more housing than other neighbouring villages and has at the same time seen a significant diminution in village amenities.

All of these were raised at the meeting but are not in the reason offered.

There is also a lack of clarity as to which Development Plan policies are supporting this reason for refusal.

Reliance on this reason for refusal will make defence of the decision difficult at an appeal hearing or inquiry

Simon Aley,

Subject: Re: Draft Daventry Planning Ctte Minutes 2 November 2022.doc

Hi All,

I have just emailed Admin the reason for refusal for the DA/2020/0479 Flore application that was refused at committee as follows:

The proposal for 45 dwellings to include 40 % affordables (18 dwellings) in this open countryside location will harm the character and appearance of the area and would be in conflict with the spatial and housing allocation strategies set out in the relevant development plan as it would result in the encroachment of development into the countryside beyond the village confines of Flore and the proposal fails to satisfy any of the other exceptional circumstances set out by the policies in the West Northamptonshire Joint Core Strategy 2014, Settlements and Countryside Local Plan (Part 2) for Daventry District 2020 and the Flore Neighbourhood Development Plan.

Hopefully Admin will issue the decision by Friday at the latest.

Regards

**Nisar Mogul**  
**Senior Planning Officer (Daventry Area)**  
**Economic Growth and Regeneration Team**

## Chuong Phillips - statement

**From:** Chuong Phillips <[Chuong.Phillips@westnorthants.gov.uk](mailto:Chuong.Phillips@westnorthants.gov.uk)>

**Sent:** 08 November 2022 16:06

**To:** Colin Walker <[Colin.Walker@westnorthants.gov.uk](mailto:Colin.Walker@westnorthants.gov.uk)>

**Cc:** Nisar Mogul <[Nisar.Mogul@westnorthants.gov.uk](mailto:Nisar.Mogul@westnorthants.gov.uk)>; Rebecca Grant <[Rebecca.Grant@westnorthants.gov.uk](mailto:Rebecca.Grant@westnorthants.gov.uk)>

**Subject:** Planning committee 2nd November 2022

Dear Colin

I have deliberated long before writing this email but consider that going forward the bar should not be set low for members conduct at WNC Planning Committees.

Following the Daventry Area planning committee on 2<sup>nd</sup> November 2022, I would like to raise some concerns regarding members manner of questioning to officers and the subsequent responses.

As a Principal Planning Officer, I have represented the former Daventry District Council at both public enquiries, informal hearings and planning committees. I am therefore experienced in understanding the purpose of questioning and its contribution to making informed decisions by the decision maker.

In my view, the manner of questioning by Councillor Bignall [REDACTED] on application DA/2020/0479 constituted more of a public berating of officers and belligerence to officer responses than a genuine desire to seek clarity on matters relating to safety of the proposed access and the position of Planning Policy Officers on the application for consideration.

I have always accepted that Planning Committee members are fully entitled to reach a different view from that of case officers, but this must be justified on planning grounds. In these circumstances, officers are there to provide assistance to ensure that a robust decision is reached whether it be approval or refusal.

However, I do not accept that public berating and belligerence towards officers is either acceptable or helpful to Planning Committee in making an informed and calculated decision on applications.

Greater understanding is required by the above-named Councillors that there is a mutual goal from officers and members that WNC delivers informed and robust decisions at Planning Committee. It should also be fully understood by members that the purpose of officer questioning is to acquire greater clarity and more information, and the response may not always be one that validates the views expressed by that questioning member.

Such actions from members only detract from the task in hand and creates barriers between members and officers. I would add that even under cross examination at public enquiries I have never experienced such belligerence. Planning Committee meetings should not be conducted as session within a court of law with Officers under cross examination by members. I believe that going forward this matter needs to be addressed.

Chuong Phillips

Mrs C Phillips

Principal Planning Officer - Development Management



## Nisar Mogul - Supporting email regarding Chuong Phillips' comments

**From:** Nisar Mogul <[Nisar.Mogul@westnorthants.gov.uk](mailto:Nisar.Mogul@westnorthants.gov.uk)>

**Sent:** 24 November 2022 15:50

**To:** Jeanette McGarry <[Jeanette.McGarry@westnorthants.gov.uk](mailto:Jeanette.McGarry@westnorthants.gov.uk)>

**Subject:** Fw: Planning committee 2nd November 2022

Hi Jeanette,

Following our telephone conversation of few minutes ago, I have spoken to Choung who has given permission for me to forward her email to Colin about her thoughts on the events of 2 November Committee as per her email below.

I totally agree with the concerns that she raised, and I will try and give you my thoughts next week.

Regards

Nisar Mogul

Senior Planning Officer

[Redacted]

[Redacted]

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**From Marina Watkins, Democratic Services Officer**

**I was present at the meeting of the Daventry Planning Area Committee held at 6pm on Wednesday 2<sup>nd</sup> November 2022**

The meeting had aggressive and difficult undertones. I felt awkward on behalf of the presenting Planning Officer who seemed to come under aggressive and pointed questioning from some members (Councillor Phil Bignell in particular [REDACTED] [REDACTED]). There was a very adversarial feel to the meeting which is something I have rarely experienced in 25 years of being at Planning Committees. The Planning Officer was repeatedly questioned in an aggressive manner which I didn't feel was appropriate in any meeting, particularly one with members of the public present.

The Principal Planning Officer tried to calm members and draw their attention to the application under consideration. The Chair also tried to calm issues and move issues on, although he could perhaps have been stronger in this respect.

Marina Watkins

Democratic Services Officer


24<sup>th</sup> November 2022

**From:** [Jeanette McGarry](#)  
**To:** [Tracy Tiff](#)  
**Cc:** [Sarah Hall](#)  
**Subject:** Pack : Daventry Area Planning Committee- 2nd November 2022  
**Date:** 30 November 2022 11:45:18  
**Attachments:** [image001.png](#)

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Hi Tracy,  
Please scroll down to see Nisar Mogul's statement.  
Kind regards,  
Jeanette



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**From:** Nisar Mogul <[Nisar.Mogul@westnorthants.gov.uk](mailto:Nisar.Mogul@westnorthants.gov.uk)>  
**Sent:** 29 November 2022 11:33  
**To:** Jeanette McGarry <[Jeanette.McGarry@westnorthants.gov.uk](mailto:Jeanette.McGarry@westnorthants.gov.uk)>  
**Subject:** RE: Daventry Area Planning Committee- 2nd November 2022

Hi Jeannette,

Further to our telephone conversation of last week the following are my thoughts regarding the committee meeting held on 2<sup>nd</sup> November 2022.

This was my first committee presentation since joining WNC (Daventry) about 4 years ago. As a background to the application I was presenting, it initially was due to go to the October committee and was on the Agenda for that. However, it was pulled from as the ward on the report was incorrect as it was not changed online since the boundary changes.

I was told by my manager at the time, Keith Thursfield, that the report should be shortened and the consultation responses to the original proposal for 70 dwellings should be removed and the report should concentrate on the final proposal for 45 dwellings.

Therefore, this was done and the shortened report was put on the agenda for the November committee.

After, I did my presentation, Cllr Bignell quite aggressively said that the report had been amended and policy comments removed that did not support the application. I tried to explain that those comments only related to the initial proposal for 70 dwellings, however, he insisted on implying that I had removed the comments in order to mislead committee and that clearly wasn't the case. He quite aggressively held up the previous agenda document and kept saying 'Its in the document' After trying to explain a couple of times to explain why the comments were removed and that they were irrelevant as the application in front of committee was for 45 dwellings and not 70 dwellings,

Choung asked me to drop it.

This overall made me feel that I was absolutely rubbish and deflated and embarrassed as it gave the members and the public the impression that I had altered the report to deceive committee. Cllr Morton, questioned the picture of the access that I displayed and said it was not the right access and whilst we checked it on google streetview it was a zoomed out view which made it look different to the picture, however Although I was certain it was the right access it put doubts in my mind and apologized for the error. I checked again after committee on streetview and it was definitely the right access and I also spoke to the Agent who confirmed to me that the it was the right access in the picture. Again, this made me feel really small and portrayed me to be an incompetent officer. Overall, I thought the manner of questioning by these two councilors was appalling and unlike anything I had ever seen at any committee meeting in my previous experience at Rugby Borough Council.

Hope this helps.

Regards

Nisar

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**From:** Jeanette McGarry <[Jeanette.McGarry@westnorthants.gov.uk](mailto:Jeanette.McGarry@westnorthants.gov.uk)>  
**Sent:** 24 November 2022 14:15  
**To:** Nisar Mogul <[Nisar.Mogul@westnorthants.gov.uk](mailto:Nisar.Mogul@westnorthants.gov.uk)>  
**Cc:** Tracy Tiff <[Tracy.Tiff@westnorthants.gov.uk](mailto:Tracy.Tiff@westnorthants.gov.uk)>; Judy Goodman <[Judy.Goodman@westnorthants.gov.uk](mailto:Judy.Goodman@westnorthants.gov.uk)>; Colin Walker <[Colin.Walker@westnorthants.gov.uk](mailto:Colin.Walker@westnorthants.gov.uk)>  
**Subject:** Daventry Area Planning Committee- 2nd November 2022  
**Importance:** High

Hi Nisar,

Please could you forward your written recollection of the meeting held on the 2<sup>nd</sup> November 2022. Ideally, could you let me have this by tomorrow morning, please?

Kind regards,  
Jeanette

Jeanette McGarry  
Interim Head of Law and Governance



[Redacted] | The Guildhall | St Giles Square | Northampton | NN1 1DE

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Notes of an interview with Cllr Phil Bignell

Interview Date: 9 January 2023

1. I have been a councillor for twelve years. I joined South Northamptonshire District Council in 2011 and then we became a unitary in 2021. I did six years as Deputy Leader of South Northamptonshire District Council and was also on the Planning Committee for the duration of that time. I am now Chair of the Strategic Planning Committee at WNC and would guess I have probably done about one hundred and fifty planning meetings in a professional capacity. I've never had any comments about my performance, demeanour or the way I do things in this time. So, I was very shocked to receive this complaint.
2. I am a substitute member for the Daventry Planning Committee, there are three Area Planning Committees and then the Strategic Planning Committee. I am one of the wards member for Long Buckby which is part of the old Daventry District Council area which is how I qualified to substitute to sit on the Daventry Planning Committee. Councillor Charles Morton and Councillor Dan Lister are the other two ward councillors for Long Buckby.
3. On 2 November 2022 I attended the Daventry Planning Committee meeting as a substitute for Councillor Frost who was unable to attend. Councillor Morton attended the meeting as a substitute for Councillor Cribbins.
4. One of the applications heard at this meeting was for a development of houses in the village of Flore. The application was from Barwood Homes and this was the third application they had submitted for this proposed development. Two years ago an application was submitted for about 76 houses, the second application was for around 55, and this application was for around 45 I believe. This was the first time the application had gone to the Committee. The application had been scheduled to come to the October meeting of the Daventry Planning Committee. Having read the report the week before the October meeting I realised it was full of errors, it had parts of previous applications in it and in my view it was not a very good report. I spoke to the Head of Planning about it and on the day of the October meeting it was withdrawn. The officer was told to rewrite the report. The original report was very lengthy and had a lot of factual errors in it. It was rewritten and was a lot shorter. This was the version of the report that was presented at the meeting on 2 November 2022. All of what had been said in the original report was in the public domain as it had been published before the October meeting. It was quite a confusing report and if you had read it without knowing the Officers recommendation you might think it was being recommended for refusal as the officer was finding so many things wrong with the application. However, officers' reports are finely balanced usually and are written in such a way to allow debate and a democratic decision by the Committee.

5. The officer who had written the report was Nishar Mogul. I had very little previous experience of Nishar but I was aware that this was the first time he had presented at a Committee. The principal planning officer Choung Phillips was also present at the meeting to support Nishar.
6. The application was from Barwood Homes. I live in Bugbrooke. I have been on the Parish Council for Bugbrooke Council for 35-40 years and am the current Chair. Barwood Homes have put in three applications in the last two years for a piece of land that sits outside the village boundary. The Parish Council have rejected these three applications with the support of the planning officer and I have appeared at a Towcester Planning meeting as the Chair of the Parish Council regarding this. This was a similar application to the one in Flore, with both being outside the village boundary. However the difference with Flore is that the officer recommendation was for approval. I don't know who this complaint has come from but when I think about who was in the room I don't believe it was one of my fellow members, the only other people in the room were from Flore and were talking about the application so that only leaves Barwood Homes and if it is from then I would say this complaint is vexatious and an attempt to have the Committee's decision nullified.
7. On 2 November 2022, the case was presented by Nishar. He got two or three minutes into his presentation when he showed a picture of a gateway which he claimed was the access to the site. Councillor Morton who lives about 500yds from the access interjected and told Nishar that wasn't the right access. The officer disagreed with Councillor Morton. I also knew it wasn't the right gateway so I also spoke up. The picture had come from the 70 house application that had been submitted previously which had a different access. I knew this and so did Councillor Morton as he drives past it everyday. We didn't seem to be able to get anywhere with it as the officer was adamant that it was the right picture. Myself and Councillor Morton were persistent on this issue but we did not get aggressive or loud. The Chair then asked for google maps to be brought up and so using street view we determined that the picture was not the right access as we had said. The officer said he was sorry but that he had taken the picture from stock as he hadn't been to the site for 18 months. This was the first point of contention I suppose is the word I'd use.
8. Further into the application the officer was quoting that there would be 45 affordable houses on the site. This was not right as this was the total number of proposed houses on the site not the number of affordable ones. I felt I had to challenge him again on this point. I was passionate about it as were others but at no point did I ever think I was aggressive, I know how to conduct myself in a meeting and Councillor Parker who has been Chair on Planning for a number of years does also. If I had stepped over the line I know he would have stepped in straight away and I would have expected him to. He did not interject.

9. All I did was challenge the facts he was presenting to the Committee. The whole basis of the application rested on the number of affordable homes that were going to be developed so I felt it was important that the facts were correct so again I was persistent without ever raising my voice or being aggressive. The proposal was outside the village boundary so the report was saying that the fact that the application was against various policies was outweighed by the affordable housing that would be produced. There were actually only 17 or 18 affordable houses being developed so it was an important point to get right.
10. These were the only two points I challenged the officer on during his presentation. Three members of the public then spoke. One was the Chair of the Parish Council and the others were members from Flore village. All three of these people honed in on the fact that the application went against the Local Village Plan which was adopted by DDC in 2016. I knew that the Local Plan would come up so I had taken a copy of it to the meeting, but I hadn't considered just how passionate the people in the village might be on this point. All three were very passionate about the Plan. They convinced me that these points were a good reason to challenge the officer later in a discussion. Another point was that the village had been designated as a secondary services village (what services are available). However since this designation Flore had lost a doctors surgery, a vets practice, a garage, shops, a public house and a pre-school. The village has not been degraded in classification despite these losses. The village has already had three housing developments in the last 5-10 years so the villagers felt enough was enough and this was the point they were making. They felt that Flore had done its bit in terms of providing affordable housing for the area. They also referred to points for refusal that had been in the original report (that was due to be presented in the October meeting) and questioned why these points had been removed from the final report that the officer had now presented. I did question this myself at the end of the meeting as it seemed that the missing points were still relevant and not addressed in the new report.
11. Before the planning agent spoke, Councillor Lister spoke as a ward member. He honed in on the housing need survey which he stated was full of holes and he questioned the true need for these extra houses in Flore.
12. After this the application was debated by members. As a Ward member I was invited to speak first. I built a case on what the people from Flore had said about the Local Plan and highlighted this in my speech. I questioned why we were not considering the Local Plan. I mentioned the Policy R1 about building outside the village boundary and about the reduced amenities available in the village. I also stated the Housing needs survey didn't support the application in terms of what the real need was in Flore. I thought I made a reasonably compelling case. Then the other members debated it. One thing that stuck in my mind from the debate was that Councillor Peter Mattin, who is fairly new to the Daventry Planning Committee voted against the officer recommendation. He is nearly always swayed by the



officer but on this occasion he asked the officer to defend against the points that I had made. The officer was unable to counter any of the points that I had made.

13. The vote was 5 against the officer recommendation and 4 for.
14. In terms of preparation for the meeting I had read the report, taken a copy of the Neighbourhood plan and an extract from the report that was going to be presented in the October meeting.. I took notes from what the Flore residents said and then formulated my speech around these points. I did not have a prepared speech before the meeting. Predisposed is an interesting term. If you haven't read the report then you haven't formed any sort of opinion. I had read the report and I had some doubts about the application but my reasons were largely formed from what I heard about the Local Plan being ignored.
15. The complaint said that I seemed to totally disregard the officer's recommendation. I was bemused by this statement as I did not agree with some of the things that the officer had written in his report but I certainly did not totally disregard his report.
16. In terms of the accusation that I verbally attacked the officer I do not agree that is what I did at any stage. I stuck to the facts all the while, I was persistent that's all, particularly with regards to the photo. I spoke to both officers and the Chair after the meeting and we shook hands and laughed about it. I think we agreed that it was a good debate. The principal planning officer outlined what was going to be put as the reasons for refusal which I agreed to and we parted best of friends. I didn't apologise to the officer because I didn't feel there was any need to. Nishar said he didn;t have any problems with the debate which is why I find it difficult to believe that the officers complained about it. I felt I had performed well for the community and this was reinforced when I got two emails from residents of Flore that evening thanking me for what I'd done during the meeting. I was therefore gobsmacked when I received the complaint a month later.
17. I don't believe it could be construed that I was berating the officer. To my mind it was a well engaged and honest debate. I would not say I was ever aggressive and I was only persistent regarding the gateway access because I, along with Cllr Morton, had local knowledge and knew the officer had got it wrong. The Chair only interjected to ask we look at google maps to try and resolve the issue of the photo, but he would have done if he felt I had upset the officer as he is a very experienced Chair. It was a robust debate in my opinion. I think the public would expect that these things are debated on their behalf without shouting and screaming, which in my opinion is exactly what I did. I fully realise that there is a line to be drawn and that I should not be going round criticising the officers, this gains nothing, and does not build Officer/Member relationships. I have previously disagreed with officers' decisions previously but no one has ever complained before.
18. I certainly do not recall saying that the officer had removed the comments from the previous application to try and deceive the Committee. Words to this effect may



have been used by the member of the Parish Council who spoke about it during their submission to the Committee. I did pick up on these comments in my speech by asking why they had been removed but I didn't say that it had been done so in order to deceive them.

19. I do not know if the officer was made to feel incompetent by what I said, this was not my intention but I felt I had to challenge some of the facts in the officers report. The decision at the end of the day is down to the Committee and they are deciding on the facts put in front of them. I was only seeking to challenge the facts that the officer was reporting which I believed were incorrect. The officer seemed to accept for example that he'd got the picture of the access wrong and that he hadn't been to the site for 18 months, I didn't say anything. I thought well that's why you got it wrong because you've not been there for 18 months but there was no reason to say this. He eventually accepted the error and we moved on. There was no reason for me to belittle an officer or accuse them of misleading the Committee. He wasn't trying to do that. He believed that he had got the facts right but he hadn't. It wasn't a go at him personally just trying to establish the facts and make a decision based on those facts. I do think the officer was nervous and the fact that I questioned what he said did off side him a bit and he was on the defensive a bit.
20. I think that what I have learned from this is that you really have to think about what you say, I don't believe I overstepped the line here or that I came close to it. Other people thought that I had performed well during the meeting, I suppose it comes down to individual's opinion and it will make me more wary of what I say in the future regardless of the fact that I don't believe I behaved aggressively. It has affected me as it is the first time it has ever happened and I will reflect and adapt as a result.
21. This is not about petty politics, planning is about doing the right thing and it's very important. We are affecting people's lives. I don't take my role lightly and it's done in the public gaze. I would not sit there and rant and shout at people but I do take it seriously and believe that the decisions should be based on the correct facts which is what I was seeking to do here.
22. Further to the above on 8 February 2023 I was contacted by Mark Hedges of ch&i associates and asked about a minute in the Flore Parish Council minutes for the meeting of 8 November 2022. The minute was in relation to the planning application that had been heard on 2 November 2022. The minute stated:

*'Update: DA/2020/0479 Land to East of Brington Road. Noted that this was refused at the meeting and it is possible it will go to Appeal. Owner of the land emailed Cllr Beasley and asked some questions Cllr Phil Bignell advised that we could send through the copy of his speech which explained a lot of the reasons for the refusal, to the owner. The Parish Councillors unanimously thanked the Unitary Councillors for their significant, passionate and important*

*support that was received for this application, at the planning committee meeting. They were impressed with how it was handled - 'a joy to watch'.'*

In relation to this minute I would add that I did provide a document to the Parish Council so that it could be sent to the owner of the land. This document was my recollection of the speech that I gave during the planning meeting but I created it on 9th November 2022 after the Flore Parish Council meeting. I was trying to be helpful to the Landowner in the way I wrote the Document rather than just send my bulleted notes I took during the meeting. I did not have a pre-prepared speech before the meeting but, as already stated, I wrote notes of what others were saying (such as members of the Parish Council) and then formulated my speech from these notes on the night. As a long standing Planning Committee meeting Member I know that pre prepared speeches are totally against the ethos of debate on the night and is a practice I do not do.

Notes of an interview with Cllr Kevin Parker  
Interview Date: 10 January 2023

1. I have been a member of West Northamptonshire Council since 2021. Prior to this I was elected to Daventry District Council in 2013 or 2014. I was put straight onto Daventry's Planning Committee as a member after the election. I became Vice-Chair of this Committee and then when the unitary Council was formed in 2021. I was asked to become Chair of the Daventry Area Planning Committee. There are three local planning committees, Daventry, South Northants and Northampton. There is then a Strategic Planning Committee and a Planning Policy Committee which sits over the other four. Each Chair of the other four Committees sits on Planning Policy. I am a substitute member for Strategic Planning.
2. In terms of substitutions, there are three Substitute members listed in the WNC Appointments to Committees dated 19th May 2022, namely, Councillor Jonathan Harris, Councillor John Shephard and Councillor Charles Morton. However, councillors from another Planning Committee may also be a substitute.
3. With regards to the Flore planning application on 2 November 2022. Councillor Bignell substituted for Councillor Frost. Councillor Frost sent me an email to say he could not make it and I sent this email to Democratic Services. Councillor Morton substituted for Councillor Cribbin who is a Lawyer and had a case in London if I remember correctly. Suresh Patel, the Group Business Manager confirmed this substitution. The application was presented by Nisar Mogul. He outlined the report to members and then there was an issue relating to a photo of the entrance to the proposed site which Nisar had put up on the screen. One of the members of the Planning Committee was Councillor Morton who lives in Flore. He pointed out to Nisar that this was not the gate to the entrance to the site and that he had the wrong photo. There was a big debate about this which was going backwards and forwards. I think the issue stemmed from the fact that there had been previous applications on the site and the amount of proposed houses was diminishing with each application. I think the access point had been moved for the application we were now hearing. Nisar was adamant that he was right and Councillor Morton was adamant it wasn't. I decided to intervene and ask Google maps to be brought up by the Principal Planning Officer Choung Phillips to try to resolve this once and for all. The result of this was that the gate photographed was the wrong gate. I got an agreement that the photograph was wrong and moved the meeting on. This was of relevance because Highways had input into the application and had put up no objection but it was not clear if they had been looking at the correct access point.
4. The Parish Council then spoke and made the point that the application was against the Local Plan. As did a ward member for the area, Councillor Dan Lister. Councillor Phil Bignell was on the Committee as a Sub. He is a ward member, as is Charles Morton. Dan Lister was questioning the Housing Needs Survey which

seemed to be wrong. The applicant also spoke. After each other applicant spoke, the Committee members asked questions.

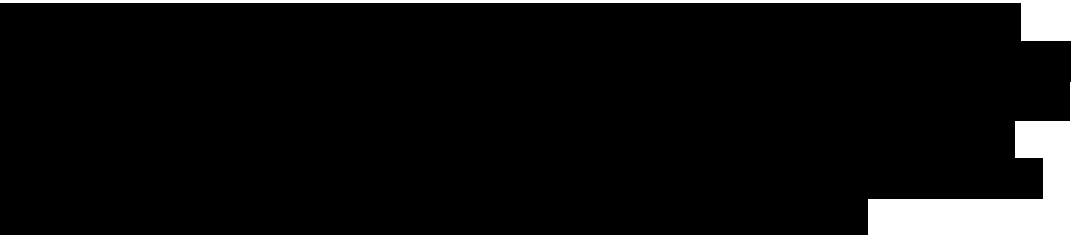
5. We had the debate and we came back to the Housing Survey, whether it was outside the confines of the village, was it against the Neighbourhood Plan or against Policy. Councillor Bignell took the lead as the ward member and he was trying to make the point that the Neighbourhood Plan was not mentioned in the application/report.
6. The application was supposed to have been heard at the October Planning meeting but it was pulled before the meeting. The original report was 67 pages. The report we were presented with at the November meeting was 27 pages. We knew that Nisar's first report had not been written correctly and Nisar said that he had been asked to rewrite the report by management when he was questioned about it at the Planning Committee meeting. Some of the points in the first report were not in the second report. Some of that doesn't really matter but some does such as the Neighbourhood Plan. Councillor Bignell asked Nisar why it wasn't. He didn't really get a response from Nisar. Councillor Bignell was persistent in trying to get a response. As Chair I was aware that Councillor Bignell was potentially approaching a line, he was critical of the report but not critical of Nisar. I knew the report was wrong so I didn't feel I should stop Councillor Bignell speaking as I didn't think that was right. Councillor Bignell then produced a copy of the Neighbourhood Plan he had brought to the meeting. The Housing needs Survey then came up again. There were differences between what was being quoted in the report against what the Survey said. I discovered that there was an error in the Housing Survey report. Councillor Lister had already picked this up but Councillor Bignell picked it up as I had I. I felt that this was another point that needed to be clarified so I didn't see a reason to stop Councillor Bignell speaking at least until the point had been clarified. This became a robust debate with the officer. At this point Choung as the principal Planning Officer took over. I knew Nisar had not presented at Daventry before but that the idea was that the Planning Officer should present their own work. Nisar was floundering because he didn't know the answer and it was difficult for him to say that he was wrong. Choung took over and made the points on his behalf. Was the debate robust? Yes. Have I been to meetings where it was more robust? Yes. Was anything directed in a malicious way towards the officers? No. It wasn't. It was directed towards the report. I didn't regard Councillor Bignell's behaviour as aggressive. It was robust and persistent because they were trying to get an answer to something that was inaccurate in the report. If it was wrong it was wrong but I felt the Committee needed to know if it was wrong or not. The Committee is there to look at the recommendation but they may take a different view.
7. The vote was 5 to 4 to reject the application. Choung wrote up the reasons for refusal which included the Flore Neighbourhood Plan and yet the plan was never mentioned in the report. We have a pre meeting before the meeting and during this I wrote down some notes on this application . These notes included *'it fails on*

*policy R1, outside the confines of the village in open countryside*'. This is what has been written in the conclusion for reasons for refusal.

8. The officers say that 'we are there to determine this report' and whilst this is correct the previous 67 page report had been put in the public domain and so the relevant omissions in this new report were highlighted. I think the original report was possibly pulled because it was overly wordy and complicated. But when reducing the size of the report it is essential that the salient points of the original are maintained. For example the original report states '*consequently owing to the clear conflict with the development plan, the local strategy service does not support the application.*' This appears in the first report but not the second report, despite the fact that it is still entirely relevant. Nothing has changed in three weeks. This is why people were querying why the report was like this, why was the Neighbourhood plan not in the second report, what's the reason. These were the questions being put to the officer, in a robust manner but it was absolutely not aimed at the officers. This is the reason I didn't ever feel the need to interject. Councillor Bignell never said to the officer '*you're lying*' or anything like that. That would clearly be crossing a line. Equally I was aware of the potential for Councillor Bignell to stray into this sort of territory and prepared to interject if he did so, but in the event he never did. The solicitor, Simon sits at my side. I have known him for years. Sometimes Simon will lean over to me and ask to say something but he didn't do this when Councillor Bignell spoke. None of the officers said anything. I spoke to both officers after the meeting and asked if they were ok with the meeting. They both said they were fine and that they were 'used to it'. I also spoke to the two officers individually by phone the following day to check that what they were telling me the night before was still the case. They both said they were fine. Nisar made the comment that he had been through it all before and that he was just going to move on. I did not get the impression that either officer felt that I hadn't helped them. I was content at this point that I had been right to let things go and that the challenges had been done in the right way. It was robust but no one overstepped the line in my view. None of the members made accusations that officers were lying or manipulating figures. Had they done so I would have of course acted to stop it. The officers can't defend themselves and if they have done the report right then it's ok. In this case the report wasn't right and this was only highlighted during the meeting so could not have been resolved beforehand.
9. The member/officer protocol on planning deems that the officer must produce a report which is accurate, in this case it was not and therefore it followed that the officer was going to be questioned on it.
10. Bringing the Council into disrepute is a catchphrase which seems to capture everything. I don't think I did this. In fact I would argue that by letting things develop it showed that the Committee were challenging things in the right way, which is democracy. If I was to jump in and stop people challenging things then people would argue the other way that I wasn't allowing people to speak and therefore the result is invalid. The complaint in my opinion relates to the decision that was made

not to the conduct of the members. Someone did not like the decision the committee arrived at ,the accusations against members is merely a smokescreen to overturn the decision.

11. My view is that planning is driven by policy and not by opinions. In this case it was the policy that didn't allow the application to succeed.

12. 

Notes of an interview with Cllr Charles Morton  
Interview Date: 10 January 2023

1. I have been a member of West Northamptonshire since May 2021. My father was a councillor many years ago and his ward came up again and I had always been interested so I stood for election. Councillor Dan Lister and Councillor Phil Bignell are the other councillors on my ward which is Long Buckby area under Daventry. I am Vice Chair of the Pensions Committee, I am on the board of Norse recycling at Daventry, I am also on the Overview and Scrutiny Committee.
2. I am also a substitute for the Daventry Planning Committee and on 2 November 2022 I substituted for Councillor Cribbin. I have only been a substitute for the last 8 months and have completed the required training via Zoom meetings so if anyone needs to drop out they will ask me to sit in. There are 3 substitutes, myself, John Shepherd and one other. I do not know why Councillor Cribbin was unavailable on this occasion. Councillor Bignell was also substituting and I know this was a last minute substitution for Councillor Frost, although again I do not know why Councillor Frost was unable to attend.
3. The Flore planning application had been due to be heard at the Planning Committee meeting in October which I was not at. I was aware of it though as it had been sent out to us as councillors and I know it was then withdrawn because it had quite a lot of things wrong with it, including highlighting the wrong ward members. It had gone out to Weedon Ward instead of Long Buckby ward.
4. In terms of my involvement in the Flore planning application before the meeting, I live just outside Flore and I know the site very well. As a ward member I had not had any representations from members of the public regarding the application. I know the Parish Council has had some representations because I attend the Parish Council meetings in my role as the ward councillor. I am aware that as a member of the Planning Committee I have to look at what is put before me on the night. As a councillor I must look at both sides, I was not predetermined, I wanted to see what the officer said and what was put forward by other people. I do not think you can go to a planning meeting without looking into the application beforehand, this includes reading the officers report beforehand. That is my job and what I'm elected to do by the local community. If I had gone to this meeting having not read anything about it or gone to look at the site then I'm not doing my job properly.
5. The officer presented the application and this included putting a picture of the access point to the site. This picture was not in the officers report, it was put up on the night. One of the few things I did say on the night related to this picture. I said that the picture of the access gate doesn't even belong to the people that own the site, it's miles up the road. I pointed this out to the officer who was adamant that this was the right access gate. I told him that I could promise him it was not.



Eventually the Chair asked the Lawyer to go onto google earth. We did this and found the gate in the picture. This gate wasn't even in the field where the application was, nor was it from a previous application at this site. The officer said that he had been to the site two years ago to take the picture and had not been since. The access point had always been the same even on the previous application and it was not the one shown by the officer. I said to the officer 'What else is wrong? You've got the wrong gateway so highways have looked at the wrong gateway. The right gateway is closer to the main road.'

6. The fact that the officer had taken a picture of the wrong access point and hadn't visited the site did make me question what else may be wrong and opened him up to more questions. I made these comments after the officer's presentation I believe.
7. Councillor Bignell also knew it was the wrong gateway, as did the Parish Council. Eventually the officer agreed it was the wrong gateway. It was a bit of an awkward moment for the officer but I felt that it needed to be right, and it wasn't. I didn't think that either myself or Councillor Bignell were aggressive in our questioning. We were asking questions that needed to be asked. This is our role as a councillor. After the meeting we all spoke and everyone seemed fine as far as I was concerned.
8. Going through the report there didn't seem to be anything in it to address why we were giving planning permission, only on the fact that it was providing some affordable housing. I questioned the officer how many affordable houses had been bought on a previous site that had been developed in Flore. Someone suggested that only one house had been bought by a local resident. If this previous site had not provided more affordable housing, I question why we are giving permission on to this new site when it is not in the village boundary and the village is not in the secondary services criteria (having lost various services). When you look at it a bit deeper this village had has an increase of nearly one hundred houses from previous applications over the last few years, I felt that the village was getting too big for the services it was able to provide. The village had also spent money to do a Village Strategic Plan which they had only just finished and straight away this application was going against it. This was brought up by the Parish Council at the meeting, when they spoke against the application. The more I looked at it the more I wondered why the officer had actually recommended the application be approved. The report did not seem to support the officer's recommendation. I felt I had to go on what I heard on the night and on the night I couldn't see why it was being recommended for approval. I spoke to Councillor Peter Mattin afterwards and he said to me that looking at what was presented in front of us, whilst previously he would have gone with the officers recommendation, when he heard more about it. it was a no brainer and he couldn't vote for it.
9. In terms of Phil Bignell, he has been on Planning for years and he is well respected. I felt that when he was speaking he was asking the direct questions that



needed to be asked, not that he was berating the officer. The officer got frustrated and muddled and it ended up with Choung Phillips taking over the questions.

10. I am very surprised that anyone has complained about what happened. I've got an idea why this might happen as the application didn't go the way they hoped it would.
11. This was the last meeting of the Daventry Planning Committee that was being held at Daventry (it is being moved to Towcester) so at the end we all congregated and spoke. I didn't feel that the meeting became overheated.

Notes of an interview with Cllr Rosie Humphreys  
Interview Date: 19 January 2023

1. I am a member of the Daventry Planning Committee. I do have concerns about the number of overturns of Officer Recommendations on this Committee. I did some research and last March there had been 6 overturns in 7 meetings out of 15 applications, which seemed like a high amount. One of these was a demolition of a bungalow which was recommended for approval which I recall. The applicant has successfully appealed this decision. The ward members talked amongst themselves whilst the agent was speaking in support of the application, which I found incredibly discourteous. I also recall another application in Teeton where Cllr Bignell showed an aggressive attitude towards the applicant.
2. In November 2021 I came upon a leaflet which the ward members had issued in protest against a potential site in the Strategic plan, bearing in mind Councillor Bignell is Chair of Strategic Planning. I wrote to the MO asking if it was correct for ward councillors to say what residents should do and questioned if this conflicted with Councillor Bignell's role as Chair of Strategic Planning. There was also an article in the local newsletter in September 2021 from the ward councillors saying *'we are starting to deliver on our pledges by stopping several inappropriate developments in the village and ward. Phil Bignell has been appointed as Chair of Strategic Planning.'*
3. Councillor Bignell is quite abrasive, but I have never seen him quite as aggressive as he was at the meeting on 2 November 2022. He also seemed to accept that he had been aggressive because after the meeting I approached him afterwards and asked him to apologise to officers.
4. At this meeting, the ward councillors were all sitting together. Nothing wrong with this. Councillor Bignell was a substitute, he is not on the Daventry Planning Committee but he does tend to appear when the application is on his ward, as it was here. Similarly, Councillor Morton usually attends if there is an application his ward.
5. I was not present at the October Planning Committee but a previous report was made reference to at November's meeting. I had looked at the report that had been prepared for the November meeting and the planning officer's report seemed coherent and convincing. I appreciate that members are entitled to have a different view but I am always cautious as regards going against planning officers' recommendations.
6. The powerpoint presentation that goes with the officers report is not accessible by members before the meeting as far as I am aware.

7. My recollection is that Councillor Bignell raised an issue regarding a photo that Nisar Mogul put up during his powerpoint presentation to members. He stated that the photograph was wrong and he spoke incredibly fast with a slightly raised voice (about twice his normal speed, which I have seen him do previously) and held up the paper he was holding. He wouldn't let it go, there was no concept that he may be wrong, he was like a dog with a bone. It was a very uncomfortable experience. I would say that Councillor Bignell was displaying unwarranted aggression. Nisar was trying to explain the photograph and he stood his ground. Google maps was eventually put up to resolve the issue.
8. Councillor Bignell also spoke about the Housing Needs Survey, I think he got confused between the information that was in a previous report and the report that was in front of us. I think he also thought that there should only be affordable homes in it because it was outside the village boundary. It felt to me that Councillor Bignell was trying to undermine a Senior Planning Officers professional authority, sow a big seed of doubt and muddy the issue. Councillor Bignell just seemed to make statements rather than ask questions to Nisar. Nisar did try and explain but I didn't feel that Councillor Bignell was listening to him. Councillor Bignell had a viewpoint to put forward on behalf of the Parish Council and nothing was going to stop him.
9. I suspected that Councillor Bignell was predetermined on this application. He and his fellow ward councillor were substituted on to the Committee, with Councillor Morton seconding him. He was congratulated by the Parish Council afterwards with one of the emails from them stating 'this wouldn't have been stopped without your intervention'. Councillor Bignell described the one of the emails he forwarded to me as *"Another commendation that we ward members do what we are elected to do". I believe some of the activities that Cllr Bignell believes he has been elected to do are contrary to the WNC's Planning Protocol in its Constitution 3.2 which requires members not to represent the views of constituents but the interests of the wider area. I believe that the only interest Cllr Bignell had at this Planning Committee was to give a "virtuoso performance" ( for which he was complimented in these emails) defending the views of the Parish Council and ignoring the planning officer's recommendation. It is difficult to see how he could have held an open mind.*
10. However my main complaint was how the officer was treated by Councillor Bignell and [REDACTED]
11. After the meeting I felt very angry and told him that he should apologise to the officer as he had behaved outrageously. Councillor Bignell looked sheepish and said he would. I hovered a bit and heard him jovially say to Nisar words along the lines of *'sorry about that, hope I didn't hit you too hard'*. Nisar said *'no hard feelings'*.

12. The next day I emailed Councillor Parker and forwarded it to Nisar stating that I felt it was appalling how he had been treated and perhaps he should consider making a complaint.
13. I do feel that Councilor Parker should have intervened early on to stop Councillor Bignell's torrent of statements and assertions. This was supposed to be questions to the officer but I don't recall many questions being asked, just assertions. I don't recall the Chair intervening at all, I felt he should have told Councillor Bignell that we were not there to berate officers and to tone it down.

Notes of an interview with Nisar Mogul

Interview Date: 19 January 2023

1. I have been with West Northamptonshire Council as a Planning Officer for 4 years. Prior to this I worked as a Planning Officer for Rugby Borough Council. At Rugby Borough Council the Planning Officer presented the Planning report to the Planning Committee and so I have presented 30 or 40 reports to members before. I had not presented a report to Daventry Planning Committee before because their policy had been that the Principal Planning Officer would present, however that recently changed and so on 2 November 2022 I presented my report to Daventry Planning Committee on an application to build 45 houses in the village of Flore on a site that was situated outside the village confines. 18 of these houses were proposed to be affordable units.
2. The Flore application had been due to be heard at the October Planning Committee meeting. The application had been originally submitted more than a year ago, it was originally for 77 houses but this had been whittled down to 45 by the October meeting. After the original application ( which was against policy and was not supported by the LPA) had been submitted, a Housing Needs Survey had been completed WNC (Daventry Area) which gave some support to the application. I had completed the report for the October meeting which gave the history of the application and was a lengthy report. During the Committee Brief meeting with the Chair, Councillor Parker, before the October meeting, there were concerns about the length of the report and that there was too much information about previous applications. The report also stated the incorrect ward, as the ward boundaries had been changed since the original application had been made. I thought this history was relevant but it was decided by Management to pull the report and I was told by my manager to shorten the report which I did. The longer report I had prepared for the October meeting had gone on the Agenda Report and to members so they would have seen it.
3. At the meeting on 2 November 2022, I presented my report to the Planning Committee. There was powerpoint presentation with the report which included photographs. These photographs were not in the actual report which would have been sent out to members before the meeting. However, I believe that members can also access the powerpoint presentation. The powerpoint presentation included a photograph of the access to the site which I had taken on a visit to the site.
4. When I'd finished my presentation Councillor Bignell spoke during the debate section of the agenda item. He was holding a copy of the longer report I had prepared for the October presentation. He asked me questions about the original policy response relating to the 77 dwellings, which was not supportive of the application. He wanted to know why this policy response was not mentioned in the

new report I had prepared but was in the previous report. He was quite aggressive in his questioning in my opinion. I tried a couple of times to explain to Councillor Bignell but he did not appear to be listening to what I said. He repeated 'It's in the report' in a louder voice than normal. When he said this he waved the old report he was holding with one hand whilst banging it with the other hand. I think anyone watching would have formed the view that Councillor Bignell was implying that myself and the Planning department had tried to lie to members. It was very adversarial and felt like I was in a courtroom with Councillor Bignell as the prosecutor.

5. Another Councillor then spoke, [REDACTED] [REDACTED] He said the photo I had presented of the access to the site was wrong and that this was not the access to the site. I was fairly sure it was the right photo although I had taken it sometime ago and I told the councillor this but he was insistent that the photo was wrong. To try and resolve this we looked at the street view on google maps. We found a view of the access point to the site and it did not look like the image I had presented on the powerpoint. I was still fairly sure it was the right access point but I apologised for the photo being wrong. It actually made no difference to the application but Councillor Morton then stated words to the effect of 'you can't even get the access point right, what else have you got wrong?'
6. Councillor Bignell and Councillor Morton's statements did have an effect on me although I tried not to show it. I was embarrassed and deflated. I felt that Councillor Bignell was trying to imply that I had deliberately tried to mislead the Committee by withholding information which most certainly was not the case.
7. Councillor Parker was the Chair of the Committee and I find him to be a really nice person but he did not do anything as chair to try and calm the situation. Councillor Bignell could have made the same points in a calm manner without being aggressive. I would also suggest that had Councillor Bignell raised his concerns about the report before the meeting then they could have been addressed then. This is my experience of how similar issues were dealt with at Rugby Borough Council. It all seemed very unnecessary and I got the impression that Councillor Bignell felt big and proud of himself that my recommendation had been overturned by the Committee.
8. After the meeting Councillor Bignell did approach me and apologised to me for the way he had come across. Councillor Rosie Humphreys emailed me the next day to say that I had dealt with the situation very professionally but that she had been appalled by Councillor Bignell's conduct towards me at the meeting and that afterwards she had told him to apologise to me. When Councillor Bignell apologised I replied 'I'm thick skinned, don't worry about it'. I said this not because it had not affected me but because I took the view that I had to work with these members again and I did not want this to create issues in the future. Similarly I did give some consideration about making a complaint about Councillor Bignell's

behaviour but thought that it may create future issues. I did think his conduct towards me was unwarranted and quite aggressive. I know that Chuong Phillips had a similar view.

9. Councillor Parker did ask if I was ok on the evening of the meeting and he also email me the next day and asked me to phone him, which I did. He asked if I was ok and whether I was going to make a complaint about what had happened. I told him that I didn't think I would make a complaint at this time.

Notes of an interview with Chuong Phillips  
Interview Date: 24 January 2023

1. I am the Principal Planning Officer for West Northamptonshire Council and attended a meeting of the Daventry Planning Committee on 2 November 2022 where my colleague Nisar Mogul was presenting his report on a Planning application to build a development of houses in the village of Flore. This application had been due to be heard at the previous meeting in October, a different report had been prepared for this meeting. This report was sent out to members prior to the meeting in October but the application was not heard and a new report was prepared by Nisar for the application to be heard in the November meeting.
2. I have never had previous concerns about the Daventry Planning Committee but the November meeting was different. Nisar presented his report, then objectors spoke, the Parish Councils spoke, the applicant spoke. After this the members spoke. Members can ask questions of officers or those who have spoken already.
3. Councillor Morton and Councillor Bignell were substitutions onto the Planning Committee that night.
4. When the members spoke an issue was brought up regarding the photograph that had been put up in Nisar's presentation. Councillor Morton spoke first. He said '*First and Foremost, you have the wrong access*'. We asked for clarification on this, as to whether the wrong access was indicated on the drawings or shown on a photograph. Councillor Morton stated that he had lived in the area a long time and knew the site and the access was not the right access. It was ascertained that Councillor Morton was referring to the photograph of the access that had been shown in Nisar's presentation. Nisar told Councillor Morton that they believed the photograph did show the correct access but I think he put doubt in Nisar's mind. Google maps was brought up and Councillor Morton said 'well it is the wrong access'. Nisar said he didn't believe it was but if you are of that view have reassurance that the photo does not form part of the information that Highways consider when commenting on the safety of the proposed access and that they would consider the detailed plans. During this part of the debate I believe that the Chair did interject at one point and remind members that it was the plans that the Highways would have considered when making comments on the safety of the access. Councillor Morton was quite dismissive of the Chair and he repeated himself in that he was adamant the access point was wrong. His final words were 'if you haven't got this right (the access point) then how can we be sure you've got the rest of the application right. My view was that it was fine to question whether the access point was correct but that members need to accept that the answer to the question may not always be the answer you want to hear.'



5. Councillor Bignell then spoke. He raised some concerns about the officer's report. He raised that the report referred to the application as being contrary to policy and that the strategy team's comments had confirmed this. It was unclear to us as officers where in the current report Councillor Bignell was getting this information. After much discussion it was clear that Councillor Bignell was referring to a previous report. These comments formed part of a previous report which did not get presented to the Planning Committee but the report had been seen by members. In response to Councillor Bignell I made the point that this was not the report being considered at this hearing and that the information from the previous report had been removed to avoid confusion (which was clearly demonstrated by Councillor Bignell's response).
6. I would say Councillor Bignell was quite belligerent when he spoke. The volume of his voice was raised and he held the papers that he had been referring to and was shaking them in his hand in the air with aggression as he spoke to Nisar. He repeatedly said to Nisar 'You have put this document (the previous report) in the public forum, and now you are trying to tell us that it is no longer contrary to policy, well I have the document in front of me'. Officers did not have the previous report in front of them. There was no need as it was not being considered that night. Councillor Bignell repeatedly asked Nisar how he could be recommending the application be approved when it was clear from the report (he was referring to the previous report) that the strategy team were not supporting the application and in the previous report it was clear that the application was contrary to policy. This put Nisar on edge I think and I think he felt bullied from the repetition, the tone, the aggression and the mannerisms that Councillor Bignell was displaying towards him.
7. I felt the purpose of Councillor Bignell's statement was to present officers as misleading other members.
8. Councillor Parker did intervene at one point. He said 'I think the officers have made it clear that it is a previous report'. Despite this, Councillor Bignell continued to berate Nisar and mention the previous report with no further intervention from Councillor Parker. He was not questioning Nisar in my view. Questioning would be seeking clarification on certain points seeking confirmation so that these can contribute and inform the decision making. This was not what Councillor Bignell was doing and when he was given responses he would not accept them, but sought to berate Nisar for an alternative answer he did wish to hear. I think Councillor Parker struggled to be frank. I have experience of Councillor Parker chairing previous meetings and felt that on this occasion he was almost being bullied himself. I don't think Councillor Bignell gave the Chair the respect he should have done. I would have expected Councillor Parker to intervene and he did, I felt he was almost shouted down by Councillor Bignell. The meeting felt like it was a courtroom. With a public enquiry there are barristers who will cross examine you. It felt to me that Councillor Bignell in particular was adopting the theatrics of a barrister and was looking to cross examine Nisar but without the questioning. It was very adversarial.

9. In my view Councillor Bignell was undermining the officers recommendation by drawing attention to a previous report and members' considerations to a previous report, rather than the report that was before them on that night.
10. In my view Councillor Morton and Councillor Bignell had come to the meeting with a number of points to raise during the meeting and that their contributions did not inform the decision making.
11. At the end of the meeting I did not speak to anyone. I understand Councillor Bignell approached the bench and spoke to Nisar. I didn't witness the conversation as I had already left. I felt the proceedings that night had not been very comfortable. Particularly for Nisar. I briefly spoke to Nisar after the meeting and asked him how he felt. He said 'bruised'.
12. The following day I spoke to Nisar in relation to the reasons for refusal of the application. I asked him how he felt and he told me hadn't expected the meeting to be so forceful. He repeated that he felt very bruised from the meeting.
13. I did not feel that Councillor Bignell's comments were appropriate and that he should not have been addressing officers in the manner he did. Officers are there to provide clarity and assist members. Officers are not there just to push through their own recommendations and if members wish to come to an alternative decision then that is completely their right to do so. Officers are there to ensure that any recommendation they reach is a robust decision, in the interests of the local authority. If the behaviour of the authority is considered to be unreasonable or the decision is unreasonable then the authority is liable to costs. In this case I believe the application is going to appeal and the applicants are looking to take the application to a public enquiry.
14. I found the whole thing disappointing. This was not normal procedure at the Daventry Planning Committee. I have presented at Daventry Planning Committees for some time and I have never before felt the need to almost protect my own officer. On this occasion I felt there was a necessity for me to do so.

Notes of an interview with Tracy Darke (TD) and Bryony Rudkin (BR)  
Interview Date: 25 January 2023

1. On 2 November 2022 we attended a meeting of the Daventry Planning Committee as part of a Planning Service peer review of West Northamptonshire Council. Upon arrival at the Council offices we were unable to gain access to the building. We were eventually let into the building by a caretaker who was unhappy that we were arriving after the meeting had started. Clearly there was an expectation that all participants would want to attend the entire meeting. Upon entering the meeting room it was unclear, because of the layout of the room, who the people actually were that we were looking at. We could not see name tags etc from where we sat. We were effectively sitting behind the members of the Committee. From this position we could see Councillor Bignell reading from a script he had prepared. The document he was reading from did not look like scribbled notes but proper typed text. We could see this because he was just to the right of us. Councillor Bignell was reading from this document, which was his statement as to why the application should be refused. The residents present were in front of us to the left and there were lots of nods of reassurance when Councillor Bignell was speaking.
2. (TD) Councillor Bignell was speaking against the application. He then should have taken himself out of the debate/discussion. He stayed where he was. Other members sitting next to him were part of the debate/discussion. This was one of my issues with Councillor Bignell and the other was how he was treating officers. It was a performance.
3. (BR) Councillor Bignell did not state that he was the ward member for the Flore area. This may have happened at the start of the meeting when we were not present but in my view this should have been made clear to people that were just listening to this application and may not have been present at the start.
4. (TD) The officer who presented the application was Nisar Mogul, who I know from other authorities. He is an experienced officer and I would suggest it would take a lot to rattle him but the way he was treated by Councillor Bignell was not really acceptable. It felt like Councillor Bignell was trying to show Nisar up to get the outcome he wanted.
5. (BR) The member sitting next to Councillor Bignell was looking at the document Councillor Bignell was reading from. He didn't appear to think that it was odd that Councillor Bignell was reading from this script. As a councillor myself if one of my fellow members turned up with a pre-written speech I would challenge them. These were not notes he had scribbled on. (TD) Councillor Bignell is not someone who has only just been elected in May and is still learning the ropes, this is the Chair of the Strategic Planning Committee. (BR) My impression was that Councillor Bignell

- was a member that could have stood up and spoken off the cuff, but he did not do so.
6. There was no point when the applicant spoke and didn't seem to be a protocol to allow the applicant to speak. There were three younger men in the gallery who we assumed were the applicants but it was not at all clear.
  7. (BR) My recollection was that Councillor Bignell spoke right at the end when everybody else had spoken.
  8. (both) I don't recall any discussion about a photograph of the access. Don't recall another member saying words to the effect of 'if you have got the photo wrong what else have you got wrong?' But this was the general tone from members. They were critiquing the officer's report.
  9. (TD) This sent officers into a bit of a spin. Whilst Nisar was responding the senior planning officer sitting next to him seemed to be sorting out plans etc. It certainly felt like Councillor Bignell was trying to get Nisar on the ropes as it were.
  10. (BR) We met with the Vice-Chair of the Committee the next day and my feeling was that he had wanted to interject when Councillor Bignell was speaking but felt unable to.
  11. (TD) The Liberal Democrat member Rosie Humphreys emailed the Chair the following day to say that she was appalled by Councillor Bignell's attitude towards the officer and questioning why he had not intervened. *(NB We have this email)*
  12. (BR) Councillor Humphreys' email was in my opinion a good description of what we saw, regardless of whether it came from a political source.
  13. (TD) Councillor Bignell will be seen as a senior councillor and Chair of the Strategic Committee, so there will be a degree of respect for him and a reluctance for other councillors to step in and stop it, including the Chair. Who thinks it is acceptable to treat officers like this? You may ask why Councillor Humphreys did not intervene given her email
  14. (BR) The Vice Chair, was in a wheelchair and therefore not at the top table. This limited his ability to intervene. Councillor Humphreys was not a member of the administration and may have felt that she would get shouted down in the meeting. Also my experience of the Chair the next day was that he was very rude and I wonder if Councillor Humphreys may have considered that by interjecting during the meeting she may have made it worse.
  15. (Both) Our view was that the Chair should definitely have intervened when Councillor Bignell was speaking.

16. (TD) Councillor Bignell's statement was his statement. He read it, nodded to the residents for confirmation that what he said was ok, and that was fine. He was speaking against it and made his position clear. Then he stayed in place and that's where the boundaries get a bit blurred because really he should then have taken himself out of his seat as it now looked like he was part of the Committee, which he was. He then goes into debate and he is heavy on the debate and he is the one leading the debate. The Chair should have stepped in and said sorry you're predetermined here. Why did legal not step in here is another point I'd make? There is a team on the top table that should be making sure the Committee is serviced properly and that team approach did not happen in this instance.
17. (BR) What we didn't see was the Chair steering the meeting in concert with the other officers. In terms of whether there was a particular point where the Chair should have intervened with Councillor Bignell, it was more of a cumulative thing. There was a growing pressure building and the Chairing did not make things any clearer. I agree that Legal had a part to play as well. I do recall Councillor Bignell waving his papers in the air. It doesn't really matter what he was shaking, it showed his aggression towards the officer.
18. (Both) Councillor Bignell spoke in a clear confident, slightly hectoring voice. He had a loud voice but it was nowhere near shouting.
19. (BR) There was an element of grandstanding, when he was speaking, he was displaying his knowledge to the public. The room itself had an air of a courtroom about it, particularly compared with the meeting we attended at Towcester the next day.
20. (TD) My view is that the whole setup of the room and the behaviour of the members demonstrated that the Committee had needed a peer review for some time. They had just got complacent over time, protocols were forgotten and boundaries had become blurred. It felt like it had become a closed environment as opposed to an open and transparent one.
21. (TD) For Nisar Mogul it was a very difficult position. I would expect him to back down quite quickly because ultimately he has to make a decision about whether he wants to keep working at the Authority or not.
22. Councillor Bignell did ask questions of Nisar. (BR) My recollection was that they were to do with the previous report that had been written for the application. This was a bit of a red herring as it should not have been relevant to the paper the Committee were considering that night.
23. (BR) Councillor Bignell was not speaking through the chair but in my view was grandstanding to the public gallery. His comments were not addressed to the Chair or even his fellow councillors.

## Flore Housing Application

I am speaking as one of the Ward members for Flore and my views wholly reflect those of the Parish Council and the residents. We object to this application since it is not Policy compliant with nine policy conflicts which I will outline and solely relies on the supply of affordable housing to justify approval. The Flore Housing Needs Survey was undertaken by WNC (Daventry Area) in 2021 and identified that there was a need for some 18 houses. However, this application is for 45 dwellings and 60% of this application is for market properties. This is a cynical attempt by Barwood Homes to build 27 market houses on the back of the affordable houses in the open countryside. If the whole application was affordable then this could be considered an exception site but it is not and contrary to policy R1. Added to that affordable housing provision does not need to be in the specific village it relates to and its needs can be met by surrounding villages or towns, it is an area need not specific to Flore as a location. Weedon for instance which is much more sustainable could be a suitable location.

This application is outside of the village boundary and since Daventry has a proven 5-year land supply it is contrary to Policy R1. This Policy should be considered in isolation and not alongside the Joint Core Strategy. Recent appeals in Greens Norton and Rothersthorpe were dismissed and these were judged solely on local land supply.

Flore is designated a secondary service village in the Local Plan (Policy RA2). In reference to such secondary villages the Plan states that and I quote "there is no justification for further allocations (of housing)" and "development should be within the confines of the village as defined on the inset map" - this application clearly is located outside of the inset map boundary of the local Plan. Furthermore, since designation as a Secondary service village Flore has lost a Doctor's Surgery, Vets Practice, Garage with shop and Public house. This makes Flore a much less sustainable village able to accommodate further development outside of the village confines.

Over the past five years Flore has received an estate of 67 houses, another estate of 32 houses plus permission for 10 houses on a further site. This has meant that in this period the village has increased by 20%. Enough is enough and Flore cannot sustain any further large-scale growth.

A total of 60 letters of objection have been received identifying 17 areas of concern with no letters of support being received and the Parish Council wholly objects to the application as you have already heard.

The site lies to the NE of the village and is situated on the edge of the village with open fields to the north and east and does not form an intrinsic part of the

character of the village. To the South of the site is the village Conservation area and this development does not sit well with this established and older part of the village. The Conservation Officer comments on P19 'Main weaknesses of this scheme are the planning and design issues associated with the location and topography of the site and its relationship to existing built form.' That is to say it is on higher ground looking down on the established Village conservation area. To the West is the Brinton Road which further annexes the site from the established village.

The Flore Neighbourhood Development Plan was made in 2016 and adopted and is completely ignored in this report by the Officer. Through policy F2 of the Flore plan it established a development area boundary and that includes the two developments I spoke about earlier. This application however is outside the defined development area is therefore contrary to Policy F2.

In the Officers Report on P18 it lists Policies applicable to this application from Flore Plan but conveniently omits Policy F4 which I have here and will read. So furthermore, this application is contrary to Policy F4 which deals with affordable housing and rural exception sites.

This application was withdrawn from the last planning meeting so the report could be re drafted. Nothing has changed in this application since then but the report has changed significantly. I would draw your attention to P 38 of the previous report which I will read. So why have all these objections been deleted, they still are all valid as the application has not changed. This report was published into public domain so why the change of heart?

Recent appeal decisions in the area have not gone in favour of development outside village boundaries especially when the villages cannot be seen to be sustainable which Flore certainly isn't with recent loss of amenities.

So, I urge you to refuse the application as it is contrary to Policy R1 of WNJCS , F2,F4,F5 & F12 of neighbourhood plan, RA2 & RA6 of local plan,& ENV10, ST1 of the Pt 2 Local Plan. It is overdevelopment of a village which cannot sustain this growth. The only reason this is being recommended for approval is the affordable housing which certainly does not outweigh the nine policy reasons for refusal.

I am happy to propose that we recommend this application for refusal and am can supply the nine Policies that support this refusal if necessary.

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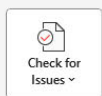
## Flore Housing Committee speech V2

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### 3. Substitute Members

3.1 Political groups may nominate some or all their councillors to be substitutes for appointed members of committees, joint committees, sub-committees, working groups and panels (and the Monitoring Officer shall have authority to give effect to those nominations in accordance with this procedure rule), provided that in the case of the: (

a) Regulatory committees and sub-committees, substitutes must have received suitable training

(b) Scrutiny committees and Audit and Governance Committee, all councillors except Cabinet members are permitted to be substitutes

3.2 Each political group shall notify the Monitoring Officer of its substitute members and, in respect of each substitute member, which committees, joint committees, sub-committees, working groups and panels they may serve on.

3.3 Notice of substitution (or any cancellation) stating the name of the substitute must be given to Democratic Services before the commencement of the meeting concerned. Notification is for each meeting or until further notice.

3.4 If the original appointed member arrives when the meeting is in progress, the substitution will remain effective and the original appointed member will not be allowed to participate in the decision making. It is not possible to substitute for part of a meeting only unless more than 50% of members of the substantive members have declared an interest or are unable to attend and there is (in the opinion of Monitoring Officer) a risk that the meeting could become inquorate for one or more item.

3.5 The chair shall inform the meeting of any substitutions before the commencement of the meeting.

3.6 Substitute members have all the powers and duties (including compliance with any mandatory training requirements) of any appointed member, but are not able to exercise any special powers or duties exercisable by the appointed member.

## **Councillor Bignell**

### **Response and comments on draft report**

#### **1. Code of Conduct**

At the meeting there were, excluding me, 8 Members, 3 Officers and a Locum Solicitor who could have at any point during the meeting called a point of order and challenged my alleged behaviour but nobody felt the need.

Most importantly Cllr Parker who is an extremely experienced Chair in controlling meetings did not feel I had contravened the code. Secondly The Locum Solicitor, who himself was a Monitoring Officer for 19 years and knows the code extremely well, did not see fit to call a point of order.

It was therefore with extreme astonishment that I received the allegations against myself.

Listed below are my observations against various points in the report plus there are some factual errors which I have identified.

4.3 ii The photograph was the wrong one and admitted to by Officer (4.39) for which he apologised on the night.

4.23 I did hold up a copy of the Local Plan but I certainly never waved them towards the Planning Officer.

4.24 I certainly deny banging the papers with my other hand, an action which would be both unnatural and unusual and to what ends?

4.25 I certainly was persistent in my questioning about previous report but not bullying. I was not the only one questioning this omission since a member of the PC and the Chairman both questioned the same point. We just wanted a plain answer why the strategy team comments had been omitted from the latest report. The Locum Solicitor intervened and this line of questioning ceased although the Chairman was keen to note the change of position of Officers without, in his view, justification. (Ref 4.26 Para 1)

4.26 (Para 3) No clear explanation where Local Plan policies had been considered. These policies were a recurring theme in my questioning of Officer as they were indeed the foundation of reasons for refusal. Weight was not given to them although an integral part of Councils Development Plan.

4.26 (Para 4) The Solicitor said ' That said, the officer report and presentation were deficient and led to much of what followed in the meeting. There would seem therefore to be lessons to be learned on both sides.' That sums up the meeting for me in that both presentation and report were deficient and were always the target of my questioning and never the Officer. He is absolutely correct, if the report had been better most of the discussion would have been avoided.

4.29 Councillor Parker said 'I knew the report was wrong, so I didn't feel I should stop Councillor Bignell speaking as I didn't think that was right. Again it is about the report not the Officer which I was questioning.

4.30 Councillor Parker said 'The Housing needs Survey then came up again. There were differences between what was being quoted in the report against what the Survey said. I discovered that there was an error in the Survey. Another example of poor report which I questioned.

4.30 Cllr Parker states 'Have I been to meetings where it was more robust? Yes. Was anything directed in a malicious way towards the officers? No. It wasn't. It was directed towards the report. I didn't regard Councillor Bignell's behaviour as aggressive. It was robust and persistent, because they were trying to get an answer to something that was inaccurate in the report.' Another example that all I was doing was questioning the report and not the Officer themselves.

4.30 Cllr Parker said 'The solicitor sits at my side. I have known him for years. Sometimes he will lean over to me and ask to say something, but he didn't do this when Councillor Bignell spoke. None of the officers said anything.' Another example that none of the four Officers on the night felt I had breached the code and called order at any stage during the meeting.

4.31 Cllr Morton said 'I felt that when he was speaking, he was asking the direct questions that needed to be asked, not that he was berating the officer.'

4.34 Planning Officer said 'I was still fairly sure it was the right access point, but I apologised for the photo being wrong.' Again vindication for continuing questioning of the photo.

4.42 'Cllr Bignell had arrived with a prepared speech' – untrue and I refute the allegation.

4.42 'The vote was decided by the deciding vote of the chair and therefore had Cllr Bignell been prevented from taking part the item would have gone the other way.' UNTRUE – nine Members voted and was 5-4 in favour of rejection. Take away my vote and it would have been 4-4 but then Chairmans vote would have made it 5-4. So actually my vote did not matter.

4.43 'they were seated behind the Members of the Committee – UNTRUE – the Chamber is a semi circle with Chair at front. It is divided into two quarters – Councillors sit on right side and members of public on left. The two ladies were over the other side and were never sat behind me.

4.44 'member that could have stood up and spoken off the cuff' – the protocol as set by the Chair at Daventry is everybody who speaks remain seated which everyone did as normal.

4.49 Cllr Parker 'I was content at this point that I had been right to let things go and that the challenges had been done in the right way. It was robust but no one

overstepped the line in my view.’ – he had checked on two occasions with Officers and on both occasions said they were fine.

4.53 I did edit the emails to quote the relevant parts and correcting spelling mistakes.

### **Predetermination**

4.62 The document attached to report, supplied by me, was not in my possession at the meeting and I was definitely not reading from it.

This document was written by me originally late Oct when I was going to attend the meeting as Ward Member. This was amended by me on 2/11 as V2. The content of the speech is as a Ward member supporting Parish Council and was inappropriate for use as a member of the Committee so I didn't use it.. On the night I spoke as a Ward member solely representing my views with additional notes I had made on the three typed documents I had (Old Officer report, new officer report and local plan). On the night I introduced myself as the Ward member only with no reference to PC as that is how I spoke with no reference to the document. The PC wanted a document to send to applicant so I edited it again on 9<sup>th</sup> before sending it to them. The jist of the doc is a rough guide to the nights events. However as the minutes of Planning Committee reflects the core reason for refusal which was around the Flore local plan which is what I questioned strongly plus the fact that a public speaker had already identified their disappointment at the lack of weight the officer gave the plan. I had the plan with me and the majority of questions related to that document.

So the content of the document do not reflect my arguments presented on the evening which were

- Wrong Photo (not in document but identified by Cllr Morton)
- Housing need survey (not in document but identified by Cllr Lister)
- Flore Local Plan – in depth analysis – identified by Public speaker

So my arguments on the evening and reflected in the minutes of said meeting bear little resemblance to the speech document and so I contest the accusation that I had and used that document in my presentation.

4.42 As already mentioned my vote on the night did not affect the decision as the other eight Members with Chairs casting vote were in favour of rejecting the application.

Cllr Phil Bignell



Independent investigation into  
an allegation that

**Councillor Phil Bignell**  
of  
**West Northamptonshire Council**

failed to comply with the Council's  
Code of Conduct

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## 1: Executive Summary

- 1.1 On 22 November 2022, the Monitoring Officer at West Northamptonshire Council ('the Council') 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 Bignell's conduct during Daventry Area Planning Committee's meeting of 2 November 2022.
- 1.2 It is alleged that during the Committee's consideration of an application for the construction of forty-five dwellings in Flore, Councillor Bignell conducted himself in a disrespectful and aggressive manner towards the Senior Planning Officer presenting the application. It also alleged that Councillor Bignell used his position as a councillor improperly to cause others a disadvantage, by both speaking and voting against the application despite being clearly predetermined.
- 1.3 Our 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.
- 1.4 We also consider that Councillor Bignell involved himself as a Committee member in both the discussion and decision to reject the aforementioned planning application despite having predetermined<sup>1</sup> his position on it. We therefore recommend 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.

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<sup>1</sup> It should be noted that a legal finding of predetermination can only be properly made in the Courts. We use the term to indicate our finding, made on the balance of probabilities, that Councillor Bignell had made up his mind about the application prior to the decision-making meeting and therefore that his part in the decision was a foregone conclusion. This recommendation has no material impact on the planning decision that was made by the Committee. It was only taken to allow us to consider whether by his conduct, Councillor Bignell failed to comply with the Council's Code of Conduct.

## **2: Councillor Bignell's official details**

- 2.1 Councillor Phil Bignell was elected to South Northamptonshire District Council in 2011 and served continuously until 2021, when the unitary council of West Northamptonshire Council was formed. During his time on South Northamptonshire Council, Councillor Bignell was Deputy Leader of the Council for six years and served on the Planning Committee throughout.
- 2.2 Councillor Bignell represents the Long Buckby ward which incorporates the village of Flore. There are two other members of this ward which are Councillor Dan Lister and Councillor Charles Morton. Councillor Bignell is a member of the Conservative Group.
- 2.3 Councillor Bignell currently sits on the following Council Committee's:
  - Investment Sub-Committee
  - Pensions Fund Committee
  - Planning Policy Committee
  - Strategic Planning Committee



### 3: Relevant legislation and protocols

#### The Localism Act 2011

- 3.1 Section 27 of the Localism Act 2011 (the Act) provides that a relevant Authority must promote and maintain high standards of conduct by members and co-opted members of the Authority. In discharging this duty, the Authority must adopt a code dealing with the conduct that is expected of members when they are acting in that capacity. For the purposes of this investigation, the relevant Authority is West Northamptonshire Council.
- 3.2 Section 28 of the Act provides that the Authority must ensure that its Code of Conduct is, when viewed as a whole, consistent with the following principles:- Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty; Leadership.
- 3.3 Under 28(6) of the Act, Local Authorities must have in place (a) arrangements under which allegations can be investigated and (b) arrangements under which decisions on allegations can be made. By section 27(7), arrangements put in place under subsection (6)(b) must include provision by the appointment of the Authority of at least one “independent person” whose views are to be sought, and taken into account, by the Authority before it makes its decision on an allegation that it has decided to investigate. For the purposes of this investigation, the relevant Authority is West Northamptonshire Council.
- 3.4 Section 28(11) of the Act provides that if a relevant Authority finds that a member or a co-opted member of the Authority has failed to comply with its Code of Conduct it may have regard to the failure in deciding (a) whether to take action in relation to the member or co-opted member and (b) what action to take.

#### West Northamptonshire Council’s Code of Conduct

- 3.5 Under Section 27(2) of the Localism Act the Council established a Code of Conduct for members (the Code).
- 3.6 The Code adopted by the Council includes the following paragraphs:

#### **3. General Obligations**

- 3.1 *You must treat others with respect*
- 3.7 *You must not do anything which compromises or may compromise the impartiality of those who work for, or on behalf of, the Councillor must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.*
- 3.11 *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 Council's Planning Protocol

- 3.7 The Council's Constitution includes a Planning Protocol starting at paragraph 8.5. The Planning Protocol includes the following paragraphs:

### **1 Background and Scope**

1.3 *The aim of this Protocol is to ensure that:*

- (a) *Planning decisions are made openly, impartially with sound judgement, and for justifiable planning reasons; and*
- (b) *Throughout the planning process there are no grounds for suggesting that a decision has been biased, not impartial or not well founded in any way.*

### **3 General Roles and Conduct**

3.1 *The basis of the planning system is the consideration of private proposals against wider public interests, with often strongly opposing views. Whilst Members should take account of those views, they should not favour any person, company, group or locality; nor put themselves in a position where they appear to do so. Decisions should clearly be based upon the development plan and material planning considerations.*

3.2 *The role of Members at a Planning Committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Council area. When voting on applications, Members may therefore decide to vote against the views expressed by their constituents.*

3.3 *Members who do not feel that they can act in this way should consider whether they are best suited to serving on a Planning Committee.*

3.6 *If Members have questions about a development proposal, they are encouraged to contact the case officer in advance. The officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Planning Committee's time and more transparent decision making.*

### **5 General principles for Dealing with Planning Matters**

5.6 *Members should retain an open mind about planning matters until they are in possession of all the relevant information to be presented.*

### **6 Determination of Planning Applications**

6.1 *Members determining applications will take account of all the relevant information presented before reaching a decision and should not commit themselves to a final opinion before having done so.*

6.4 *Members can always ask for clarification from officers. However, if there are issues which require factual clarification, preferably these should be directed to the case officer before the committee meeting, not at the meeting itself.*

## **9 *Predetermination and Predisposition***

9.1 *Members of the Planning Committees need to take account of the general public's expectation that a planning application will be processed and determined in a transparently open and fair manner, in which members taking the decision will take account of all the evidence presented before arriving at a decision, not take into account irrelevant evidence or representations and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. A Member may voice their concerns publicly before a meeting, but they should make it clear that they will not form a final opinion until they have considered all the information.*

9.2 *Members must not prejudice their ability to participate in planning decisions at a Planning committee by making up their mind, or clearly appearing to have made up their mind (particularly in relation to an external interest or lobby group), on how they will vote on any planning matter prior to formal consideration of the matter at the relevant Planning committee and hearing the officer's presentation and evidence and arguments on both sides.*

9.3 *Pre-determining a matter in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or a failure to take into account all of the factors enabling the proposal to be considered on its merits.*

9.4 *If a Member has made up their mind prior to the meeting, or have made public comments which indicate that they might have done, and is not able to reconsider their previously held view, then they will not be able to participate on the matter.*

## **Substitute members**

3.8 The Council's Constitution sets out the rules for substitute members sitting on Council Committee' and this includes the following paragraphs:

### **3. Substitute Members**

3.1 *Political groups may nominate some or all their councillors to be substitutes for appointed members of committees, joint committees, sub-committees, working groups and panels (and the Monitoring Officer shall*

*have authority to give effect to those nominations in accordance with this procedure rule), provided that in the case of the:*

- a) *Regulatory committees and sub-committees, substitutes must have received suitable training.*
  - (b) *Scrutiny committees and Audit and Governance Committee, all councillors except Cabinet members are permitted to be substitutes .*
- 3.2 *Each political group shall notify the Monitoring Officer of its substitute members and, in respect of each substitute member, which committees, joint committees, sub-committees, working groups and panels they may serve on.*
- 3.3 *Notice of substitution (or any cancellation) stating the name of the substitute must be given to Democratic Services before the commencement of the meeting concerned. Notification is for each meeting or until further notice.*
- 3.4 *If the original appointed member arrives when the meeting is in progress, the substitution will remain effective and the original appointed member will not be allowed to participate in the decision making. It is not possible to substitute for part of a meeting only unless more than 50% of members of the substantive members have declared an interest or are unable to attend and there is (in the opinion of Monitoring Officer) a risk that the meeting could become inquorate for one or more item.*
- 3.5 *The chair shall inform the meeting of any substitutions before the commencement of the meeting.*
- 3.6 *Substitute members have all the powers and duties (including compliance with any mandatory training requirements) of any appointed member, but are not able to exercise any special powers or duties exercisable by the appointed member.*

### **European Convention on Human Rights (ECHR)**

3.9 Section 3 of the Human Rights Act 1998 (HRA) requires that primary and subordinate legislation must, as far as possible, be read and given effect in a way which is compatible with the Convention rights. By virtue of section 6, it is unlawful for a public authority to act in a way that is incompatible with Human Rights.

3.10 Article 10 of the ECHR provides:

#### *Freedom of expression*

*(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas*

*without interference by public authority and regardless of frontiers. This article shall not prevent states from requiring the licensing of broadcasting, television or cinema enterprises.*

*(2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interest of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary*

3.11 In considering these matters it is important to note the words of Collins J in the standards case of *Livingstone v The Adjudication Panel for England* [2006] EWHC 2533 (Admin) [at para.39]:

*“The burden is on [the Adjudication Panel for England] to justify interference with freedom of speech. However offensive and undeserving of protection the appellant’s outburst may have appeared to some, it is important that any individual knows that he can say what he likes, provided it is not unlawful, unless there are clear and satisfactory reasons within the terms of Article 10(2) to render him liable to sanctions.”*

We have provided relevant Case Law on Article 10 in Annex A.

## 4: The Investigation

### Our appointment

- 4.1 This investigation was conducted by Alex Oram and Mark Hedges on behalf of the Council's Monitoring Officer. Alex has been conducting member conduct investigations since 2003. He was previously employed by Standards for England as its principal investigator who was responsible for conducting many of their most complex, politically sensitive and high-profile investigations into member conduct. Mark has been conducting investigations for ch&i associates since 2016. Prior to this he served for 21 years as a detective in the Police Service.

### The complaint

- 4.2 In the complaint, allegations were made about the conduct of Councillor Phil Bignell and two other councillors during a meeting of the Council's Daventry Area Planning Committee on 2 November 2022. The conduct of the other two councillors has been considered in separate reports.
- 4.3 At this meeting the Senior Planning Officer, presented a planning application which proposed the construction of forty-five dwellings in the village of Flore. The complainant alleged that when speaking about and voting on the application matter, Councillor Bignell:

i) *'behaved with a complete lack of respect and unwarranted aggression towards the planning officer presenting the Flore application'.*

ii) *'accused the planning officer of putting the wrong photo of the site on the screen and would not accept it was the right one'.*

iii) *'wouldn't accept that the Housing Needs Survey identified 54 dwellings, not 17.'*

iv) asked a series of questions and assertions that the complainant described as a *'torrent of hostility.'*

v) was *'predisposed and predetermined as regards this application'.*

### Our approach

- 4.4 During this investigation we have considered documents sent to us by the Council, which included a written response to the complaint from Councillor Bignell. We also considered written accounts of the relevant meeting from the locum solicitor and a Democratic Services Officer, who were both present. We conducted interviews (via videoconference) with the complainant, Councillor Bignell, Councillor Kevin Parker, (Chair of the Daventry Area Planning Committee), Councillor Charles Morton (Substitute member of the Daventry area Planning Committee and Long Buckby ward member), the Senior Planning Officer and the Principal Planning Officer. We also interviewed Ms Tracey Dark



and Ms Bryony Rudkin, who attended the relevant meeting on behalf of the Planning Advisory Service as part of their peer review of the Council's planning service. Finally, we obtained written evidence from Councillor Daniel Cribbin and Councillor Rupert Frost by email.

## Background

- 4.5 Planning application DA/2020/0479 (the application) sought permission for the construction of 45 dwellings (including 40% affordable dwellings) in land to the east of Brington Road in the village of Flore.
- 4.6 At the time of complaint, the Council had a Strategic Planning Committee, a Planning Policy Committee and three area Planning Committees: Daventry, South Northamptonshire, and Northampton. The application was originally scheduled to be heard at the meeting of the Daventry Area Planning Committee, held on 5 October 2022 and Chaired by Councillor Parker, but was deferred until the following meeting scheduled for 2 November 2022.
- 4.7 The Senior Planning Officer (the Planning Officer who prepared the report associated with the application) told us that his original report, which was taken to the Committee Brief meeting prior to the October Committee meeting, was considered by those present (including Councillor Parker) to be too lengthy and to contain unnecessary information about earlier proposals and applications. The Senior Planning Officer told us: *"I thought this history was relevant, but it was decided by management to pull the report and I was told by my manager to shorten the report, which I did. The longer report I had prepared for the October meeting had already gone on the agenda report and to members, so they would have seen it."*
- 4.8 The Senior Planning Officer also told us that proposals for the application site had originally been submitted more than a year earlier, and that the applicant had initially sought approval for 77 new houses. This had been considered contrary to Planning Policy by officers. The application before the Committee at their November meeting though sought permission for 45 houses. This reduction, alongside a recently completed Housing Needs Survey, had led on this occasion to an officer recommendation to approve.

## Daventry Area Planning Committee, 2 November 2022

- 4.9 The village of Flore is within the Council ward of Long Buckby. There are three ward councillors for the Long Buckby ward: Councillor Lister, Councillor Bignell and Councillor Morton, all of whom are members of the Conservative group. None of them are members of the Daventry Planning Committee, though Councillor Morton is registered as a substitute member. (The other two registered members are Councillor Harris, Liberal Democrat, and Councillor Shepherd, Conservative).
- 4.10 At the meeting of 2 November, both Councillor Bignell and Councillor Morton were recorded as attending as substitute members of the Planning Committee. Councillor Morton substituted for Councillor Cribbin, who told us that he was

unable to attend the meeting on 2 November 2022 due to work commitments. Councillor Bignell substituted for Councillor Frost, who told us that he had notified Councillor Parker and the relevant officers on 17 October 2022 as to his unavailability. .

- 4.11 Councillor Bignell is not a registered substitute member for the Planning Committee. Councillor Parker though told us that he believed that because Councillor Bignell had received the necessary training (as Chair of the Strategic Planning Committee and therefore also a member of the Planning Policy Committee), he was eligible to sit as a substitute on his Planning Committee. As to how and why Councillor Bignell was chosen for this particular meeting (rather than the nominated Conservative substitute, Councillor Stephenson), we remain unclear. When we asked Councillor Parker if it was he, as Chair, who selected who should substitute on his Committee, he told us: *'I do not select the substitute members. There is a list of substitute members in the first instance. Members who are from the Local Area Planning Area can be a substitute member if they have received Planning Training. As an example, when Daniel Cribbin could not make the meeting, I asked Suresh Patel if Charles Morton could substitute; answer, "Yes that's fine Kevin".'*
- 4.12 The application was the first of two planning applications heard at the Planning Committee meeting of 2 November 2022. The minutes of the meeting state: *"The Senior Planning Officer outlined the application which was located on the edge of the village of Flore. The original application was for 70 dwellings across the whole of the site. The current application was for 45 dwellings across part of the site. A recent housing needs survey identified a need for 54 dwellings. The site was considered to be a rural exception site. Objections had been received from residents and the Parish Council objecting to the development on the grounds of highway safety, being contrary to neighbourhood plan and the Council already having a five-year land supply. No objections had been received from Highways. Approval was recommended subject to conditions and the completion of a Section 106 Agreement."*
- 4.13 The minutes record that Councillor Bignell then spoke: *'Councillor Phil Bignell queried the number of objections received and the number of affordable houses proposed. The Senior Planning Officer advised that more objections were received regarding the original application, and that the current proposal was for a total of 45 houses comprising of 18 affordable houses with the remainder for market sale. The Principal Planning Officer advised that there was a misconception regarding rural exception sites, and it was not the case that all properties on the site had to be affordable. Mixed tenure was acceptable.'*
- 4.14 The minutes then record: *'There was discussion over the photo of the access to the site which was considered inaccurate by some members. It was pointed out that consultees had been asked to comment on the correct proposal and access.'*
- 4.15 The minutes recorded that two members of the public then spoke against the application, followed by a representative of the Parish Council, who also objected to the application.



- 4.16 Councillor Lister then spoke as the relevant ward member for the application site. Councillor Lister is recorded as saying that the proposal was contrary to policy and questioned the findings of the Housing needs survey, which he stated did not reflect the real need in the area.
- 4.17 The final speaker was Mr Gore, the applicant's planning agent who spoke in favour of the application.
- 4.18 The Minutes record that the Senior Planning Officer then spoke: *'The Senior Planning Officer advised that Planning Policy did have concerns about the original application for 70 dwellings. A housing needs survey had since been carried out and the proposal amended, and Planning Policy no longer raised objections. He was following the Principal Planning Officer: 'The Principal Planning Officer reminded members to consider the application before them, and not previous applications.'*
- 4.19 The item was then opened up for members to debate and Councillor Bignell spoke first. The minutes record: *'Councillor Phil Bignell spoke as ward member for Flore and considered the application was not policy compliant and relied on the housing needs survey to justify it. It was considered a cynical attempt to build market houses in the open countryside. The proposal was against numerous policies including RA2 and RA6 of the Local Plan and R1 of the West Northants Joint Core Strategy. Councillor Bignell proposed that the application be refused as it was contrary to many policies and constituted overdevelopment of the village. The proposal was seconded by Councillor Charles Morton.'*
- 4.20 The Principal Planning Officer then spoke again: *'The Principal Planning Officer considered that the policies referred to identified the circumstances where development was acceptable, and local need had been identified through the housing needs survey. The proposal was finely balanced.'*
- 4.21 Finally other members spoke: *'A number of councillors considered that the proposal did comply with policy and was not in open countryside and were of the opinion that there was a need for affordable housing in the villages.'*
- 4.22 Councillor Bignell, seconded by Councillor Morton, proposed to refuse the application. This was voted on and carried, with five members for and four against.

#### Matters relevant to Councillor Bignell's conduct during the meeting.

- 4.23 In the complaint referred for investigation, it was alleged that Councillor Bignell's questioning of the Senior Planning Officer about his report was *'aggressive... completely uncalled for and totally inappropriate'*. The complainant described Councillor Bignell's behaviour as intimidating, adding *"just listening to his unpleasant belligerence and watching him waving papers<sup>2</sup> towards [the Senior Planning Officer] was a very uncomfortable experience."*

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<sup>2</sup> In his response to the draft report Councillor Bignell acknowledged that he did hold up a copy of the Local Plan but denied waving them towards the Planning Officer.

- 4.24 The Senior Planning Officer told us that after he had presented his report to the Committee, Councillor Bignell questioned him using information from his earlier report: *'He was holding a copy of the longer report I had prepared for the October presentation. He asked me questions about the original policy response relating to the 77 dwellings, which was not supportive of the application. He wanted to know why this policy response was not mentioned in the new report I had prepared but was in the previous report. He was quite aggressive in his questioning in my opinion. I tried a couple of times to explain to Councillor Bignell, but he did not appear to be listening to what I said. He repeated 'It's in the report' in a louder voice than normal. When he said this, he waved the old report he was holding with one hand whilst banging it with the other hand.'*<sup>3</sup> *I think anyone watching would have formed the view that Councillor Bignell was implying that myself and the Planning department had tried to lie to members. It was very adversarial and felt like I was in a courtroom, with Councillor Bignell as the prosecutor... Councillor Bignell could have made the same points in a calm manner without being aggressive. I would also suggest that had Councillor Bignell raised his concerns about the report before the meeting, then they could have been addressed then.'*
- 4.25 The Council's Principal Planning Officer told us that she was also concerned about the way Councillor Bignell spoke to the Senior Planning Officer: *'I would say Councillor Bignell was quite belligerent when he spoke. The volume of his voice was raised and he held the papers that he had been referring to, and was shaking them in his hand in the air with aggression as he spoke to the Senior Planning Officer. He repeatedly said to the Senior Planning Officer 'You have put this document (the previous report) in the public forum, and now you are trying to tell us that it is no longer contrary to policy. Well, I have the document in front of me'. Officers did not have the previous report in front of them. There was no need, as it was not being considered that night. Councillor Bignell repeatedly asked the Senior Planning Officer how he could be recommending the application be approved when it was clear from the report (he was referring to the previous report) that the strategy team were not supporting the application and in the previous report it was clear that the application was contrary to policy. This put the Senior Planning Officer on edge, I think. And I think he felt bullied from the repetition, the tone, the aggression, and the mannerisms that Councillor Bignell was displaying towards him. I felt the purpose of Councillor Bignell's statement was to present officers as misleading other members.'*
- 4.26 The Council's Locum Solicitor provided the following recollection: *'It then became apparent that a report had been prepared for a previous meeting but withdrawn late on this same item (possibly with more houses) to which Cllr Bignell referred at some length, quoting passages from it. I intervened at this point, advising Cllr Bignell that he was taking the Committee down a cul-de-sac by this line of discussion as the Committee was there to discuss this application, as reported in this report and not on a report that had been withdrawn and asked him to confine himself to this application and this report. The chairman agreed and Cllr*

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<sup>3</sup> In his response to the draft report Councillor Bignell denied banging the papers with his other hand, an action which he stated would be *'unnatural, unusual and to what end?'*

*Bignell proceeded no further on this, although was keen to note the change of position of officers without, in his view, justification.*

*On more than one occasion I recall that the Principal Planning Officer did intervene. The officers clearly felt the reduced density of the proposed development and keeping it more in line with the edge of the village made it acceptable in their view. The provision of affordable housing was seen as a benefit. Flore residents and Cllr Bignell were seeking to argue that such provision was for the benefit of the Council area as a whole and not just Flore. There was also criticism as to why officers were promoting grant in such circumstances where there was already a 5-year housing land supply in West Northamptonshire? Cllr Bignell was also very critical of the officer report in that it failed to address the adopted Flore Neighbourhood Development Plan at all and cited policies that did not support this application (these were later referred to in the reasons for refusal proposed by Cllr Bignell, seconded and carried).*

*No clear explanation was given by planning officers as to why these policies had been considered. I did remind the committee that in considering an application, the Development Plan needs to be considered as a whole... I could not do more than that as no analysis of Flore NDP policies had been provided in the report or verbally at the meeting by officers to assist them in their decision making. As far as Cllr Bignell was concerned it appeared that officers had deliberately chosen not to give sufficient or any weight to the Flore NDP in their consideration of this application even though, as officers correctly accepted it forms part of the Council's Development Plan...*

*As a former monitoring officer for about 19 years, did I think Cllr Bignell's tone and criticism sat well with the Member/Officer Protocol? No, not really and it would have been far better for the Councillor, if he had such concerns to have raised these with officers prior to the public meeting, or even sought an invitation to Chair's briefing rather than stage what became a stand-off between Members and planning officers. That said, the officer report and presentation were deficient and led to much of what followed in the meeting. There would seem therefore to be lessons to be learned on both sides.'*

- 4.27 A Democratic Services officer also provided a statement to the Monitoring Officer regarding the Planning Committee meeting of 2 November 2022. She wrote: *'The meeting had aggressive and difficult undertones. I felt awkward on behalf of the presenting Planning Officer who seemed to come under aggressive and pointed questioning from some members (Councillor Phil Bignell in particular and also Councillor Charles Morton). There was a very adversarial feel to the meeting, which is something I have rarely experienced in 25 years of being at Planning Committees. The Planning Officer was repeatedly questioned in an aggressive manner, which I didn't feel was appropriate in any meeting, particularly one with members of the public present. The Principal Planning Officer tried to calm members and draw their attention to the application under consideration. The Chair also tried to calm issues and move issues on, although he could perhaps have been stronger in this respect.'*

- 4.28 Ms Tracey Dark and Ms Bryony Rudkin were also present at the meeting as representatives of the Planning Advisory Service, who were conducting a peer review of the Council's Planning Services. Ms Rudkin told us: *'I do recall Councillor Bignell waving his papers in the air. It doesn't really matter what he was shaking, it showed his aggression towards the officer...There was an element of grandstanding. When he was speaking, he was displaying his knowledge to the public. The room itself had the air of a courtroom about it.'*
- 4.29 Councillor Parker told us that he recalled Councillor Bignell asking the Senior Planning Officer why some of the information included in the report that had been produced for the October meeting had been omitted from the report under consideration at the November meeting. Councillor Parker told us: *'Some of the points in the first report were not in the second report. Some of that doesn't really matter, but some does. Such as the Neighbourhood Plan. Councillor Bignell asked the Senior Planning Officer why it wasn't. He didn't really get a response from the Senior Planning Officer. Councillor Bignell was persistent in trying to get a response. As Chair, I was aware that Councillor Bignell was potentially approaching a line. He was critical of the report, but not critical of the Senior Planning Officer. I knew the report was wrong, so I didn't feel I should stop Councillor Bignell speaking as I didn't think that was right. Councillor Bignell then produced a copy of the Neighbourhood Plan he had brought to the meeting.'*
- 4.30 Councillor Parker told us that in his view there were other issues with the report that were correctly highlighted: *"The Housing needs Survey then came up again. There were differences between what was being quoted in the report against what the Survey said. I discovered that there was an error in the Housing Survey report. Councillor Lister had already picked this up, but Councillor Bignell picked it up [as well]. I felt that this was another point that needed to be clarified, so I didn't see a reason to stop Councillor Bignell speaking at least until the point had been clarified. This became a robust debate with the officer. At this point the Principal Planning Officer took over. I knew the Senior Planning Officer had not presented at Daventry before, but that the idea was that the Planning Officer should present their own work. The Senior Planning Officer was floundering because he didn't know the answer and it was difficult for him to say that he was wrong. The Principal Planning Officer took over and made the points on his behalf. Was the debate robust? Yes. Have I been to meetings where it was more robust? Yes. Was anything directed in a malicious way towards the officers? No. It wasn't. It was directed towards the report. I didn't regard Councillor Bignell's behaviour as aggressive. It was robust and persistent, because they were trying to get an answer to something that was inaccurate in the report. If it was wrong it was wrong, but I felt the Committee needed to know if it was wrong or not. The Committee is there to look at the recommendation, but they may take a different view...Councillor Bignell never said to the officer 'you're lying' or anything like that. That would clearly be crossing a line. Equally I was aware of the potential for Councillor Bignell to stray into this sort of territory and prepared to interject if he did so, but in the event he never did. The solicitor sits at my side. I have known him for years. Sometimes he will lean over to me and ask to say something, but he didn't do this when Councillor Bignell spoke. None of the officers said anything.'*



- 4.31 Councillor Morton told us: *'In terms of Phil Bignell, he has been on Planning for years and he is well respected. I felt that when he was speaking, he was asking the direct questions that needed to be asked, not that he was berating the officer. The officer got frustrated and muddled and it ended up with the Principal Planning Officer taking over the questions.'*
- 4.32 Councillor Bignell acknowledging challenging aspects of the report but denied being disrespectful towards the Senior Planning Officer: *'The officer was quoting that there would be 45 affordable houses on the site. This was not right as this was the total number of proposed houses on the site, not the number of affordable ones. I felt I had to challenge him again on this point. I was passionate about it, as were others, but at no point did I ever think I was aggressive. I know how to conduct myself in a meeting and Councillor Parker, who has been Chair on Planning for a number of years, does also. If I had stepped over the line I know he would have stepped in straight away and I would have expected him to. He did not interject. All I did was challenge the facts he was presenting to the Committee. The whole basis of the application rested on the number of affordable homes that were going to be developed, so I felt it was important that the facts were correct so again I was persistent without ever raising my voice or being aggressive. The proposal was outside the village boundary, so the report was saying that the fact that the application was against various policies was overridden by the affordable housing that would be produced. There were actually only 17 or 18 affordable houses being developed, so it was an important point to get right.'*
- 4.33 The minutes of the meeting record that following the Principal Planning Officer's intervention on the above point: *'There was discussion over the photo of the access to the site which was considered inaccurate by some members. It was pointed out that consultees had been asked to comment on the correct proposal and access.'*
- 4.34 The Senior Planning Officer told us that it was Councillor Morton who initially challenged the accuracy of the access photo he had included as part of his presentation: *'He said the photo I had presented of the access to the site was wrong and that this was not the access to the site. I was fairly sure it was the right photo, although I had taken it sometime ago. I told the councillor this, but he was insistent that the photo was wrong. To try and resolve this, we looked at the street view on Google Maps. We found a view of the access point to the site, and it did not look like the image I had presented on the PowerPoint. I was still fairly sure it was the right access point, but I apologised for the photo being wrong. It actually made no difference to the application, but Councillor Morton then stated words to the effect of 'you can't even get the access point right, what else have you got wrong?'*
- 4.35 The Principal Planning Officer told us that Councillor Morton was adamant that the photograph was incorrect, stating that *"he had lived in the area a long time and knew the site and the access was not the right access... During this part of the debate, I believe that the Chair did interject at one point and remind members that it was the plans that the Highways would have considered when making comments on the safety of the access [rather than the photograph]. Councillor*

*Morton was quite dismissive of the Chair, and he repeated himself in that he was adamant the access point was wrong. His final words were ‘if you haven’t got this right (the access point) then how can we be sure you’ve got the rest of the application right.’ My view was that it was fine to question whether the access point was correct, but that members need to accept that the answer to the question may not always be the answer you want to hear.’*

- 4.36 Councillor Parker told us: *“There was a big debate about this, which was going backwards and forwards. I think the issue stemmed from the fact that there had been previous applications on the site and the amount of proposed houses was diminishing with each application. I think the access point had been moved for the application we were now hearing. The Senior Planning Officer was adamant that he was right and Councillor Morton was adamant it wasn’t. I decided to intervene and ask Google Maps to be brought up by the Principal Planning Officer to try to resolve this once and for all. The result of this was that the gate photographed was the wrong gate. I got an agreement that the photograph was wrong and moved the meeting on. This was of relevance because Highways had input into the application and had put up no objection, but it was not clear if they had been looking at the correct access point.’*
- 4.37 Councillor Morton told us: *‘The officer presented the application and this included putting a picture of the access point to the site. This picture was not in the officers report, it was put up on the night. One of the few things I did say on the night related to this picture. I said that the picture of the access gate doesn’t even belong to the people that own the site, it’s miles up the road. I pointed this out to the officer, who was adamant that this was the right access gate. I told him that I could promise him it was not. Eventually the Chair asked the lawyer to go onto Google Earth. We did this and found the gate in the picture. This gate wasn’t even in the field where the application was, nor was it from a previous application at this site. The officer said that he had been to the site two years ago to take the picture and had not been since. The access point had always been the same, even on the previous application, and it was not the one shown by the officer. I said to the officer ‘What else is wrong? You’ve got the wrong gateway so highways have looked at the wrong gateway. The right gateway is closer to the main road.’ The fact that the officer had taken a picture of the wrong access point and hadn’t visited the site did make me question what else may be wrong and opened him up to more questions. I made these comments after the officer’s presentation I believe. Councillor Bignell also knew it was the wrong gateway, as did the Parish Council. Eventually the officer agreed it was the wrong gateway. It was a bit of an awkward moment for the officer, but I felt that it needed to be right, and it wasn’t. I didn’t think that either myself or Councillor Bignell were aggressive in our questioning. We were asking questions that needed to be asked. This is our role as a councillor.’*
- 4.38 Councillor Bignell told us that he also believed the photo showed the wrong access point to the site. He told us: *‘Councillor Morton, who lives about 500 yds from the access, interjected and told the Senior Planning Officer that wasn’t the right access. The officer disagreed with Councillor Morton. I also knew it wasn’t the right gateway, so I also spoke up. The picture had come from the 70-house application that had been submitted previously, which had a different access. I*

*knew this and so did Councillor Morton, as he drives past it every day. We didn't seem to be able to get anywhere with it as the officer was adamant that it was the right picture. Myself and Councillor Morton were persistent on this issue, but we did not get aggressive or loud. The Chair then asked for Google Maps to be brought up and so using street view we determined that the picture was not the right access as we had said. The officer said he was sorry but that he had taken the picture from stock, as he hadn't been to the site for 18 months. This was the first point of contest I suppose is the word I'd use'.*

- 4.39 The Locum solicitor's recollection of Councillor Bignell's participation in this part of the meeting was as follows: *"At no time did I see him (Councillor Bignell) make personal remarks against the case officer, but he was very critical of the quality of the report. He identified that the photograph of the access point was wrong. The Senior Planning Officer was quick to deny this was the case, but Cllr. Bignell persisted with chimes of agreement from the public and other Members. After a short while and as rather a stand-off response, officers, while asserting the correctness of their position, said "let's look on Google Maps then", which they did and it soon became apparent that the Senior Planning Officer had photographed the wrong farm gate access point, which looked quite different to the one shown in the Senior Planning Officer's presentation. The Senior Planning Officer readily apologised for this error, but the confidence damage had been achieved.'*
- 4.40 Councillor Bignell told us that when the application was opened up for debate amongst councillors, he was invited to speak first as a ward member. He told us: *'I built a case on what the people from Flore had said about the Local Plan and highlighted this in my speech. I questioned why we were not considering the Local Plan. I mentioned the Policy R1 about building outside the village boundary and about the reduced amenities available in the village. I also stated the Housing needs survey didn't support the application in terms of what the real need was in Flore. I thought I made a reasonably compelling case. Then the other members debated it. One thing that stuck in my mind from the debate was that Councillor Peter Matten, who is fairly new to the Daventry Planning Committee, voted against the officer recommendation. He is nearly always swayed by the officer, but on this occasion, he asked the officer to defend against the points that I had made. The officer was unable to shoot down any of the points that I had made.'*
- 4.41 In the complaint submitted to the Monitoring Officer, it was alleged that Councillor Bignell's conduct at the meeting demonstrated that he not only did not understand his responsibility as a Committee member *"not to represent the views of their constituents, but to consider planning applications in the interests of the whole Council area. When voting on applications, Members may therefore decide to vote against the views expressed by their constituents."*; but that he spoke and voted on the application despite being clearly predetermined.
- 4.42 Wholly separately to this complaint, the representatives from the Planning Advisory Service contacted the Monitoring after the meeting to express their own concern that *"Cllr Bignell had arrived with a prepared speech which he read out at the outset of the item making it absolutely clear that he disagreed with the*

*officer recommendation and then proceeded to take part as the meeting progressed in the item as a member of the committee, despite having made his position clear before the item was presented. The view they expressed is that there was clear evidence of predetermination. The vote was decided by the deciding vote of the chair and therefore had Cllr Bignall been prevented from taking part the item would have gone the other way.”<sup>4</sup>*

- 4.43 We spoke with Ms Rudkin and Ms Dark as part of this investigation. They told us that they were seated behind the members of the Committee and that they could clearly see Councillor Bignell reading from a piece of paper he was holding.<sup>5</sup> They both agreed that this appeared to them to be a pre-prepared, typed speech (not handwritten notes) and that the content of the speech included his reasons as to why the application should be refused.
- 4.44 Ms Dark told us: *“Councillor Bignell’s statement was his statement. He read it, nodded to the residents for confirmation that what he said was ok, and that was fine. He was speaking against it and made his position clear.”* Ms Rudkin added: *‘The member sitting next to Councillor Bignell was looking at the document Councillor Bignell was reading from. He didn’t appear to think that it was odd that Councillor Bignell was reading from this script. As a councillor myself, if one of my fellow members turned up with a pre-written speech, I would challenge them. These were not notes he had scribbled on. My impression was that Councillor Bignell was a member that could have stood up and spoken off the cuff, but he did not do so.’*
- 4.45 Councillor Bignell denied being predetermined and was clear that he had not prepared his speech before the meeting. He told us: *‘In terms of preparation for the meeting, I had read the report, taken a copy of the Neighbourhood plan and an extract from the report that was going to be presented in the October meeting... I took notes from what the Flore residents said and then formulated my speech around these points. I did not have a prepared speech before the meeting. Predisposed is an interesting term. If you haven’t read the report then you haven’t formed any sort of opinion. I had read the report and I had some doubts about the application, but my reasons were largely formed from what I heard about the Local Plan being ignored.’*
- 4.46 At the end of the members debate a vote was taken on Councillor Bignell’s proposal that the application be refused. Five members voted in favour of Councillor Bignell’s proposal and four against, therefore the proposal was carried, and the application was refused.
- 4.47 In relation to the allegations made about his conduct, Councillor Bignell said: *“The complaint said that I seemed to totally disregard the officer’s recommendation. I was bemused by this statement as I did not agree with some of the things that the officer had written in his report, but I certainly did not totally*

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<sup>4</sup> In his response Councillor Bignell questioned Ms Dark’s comments: *‘UNTRUE nine Members voted and it was 5-4 in favour of rejection. Take away my vote and it would have been 4-4 but then Chairman’s vote would have made it 5-4. So actually, my vote did not matter.*

<sup>5</sup> Cllr Bignell stated in his response to the draft report that the two PAS representatives were seated over the other side of the room and were never sat behind him.



*disregard his report. In terms of the accusation that I verbally attacked the officer; I do not agree that is what I did. I stuck to the facts all the while. I was persistent, that's all, particularly with regards to the photo... I don't believe it could be construed that I was berating the officer. To my mind it was a well engaged debate. I would not say I was ever aggressive, and I was only persistent regarding the gateway access because I had local knowledge and knew the officer had got it wrong. The Chair only interjected to ask we look at Google Maps to try and resolve the issue of the photo, but he would have done if he felt I had upset the officer as he is very experienced. It was a robust debate in my opinion. I think the public would expect that these things are debated on their behalf, without shouting and screaming, which in my opinion is exactly what I did. I realise that there is a line to be drawn and that I should not be going round criticising the officers. This gains nothing. I have disagreed with officers' decisions previously, but no one has ever complained before. I certainly do not recall saying that the officer had removed the comments from the previous application to try and deceive the Committee. Words to this effect may have been used by the member of the Parish Council who spoke about it during their submission to the Committee. I did pick up on these comments in my speech by asking why they had been removed but I didn't say that it had been done so in order to deceive them.'*

- 4.48 In his comments on the draft report, Councillor Bignell acknowledged being persistent in his questioning, but denied doing so in a manner that could be considered bullying. Councillor Bignell reiterated that the Senior Planning Officer had made mistakes in the presentation and that the report had been both deficient and inaccurate, therefore his persistence had been necessary. Councillor Bignell stated: *"At the meeting there were, excluding me, 8 Members, 3 Officers and a Locum Solicitor who could have at any point during the meeting called a point of order and challenged my alleged behaviour, but nobody felt the need. Most importantly Cllr Parker who is an extremely experienced Chair in controlling meetings did not feel I had contravened the code. Secondly The Locum Solicitor, who himself was a Monitoring Officer for 19 years and knows the code extremely well, did not see fit to call a point of order. It was therefore with extreme astonishment that I received the allegations against myself."*

#### Events after the meeting of 2 November 2022

- 4.49 The Senior Planning Officer told us: *'After the meeting Councillor Bignell did approach me and apologised to me for the way he had come across...When Councillor Bignell apologised I replied, 'I'm thick skinned, don't worry about it'. I said this not because it had not affected me, but because I took the view that I had to work with these members again and I did not want this to create issues in the future. Similarly, I did give some consideration about making a complaint about Councillor Bignell's behaviour but thought that it may create future issues. I did think his conduct towards me was unwarranted and quite aggressive.'*
- 4.50 Councillor Parker told us that he did spoke to the Senior Planning Officer and the Principal Planning Officer after the meeting: *'I spoke to both officers after the meeting and asked if they were ok with the meeting. They both said they were fine and that they were 'used to it'. I also spoke to the two officers individually by*

*phone the following day to check that what they were telling me the night before was still the case. They both said they were fine. The Senior Planning Officer made the comment that he had been through it all before and that he was just going to move on. I did not get the impression that either officer felt that I hadn't helped them. I was content at this point that I had been right to let things go and that the challenges had been done in the right way. It was robust but no one overstepped the line in my view. None of the members made accusations that officers were lying or manipulating figures. Had they done so I would have of course acted to stop it. The officers can't defend themselves and if they have done the report right then it's ok. In this case the report wasn't right, and this was only highlighted during the meeting so could not have been resolved beforehand.'*

4.51 Councillor Bignell told us: *'I spoke to both officers and the Chair after the meeting and we shook hands and laughed about it. I think we agreed that it was a good debate. The principal planning officer outlined what was going to be put as the reasons for refusal, which I agreed to and we parted best of friends. I didn't apologise to the officer because I didn't feel the need to. the Senior Planning Officer said he didn't have any problems with the debate, which is why I find it difficult to believe that the officers complained about it. I felt I had performed well for the community and this was reinforced when I got two emails that evening thanking me for what I'd done during the meeting. I was therefore gobsmacked when I received the complaint a month later.'*

4.52 Councillor Bignell provided us with the two emails he received that evening. The first of these was from a member of Flore Parish Council: *'Hi Phil. I just wanted to send you my personal thanks for your virtuoso performance this evening. It was extremely impressive and I am pretty sure there would have been approval without your input. In particular I'm so pleased that you made the meeting to take our Neighbourhood Plan seriously because the planners had completely ignored it. Neighbourhood Plans have been very useful in appeals! Thank you again'*. The second was from the Chair of Flore Parish Council, sent to all members of the Parish Council and the three Ward Members, Councillors Bignell, Morton and Lister. It read: *'Hi all. Thank you on behalf of the Parish Council for your support this evening - especially Phil. That was an excellent result, no doubt it will go to appeal but we'll wait and see. Hopefully see you next Tuesday at the PC meeting. Best wishes'*

4.53 As part of the document pack, we received from the Council, we received a slightly different version of the email from the Parish Council Chair. This version read: *'Hi all. Thank you on behalf of the Parish Cpuncil (sic) for your support this evening - especially Phil. **The Planning Officer was running scared!!** (our emphasis) That was an excellent result, no doubt it will go to appeal but we'll wait and see. Hopefully see you next Tuesday at thf (sic) PC meeting. Best wishes'*

4.54 The two emails are very similar, but the one referred to by Councillor Bignell in his written response has had two spelling errors corrected and the sentence, *'The Planning Officer was running scared!!'*, removed. In his response to the draft report, Councillor Bignell accepted that he had edited the email to *'quote the relevant parts and correct spelling mistakes'*

4.55 On 8 November 2022, Councillor Bignell attended the meeting of Flore Parish Council. The minutes of this meeting record the following under agenda item 851.0 Outstanding items-update: *'Update: DA/2020/0479 Land to East of Brington Road. Noted that this was refused at the meeting and is possible it will go to Appeal. Owner of the land emailed Cllr Beasley and asked some questions - Cllr Phil Bignell advised that we could send through the copy of his speech which explained a lot of the reasons for the refusal, to the owner. The Parish Councillors unanimously thanked the Unitary Councillors for their significant, passionate and important support that was received for this application, at the planning committee meeting. They were impressed with how it was handled a joy to watch (sic).*

#### Matters related to allegation of predisposition / predetermination.

- 4.56 The Council's Code does not specifically refer to matters of predetermination and bias, as these decisions are judge-made, common law issues and not part of the Code of Conduct. And it is not a problem for councillors to be predisposed to vote a certain way. Section 25 of the Localism Act 2011 provides in essence that "a decision maker is not to be taken to have ... a closed mind when making the decision just because ... the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took or ... might take in relation to that matter ...". Under the terms of the Act, the fact that a Councillor may have campaigned for or against a proposal or formed a preliminary view about how they will vote before they attend the meeting, and/or expressing that view publicly, is not in itself to be taken as proof that they are not open-minded.
- 4.57 That said, a Councillor on a decision-making regulatory committee such as planning must still have an open mind when they come to the meeting, so that all the relevant considerations presented to the meeting can be taken into account. While Councillors can (probably) feel less inhibition about, say, speaking at a town or parish council meeting about a matter before it comes to their authority, Councillors should nevertheless still try to avoid doing or saying something before the proper decision-making meeting takes place that shows they have already – and finally – made up their minds on the issue.
- 4.58 As stated at paragraph 9.3 of the Council's Planning Policy: *"Pre-determining a matter in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or a failure to take into account all of the factors enabling the proposal to be considered on its merits."* Any councillor who is considered to have risked rendering a decision of a council unlawful due to predetermination could reasonably be regarded using their position improperly and / or bringing that authority or his office into disrepute. As such, we consider it necessary to consider whether, on the balance of probabilities, Councillor Bignell was predetermined.
- 4.59 Councillor Bignell was clear that he did not enter the meeting with a closed mind, albeit it did have some concerns about the recommendation to approve: *"The application was from Barwood Homes and this was the third application they had*

*submitted for this proposed development. Two years ago an application was submitted for about 76 houses, the second application was for around 55, and this application was for around 45 I believe. This was the first time the application had gone to the Committee. The application had been scheduled to come to the October meeting of the Daventry Planning Committee. Having read the report the week before the October meeting, I realised it was full of errors. It had parts of previous applications in it and in my view, it was not a very good report. I spoke to the Head of Planning about it and on the day of the October meeting it was withdrawn. The officer was told to rewrite the report. The original report was very lengthy and had a lot of factual errors in it. It was rewritten and was a lot shorter. This was the version of the report that was presented at the meeting on 2 November 2022... It was quite a confusing report and if you had read it without knowing the Officers recommendation you might think it was being recommended for refusal, as the officer was finding so many things wrong with the application. However, officers' reports are finely balanced usually and are written in such a way to allow debate and a democratic decision by the Committee."*

- 4.60 Councillor Bignell told us at interview that he did not prepare a statement prior to the Committee meeting, but that he did take some information with him and also drafted some notes while the matter was under discussion: *"In terms of preparation for the meeting I had read the report, taken a copy of the Neighbourhood plan and an extract from the report that was going to be presented in the October meeting... I took notes from what the Flore residents said and then formulated my speech around these points. I did not have a prepared speech before the meeting. Predisposed is an interesting term. If you haven't read the report, then you haven't formed any sort of opinion. I had read the report and I had some doubts about the application, but my reasons were largely formed from what I heard about the Local Plan being ignored."*
- 4.61 We contacted Councillor Bignell by email on 8 February 2023 to explain that witnesses we had spoken to during our investigation had indicated that he had read from a typed, pre-prepared speech. We also suggested that the minutes of Flore Parish Council seemed to support this assertion, given that he had indicated that he could send the owners of the land a copy of his speech.
- 4.62 Councillor Bignell responded to our email the same day: *'As already stated in my submission, I wrote notes during the Officers presentation, Flore submissions and other contributors on the night. When I came to speak I used those gathered notes alongside the Village plan to form my challenge to the Officers decision and I can assure you I did not have a speech which I read from on the night. At the subsequent PC meeting you refer to the Landowner wanted to know on what grounds the objections were made. I offered to submit a document, which is attached and was written on 11th of November, over a week after the Planning Meeting, to try and help the landowner. I wrote the document in the form of what I recalled from the night and what I think I said to make it easier to understand, rather than just the bulleted notes I took and used on the night. I sent this to the clerk to forward to landowner (sic) trying to be helpful. I can assure you this document was not in my possession on the night and I did not read a speech as suggested. I have been on Planning Committees for 12 years now and know that*



*doing this would be completely against the principle of open debate on the evening and I refute any such claim.'*

- 4.63 Attached to Councillor Bignell's email was a word document titled '*Flore Housing Committee Speech v2.docx* [the speech]. The content of 'the speech' is shown in full at ANNEX B of this report. It begins: "*I am speaking as one of the Ward members for Flore and my views wholly reflect those of the Parish Council and the residents. We object to this application since it is not Policy compliant with nine policy conflicts which I will outline and solely relies on the supply of affordable housing to justify approval.*" And it ends: "*I urge you to refuse the application as it is contrary to Policy R1 of WNJCS,F2,F4,F5 & F12 of neighbourhood plan, RA2 & RA6 of local plan,& ENV10, ST1 of the Pt 2 Local Plan. It is overdevelopment of a village which cannot sustain this growth. The only reason this is being recommended for approval is the affordable housing which certainly does not outweigh the nine policy reasons for refusal. I am happy to propose that we recommend this application for refusal and am can supply the nine Policies that support this refusal if necessary.*" [sic]
- 4.64 Upon receipt of the document from Councillor Bignell, we examined the metadata properties of the document sent us by Councillor Bignell. A screen shot showing the document's properties, which can be found in annex C, demonstrates that:
- The document was created 10.06am on 2 November 2022, the morning the Planning Committee meeting was held.
  - The author of the document is '*Phil Bignell*'.
  - The document was last printed at 11.20am on 2 November 2022.
  - The document was last modified at 10.17am on 9 November 2022, the day after the Flore Parish Council meeting of 8 November 2022.
- 4.65 It is not possible to know from the properties of the document alone how Councillor Bignell might have modified the document after the meeting of 2 November 2022. In the draft report though, we expressed the view that the fact that Councillor Bignell created and printed this document prior to the Committee meeting, when set alongside the evidence provided by the officers from the Planning Advisory Service, leads us to strongly doubt the credibility of Councillor Bignell's evidence in relation to this matter. Given this, we consider it more likely than not that the vast majority of the speech found in annex b of this report was drafted prior to the start of the relevant Committee meeting.
- 4.66 Having reached this conclusion, we considered that the content of Councillor Bignell's speech strongly supported the allegation that he attended the Committee meeting on 2 November 2022 having already predetermined the matter. We also considered it noteworthy in the first instance that Councillor Bignell began by saying that he was speaking as a Ward Councillor and that his views wholly represented those of the Parish Council and local residents.

4.67 In his comments on the draft report, Councillor Bignell reiterated that the document referred to as ‘the speech’ was not in his possession at the meeting and he definitely was not reading from it.<sup>6</sup> In his comments on the draft Councillor Bignell stated that the speech was actually originally written by him in late October, at a time when he was planning to attend the meeting as Ward Member. *“This was amended by me on 2/11 as V2 (version 2). The content of the speech is as a Ward member supporting Parish Council and was inappropriate for use as a member of the Committee, so I didn’t use it. On the night I spoke as a Ward member solely representing my views, with additional notes I had made on the three typed documents I had (old Officer report, new officer report and local plan). On the night I introduced myself as the Ward member only, with no reference to PC (Parish Council) as that is how I spoke with no reference to the document. The PC wanted a document to send to the applicant, so I edited it again on the 9th before sending it to them. The gist of the doc is a rough guide to the night’s events. However, as the minutes of the Planning Committee reflect, the core reason for refusal was around the Flore local plan, which is what I questioned strongly plus the fact that a public speaker had already identified their disappointment at the lack of weight the officer gave the plan. I had the plan with me and the majority of questions related to that document. So the content of the document do not reflect my arguments presented on the evening, which were 1. Wrong Photo (not in document but identified by Cllr Morton) 2. Housing need survey (not in document but identified by Cllr Lister). 3. Flore Local Plan – in depth analysis – identified by Public speaker. So my arguments on the evening and reflected in the minutes of said meeting bear little resemblance to the speech document and so I contest the accusation that I had and used that document in my presentation.”*

4.68 Having carefully considered Councillor Bignell’s comments on our provisional conclusions, our view remains that that Councillor Bignell attended the meeting having already predetermined his position on the application. Councillor Bignell has confirmed that he wrote the speech, in which he strongly argued that the application should be rejected, because his initial intent had been to attend the meeting as a Ward Member. Given that Councillor Bignell was not a member of the Planning Committee, nor a registered substitute, it is unsurprising that this was the case. For the purpose of our considerations however, it does not really matter whether Councillor Bignell then read out that speech at the meeting as a member of the Committee. The views expressed within it demonstrate that Councillor Bignell had already made his mind up with regards to application before the meeting took place, and therefore in our view he should not have involved himself so directly in the decision-making process.

## 5: Did Councillor Bignell fail to comply with the Council’s Code of Conduct?

### Capacity

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<sup>6</sup> As stated previously, Councillor Bignall was adamant that the PAS representatives were never situated behind him and therefore would not have been able to see the documents he was holding.

- 5.1 Before we make a recommendation as to whether Councillor Bignell's conduct amounts to a failure to comply with the Code of Conduct, we need to decide if he was acting as a councillor (i.e. acting in his official capacity) at the relevant time.
- 5.2 Section 27(2) of the Localism Act 2011 requires all relevant authorities to adopt a code of conduct "dealing with the conduct that is expected of members ... when they are acting in that capacity" (my emphasis). The Council has reiterated this in its own Code: 'you must comply with this Code whenever you act in your capacity as a member or Co-opted Member of the Authority.
- 5.3 In this case, Councillor Bignell was clearly acting in his capacity as a councillor when attending the meeting of the Council's Daventry Area Planning Committee on 2 November 2022 as a substitute member of that Committee. We therefore consider that the Code is engaged.

### Code Principles

- 5.4 The intention of the Code is to ensure that the conduct of public life at the local government level does not fall below a minimum level which engenders public confidence in democracy. In adhering to the principles set out in the Code there is an expectation that members will treat others with respect and not conduct themselves improperly to confer an advantage/disadvantage on anyone.
- 5.5 **Paragraph 3.1** of the Council's Code states that members must treat others with respect. Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurred are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurred, who observed the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompted the alleged disrespect.
- 5.6 **Paragraph 3.7** of the Council's Code states that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Authority into disrepute. A member's behaviour in office will bring the office into disrepute if their conduct could reasonably be regarded as such that it reduces the public confidence in that member being able to fulfil their role; or adversely affects the reputation of members generally in fulfilling their role.
- 5.7 **Paragraph 3.11** of the Council's Code states members must not use their position improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage. There are many circumstances where it is proper for a member to attempt to confer a desirable outcome, or advantage, for their constituents. Councillor Bignell's conduct would only be improper if he was to try to use his public position to either further his own or someone else's position to the detriment of the public interest.
- 5.8 **Leadership:** The Council's Code describes Leadership as promoting and supporting the other principles of the Code by leadership and example. Leadership though goes beyond this and has been the focus of a recent report

from the Committee of Standards in Public Life. The report noted that the importance of leadership was strongly emphasised by many people we spoke to for this review. Often referred to as the '*tone from the top*', it was clear that having good role models endorsing and promoting high ethical standards matters throughout organisations; and for those in senior positions it was essential. Leadership, in the Committee's view, implicitly includes respect for one another. However, against a backdrop of increasing intimidation and abuse, along with the greater awareness of issues of harassment and bullying, the Committee came to the view that this should be made explicit in the descriptor.

**5.9 Freedom of Speech:** As referred to above, we must also give regard to the enhanced protection politicians are offered in Article 10 of the Human Rights Act. This would include considering whether any interference or restriction to a councillor's freedom of expression is prescribed in law and, if so, whether it is necessary in a democratic society. Councillors operate in a political environment and must be free to make political points and discuss matters of public concern without undue interference. That said, the right to freedom of expression is not absolute. The Localism Act, under which the Council has adopted a Code of Conduct, provides that a councillor's freedom of speech can be legally restricted where necessary.

**5.10** In *Heesom v Public Service Ombudsman for Wales* Mr Justice Hickinbottom considered a councillor's right to free speech in some detail. His considerations drew attention to a number of earlier cases in which the following propositions could be derived:

- a. While freedom of expression is important for everyone, it is especially so for an elected representative of the people. He represents his electorate, draws attention to their preoccupations and defends their interests.
- b. The enhanced protection applies to all levels of politics, including local.
- c. Article 10 of the European Convention on Human Rights protects not only the substance of what is said, but also the form in which it is conveyed. Therefore, in the political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, is tolerated.
- d. Whilst, in a political context, Article 10 protects the right to make incorrect but honestly made statements, it does not protect statements which the publisher knows to be false.
- e. The protection goes to "political expression"; but that is a broad concept in this context. It is not limited to expressions of or critiques of political views, but rather extends to all matters of public administration and public concern including comments about the adequacy or inadequacy of performance of public duties by others.



- f. Past cases draw a distinction between fact on the one hand, and comment on matters of public interest involving value judgement on the other. As the latter is unsusceptible of proof, comments in the political context amounting to value judgments are tolerated even if untrue, so long as they have some – any – factual basis. What amounts to a value judgement as opposed to fact will be generously construed in favour of the former; and, even where something expressed is not a value judgement but a statement of fact (e.g. that a council has not consulted on a project), that will be tolerated if what is expressed is said in good faith and there is some reasonable (even if incorrect) factual basis for saying it, “reasonableness” here taking account of the political context in which the thing was said
- g. As article 10(2) expressly recognises, the right to freedom of speech brings with it duties and responsibilities. However, any restriction must respond to a “pressing social need”.
- h. Politicians are required to have a thick skin and be tolerant of criticism and other adverse comments. Civil servants are, like politicians, subject to the wider limits of acceptable criticism. However, unlike politicians they are involved in assisting with and implementing policies, not making them. As such they must enjoy public confidence in conditions free from perturbation if they are to be successful in performing their tasks and it may therefore prove necessary to protect them from offensive and abusive attacks when on duty.

5.11 When considering when a restriction might be considered necessary, we believe that one of the objectives of the Code and the provisions within it (along with the imposition of any sanction if a breach is found), is to protect the reputation and rights of others, for example, from offensive, abusive, and defamatory remarks<sup>7</sup>. Councillors should consider carefully both what they are expressing and the way they are expressing it. They should also consider how their conduct could be perceived. There is no reason councillors should not be able to undertake a scrutiny role, represent the public and any constituents, or make robust political points in a respectful, courteous, and appropriate manner without resorting to personal attacks, being offensive, abusive and / or unduly disruptive.

5.12 Summaries of some of the principles established by the Courts can be found at Annex A.

#### Councillor Bignell’s conduct.

5.13 The complaint about Councillor Bignell’s conduct requires us to carefully consider the following questions:

- i. Did Councillor Bignell treat the Council’s Senior Planning Officer with respect when challenging aspects of his report?

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<sup>7</sup> Other aims would include to prevent the disclosure of information received in confidence; to ensure the council or office of a councillor is not brought into disrepute; to prevent good administration; and to ensure that public confidence in the council or democracy itself is not undermined.

- ii. Did Councillor Bignell involve himself in the debate and vote on the application despite being predetermined? And if so, did he use his position improperly to confer an advantage or disadvantage to anyone and did his conduct bring his position and / or Authority into disrepute?

5.14 In addressing these questions, we recognise that the planning process can be a difficult area for elected members. Local authorities' planning decisions and local plan preparations are constrained by the need to operate within the law and to give considerable weight to policy, both local and national. The need to make planning related decisions on an authority-wide basis, often putting the desires of local people second to the need to work within the authority's overall policy framework, can create real tensions for elected members.

5.15 It is common ground that during the part of the meeting that allowed councillors to question the Senior Planning Officer about his report, Councillor Bignell strongly challenged the accuracy of the information that had been provided to members. This was clearly an application that was being strongly objected to by the Parish Council in particular, despite the officer's recommendation to approve, and witnesses described the atmosphere as being highly adversarial and like that of a courtroom.

5.16 This is not to say that Councillor Bignell should not feel able to address the concerns that he had about the Senior Planning Officer's recommendation to approve the application. It is our view that members should be able to express in forceful terms concerns that they have about any aspect of the running of their council, or the advice being provided to them by officers. Direct language can sometimes be appropriate to ensure that matters are dealt with properly. The Code is not intended to stifle the expressions of passion and frustration that often accompany discussion about the efficient running of a council.

5.17 In considering whether Councillor Bignell's conduct towards the Senior Planning Officer represents a breach of the Code, a line must be drawn between the requirement for members to treat others with respect and the freedom members have to disagree with the views, opinions and actions of others. It is inevitable that members will disagree with each other and officers about planning applications from time to time and these disagreements may manifest themselves in criticism of each other or their work. The Localism Act makes it clear that people can elect their councillor confident in the knowledge that they will be able to act on the issues they care about and have campaigned on. He is entitled to examine the efficacy of the Planning department, question the advice provided by officers and disagree with that advice if he sees fit. And it is our view that direct or forceful language can sometimes be appropriate to ensure that matters are dealt with properly. The Code is not intended to stifle the expressions of passion and frustration that often accompany discussion about the efficient running of a council.

5.18 Having said that, while ideas, policies, recommendations, and advice may be challenged and criticised, individuals should not be subject to unreasonable or

excessive personal attack. Factors relevant to our considerations include not only the language that a person used, but their tone and manner when speaking, the appropriateness of the forum within which the conduct was taking place, and the status of the officer with whom he was speaking; more senior officers are expected to be able to engage in robust debate with members in a manner that would not be expected of more junior colleagues.

- 5.19 In the first instance, we would stress that it is not within the remit of this investigation to ascertain the veracity of Councillor Bignell's criticisms of the Senior Planning Officer's report; indeed, we do not have the necessary expertise to assess the matter. We do though have to consider whether Councillor Bignell's concerns were expressed in good faith or whether he was acting maliciously in an effort to embarrass or humiliate the officer.
- 5.20 The focus of Councillor Bignell's criticism towards the Senior Planning Officer appears to have initially been based on discrepancies between a report that had been prepared for an earlier meeting and the report members were being asked to consider at the November 2022 Committee meeting. Councillor Bignell told us of his concern at the quality of the report and the fact that parts of the previous report had been removed from the report under consideration despite them retaining relevance to the application.
- 5.21 This appears to us to have been a legitimate line of questioning. However, like the Council's locum solicitor, we wonder why Councillor Bignell did not seek to resolve these alleged discrepancies prior to the meeting. In our view this would have significantly reduced the impact of his criticisms on the Senior Planning Officer. Councillor Bignell though decided to pursue these matters publicly and in what numerous witnesses described as an aggressive and adversarial matter, to the extent that the Senior Planning Officer's competence and integrity felt under scrutiny. While I note that the officer is a senior planning officer, it is perhaps unsurprising that he became flustered in the face of such robust behaviour, particularly given that it was his first experience of presenting a report to that Committee. And we find it difficult to accept Councillor Parker's contention that he did not think Councillor Bignell 'crossed the line' given that he checked in on both Planning Officers immediately after the meeting and the following day to ensure that they were ok.
- 5.22 While we agree with the locum solicitor's comment that there are likely lessons to be learned on both sides, based on the evidence we have seen we are of the view that Councillor Bignell was not genuinely seeking to understand the reasons behind the Senior Planning Officer's recommendations, but was instead grandstanding to those in the public gallery while challenging the officer in a manner that he knew would call his competence into question so as to denigrate his report.
- 5.23 We have reached this conclusion in part because of Councillor Bignell's subsequent actions. Although Councillor Bignell denies apologising to the Senior Planning Officer after the meeting, we are more inclined to believe the Senior Planning Officer's account to us that he did so. Councillor Bignell was clear that he felt proud of his '*performance*' and that he achieved a good result for the

community. Councillor Bignell provided us with *'thank you'* emails from the Parish Council, who described the Senior Planning Officer as *'running scared'* and stating that it had been *'a joy to watch'*. It is perhaps noteworthy that Councillor Bignell appears to have deliberately removed the comment *'The Planning Officer was running scared'* from one of the emails before presenting it to us. We would suggest that he did so because he realised that it supported the allegation that his conduct towards the officer had indeed crossed the line.

- 5.24 Our considerations are also partly influenced by our finding that Councillor Bignell has already made up his mind about the application before the meeting took place. While we have no doubt that Councillor Bignell is a passionate councillor who is both experienced and knowledgeable about planning matters, in our view his questioning of the Senior Planning Officer was not wholly carried out in good faith, but rather was an attempt to undermine him with the intention of persuading the Committee to vote against his recommendation to approve the application.
- 5.25 We note that in his comments on the draft report, Councillor Bignell denied ever bullying the Senior Planning Officer, pointing to the number of experienced councillors and officers in the chamber at the time who could have intervened had they had that concern. While the investigation has established that a number of those people were in fact concerned at Councillor Bignell's adversarial approach, we would agree that his conduct was not so serious as to amount to bullying. We are though of the view that it represented a breach of paragraph 3.1 of the Code of Conduct, because we consider that Councillor Bignell failed to treat the Senior Planning Officer with respect.
- 5.26 Turning then to whether Councillor Bignell's conduct represented an improper use of his position and / or brought his office or authority into disrepute; we would firstly touch on the circumstances surrounding Councillor Bignell's attendance as a substitute member. In our view this is potentially relevant because Councillor Bignell is not listed as substitute member for the Daventry Planning Committee and our efforts to ascertain how and why he was selected have not elicited clear responses.
- 5.27 The Constitution provides that *'Each political group shall notify the Monitoring Officer of its substitute members'*. As Councillor Bignell was not a named substitute for the committee and Councillor Shepherd was, it is not clear why Councillor Bignell was even allowed to sit on the Committee and why Councillor Shepherd was not used. Despite requesting information pertaining to the circumstances surrounding this decision, it has not been forthcoming. We are satisfied though that neither Councillor Suresh Patel or the Monitoring Officer were involved in the decision or even notified of the appointment of Councillor Bignell as substitute for this meeting.
- 5.28 That said, we must recognise that a failure to adhere to the Council's process for selecting substitutes would generally be considered a governance rather than an ethical issue. In addition, the responsibility for deciding which of their members sit on which committees is taken by the political parties and the Courts have

supported their right to similarly use substitutes as they see fit.<sup>8</sup> In our experience it is not unusual for political groups to use substitutes for political purposes, either so that a member avoids being involved in a decision that might be controversial within their ward or, conversely, because they want to be seen being directly involved in a decision that is important to their constituents. We consider the latter more likely in this instance, with both Councillor Bignell and Councillor Morton being substituted onto the Planning Committee for the meeting of 2 November 2022, leaving the remaining Ward Member for Long Buckby (Councillor Lister) to speak on behalf of their constituents.

5.29 Of course, a political group's ability to substitute members in the manner described above becomes unacceptable if it is part of an attempt to actively influence the decision being made so as to achieve a predetermined outcome. Such conduct would be completely improper and place the Council at risk of legal challenge / a finding of maladministration, particularly in conjunction with the quasi-judicial decision making carried out by the Council's regulatory committees.

5.30 While the investigation has not found sufficient evidence to suggest that there was a wider political effort to ensure that the planning application was rejected, we are satisfied for the reasons stated above that Councillor Bignell did not attend the meeting with an open mind. In those circumstances, Councillor Bignell would have been well advised to have attended the meeting as a Ward Councillor and not have agreed / actively sought a position on the Committee as a substitute member.

5.31 While we have little doubt that Councillor Bignell's actions were motivated not only by a belief that rejecting the application was in the best interests of his constituents, but by his own interpretation of Planning Policy, it is our view that his conduct represented an improper use of his position which clearly disadvantaged the applicant. Furthermore, we consider that such conduct has the potential to cause significant reputational damage; how can applicants expect fair treatment if councillors are willing to ignore their ethical and potentially their legal obligations when involving themselves in making such decisions?

5.32 We therefore consider that Councillor Bignell did fail to comply with paragraphs 3.7 and 3.11 of the Council's Code.

## 6. Recommendations

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<sup>8</sup> In R (on the application of Doug Carnegie (on behalf of The Oaks Action Group) v London Borough of Ealing & Acton Regeneration Group Ltd the claimant alleged that a planning decision should be overturned because the Labour Group Whip had arranged for a substitute to sit on the Planning Committee despite the availability of the member being substituted; the allegation being that the Whip wanted a particular outcome from the vote. In defence of the decision, the Council argued that the composition of the Committee was "a political decision and is not therefore justiciable". The Judge in the case appeared to accept this. He said "It was a political decision as to who attended the meeting to vote on the planning application.... Whether there was a reasonable reason for any member being unable to attend a committee meeting was a matter to be determined by the political party... that decision making process is part of the democratically elected political process and is out of the reach of the courts."

- 6.1 We recommend 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.
- 6.2 We also consider that Councillor Bignell involved himself as a Committee member in both the discussion and decision to reject the aforementioned planning application, despite having predetermined his position on it. We therefore recommend 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.

ANNEX A:

## CASE LAW ON ARTICLE 10

### **1. Heesom v Public Services Ombudsman for Wales [2014] EWHC 1504 (Admin):**

The High Court recognised that politicians have an enhanced protection in respect of political expression, which applies to all levels of politics, including local, and that political expression in itself is a broad concept. The Court further held that public servants are subject to wider levels of acceptable criticism than other members of the public when matters of public concern are being discussed. However, the limits were not as wide as they were for elected politicians. The need to protect officers when imposing a restriction, in terms of Article 10(2), on freedom of expression must be weighed up against a politician's right to enhanced protection. The Court noted that the right to freedom of expression was not absolute but that any restriction was required to respond to a 'pressing social need', to be for relevant and sufficient reasons, and to be proportionate to the legitimate aim being pursued. However, that margin must be construed narrowly in this context as there was little scope under Article 10(2) for restrictions on political speech or on debate on questions of public interest. The Court had further recognised that it was in the public interest that officers were not subjected to unwarranted comments that prevented them from performing their duties in conditions free from perturbation as this could undermine public confidence in the administration. The Court recognised that local government could not 'sensibly function' without such a mutual bond of trust and confidence.

**2. R (Calver) v Adjudication Panel for Wales (2012) EWHC 1172:** This case outlined the order a Tribunal would require to adopt when considering Article 10, which was firstly whether there had been a breach of the Code; secondly, if so, whether the finding of a breach and the imposition of a sanction was a limitation of the right to freedom of expression afforded by Article 10; and thirdly, if so, whether the restriction involved was one that was justified by Article 10(2). The High Court noted that if the conduct in question is less egregious, it is more difficult to justify any restriction. The Court further noted that 'political expression' had to be interpreted widely and it included open discussion on political issues including public administration and public concern, including comments about the adequacy or inadequacy of the performance of public duties by others. It had been held that there was no distinction between political discussion and discussion of matters of public concern. In making observations about the general purpose of a Code that proscribed conduct, the High Court noted that a Code could seek to maintain standards and to ensure that the conduct of public life at the local government level, including political debate, does not fall below a minimum level so as to maintain public confidence in local democracy.

**3. Guja v Moldova (2011) 53 EHRR 16:** The European Court of Human Rights (EHRR) found that the signalling or disclosure of wrongdoing by an officer should be made in the first place to the individual's superior or other competent authority or body and that the question of whether there was any other effective means of remedying the wrongdoing should be considered before information was disclosed in public. The EHRR further found that the public interest in particular information could sometimes be as strong as to override even a legally imposed duty of confidence.

**4. Lombardo v Malta (2009) 48 EHRR 23:** The EHRR stated that a very narrow margin of appreciation must be afforded to competent national authorities to restrict discussions on matters of public interest. Comments in the political context, which



amount to value judgements, are tolerated even if untrue, as long as they have some or any factual basis. Even a statement of fact will be tolerated if what was expressed was said in good faith and there is some reasonable (even if incorrect) factual basis for saying it. The Court noted it did not matter whether the restriction was imposed by civil or criminal proceedings when determining whether interference with the freedom of expression was proportionate to the aim pursued and was necessary in a democratic society.

5. **Mamere v France (2009) 49 EHRR 39**: The EHRR noted that individuals taking part in public debates on matters of general concern must not overstep certain limits, particularly with regard to respect of the reputation and rights of others, a degree of exaggeration or even provocation is permitted. The requirement to protect civil servants had to be weighed against the interests of freedom of the press or of open discussion on matters of public concern. In a political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, is tolerated. The Court noted that Article 10 protects all modes of expression but that the means of disseminating information can be of significance in determining whether measures taken by a competent authority to restrict freedom of expression were proportionate to the legitimate aim being pursued.

6. **Busuioc v Moldova (2006) 42 EHRR 14**: Even if comments are made as part of a debate on an issue of public interest, there are limits to the right to freedom of expression where an individual's reputation is at stake.

7. **Livingstone v Adjudication Panel for England (2006) EWHC 2533**: The High Court notes that restraints imposed by a code of conduct designed to uphold proper standards in public life are in principle likely to fall within Article 10(2) ECHR but such restraints should not extend beyond what is necessary to maintain those standards. The Court noted that interference with the right of free speech which impedes political debate must be subjected to particularly close scrutiny but that simply indulging in offensive behaviour was not to be regarded as expressing a political opinion, which attracts the enhanced level of protection.

8. **Pederson v Denmark (2004) 42 EHRR 24**: The EHRR recognised that there can be a conflict between the right to impart information and the protection of the rights and reputation of others. In determining whether a restriction on freedom of expression was legitimate, consideration should be given to whether or not there were sufficient other opportunities for person imparting the information to achieve his or her objective.

9. **Janowski v Poland (1999) 29 EHRR 705**: The EHRR considered rights of public servants and their entitlement to protection but noted they are subject to the wider limits of acceptable criticism, meaning such criticism could be harsh or expressed in strong form. Public servants can expect criticism at higher level than the public but not quite the same level as politicians. They did not knowingly lay themselves open to close scrutiny of their every word and deed to the extent to which politicians do and should not, therefore, be treated on an equal footing with the latter when it comes to criticism of their actions. The Court noted that civil servants can expect protection if there is a pressing social need. Any such protection must also be proportionate to the legitimate aim being pursued and be relevant and sufficient. Civil Servants must enjoy



public confidence in conditions free from undue perturbation if they are to be successful in performing their tasks and it may therefore prove necessary to protect them from offensive and abusive verbal attacks.

10. **Thorgeirson v Iceland (1992) 14 EHRR 843**: The EHRR noted that freedom of expression was not just applicable to information and ideas that were favourably received or regarded as inoffensive or as a matter of indifference, but also to those which shock, offend or disturb. The Court observed that there was no distinction between political discussion and discussion on matters of public concern.

ANNEX B Councillor Bignell's attachment to the email sent to the investigation on 8 February 2023

### **Flore Housing Application**

I am speaking as one of the Ward members for Flore and my views wholly reflect those of the Parish Council and the residents. We object to this application since it is not Policy compliant with nine policy conflicts which I will outline and solely relies on the supply of affordable housing to justify approval. The Flore Housing Needs Survey was undertaken by WNC (Daventry Area) in 2021 and identified that there was a need for some 18 houses. However, this application is for 45 dwellings and 60% of this application is for market properties. This is a cynical attempt by Barwood Homes to build 27 market houses on the back of the affordable houses in the open countryside. If the whole application was affordable then this could be considered an exception site but it is not and contrary to policy R1. Added to that affordable housing provision does not need to be in the specific village it relates to and its needs can be met by surrounding villages or towns, it is an area need not specific to Flore as a location. Weedon for instance which is much more sustainable could be a suitable location.

This application is outside of the village boundary and since Daventry has a proven 5-year land supply it is contrary to Policy R1. This Policy should be considered in isolation and not alongside the Joint Core Strategy. Recent appeals in Greens Norton and Rothersthorpe were dismissed and these were judged solely on local land supply.

Flore is designated a secondary service village in the Local Plan (Policy RA2). In reference to such secondary villages the Plan states that and I quote "there is no justification for further allocations (of housing)" and "development should be within the confines of the village as defined on the inset map"- this application clearly is located outside of the inset map boundary of the local Plan. Furthermore, since designation as a Secondary service village Flore has lost a Doctor's Surgery, Vets Practice, Garage with shop and Public house. This makes Flore a much less sustainable village able to accommodate further development outside of the village confines.

Over the past five years Flore has received an estate of 67 houses, another estate of 32 houses plus permission for 10 houses on a further site. This has meant that in this period the village has increased by 20%. Enough is enough and Flore cannot sustain any further large-scale growth.

A total of 60 letters of objection have been received identifying 17 areas of concern with no letters of support being received and the Parish Council wholly objects to the application as you have already heard.

The site lies to the NE of the village and is situated on the edge of the village with open fields to the north and east and does not form an intrinsic part of the character of the village. To the South of the site is the village Conservation area and this development does not sit well with this established and older part of the village. The Conservation

Officer comments on P19 'Main weaknesses of this scheme are the planning and design issues associated with the location and topography of the site and its relationship to existing built form.' That is to say it is on higher ground looking down on the established Village conservation area. To the West is the Brington Road which further annexes the site from the established village.

The Flore Neighbourhood Development Plan was made in 2016 and adopted and is completely ignored in this report by the Officer. Through policy F2 of the Flore plan it established a development area boundary and that includes the two developments I spoke about earlier. This application however is outside the defined development area is therefore contrary to Policy F2.

In the Officers Report on P18 it lists Policies applicable to this application from Flore Plan but conveniently omits Policy F4 which I have here and will read. So furthermore, this application is contrary to Policy F4 which deals with affordable housing and rural exception sites.

This application was withdrawn from the last planning meeting so the report could be re drafted. Nothing has changed in this application since then, but the report has changed significantly. I would draw your attention to P 38 of the previous report which I will read. So why have all these objections been deleted, they still are all valid as the application has not changed. This report was published into public domain so why the change of heart?

Recent appeal decisions in the area have not gone in favour of development outside village boundaries especially when the villages cannot be seen to be sustainable which Flore certainly isn't with recent loss of amenities.

So, I urge you to refuse the application as it is contrary to Policy R1 of WNJCS , F2,F4,F5 & F12 of neighbourhood plan, RA2 & RA6 of local plan,& ENV10, ST1 of the Pt 2 Local Plan. It is overdevelopment of a village which cannot sustain this growth. The only reason this is being recommended for approval is the affordable housing which certainly does not outweigh the nine policy reasons for refusal.

I am happy to propose that we recommend this application for refusal and am can supply the nine Policies that support this refusal if necessary.

# Annex C

The screenshot shows the 'Info' pane in Microsoft Word. The document title is 'Flore Housing Committee speech V2'. The path is 'G:\Shared drives\ch8i associates\Local Government\Open cases\West Northamptonshire\_Dec2022'. The document has 2 pages, 895 words, and a total editing time of 357 minutes. The author is Phil Bignell. The document was last modified on 09/11/2022 at 10:17, created on 02/11/2022 at 10:06, and last printed on 02/11/2022 at 11:20. The document is currently 'Safe to edit'.

**Info**

Flore Housing Committee speech V2

G:\Shared drives\ch8i associates\Local Government\Open cases\West Northamptonshire\_Dec2022

Upload Share Copy path Copy local path Open file location

**Protect Document**  
Control what types of changes people can make to this document.

**Inspect Document**  
Before publishing this file, be aware that it contains:  
• Document properties, author's name and related dates

**Version History**  
View and restore previous versions.

**Manage Document**  
There are no unsaved changes.

**Properties**

Size	18.4KB
Pages	2
Words	895
Total Editing Time	357 Minutes
Title	Add a title
Tags	Add a tag
Comments	Add comments

**Related Dates**

Last Modified	09/11/2022 10:17
Created	02/11/2022 10:06
Last Printed	02/11/2022 11:20

**Related People**

Author: Phil Bignell  
Add an author

Last Modified By: Phil Bignell

**Related Documents**

Open File Location

Show All Properties

Safe to edit

## Form in relation to the Code of Conduct Hearing

On behalf of the Subject Member.

Member Concerned	Councillor Phil Bignell
Date of Hearing	24 <sup>th</sup> May 2023
Relevant Paragraphs to the alleged brief	<p>Paragraph 3.1 of the Code on the basis that the subject member did not treat the Senior Planning Officer with respect during the Planning Committee meeting of 2 November 2022.</p> <p>Paragraphs 3.7 and 3.11 of the Code, on the basis that the subject member 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.</p>
Witnesses to be called:	Councillor Parker (WNC) Councillor Lister (WNC) Councillor Morton (WNC)
Attendance: (it would be helpful to know if attendance of witnesses will be on line or in person)	All three witnesses will attend in person.
Points Agreed:	Cllr Bignell did attend the meeting of the Planning Committee on 2 <sup>nd</sup> November 2022.
Points in Dispute:	<p>Code 3.1 I dispute that I did not treat Officer with respect – main contention being that nobody intervened on the evening only afterwards so will challenge this lack of concern at the meeting.</p> <p>Code 3.7/3.11 I dispute that I was predetermined – I did not communicate any thoughts of the case with anybody else before meeting so how could I be pre-determined.</p>
Documents/Evidence in support	<p>Appendix A - Training Courses Attended with dates.</p> <p>Final Report Councillor Bignell – I intend to reference numerous points contained in this report.</p>
Time Estimate of presentation of case	15 – 30 Mins
Special Requests: (eg hearing loop etc).	If any of my witnesses are unable to attend in person eg have Covid I would want remote access to them please.

## **Appendix A**

9/1/2023 Equality & Diversity – 2.5 hour session with Danny Moody

2/2/2023 Civility & Respect Pt 1 – NCALC – Appendix A

7/3/2023 Civility & Respect Pt 2 – NCALC – Appendix B



# *Certificate of Achievement*

**This is to certify that**

**Phil Bignell**

has successfully completed the course

**Civility and Respect Part 1**

on

2 February 2023

and has received 1 CPD points

  
Chief Executive



The National Training Strategy  
for Town & Parish Councils

  
Training Manager



# Civility & Respect

IN COLLABORATION WITH SLCC, NALC, OVW, COUNTY ASSOCIATIONS

## PERSONAL RESILIENCE AND SELF-PROTECTION

It's important to have a strong understanding of who you are, not based on what other people tell you; not based on getting it right every time or other external rewards.

Resilience isn't about 'toughing up' or soldering on. It's about adaptability and flexibility.

How you bounce back after a setback says more about your future potential, your capacity for happiness, and your honesty and reliability in the workplace. It also builds more trusting, deeper relationships.

### How to spot your red flags.

- You feel not good enough
- You want to give up
- You want to withdraw your talents, ideas or opinions
- You have **ongoing** negative emotions about yourself or other people.
- You lose your empathy and listening skills
- You're clock watching to see when you can leave

### Get clear on -

- Why this (job, relationship etc) matters to you
- Your values
- The bigger picture
- Your own triggers and limiting beliefs
- Who is there to support you? Fear tells you you're being too independent!
- Where are you focusing your attention?
- Whom are you being on the psychology triangle? Victim, Hero or Persecutor?
- Will this still matter in 5 mins, 2 hours or 1 year or 5 years?

### Nothing anyone says or does is ever about you.

Everyone has a different version of reality. Based on upbringing, life experience, class, culture, and even religion. There isn't one reality and there isn't one truth.

Reality is something that exists inside the mind of the individual.

Take nothing personally.

*It will take you longer to rebuild lost self-esteem than it will to find a new job or a new relationship*



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# Civility & Respect

IN COLLABORATION WITH SLCC, NALC, OVW, COUNTY ASSOCIATIONS

## **CIVILITY AND RESPECT - UNCOVERING THE ISSUES FOR THE PUBLIC SECTOR**

**How can you create an environment in which people can work at their natural best?**

**Power dynamics** - The ways in which power works in a setting, can disrupt a meeting or office and negatively impact relationships. It can also make people withdraw their talents and at worst feel hopeless about the future.

**Produce more shared power by -**

- Listening and asking questions.
- Publically recognise good work verbally and thank abundantly.
- Assume people are doing the best job they can do and support them.
- Protect the values of the council before protecting your own interests.
- Understand that leadership is not about being 'in charge' but about taking care of those 'in your charge'.

*Rules are made to serve people,  
people are not made to serve rules.*

**Create trust** - If you don't have teams that trust, you have people who are lying, hiding and faking.

A trusting team, group or committee is when people feel safe enough to explore ideas without ridicule.

They are also more likely to speak up if they make a mistake or see an issue arising.

Your people should never fear 'getting into trouble or backlash' more than they desire to do the right thing.

**Please, please, please**

- Read reports.
- Learn what officer's responsibilities are in their jobs.
- Question if you need to 'hold to account' or rather 'work with'.
- Allow officer ideas and advice.
- Give room for new councillors to feel they have a voice.
- Take the view that everyone is doing the best job they can.
- Thank and encourage.
- Give credit over taking credit.
- Compliment over criticise.
- Avoid befriending officers and question what you are told.



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# Civility & Respect

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They are also more likely to speak up if they make a mistake or see an issue arising.

Your people should never fear 'getting into trouble or backlash' more than they desire to do the right thing.

**Produce more trust by -**

- Be honest and show moments of vulnerability.
- Don't steal someone else's work or idea and pass it off as your own. Great leaders build confidence and celebrate those around them.
- Don't share private information about other people. The person you're telling may feel trusted by you, but they walk away not trusting you.
- Own mistakes made by members of your team. Don't blame other people even when it's not your fault.



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COURSES**

# Certificate of Achievement

This is to certify that

**PHIL BIGNELL**

has successfully completed the course

**CIVILITY AND RESPECT PART 2**

On 07 March 2023

and has received 1 CPD points



Chief Executive



The National Training Strategy  
for Town & Parish Councils



Training Manager







# Civility & Respect

IN COLLABORATION WITH SLCC, NALC, OVW, COUNTY ASSOCIATIONS

## UNDERSTANDING PSYCHOPATHIC AND NARCISSISTIC BEHAVIOUR

According to some estimates, 4% to 12% of CEO's and senior leaders have psychopathic traits.

### Psychopathic characteristics are:

- Superficially charming
- A grandiose sense of self-worth (Arrogant, superior and domineering)
- A pathological liar
- A manipulator
- When they cause harm to other people, they feel a lack of remorse or guilt.
- Shallow and detached (They are cold even when someone suffers, falls ill or even dies)
- Lack empathy. (Profoundly selfish/ Cruelly mock others)
- Fail to accept responsibility for their own actions

*“if an individual in a position of political power is a psychopath, he or she can create an epidemic of psychopathology in people who are not, essentially, psychopathic.”*

— Andrzej Lobaczewski,  
*Political Ponerology*

### Narcissism characteristics are:

- Grandiose sense of self-importance
- Preoccupation with fantasies of unlimited success, power, and brilliance.
- Believe that they are special and unique
- Need to be with high-status people and institutions
- Need for excessive admiration
- Sense of entitlement
- Interpersonally exploitative behaviours
- Lack of empathy
- Demonstration of arrogance

### Both can disrupt the power dynamics in any setting.

- Understand you can't teach/fix this person/situation
- Keep a diary - log everything. It's the only way you and others will see patterns of behaviour.
- Try to argue as little as possible.
- Use the grey rock method which involves communicating in an uninteresting way when interacting with abusive or manipulative people.
- Protect those around you who have less power than you as much as you can.



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# Civility & Respect

IN COLLABORATION WITH SLCC, NALC, OVW, COUNTY ASSOCIATIONS

## WHAT MAKES PEOPLE BECOME CHALLENGING?

### Powerless people

- Complainers
- Moaners
- Gossipmongers

### Insecure people

- Jealous
- Attention seeking
- Backstabbing
- Lying

### Annoying people

- Not like you
- Jobsworth
- Fly in the ointment
- There's always one

If more than one person in an organisation is acting like this then the issue is almost always caused at a leadership level and can be solved at a leadership level.

People who feel safe don't get as triggered by their own limiting beliefs.

## When dealing with someone who is challenging -

- Stay calm or at least don't react right away.
- Ask if they are ok.
- Look for intentions over actions.
- Try and see the whole picture.
- Let the person know where you are coming from.
- Ask questions to empower the other person.
- Treat the person with respect.
- Focus on what can be actioned.
- Forgive, but don't forget.

## Look out for the trigger points -

- Limiting beliefs.
- Stress and overwhelm.
- Something you did or said without realising.
- Emotional imbalance

Please don't ever assume that a woman being angry is hormonal!

*The key is to build trust, share power, and give control away.*



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**Application Number**      **DA/2020/0479**

**Location Description**      **LAND TO EAST OF BRINGTON ROAD, FLORE,  
NORTHAMPTONSHIRE**

**Site Details**                      **OUTLINE PLANNING APPLICATION OF UP TO 45  
DWELLINGS, TO INCLUDE 40% AFFORDABLE  
DWELLINGS (7 ONE BED HOMES, 5 TWO BED  
HOMES AND 6 THREE BED HOMES),  
INFRASTRUCTURE AND OPEN SPACE. (ALL  
MATTERS RESERVED OTHER THAN ACCESS).**

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**Applicant**                              **BARWOOD HOMES LTD**

**Agent**                                      **MS JENNY KEEN, MARRONS PLANNING**

**Case Officer**                          **NISAR MOGUL**

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**Ward**    **LONG BUCKBY WARD**

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**Reason for Referral**              **MAJOR APPLICATION**

**Committee Date**                      **2 NOVEMBER 2022**

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION:**

**That the application be approved subject to conditions and subject to a section 106 agreement being completed.**

### **Proposal:**

**This proposal is for an outline application for up to 45 dwellings to include 18 affordable dwellings. The means of access is the only detailed matter to be considered at this outline stage and everything else is to be considered at the reserved matters stage. An illustrative layout has been submitted in order to show how the site could be developed.**

### **Consultations – Based on final amended plans under consideration:**

The following consultees have raised **objections** to the application:

- Flore Parish Council

The following consultees have raised **no objections** to the application:

- WNC Conservation Officer, WNC Landscape Officer, WNC Local Highway Authority,
- WNC Environmental Health Officer, WNC Ecology Officer, WNC Archaeology Officer, Natural England, Environment Agency and WNC Planning Policy

17 letters of **objections** were received following the final amended plans relating to (up to) 45 dwellings to include 40% affordable dwellings and 0 letters of support have been received.

### **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Development Plan and other relevant guidance as listed in detail below in the report.

The key issues arising from the application details are impact on:

- Principle of the development
- Impact on the area and the adjacent Conservation Area
- Impact on neighbour residential amenity
- Impact on highway safety
- Impact on ecology
- Impact on archaeology

The report looks into the key planning issues in detail below, and Officers conclude that the proposal is acceptable and should be approved.

**Members are advised that the above is a summary of the proposals and the key issues contained in the main report below provide full details of all consultation responses, planning policies, the Officer's assessment and recommendations. Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **APPLICATION SITE AND LOCALITY**

The application site lies on the east side of Brington Road on the corner with High Street on the edge of the village of Flore. The village is around 1.8 miles from Junction 16 of the M1 motorway. The nearest railway stations are located in Northampton and Long Buckby, providing national rail services to

urban centres including Rugby, Birmingham and London. Flore benefits from a range of local services and public amenities including a primary school, a post office and convenience store and public house.

The application site is roughly rectangular in shape and approximately 2.9 hectares of pasture land, located on the north-east edge of the village. The site is bounded by open fields to the east, residential properties to the south and a recently completed residential development immediately west of Brington Road. The A45 Daventry Development Link Road and M1 motorway run to the north of the site.

The site is relatively flat, with a gentle fall from north to south. The site is split into three paddocks, with some small sheds but no other built structures. Existing established trees and hedgerows line the site boundaries and internal paddock boundaries. There is also a small group of trees in the north-east corner of the site.

The site is not located within a conservation area or area of outstanding natural beauty. The boundary of the Flore Conservation Area runs along High Street directly to the south of the site. The raised bank between the north of High Street and the application site forms part of Flore 'linear village green', as set out on the Flore Neighbourhood Development Plan 2016. A public Right of Way runs along the southern and south west and south eastern boundaries of the site.

The site is accessed directly off Brington Road and the proposals would provide a single dedicated point of vehicular access, with a new access road built to adoptable standard.

### **CONSTRAINTS**

The site is situated on the edge of the village with open fields to the north and east and does not form an intrinsic part of the character of the village but is seen in the wider context of open countryside. The site is largely contained and bounded by trees which are to be retained and there still remains open countryside beyond the site to the north and east of the site. The Flore Conservation area lies adjacent to the south of the site boundary.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

The initial proposal was for up to 70 dwellings, to include 28 affordable units, associated site infrastructure and open space.

Following, concerns raised by various consultees and following the completion of the Flore Housing Needs Survey undertaken by the WNC (Daventry Area) the proposal has been reduced to up to 45 dwellings with 40% affordable dwellings which equates to 18 affordable units in total. On a site of 45 dwellings, 12 affordable or social rented dwellings and 6 shared ownership



would be expected, which should reasonably reflect the needs identified in the 2021 Housing Needs Survey Report.

The indicative affordable need and mix breakdown is as follows:

**1 bed flat/maisonette - 4 identified need and 4 are proposed**

**2 bed houses – 2 identified need and 2 are proposed**

**3 bed houses – 5 identified need and 6 proposed**

**1 and 2 bed bungalows – 7 identified need and 3 one bed and 3 two bed proposed.**

The overall indicative mix of house types proposed are as follows:

**7 one bed homes (15%)**

**10 two bed homes (22%)**

**24 three bed homes (53%)**

**4 four bed homes (9%)**

The proposal includes a single vehicular access via the existing access from Brington Road and it is proposed to retain the existing service run (with easement) which crosses the site from west to east and enhancement of this to make it a feature of the site by way of a Green Corridor through the site.

The surface water drainage system includes the formation of an attenuation basin located in the south eastern corner of the site which can also act as additional wetland habitat.

The proposal includes the creation of recreational walking and cycling routes throughout the site (including the retention of the existing public right of way) providing linkages into the wider village and a significant area of public open space whilst retaining existing trees and hedgerows where possible and the provision of new trees and planting as part of a landscaping scheme.

## **RELEVANT PLANNING HISTORY**

There are no relevant planning applications on this site. However, planning permission was granted for 67 dwellings to the west of the site (separated by Brington Road) under application DA/2013/0703 – Approved 02/04/2015.

## **RELEVANT PLANNING POLICY AND GUIDANCE**

### **Statutory Duty**

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **Development Plan**

The Development Plan comprises: the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029; and the adopted Settlements and Countryside Local Plan (Part 2) (2020). The relevant planning policies of the statutory Development Plan are set out below:

### **West Northamptonshire Joint Core Strategy Local Plan (2014) (Part 1) (LPP1)**

- Policy S1      Development will be primarily in and adjoining the principal urban area of Northampton. Development in the rural areas will be limited with the emphasis being on maintaining the distinctive character and vitality of rural communities. Priority will be given to making best use of previously developed land.
  
- Policy S3      Provision to be made for 12,730 additional dwellings in Daventry District 2011 – 2029.
  
- Policy S10     Sustainable Development Principles
  
- Policy BN5     Historic environment and landscape
  
- Policy H2      Affordable housing
  
- Policy R1      Spatial Strategy for the rural areas

### **Daventry District Settlements and Countryside (Part 2) Local Plan (2019) (LPP2)**

- Policy SP1     Daventry District Spatial Strategy
- Policy RA2     Secondary Service Villages
  
- Policy HO8     Housing Mix and Type
  
- Policy ST1     Sustainable transport infrastructure
  
- Policy CW1     Health and wellbeing
- Policy CW2     Open space requirements
- Policy ENV1    Landscaping

Policy ENV5 Biodiversity

Policy ENV8 Renewable energy and low carbon development

Policy ENV10 Design

### **Flore Neighbourhood Development Plan**

F2 - Scale and type of new residential development

F5 – Design of Development

F9 –protection of local green spaces

F12 – the new linear village green

### **National Planning Policy Framework (NPPF) (2021)**

Presumption in favour of sustainable development

Para 9 Take local circumstances into account

Para 11 Approve proposals that accord with the dev plan without delay. Where plan is absent, silent or out of date, grant permission unless adverse impacts significantly and demonstrably outweigh the benefits

Chapter 5 Delivering a sufficient supply choice of homes

Para 68 Need to maintain a 5 year land supply plus 5%

Chapter 9 Promoting sustainable transport

Chapter 12 Achieving well designed places

## **RESPONSE TO CONSULTATION**

**Below is a summary of the consultation responses received under the second and final amended plans (Up to 45 dwellings):**

<b>Consultee Name</b>	<b>Position</b>	<b>Comment</b>
<b>Flore Parish Council</b>	Object	it does not accord with planning policy in both the Flore Neighbourhood Plan (Made September 2016) and the adopted Daventry Settlements and Countryside Plan (Part 2) 2011-2029 (Adopted February 2020).

		Highways and drainage issues should be assessed at this stage.  Harm to character and form of the village.
<b>WNC Local Highways Authority</b>	No Objection	S106 contributions required
<b>WNC Archaeology</b>	No objection	Condition relation to programme of archaeology works to be included
<b>WNC Ecology</b>	No objection	Conditions relating to CEMP and LEMP to be included
<b>WNC Environmental Health Officer</b>	No objections	Subject to conditions
<b>Environment Agency</b>	No objections	
<b>Natural England</b>	No comments on this application	
<b>Crime Prevention Officer</b>	No objections	
<b>Lead Flood Authority (WNC)</b>	No objections	Subject to conditions
<b>Ramblers Society</b>	No objections	Public rights of way should not be affected
<b>NCC Developer contribution</b>	No objections	Subject to S106 contributions towards schools and libraries
<b>WNC Conservation Area Officer</b>	No objections	The eastern boundary is now shown with a more continuous belt of green which is welcomed.  With regard to the heritage impacts of the proposal I would conclude that, if the existing boundary vegetation is retained and, where appropriate, enhanced, there is unlikely to be substantial harm to the setting of the Flore conservation area.  Main weaknesses of this scheme are the planning and design issues associated with the location and topography of the site and its relationship to existing built form.

<p><b>WNC Landscape Officer</b></p>	<p>No objections</p>	<p>Certainly positive that the northern edge of development has now been relocated south in line with line of existing development west of Brington Road.</p> <p>In addition to a full detailed landscape scheme and aftercare that can be conditioned there is also a need for details of temporary protective fencing as well as its location to also be conditioned if the application is to be approved.</p> <p>Need careful consideration especially the detailed planting on the bank impacted by the proposed roadside footpath.</p>
<p><b>WNC Planning Policy- (Daventry Area)</b></p>	<p>No objections</p>	<p>Policy H2 sets out the requirement for affordable housing and states that in the rural parts of the District all developments of 5 or more dwellings should provide 40% affordable housing. Therefore, in line with Policy H2 of the Joint Core Strategy, 40% or 18 affordable dwellings are being provided.</p> <p>Policy Ho4 of Daventry's Housing SPD specifies a preferred housing tenure mix of two thirds rented and one third intermediate housing. On a site of 45 dwellings, 12 affordable or social rented dwellings and 6 shared ownership would be expected, which should reasonably reflect the needs identified in the 2021 Housing Needs Survey Report.</p> <p>The mix largely meets the affordable housing needs identified in the most recent Housing Needs Survey Report (2021).</p>

<b>Anglian Water</b>	No objections	

## **RESPONSE TO PUBLICITY**

Below is a summary of the third party and neighbour responses received at the time of writing this report:

Site Notice expired – 14/7/2022.

There have been 17 objections raising the following comments:

- It is firmly believed that the District does have more than a five years' housing land supply, and no doubt the District Council will prove that.
- The Design Statement infers the great importance to the setting of the site, which is contiguous to the Conservation Area immediately to the south and high which contains the highest concentration of Grade 2 Listed Building along the High Street, it then completely ignores this importance.
- No regard has been made to setting buildings back from the southern boundary so that they don't dominate from the substantially higher level above the road and the houses in the Conservation Area. Instead, it is proposed that there be a concentration of higher density units behind the hedge and with parking areas in front of them and behind that hedge, causing noise and disturbance to the residents opposite. I have to say that it is very, very noticeable that all of the Affordable Units have been positioned on the southern and western boundaries.
- Whilst a local area of play could be deemed appropriate for children to use during the day, it has the potential to become an area of anti-social behaviour outside of these times.
- Another concern would be that the development land falls from North to South (as referenced in 00198804.pdf - 1.3.6). Therefore any two storey properties constructed at the Northern end could have both a visual and physical impact on us.
- With an already very limited infrastructure to maintain and provide a quality of healthy, active living for existing and future residents, the development is not sustainable.
- Young families with children will be detached from the village, necessitating vehicle mobility to educational, childcare and open space facilities.
- With an increase of 97 dwellings within the last 6yrs, (providing the allocated rural allocation of expansion to 2029) this is not an ideal addition to the current inadequate living amenities.

- There are serious concerns regarding proper sewerage construction and flow.
- Inadequate village facilities
- This amended application is for appx 60% of the dwellings applied for previously on half the original site, potentially leaving that space for a later application for more houses.
- It will increase traffic on to the High Street and A4500.
- Inclusion of 40% affordable dwellings does not alter the fact the application is in violation of planning policy
- The proposed access and footway arrangements on Brington Road are potentially unsafe
- The Flore Neighbourhood Plan was developed over a period of years to conserve the character of the village, to meet the needs of its residents and should be respected.
- The site entrance would also be positioned shortly after a speed reduction from 60mph to 30mph which is likely to increase the danger of accidents from passing traffic.
- The area is part of a popular walking path used by many people in the local community. This path will end up being along a large number of rear gardens and will be totally spoilt by any proposed development.
- No economic, social or environmental benefits.
- The village school has limited land with which to expand and is almost at capacity when taking all year groups together. The occupants of the proposed houses would therefore need to travel to take their children to another school, causing further traffic problems.
- This proposal contravenes the principles of the Flore Neighbourhood Plan which is part of the Council's planning policy and which should form the basis for all planning proposals within the village.

### **Relevant Policies:**

Applications should be determined in accordance with the development plan, unless other material considerations indicate otherwise. The development plan consists of the West Northamptonshire Joint Core Strategy (WNJCS) and the Settlements and Countryside Local Plan (Part 2). Other material considerations include the National Planning Policy Framework (NPPF).

#### West Northamptonshire Joint Core Strategy

Policy SA sets a presumption in favour of sustainable development.

Policy S1 seeks to ensure development is concentrated in and adjoining the principal urban area of Northampton. Then there is cascade of other towns and villages. Daventry, and then Towcester and Brackley.

Policy S2 clarifies the hierarchy of Centres.

Policy S3 provides clarity on the number of dwellings which should be constructed in the Daventry Area (Town, Rural Area and Northampton Related Development Area)

Policy S10 covers sustainable development principles.

Policy H1 seeks to ensure the housing density and mix and type are appropriate for the locality, including for the future.

Policy H2 sets out the requirement for affordable housing and states that in the rural parts of the District all developments of 5 or more dwellings should provide 40% affordable housing. Therefore, in line with Policy H2 of the Joint Core Strategy, 40% or 18 affordable dwellings are being provided

Policy H3 seeks to ensure developments for housing in the rural area, which are required to meet an identified housing need, and exception will be allowed. This is providing it adjoins the existing built form, it should be justified through a housing needs survey and arrangements of the management and occupation of the affordable dwellings for the future.

Policy Ho4 of Daventry's Housing SPD specifies a preferred housing tenure mix of two thirds rented and one third intermediate housing. In this case, for a development of this scale we would be expecting 18 affordable or social rented dwellings. Affordable Mix proposed is:

- 7 one bed homes
- 5 two bed homes
- 6 three bed homes

The mix largely meets the affordable housing needs identified in the most recent Housing Needs Survey Report (2021).

Policy BN2 seeks to ensure development maintains and enhances biodiversity.

Policy BN5 seeks to protect the Historic environment and landscape. Development should be sympathetic to locally distinctive landscape features, design styles and materials in order to contribute to a sense of place.

Policy INF2 seeks to ensure developments mitigates the impact on infrastructure off site.

Policy R1 seeks to ensure development in the rural area is guided by the rural hierarchy. Daventry has reached its requirements for dwellings within the rural area, therefore there is additional criteria that housing developments need to comply with the following; it would result in environmental improvements on a site including for example the re-use of previously developed land and best practice in design (i); or is required to support the retention of or improvement to essential local services that may be under threat (in particular the local primary school or primary health services) (ii); and has been informed by an



effective community involvement exercise prior to the submission of a planning application (iii); or is a rural exceptions site that meets the criteria set out in policy H3 (iv); or has been agreed through an adopted neighbourhood plan (v).

### Settlements and Countryside Local Plan (Part 2)

Policy SP1 relates to the spatial strategy for Daventry District. Criterion G seeks to protect and enhance the built and natural environment.

Policy RA2 seeks to allow for development within its confines, however this policy allows for development outside the confines if it meets a local need. Development should be of small scale and protect the character and appearance of the village.

Policy RA6 seeks to recognise the intrinsic character, beauty and tranquillity of the open countryside. Development in the open countryside will only be supported if it is a rural exception site and meets policy H3 of the WNJCS and Policy HO7 where appropriate.

Policy HO7 seeks to ensure rural exception sites where they meet an identified need for two or more settlements that the dwellings are developed in the village that has the highest hierarchy.

Policy ENV1 seeks to protect the landscape. Proposals are supporting that maintain the distinctive character and quality of the Districts landscape (A).

Policy ENV5 seeks to conserve and enhance undesignated biodiversity sites.

Policy ENV7 seeks to ensure developments have a clear understanding on their impact to the designated heritage asset. Development should seek to protect and enhance designated heritage assets.

Policy ENV10 seeks to ensure design of developments promote local distinctiveness (i), incorporates crime prevention measures (iv), integrating existing landscape features (v), details of suitable comprehensive landscaping scheme (vi).

### Other Material Considerations

#### National Planning Policy Framework (2021)

Paragraph 77 seeks developments reflect the need for housing in the rural area; paragraph 91 seeks to promote active and healthy communities; paragraph 109 relates to highway safety – development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 170 seeks development should contribute to and enhance the natural and local environment and 175 seeks to preserve and enhance biodiversity.

### **Housing Land Supply:**

In respect of applications relating to residential development, the NPPF in footnote 7 to paragraph 11, sets out that relevant policies for the supply of housing should be considered out-of-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As at 1st April 2021 for the Daventry area there is a 6.3 year supply. However the applicant has previously sought to challenge the 2020 position, stating they believe that land supply is 1.9 years based on a number of assumptions. Whilst the applicant has not provided an equivalent assessment of the 1st April 2021 position the points previously raised are addressed below.

The applicants have questioned the requirement figure used in the 5 year land supply report, stating that our five year land supply should be based on the requirement for the former Daventry District and those parts of the Northampton Related Development Area (NRDA) in the former Daventry district.

The basis for the 5 year land supply requirement for the former Daventry District is well-established. Following adoption of the WNJCS in 2014 DDC (as it was) has used the district-wide requirement set out in policy S3, It identifies a requirement for 6,980 dwellings in the period 2011 to 2029 for the former Daventry District outside the Northampton Related Development Area. The WNJCS is clear about this, paragraph 17.19 establishes that the basis for the 5 year land supply calculation is to be the housing trajectory set out in appendix 3 to the Core Strategy, and specifically the 'need' lines. This position has been endorsed in a number of appeal decisions across the former District. There are no cases in the former District where it has not been supported at appeal.

The applicants submissions argue that several sites identified in the Daventry area Five Year supply will not come forward at the rate envisaged by the Council. The applicant's reasons for this vary from site to site, but include suggestions that sites with outline permission will not come forward within the next five years. The Council's Housing Land Availability report is very thorough and sets out the reasons why assumptions about each site have been made. This includes liaison with developers and promoters of sites, where they are willing to engage with the Council, there is no obligation for them to do so.

For the reasons set out within the HLA report it is considered that there is a 6.3 year land supply in the former Daventry District and therefore it is considered that paragraph 11 of the NPPF is not engaged in respect of housing land supply.

### **Assessment of the Application:**

The main considerations of this application are the following:

- The principle of development
- Highway Safety
- Impact on the character and appearance of the locality
- Impact of neighbouring residential amenity
- Biodiversity

### The Principle of development

The initial proposal was for outline planning permission for up to 70 dwellings but negotiations with officers the proposal under consideration is for the construction of 45 dwellings, which will provide 7 one bed homes, 5 two bed homes and 6 three bed homes for affordable rent, and 27 units for local market housing. The site lies outside the confines of the village of Flore and is in the open countryside.

Policy R1 of the WNJCS allows for residential development, however as the rural area for Daventry has reached its housing requirement, there is an additional set of criteria development needs to adhere to. The site is a parcel of agricultural land adjacent to the edge of the village of Flore therefore any development on this site will not lead to an environmental improvement to the character and appearance of the locality, nor has the argument been put forward that the development is required for the retention of a local service. However, no evidence has been put forward to establish that there are any essential local services under threat that would need to be supported by the proposal. But it is acknowledged that proposed development could support the retention of or improvement of such services even though not directly under threat.

Therefore, the proposal does fail to meet Policy R1 (i&ii) however, the proposal does accord with iv), as it is for an rural exception site which accords with WNJCS policy H3 and hence overall it is considered that the proposal will accord with Policy R1 and H3 overall.

Policy H3 relates to rural exception sites, which this development would have to be considered under. The site is located on the edge of the existing settlement of Flore, therefore the main issue is if the proposal responds to the Housing Needs Survey (HNS).

A HNS was undertaken in March 2021, therefore there is an up to date survey for the village. Planning Policy has commented on the scheme and considers that the proposal meets the requirements of the HNS. Therefore, the proposal is considered to accord with Policy H3 of the WNJCS.

Policy RA6 of the Settlements and Countryside Local Plan (Part 2) allows for exceptions sites if they accord with Policy H3 and HO7 when applicable. The proposal accords with H3, and there is no need to consider Policy HO7 as this

relates to a housing need of two or more villages. The proposal seeks to address the need for the village of Flore only and as such the application accords with Policy RA6 of the Settlements and Countryside Local Plan (Part 2).

Policy RA2 of the Settlement and Countryside Local Plan (Part 2), allows for development which meets a local need, and providing it is small scale, the proposal for 45 dwellings are considered to be fairly small scale, and respects the character and appearance of the village. The impact on the locality and the landscape are considered below. Overall, it is considered the proposal accords with Policy RA2.

The SCLP is the most up to date policy (adopted 2020), therefore policy RA2 and RA6 carry greater weight in the determination of the principle of development on the site. Overall, the principle of a rural exception site is acceptable, and the proposal can be supported subject to entering into a S106 to ensure the retention of the 18 affordable dwellings in accordance with the Supplementary Planning Document on Housing.

#### Parking and Highway Safety

The site is situated to the east side of Brington Road and will use the existing access into the site.

The WNC Highways Authority were consulted on the application and had previously raised some queries regarding trip rates in the applicant's Transport Assessment. However, with the proposed reduction in the number of dwellings to 45 dwellings, the LHA consider that the development is now below the recommended threshold for both a Transport Assessment and Transport Statement as it considered that the impact on the local highway network below 50 dwelling units would be insignificant and hence the LHA are satisfied from a highways safety point of view and therefore no longer requires this information.

There are off-site highway improvement works proposed that connect the site with the wider footway infrastructure in Flore as well as the existing public transport services. Subject to a Section 278 Agreement, the LHA have no objections to these off site highway improvements proposed.

Subject to a section 106 agreement requiring £70, 000 for the provision, installation and maintenance of 2 wooden bus shelters, and the provision of a Midland 4 week Megarider Gold for each dwelling, the LHA have raised no objections to the proposal on highway safety grounds.

The proposal is therefore considered to be in accordance with policy ST1 of the SCLP and Paragraph 109 of the Framework.

#### Impact on the character and appearance of the locality

The site is located on the edge of the village confines of Flore and is on the corner of Brington Road and High Street and is in the open countryside,

however, the area is not designated as Special Landscape Area, and there is a public footpath that runs along the southern and south west and south eastern boundaries of the site.

The site circa 300m by 96m and is rectangular in nature. The original proposal for upto 70 dwellings proposed to spread the dwellings out within the full length and width of the site.

However, following the completion of the HNS survey and following comments from the Conservation Area Officer, the number of dwellings is reduced to 45 and these dwellings are now concentrated within two thirds of the plot with the rear of plot, circa 100m by 96m being left as green open space. To the south east of the site is an attenuation basin. The existing tree screening along High Street is to be retained. The nearest dwellings proposed to High Street will be set back from the nearest dwellings that exist on the newly built development to the other side of Brington Road. The dwellings proposed furthest away from High Street are also in line with the dwellings on the other side of Brington Road.

As the proposal is outline only, an indicative layout plan has been submitted which show a significantly improved layout. The indicative layout plan shows the majority of the dwellings to have a street frontage and are set back a reasonable distance from the main road, High Street, as well as Brington Road. The existing planting will be retained along the High Street and Brington Road with additional new planting proposed along the boundaries of the site. Parking areas are shown within close proximity to the prospective dwellings thereby enhancing the street scene and the outlook for future occupiers of the dwellings.

The site is largely contained and bounded by hedgerow which is to be retained and there still remains open countryside beyond the site. It is considered that the proposal would not result in an unacceptable incursion of development in the open countryside.

With regard to the heritage impacts of the proposal, it is considered that, if the existing boundary vegetation is retained and, where appropriate, enhanced, there is unlikely to be less than substantial harm to the setting of the Flore Conservation area as a result of this development.

The proposed development will have an impact upon the character and appearance of the locality, as it will result in an extension to the main village and will result in the loss of open countryside. However, the proposal relates well to the existing development on the opposite side of Brington Road and it will be seen as an extension of the streetscene rather than a stand-alone development.

Overall, it is considered that although there will be some limited harm to the character of the locality, as it will further urbanise the landscape, with the landscaping proposed including the pond to the south eastern boundary of the site the potential harm and loss of the open countryside is minimal and hence the visual impact of the scheme is considered to be acceptable in accordance

with Policy ENV1 and ENV10 of the Settlements and Countryside Local Plan Part 2.

#### Impact on residential amenity

The indicative layout appears to respect the adjacent surrounding dwellings although it is difficult to assess at this stage and these issues will be dealt with at the reserve matters stage. With regards to any existing residential amenity, the nearest dwelling on High Street is No.119 which lies to the east of the proposed attenuation Basin. Therefore, due to the substantial separation distance from plots 36-37 being circa 53m it is not considered that the proposed will harm the residential amenity of this property. Similarly, the proposed dwellings along Brington Road will have a minimal impact of the dwellings on the other side of Brington Road as there will be circa 35m separation from the nearest elevations of the proposed dwellings to the existing dwellings

Overall, it is considered that there will be no harm caused from the development by way of overlooking or loss of privacy on any surrounding dwellings and as such the proposal is considered to accords with JCS policy S10 and ENV10 of the SCLP in terms of impact upon surrounding residential amenity.

#### Drainage

The Lead Local Flood Authority were consulted on the proposal and have not objected subject to conditions being imposed to any planning approval requesting details of the surface water drainage system being submitted to the Local Planning Authority.

#### Biodiversity

The WNC Ecologist commented on the final proposal of 45 dwellings and was pleased to note that the new layout dwg 3436-SK06D will allow the proposal to deliver the net biodiversity gain required by local plan policy ENV5 and NPPF paragraph 174. Subject to conditions she would be happy for the application to proceed to determination.

#### Archaeology

WNC Archaeology Department were consulted on the application and have raised no objections subject to a condition relating to the submission of an archaeological programme of works being included in any approval of the application.

#### Environmental Health

WNC Environmental Health Officer commented on this application, however, raised no objections subject to the inclusion of conditions relating to noise and contamination amongst other informatives to be included should the application be approved.

#### Landscaping

The WNC Landscape Officer commented on the final proposal and stated that it is certainly positive that the northern edge of development has now been relocated south in line with line of existing development west of Brington

Road. It is also important that the northern boundary is positively landscaped as the line runs adjacent to the route of the existing service line and is not based or reliant on an existing hedge/boundary.

Subject to detailed landscaping scheme being submitted at the reserved matters stage has not raised any objections to the scheme.

### **Section 106/Community Infrastructure Levy:**

The applicant has indicated a willingness to enter into a Section 106 agreement in order to secure the planning obligations considered to be necessary to mitigate the potential impacts of the development. Other matters would be funded via CIL contributions at the reserved matters stage. The draft heads of terms will need to address the following:

- **Affordable housing provision** – 18 no. affordable homes are required for the proposed 45 dwellings which will represent 40% of the total.

The 18 affordables shall be broken down as:

- 7 one bed homes
- 5 two bed homes
- 6 three bed homes

### **Primary Education, Libraries and Fire hydrants:**

The County Council Education Authority have advised that this development would give rise to the need of a contribution towards: -

- Education - £145,864.
- Libraries - £9,339.
- 2 Fire Hydrants - £1,784

### **WNC Highways:**

- Bus stop infrastructure and maintenance - £70,000
- And that the developer shall offer to all residents a Stagecoach Midland 4 week Megarider Gold Ticket, currently priced at £138, at the rate of one ticket per dwelling on request by the residents.

### **NHS Northamptonshire**

- Primary Health Care - £22,878.21

### **Parish Council and Neighbour Objections**

Whilst the Parish Council and a number of neighbours have objected to the proposal on grounds of impact on highway safety, biodiversity, archaeology, impact on area and residential amenity amongst other things, it is considered that the concerns raised have been adequately addressed within the main body of the Officer's report.

With regards to the request from the Parish of £158,000 S106 contribution for traffic calming measures, the WNC Highways Officer does not feel this is required for this proposal and as no justification has been submitted by the

Parish Council, the Applicants' have indicated that they would not be willing to agree to this being included in the S106 agreement.

**Conclusion:**

The proposal will result in an additional 45 residential properties, located on the edge of the village of Flore. The dwellings comprise of a mix of affordable rentals and market housing that are consistent with the demonstrated need for dwellings through the recent Housing Needs Survey carried out in March 2021.

Although there will be loss of open countryside as a result of the proposed development due to the inclusion of the storm water attenuation pond and the additional planting within the site it is considered that the harm of over-urbanisation of the open countryside is minimal.

It is considered that the proposal will comply with Policy R1 iv) of the West Northamptonshire Joint Core Strategy Local Plan (WNJCS) and the principle of these local needs dwellings in this countryside location is further supported by Policy H3 of the WNJCS.

The proposal will not lead to any detrimental highways safety issues and it is considered that the indicative layout of the proposal will not have a detrimental impact on the character and appearance of the locality nor will it have an undue detrimental impact on any surrounding residential amenity in terms of loss of light or overlooking issues. The benefits from the proposed dwellings will outweigh any potential adverse impacts on the open countryside and the adjacent conservation area given the social, economic and environmental benefits to be had for the development of the site.

On balance, it is considered the proposal is in accordance with WNJCS Policies SA, S10, R1, H2 and H3 and Policies SP1, RA2, RA6, HO8, ENV1, ENV10 and ST1 of the Settlements and Countryside Local Plan (Part 2) (2020) and having regard to chapters 5, 9, 11 and 12 of the Framework.

**Advise:**

That the application be approved subject to the signing of a Section 106 agreement to secure the necessary infrastructure, education, highways and fire hydrant contributions as set out above and subject to the following conditions:

**CONDITIONS**

- 1. Approval of the details of the appearance, landscaping, layout and scale ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced in respect of the particular unit (s) that is/are the subject of the reserved matters application.**



- 2. Application for the approval of the reserved matters must be made not later than the expiration of three years beginning with the date of this permission.**
- 3. The development to which this permission relates shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.**
- 4. The development hereby permitted shall be carried out in accordance with the amended plans reference 3436-SK04G and 3436-01 received by the LPA on 17/6/2020, 541.0004.001 Rev B, 541.0004.002 Rev B, 541.0004.003 Rev A and 541.0004.004 received by the LPA on 17th June 2022 and the amended plan 3436-SK06D (indicative layout plan only) received by the LPA on 17/6/2022.**
- 5. No development shall take place in any Reserved Matters area until samples of the materials to be used in the construction of the external surfaces of the walls and roofing for that area hereby permitted have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
- 6. No more than 45 dwellings shall be erected on the site and 18 shall be affordable dwellings consisting of 7 one bed homes, 5 two bed homes and 6 three bed homes (tenure mix of 12 affordable/social rented dwellings and 6 shared ownership)**
- 7. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and 2 fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.**
- 8. No demolition or construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0830 and 1300 on Saturdays, and at no times on Sundays or Bank Holidays unless otherwise agreed with the local planning authority.**
- 9. The development hereby permitted shall not be commenced until details of an investigation and risk assessment scheme to assess the nature and extent of any contamination on the site have been submitted to and approved in writing by the Local Planning Authority (LPA), the approved scheme has been carried out by competent persons and a written report of the findings has been submitted for the approval of the LPA. The assessment shall include, unless the LPA dispenses with any such requirements in writing, a site investigation to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-**

**Pathway-Receptor principle and takes into account the proposed new house. The investigation must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11' and a written copy of the site investigation and findings shall be forwarded to the LPA. Two copies of the site investigation shall be forwarded to the LPA.**

- 10. Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted for the approval of the LPA. No works, other than investigative works, shall be carried out on the site prior to the confirmation in writing of approval of the preferred remedial option by the LPA. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'.**
- 11. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the remediation. No deviation shall be made from the approved scheme without the express written agreement of the LPA. The LPA must be given two weeks written notification of the date of commencement of the remediation scheme works.**
- 12. No development works other than that required to carry out the remediation shall be carried out until after the completion of the works required by the remediation scheme, the submission of a written closure report to the LPA and the LPA have confirmed the closure report is satisfactory. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved remediation scheme, and confirmation of the effectiveness of the scheme in ensuring the site can be considered as suitable for the end use of residential with plant uptake. Post remediation sampling and monitoring results shall be included in the closure report.**
- 13. If during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA in accordance with the terms of Condition 8 above and implementation of any necessary remediation works has taken place and a closure report has been approved by the LPA in accordance with the terms of Condition 15 above.**

- 14. The development hereby permitted shall not be occupied until the applicant has provided a sustainability pack for the occupiers.**
- 15. Before construction of the dwellings commences, details of the finished floor levels of the dwellings in relation to the existing and proposed levels of the site and the surrounding land shall be submitted to and approved in writing by the local planning authority. The dwellings shall thereafter be constructed in accordance with the details so approved.**
- 16. Prior to the commencement of development above slab level, a scheme of boundary treatments for the site shall be agreed. The approved boundary treatments must be implemented prior to the occupation of each respective dwelling and shall be maintained in perpetuity.**
- 17. The principle of the highway improvements (all works to the access, Brington Road footway extension and crossings on High Street) as detailed in the approved plans 541.0004.001 Rev B, 541.0004.002 Rev B, 541.0004.003 Rev A and 541.0004.004 received by the LPA on 17th June 2022 shall be in place prior to the first occupation of the site.**
- 18. Prior to the commencement of any works taking place on the site the applicant is required to provide the arrangement of the agreed highway improvement works as detailed in condition 17 above and associated infrastructure; bus shelters, by way of a Section 278 Agreement that the applicant will be required to enter into with the LHA for the purpose of undertaking these works.**
- 19. Prior to the commencement of works affecting any existing public right of way, full details of any enhancement, improvement, diversion or closure shall be submitted to and gain the approval of the local planning authority.**
- 20. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.**
  - a) Description and evaluation of features to be managed.**
  - b) Ecological trends and constraints on site that might influence management.**
  - c) Aims and objectives of management.**
  - d) Appropriate management options for achieving aims and objectives.**
  - e) Prescriptions for management actions.**
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).**
  - g) Details of the body or organization responsible for implementation of the plan.**
  - h) Ongoing monitoring and remedial measures.**

**The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.**

**The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.**

**The approved plan will be implemented in accordance with the approved details.**

**21. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:**

**i. fieldwork in accordance with the agreed written scheme of investigation;**

**ii. post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);**

**iii. completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.**

**22. Each dwelling hereby approved shall provide integrated bat and/or bird bricks and any close boarded fencing to be erected as part of the boundary treatment proposed in condition 16 above shall incorporate hedgehog holes at suitable points and shall thereafter be retained.**

**23. A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and**

**Vibration, Pollution Prevention and Control, and Monitoring Arrangements.**

- 24. Prior to the occupation of the residential units a scheme for achieving the external and internal noise levels outlined in BS8233:2014 and World Health Organisation Guidelines shall have been submitted and approved in writing by the Local Planning Authority, and the approved scheme implemented. Thereafter it shall be maintained in the approved state at all times with no alterations made to the approved structures including roof, doors, windows and external facades, layout of the units or noise barriers.**
- 25. Prior to the commencement of development, provision of ducting to allow for installation of EV charging infrastructure will be required (one charge point per residential unit), in order to make resident parking places EV ready for future demand. The details and location of such provision should take into consideration the availability of electrical supply and should therefore be designed making reference to information held by the local distribution network operator. Subsequently, these details and designs should be submitted to and approved in writing by the Local Planning Authority. Such provisions shall be formed, and laid out in accordance with these details before usage of the parking spaces commences and shall remain in place thereafter.**
- 26. No above ground work shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment and Drainage Strategy ref 541.5004/FRA&DS/2 rev 2 dated 20th May 2020 prepared by Paul Basham Associates have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include,**
- i) details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).**
  - ii) details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations**
  - iii) cross sections and manufacturers hydraulic curves for all control chambers and flow control devices.**
- 27. No above ground work shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried**

out in full thereafter. Details are required of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of when replacement assets may be required, should be submitted. A maintenance schedule should be accompanied by a site plan to include access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site.

28. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Flood Risk Assessment and Drainage Strategy ref 541.5004/FRA&DS/2 rev 2 dated 20th May 2020 prepared by Paul Basham Associates. These shall include: a) Any departure from the agreed design is keeping with the approved principles b) Any As-Built Drawings and accompanying photos c) Results of any performance testing undertaken as a part of the application process (if required / necessary) d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc. e) CCTV confirmation that the system is free from defects, damage and foreign objects.

## **REASONS**

- 1. To comply with Section 92 of the Town & Country Planning Act 1990) and the application is outline only and the reserved matters referred to will require full consideration by the Local Planning Authority.**
- 2. This is a statutory requirement under section 51 of the Planning and Compulsory Purchase Act 2004.**
- 3. This is a statutory requirement under section 51 of the Planning and Compulsory Purchase Act 2004.**
- 4. To ensure that the development is carried out in accordance with agreed amendments.**
- 5. In the interests of visual amenity and to ensure that the materials are appropriate to the appearance of the locality.**

- 6. The application is for 45 dwellings and any more dwellings will have a detrimental impact on open countryside in which the site lies and on highway safety.**
- 7. In the interests of fire safety.**
- 8. To ensure the protection of the local amenity throughout construction works.**
- 9. To ensure that potential risks from the historic use of the site have been appropriately assessed.**
- 10. To ensure the proposed remediation plan is appropriate.**
- 11. To ensure site remediation is carried out to the agreed protocol.**
- 12. To provide verification that the required remediation has been carried out to the required standards.**
- 13. To ensure all contamination within the site is dealt with.**
- 14. In the interest of sustainability.**
- 15. For the avoidance of doubt and to ensure a satisfactory form of development in relation to neighbouring land and buildings.**
- 16. In the interests of residential amenity and crime prevention.**
- 17. In the interest of highway safety.**
- 18. In the interest of highway safety.**
- 19. In the interests of highway safety.**
- 20. In the interest of biodiversity of the area.**
- 21. To ensure that features of archaeological and historic interest are properly examined and recorded and the results made available, in accordance with NPPF paragraph 205.**
- 22. For the protection and enhancement of biodiversity opportunities in the area.**
- 23. To protect residential amenity, highway safety and visual amenity.**
- 24. In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.**
- 25. In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.**
- 26. To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy BN7 of the Core Strategy for West Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.**
- 27. To ensure the future maintenance of drainage systems associated with the development.**
- 28. To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.**

## **NOTES**

- 1. As required by Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015 (as Amended) the following statement applies:**

**In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner with a view to seeking solutions to problems arising in relation to the consideration of this planning application.**

- 2. With respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements:**
  - The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times, it is an offence to obstruct the highway under Section 137 HA 1980.**
  - There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by the Area Rights of Way Officer, (as per Section 131 HA1980).**
  - If as a result of the development, i.e. the safety of the public cannot be guaranteed, the Right of Way needs to be closed, and a Temporary Traffic Regulation Order would become necessary. An Application form for such an order is available from West Northamptonshire Council's website, a fee is payable for this service and a period of six weeks' notice period is required. Please contact the highway authority at:- [defmap.ncc@westnorthants.gov.uk](mailto:defmap.ncc@westnorthants.gov.uk)  
<https://www.northamptonshire.gov.uk/councilservices/northamptonshire-highways/rights-of-way/Pages/temporary-traffic-regulation-orders.aspx>**
  - Any new path furniture such as a gate can only be authorised if needed for the ingress or egress of livestock (Section 147 Highways Act 1980) and needs to be approved in advance with the Area Rights of Way Officer, standard examples can be provided.**
- 3. No works affecting any existing public right of way may commence without the express written permission of the local highway authority's Rights of Way or Definitive Map Teams.**
- 4. The developer is reminded to apply to the local planning authority for any proposed permanent diversion of a right of way under Section 257 of the Town and Country Planning act 1990 required to facilitate the development of DA/2020/0479.**



**The alternative route for such a diversion must be agreed with the local highway authority's Area Rights of Way Officer and be available for public use prior to the closure of any existing route.**

- 5. As nesting birds are protected by law under The Wildlife and Countryside Act 1981, a check for nesting birds will be undertaken prior to building work commencing. If nesting birds are identified, works in the area of the nest will be delayed until the birds have left the nest.**
- 6. The applicant will be required to enter into a Section 278 agreement with the LHA in order to carry out the highway improvements as outlined in condition 17 above.**
- 7. The Statement required to discharge the Construction Management Plan of this consent is expected to cover the following matters:**
  - the parking and turning of vehicles of site operatives and visitors;**
  - loading and unloading of plant and materials;**
  - storage of plant and materials used in constructing the development;**
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
  - details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;**
  - wheel washing facilities;**
  - measures to control the emission of dust and dirt during construction;**
  - a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works.**
  - design of construction access**
  - hours of construction work**
  - measures to control overspill of light from security lighting**
  - a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.**
- 8. With reference to Condition above, the developer will be expected to meet the full costs of supplying and installing the fire hydrant, sprinkler system and associated infrastructure. For further information, please contact: Water Officer for NFRS ([ljwilson@northantsfire.org.uk](mailto:ljwilson@northantsfire.org.uk)).**



**West  
Northamptonshire  
Council**

### **Daventry Local Area Planning Committee**

Minutes of a meeting of the Daventry Local Area Planning Committee held at Council Chamber, Lodge Road, Daventry NN11 4FP on Wednesday 2 November 2022 at 6.00 pm.

- Present            Councillor Kevin Parker (Chair)  
                      Councillor Alan Chantler (Vice-Chair)  
                      Councillor Rosie Humphreys  
                      Councillor Cecile Irving-Swift  
                      Councillor David James  
                      Councillor Peter Matten  
                      Councillor Wendy Randall  
                      Councillor Phil Bignell  
                      Councillor Daniel Lister  
                      Councillor Charles Morton
- Substitute  
Members:        Councillor Phil Bignell (for Councillor Frost)  
                      Councillor Charles Morton (for Councillor Cribbin)
- Also  
Present:         Councillor Daniel Lister
- Apologies  
for  
Absence:        Councillor Daniel Cribbin  
                      Councillor Rupert Frost
- Officers           Marina Watkins, Committee Officer  
                      Rebecca Grant, Major Projects Officer, Planning Department Daventry  
                      Chuong Phillips, Principal Planning Officer  
                      Nisar Mogul, Senior Planning Officer  
                      Simon Aley, Planning Solicitor  
                      Marina Watkins, Committee Office

72.     **Declarations of Interest**

None advised

73.     **Minutes**

**RESOLVED:**

That the Minutes of the Daventry Local Area Planning Committee of 5<sup>th</sup> October 2022 be approved and signed as a correct record.

74.     **Chair's Announcements**

The Chair advised that this would be the last meeting of the Daventry Area Planning Committee that would be held at the Daventry offices. All future meetings would be held at the Forum, Towcester.

The meeting of the Committee due to be held on 7<sup>th</sup> December had been cancelled, with the next meeting due to be held on 11<sup>th</sup> January 2023.

The Chair asked members of the Committee to remain behind at the closure of the meeting for a short discussion regarding future meetings.

75. **Planning application - DA/2020/0479 Flore**

**Planning applications**

Consideration was given to the report detailing the planning applications which had been previously circulated.

**RESOLVED:**

That, subject to the variations set out below, the advice set out in the report now submitted be agreed.

1. **DA/2020/0479 - OUTLINE PLANNING APPLICATION OF UP TO 45 DWELLINGS, TO INCLUDE 40% AFFORDABLE DWELLINGS (7 ONE BED HOMES, 5 TWO BED HOMES AND 6 THREE BED HOMES), INFRASTRUCTURE AND OPEN SPACE. (ALL MATTERS RESERVED OTHER THAN ACCESS) - LAND TO EAST OF BRINGTON ROAD, FLORE, NORTHAMPTONSHIRE**

The Senior Planning Officer outlined the application which was located on the edge of the village of Flore. The original application was for 70 dwellings across the whole of the site. The current application was for 45 dwellings across part of the site. A recent housing needs survey identified a need for 54 dwellings. The site was considered to be a rural exception site.

Objections had been received from residents and the Parish Council objecting to the development on the grounds of highway safety, being contrary to neighbourhood plan and the Council already having a five year land supply.

No objections had been received from Highways. Approval was recommended subject to conditions and the completion of a Section 106 Agreement.

Councillor Phil Bignell queried the number of objections received and the number of affordable houses proposed. The Senior Planning Officer advised that more objections were received regarding the original application, and that the current proposal was for a total of 45 houses comprising of 18 affordable houses with the remainder for market sale.

The Principal Planning Officer advised that there was a misconception regarding rural exception sites, and it was not the case that all properties on the site had to be affordable. Mixed tenure was acceptable.

There was discussion over the photo of the access to the site which was considered inaccurate by some members. It was pointed out that consultees had been asked to comment on the correct proposal and access.

Mr Anderson spoke against the proposal. There were concerns that the open green area could be built on in the future and it should be designated as Public Open Space.

Mr Minton spoke against the application and considered that more weight should be given to the Local Plan rather than the housing needs survey. There was no bat survey data provided.

Mr Higginson spoke against the application on behalf of the Parish Council. The development was in conflict with the Countryside and local Settlements Plan and the Flore Neighbourhood Plan. The developers should contribute to the traffic calming measures being installed in the High Street.

Councillor Daniel Lister spoke as ward member and considered the proposal to be contrary to policy. The housing needs survey did not reflect real need in the area.

Mr Gore, the agent addressed the Committee. The application had been submitted two and half years ago, with the scheme subject to thorough engagement with officers and statutory consultees. The proposal met the affordable housing need for the village.

The Senior Planning Officer advised that Planning Policy did have concerns about the original application for 70 dwellings. A housing needs survey had since been carried out and the proposal amended, and Planning Policy no longer raised objections.

The Principal Planning Officer reminded members to consider the application before them, and not previous applications.

Councillor Phil Bignell spoke as ward member for Flore and considered the application was not policy compliant and relied on the housing needs survey to justify it. It was considered a cynical attempt to build market houses in the open countryside. The proposal was against numerous policies including RA2 and RA6 of the Local Plan and R1 of the West Northants Joint Core Strategy.

Councillor Bignell proposed that the application be refused as it was contrary to many policies and constituted overdevelopment of the village. The proposal was seconded by Councillor Charles Morton.

The Principal Planning Officer considered that the policies referred to identified the circumstances where development was acceptable, and local need had been identified through the housing needs survey. The proposal was finely balanced.

A number of councillors considered that the proposal did comply with policy and was not in open countryside and were of the opinion that there was a need for affordable housing in the villages.

The proposal to refuse the application was put to the meeting and declared carried with 5 voting in favour and 4 against.

**RESOLVED:**

That the application be refused for the following reasons:

The proposal for 45 dwellings to include 40 % affordables (18 dwellings) in this open countryside location will harm the character and appearance of the area and would be in conflict with the spatial and housing allocation strategies set out in the relevant development plan as it would result in the encroachment of development into the countryside beyond the village confines of Flore and the proposal fails to satisfy any of the other exceptional circumstances set out by the policies in the West Northamptonshire Joint Core Strategy 2014, Settlements and Countryside Local Plan (Part 2) for Daventry District 2020 and the Flore Neighbourhood Development Plan.

**76. Planning application - WND/2022/0246 Moulton**

**1. WND/2022/0246 - CONSTRUCTION OF TWO COMMERCIAL OFFICE BUILDINGS (USE CLASS E) - LAND WEST OF SANDY HILL LANE, MOULTON, NORTHAMPTONSHIRE**

The Major Projects Officer outlined the application for two commercial buildings that had been referred to Committee as they were over the threshold for officer determination. The height of the buildings had been reduced following discussion with the applicant. Members' attention was drawn to the list of late representations.

Mr Radford, the agent addressed the Committee. The office units would be on previously developed land bringing employment and economic benefits. Following discussions, the height of the buildings had been reduced and obscure glazing agreed. Details on flood risks would be presented to the Local Planning Authority by 11<sup>th</sup> November as requested.

The Major Projects Officer advised that the applicants were aware of the views of the Crime Prevention Officer.

Councillor Cecile Irving-Swift proposed that Officers' advice to approve the application be agreed. The proposition was seconded by Councillor David James and on being put to the meeting was declared carried unanimously.

**RESOLVED:**

That the application be approved as set out in the report

**77. Urgent Business**

None advised.

The meeting closed at 7.37 pm

Chair: \_\_\_\_\_

Date: \_\_\_\_\_

# FLORE PARISH COUNCIL

Clerk: Mrs Susan Halkett, 16 St Mary's Way, Weedon, Northants, NN7 4QL  
Tel: 01327 341057 Email: [florepc@btinternet.com](mailto:florepc@btinternet.com)

3<sup>rd</sup> November 2022

Dear Councillor

This is your summons to the Parish Council Meeting to be held on **Tuesday 8<sup>th</sup> November 2022 at 7.00 pm in the United Reformed Church Schoolroom, Chapel Lane**. If you are not able to attend, please let me know. Members of the Public and Press are invited to attend.

Yours sincerely



S Halkett  
Clerk & Proper Officer to the Council

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## AGENDA

**7.00 pm The Neighbourhood Watch Coordinator for Northamptonshire will give a presentation on looking at revitalising NHW for Flore Parish**

7.30 pm Flore Parish Council - official meeting - will commence.

### Acceptance of Apologies for absence

- 848.0** To receive declarations of interests under the Council's Code of Conduct regarding business to be discussed at this meeting
- 849.0 Public Forum** for parishioners and reports by Unitary Councillors
- 850.0** To approve the minutes of the Meeting of the Parish Council held on 11<sup>th</sup> October 2022
- 851.0 To receive any updates on outstanding items** (not covered elsewhere on the agenda)
- To note communication regarding adoption of street lighting at Champions Field Way, Cregy Close, Labourne Park Road and Orland Way
  - To note request for comments re solar panels on another property
  - To receive an update on DA/2020/0479 – Land to east of Brington Road – which was on the planning committee meeting at Daventry on the 2 November.
- 852.0 To deal with general correspondence which may require a decision**
- 852.1 To consider the purchase of replacement benches/seats around the village using the CIL money from 2018
- 852.2 To confirm Cllr attending the Climate Change course offered by NCALC @ £55
- 852.3 To consider a resident's email about HGVs on the High Street.
- 852.4 To receive a report from the Flood Warden and to consider an inspection, with camera, of the drain by the Millennium Hall approx. £350 plus VAT
- 852.5 To consider a warm room for residents during the winter.
- 852.6 To consider looking at revitalising Neighbourhood Watch for Flore
- 852.7 Consultations – To consider commenting on:  
WNC: Sports Research Survey  
WNC: Rural England Prosperity Survey
- 853.0 FINANCIAL/ADMIN MATTERS**
- 853.1 Finance update, including income received since last meeting
- 853.2 Internal control. Report on procedures since last meeting
- 853.3 To consider the Budget and Precept figures for 2023/24

## FLORE PARISH COUNCIL

### MINUTES OF THE PARISH COUNCIL MEETING HELD IN URC SCHOOLROOM, CHAPEL LANE, FLORE ON 8th NOVEMBER 2022 at 7.30 pm

**PRESENT:** Councillors: Mr Andy Anderson, Mrs Kathryn Baines, Mr Kev Beasley, Mr Geoff Fellows, Mr Geoff Holden, Mr Simon Levell, Mrs Chris Littlewood  
Unitary Councillor Mr Phil Bignell  
7 Members of the public present

**Acceptance of Apologies for absence:** Cllrs Miss Freya Davies, Mr Tom Higginson, Mr John Thomason  
Unitary Cllr Mr Charles Morton

7pm. Mr Andy Crisp, County Neighbourhood Watch came along to give a briefing on possibly revitalizing the NHW for Flore

- |              |   |       |
|--------------|---|-------|
| <b>848.0</b> | <b>Declarations of Interest under the Council's Code of Conduct, regarding business tabled for discussion.</b> Nothing declared   |       |
| <b>849.0</b> | <b>Public Forum:</b> for parishioners and reports by County and District Councillors <ul style="list-style-type: none"> <li>• Resident: Really bad sewerage smells today in Sutton Street – to be passed to Flood Warden</li> <li>• Resident: Trees on bypass – have they been replaced. They have been replanted and this is still ongoing.</li> <li>• Resident: Dog Warden: With the new dog control rules – how does this work with Brodie Lodge. All will come down to enforcement if people see issues and report then they will investigate.</li> <li>• Resident: Traffic Calming: Why are there bollards on road? They have to be there because the road speed is 30mph.</li> <li>• Resident: Can Nether Lane be widened? Not policy to widen village roads as it leads to other issues. If there is a pothole, it can be reported and filled in to avoid vehicles having to drive through it.</li> <li>• Resident: Advised of a near miss incident around the bollards on the High Street.</li> <li>• Unitary Cllr: Advised that the Daventry offices would be closed by the end of March. They are owned by WNC and it is hoped they would be let. Planning department would all be run from Towcester.</li> </ul> |       |
| <b>850.0</b> | <b>To approve the minutes of the Meeting of the Parish Council held on 11<sup>th</sup> October 2022.</b> These minutes were an accurate record of the meetings. CL/KBa  |       |
| <b>851.0</b> | <b>Outstanding items - updates</b> (not covered elsewhere on the agenda) <ul style="list-style-type: none"> <li>• Street lighting adoption: Noted</li> <li>• Request for comments re solar panels – no comments until further information provided.</li> <li>• Update: DA/2020/0479 Land to East of Brington Road. Noted that this was refused at the meeting and is possible it will go to Appeal. Owner of the land emailed Cllr Beasley and asked some questions – Cllr Phil Bignell advised that we could send through the copy of his speech which explained a lot of the reasons for the refusal, to the owner.</li> </ul> <p>The Parish Councillors unanimously thanked the Unitary Councillors for their significant, passionate and important support that was received for this application, at the planning committee meeting. They were impressed with how it was handled – “a joy to watch”.</p>   |       |
| <b>852.0</b> | <b>GENERAL CORRESPONDENCE</b>   |       |
| 852.1        | Replacement benches/seats:<br><b>Resolved:</b> To order 4 benches to replace those at Brockhall Road/Capell Rise junction; Spring Lane – two commemorative plaques to be removed and replaced on the new bench; to install one to replace the missing bench at the High Street, opposite Bricketts Lane and possibly install a new one on Ram Bank.   | Clerk |
| 852.2        | NCALC - Climate Change Course:<br><b>Resolved:</b> Cllr Thomason will attend the above course. Cost £55.  | Clerk |
| 852.3        | HGVs on High Street. Email from resident about the amount of HGV learner driver vehicles. HGV learner vehicles have always come through the village as the main Government testing station is based in Weedon and this is one of their official training routes. The chicanes are built so that they can take this size vehicle so there is no problems with them. The High Street Steering Group will be looking to install  | Clerk |



	<p>further traffic calming measures, ie a weight limit, which will take away the larger vehicles but this is ongoing and not likely to happen in the short term.</p>																												
852.4	<p>Report from Flood Warden. Inspection of drain by Millennium Hall. It was noted that WNC will not adopt these drains but will attend if there is cause for flooding of the Hall. The drains are the ownership of the riparian owners. Cllr Thomason has asked for a hire camera to inspect the drains and provide a report. <b>Resolved:</b> Agreed to hire a camera to provide a report on the adjacent drain to the hall (cost now £400). KB/AA</p>	Clerk																											
852.5	<p>Warm Room: The idea is a good one, but the Council don't own any properties so would have to work with other groups/agencies. Tagging on to ongoing events, the Schoolroom, Millennium Hall etc could be used in conjunction with other events, ie people could come along to the Millennium Hall when the library was open to sit for a few hours, likewise with other events. Cllrs to provide a list of what regular groups meeting up and whether they would be willing to allow other people to attend. This could be monitored for a while to see whether there was an ongoing need.</p>	All Cllrs																											
852.6	<p>Neighbourhood Watch. It was agreed to revitalise the NHW. Cllr Beasley would liaise with the current coordinator and see what could be done.</p>	Cllr Beasley																											
852.7	<p>Consultations: WNC Sports Research Survey: Noted, no comments from FPC Rural England Prosperity Survey. Noted, no comments from FPC</p>																												
<b>853.0</b>	<b>FINANCIAL MATTERS</b>																												
853.1	<p>Finance update. It was reported that as at 31<sup>st</sup> October the Council had £45,685.70 in the bank account. There were no matters arising. Figures accepted by Council.</p>																												
853.2	<p>Internal Control. Cllr Holden carried out the internal control. All present and correct.</p>																												
853.3	<p>Budget &amp; Precept. Figures were provided to all Councillors following the Finance Group's recent meeting, for consideration. <b>Resolved:</b> Following discussion of the submitted proposal by the Finance Group, Council accepted the budget figure of £39,520 for 2023/24. The Precept figure will be the same. This is subject to West Northants Council's tax base figure – which has not been received by the Parish Council. This figure is a 4.13% rise on last year's figures. If tax base changes, further confirmation of all figures will be at the January meeting. KBa/GF</p>																												
<b>854.0</b>	<b>ACCOUNTS FOR PAYMENT</b>																												
	<p>Payments agreed under General Power of Competence.</p>																												
	<p><b>November payments</b></p> <table border="0"> <tr> <td>S Halkett</td> <td>Office costs</td> <td>17.00</td> </tr> <tr> <td>S Halkett</td> <td>Salary</td> <td>636.65</td> </tr> <tr> <td>HMRC</td> <td>PAYE Tax/Nat insurance</td> <td>164.90</td> </tr> <tr> <td>Weedon Bec Parish Council</td> <td>Telephone &amp; broadband</td> <td>65.46</td> </tr> <tr> <td>Millennium Hall</td> <td>Library hire</td> <td>20.00</td> </tr> <tr> <td>URC</td> <td>Donation towards grass cutting</td> <td>280.00</td> </tr> <tr> <td>PCC</td> <td>Donation towards grass cutting</td> <td>370.00</td> </tr> <tr> <td>M Freeman</td> <td>Playing field /closed churchyard grass cutting</td> <td>195.00</td> </tr> <tr> <td colspan="2" style="text-align: right;"><b>To be paid on the 9<sup>TH</sup> November</b></td> <td><b>1749.01</b></td> </tr> </table>	S Halkett	Office costs	17.00	S Halkett	Salary	636.65	HMRC	PAYE Tax/Nat insurance	164.90	Weedon Bec Parish Council	Telephone & broadband	65.46	Millennium Hall	Library hire	20.00	URC	Donation towards grass cutting	280.00	PCC	Donation towards grass cutting	370.00	M Freeman	Playing field /closed churchyard grass cutting	195.00	<b>To be paid on the 9<sup>TH</sup> November</b>		<b>1749.01</b>	
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855.1	<p><b>APPLICATIONS</b></p> <p>A WND/2022/0907. Pond House, Bricketts Lane. Single storey front link extension, new double garage to replace existing with garden store. The Council has no objections to this application which is set back from the road and does not impinge on the Flore Neighbourhood Plan.</p> <p>B WND/2022/0830. Hillside Manor, 4 Hillside Road. Construction of detached dwelling. The Council objects to this application as it is classed as development in open countryside which is contrary to the Flore Neighbourhood Plan and the West Northamptonshire Joint Core Strategy, Policy R1.</p>																												
<b>856.0</b>	<b>REPORTS FROM REPRESENTATIVES ON VILLAGE ORGANISATIONS</b>																												
856.1	<p>Brodie Lodge Playing Field. The Trustees have received permission to use S106 money for the installation of adult play equipment (outdoors). AGM is on 10 November.</p>																												
856.2	<p>Millennium Hall. Group are still looking at applying for S106 money for indoor sports.</p>																												

856.3 Commonwealth Flags and Disaster Relief Fund. Nothing received  
856.4 Charities. Richard Capell held AGM. Mike Penn was re-elected chair. Flore Charity held meeting, two book grants were given out to students

**857.0 CORRESPONDENCE RECEIVED**

- a. WNC Adoption procedures Bovis Estate. 851.0
- b. Resident Request for comments if they play a solar area. 851.0
- c. Resident HGVs on the High Street. 852.3
- d. WNC Consultations x 2. 852.7
- e. WNC Planning applications x 2. 855.1
- f. WNC Notification on development at planning committee. 855.2

NCALC Updates/Training - emailed  
WNC media updates - emailed  
ACRE Bulletin - emailed  
Town & Parish Briefing newsletter – emailed

**CORRESPONDENCE RECEIVED AFTER AGENDA PUBLISHED**

Application: WND/2022/0953. Marsh Cottage, 43 Kings Lane. Work to trees within a conservation area – noted, standard response to be sent  
EDF: Change of project manager for Glassthorpe Solar Farm. Noted.

**Date of next meetings:** 17<sup>th</sup> January (only month whereby it will be the 3<sup>rd</sup> Tuesday of the month)

**Items for inclusion on next meeting's agenda.**

January meeting: Flore Business Plan – any comments from residents  
Climate Group – if anything to report.

The meeting closed at 2050 hrs