

INVESTIGATION REPORT INTO PROCEDURAL IRREGULARITIES AT THE MEETING OF THE BABERGH DISTRICT COUNCIL PLANNING COMMITTEE ON 10 AUGUST 2022.

Report Author: Emily Yule, Monitoring Officer

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1. BACKGROUND

1.1 A meeting of the Planning Committee of Babergh District Council (BDC) was convened on Wednesday 10 August to consider a number of planning applications. In the course of the consideration of planning application DC/21/06519: Belle Vue House & Old Swimming Pool, Newton Road, Sudbury a short adjournment was requested by committee members. During this adjournment a member of the committee informed the Monitoring Officer (MO) that a document was being circulated amongst some members of the committee.

1.2 The planning charter (the charter) adopted by BDC prohibits the exchange of written communications whilst the committee meeting is in progress. Paragraph 11.5 of the charter refers:

Members or members of the public must not communicate (whether orally or in writing) with Members of the Planning Committee during the committee proceedings, which includes any adjournment, other than through the scheme for public speaking or through the Chairman as this may give the appearance of bias. If a Member or member of the public attempts to communicate with a Member of the Planning Committee, that Member should immediately report this to the Chairman and the legal adviser present. If that communication is in a written or electronic format then the Member should not read it and, having reported the communication, give the document or provide a copy of it (in the case of something in electronic format) to the legal adviser.

1.3 As the nature of the document and its origin were not immediately apparent, the committee was advised to move into closed session, excluding the public, so that further enquiries could be made and legal advice could be given to the committee. After questioning by the MO, a copy of the document was provided to her by one of the committee members and it became clear that at least half of the committee were aware of a document being circulated. The document in question was a plan of the Belle Vue application site dated August 2020.

1.4 After initial enquiries, it was still unclear as to the origin of the document or the intention behind its circulation. As a procedural irregularity had occurred, and potentially a breach of the planning charter, the committee was advised that they should halt their

consideration of the planning application so that further investigation into the issue could be undertaken. The Chairman indicated that his intention was to call the committee to an early close and consider no further business. By resolution of the committee the meeting was closed, and all undetermined applications referred to a future meeting.

1.5 This investigation report details the process undertaken by the MO to investigate this procedural irregularity and provides her findings and conclusions.

2. INVESTIGATION PROCESS

2.1 Between Thursday 11 August 2022 and Thursday 18 August 2022, the MO conducted individual investigation interviews with each committee member via MS Teams. The interviews were attended by John Snell, Corporate Manager – Internal Audit, who provided independent oversight of the interview process and acted as note taker.

2.2 One committee member submitted a written statement in response to the investigation due to being on holiday abroad from early on 11 August.

2.3 Where a committee member referred to another councillor or an officer in their statement, attempts were made to corroborate this information through questioning of the relevant councillor or officer.

3. FINDINGS

3.1 The majority of the statements provided were able to confirm that the document that had been circulated was the site plan dated August 2020 and all statements confirmed that no other documents or communications had been passed to committee members. However, there were some inconsistencies in the statements regarding which committee member had original possession of the plan and the way it was shared with other committee members.

3.2 Not all committee members were directly shown the plan. Some, members had indirectly seen it, or were aware of its existence, whilst other members had no knowledge of the document until it was raised by the MO.

3.3 There was no evidence in any of the statements provided by the committee members that there had been any attempt to influence committee members or the outcome of the planning decision.

3.4 The committee members who had been shown the plan, dated August 2020, attested that they considered the plan to be immaterial to the planning application under consideration and would give no further regard to that plan.

3.5 In the course of the investigation interview, one committee member revealed information that demonstrated that they did not have the requisite skills and understanding of the planning process to continue to sit as a member of the planning committee.

4. CONCLUSIONS

4.1 The integrity of the planning process has not been undermined by the circulation of the 2020 site plan and the committee members have not been influenced by the plan being shared. Therefore, ten of the committee members who sat on 10 August 2022 are not compromised and may continue with their consideration of application DC/21/06519. The committee will be instructed to disregard the August 2020 site plan.

4.2 One member has demonstrated that they do not hold the required skills and knowledge to consider planning applications. Consequently, the MO has determined that the member will not be allowed to participate in planning committee meetings until they have completed further training on the planning process and the MO is satisfied that the member is able to appropriately apply that training in a committee environment.

4.3 Due to the planning committee not being able to reconvene in its original form, when application DC/21/06519 is returned to committee for consideration the activity undertaken on 10 August 2022 will be struck through and the process will start afresh – i.e. the officer will repeat their presentation and the speakers will be invited to repeat their submissions.

4.4 These conclusions have no bearing on the application ref: DC/22/00985 which was determined by the committee earlier in the meeting. The member who is being temporarily barred from sitting on the planning committee did vote on that application, however the overall result of the vote would have been the same had their vote been discounted. Therefore, there is no material impact on the outcome of the planning decision.