



Committee and date
Standards Sub-Committee

20 November 2015

Item

7

Exempt

NOT FOR PUBLICATION BY VIRTUE OF CATEGORIES 1, 2 AND 3 OF
PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

CODE OF CONDUCT COMPLAINT – COUNCILLOR BARROW

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1. Summary

- 1.1 A complaint received from Councillor Dave Tremellen which alleged that Councillor Keith Barrow failed to comply with the code of conduct of Shropshire Council was referred, at its meeting held on 30 July 2015, by the Standards Sub Committee for an investigation.
- 1.2 The Monitoring Officer did not consider that it was appropriate to carry out the investigation internally and appointed Olwen Dutton to undertake the investigation.
- 1.3 The investigation by Mrs Dutton is now complete and her report concludes that, by failing to disclose at a meeting of the Board of directors of IP&E Ltd that a director of a company who were to be considered to undertake the audit and accountancy function on behalf of IP&E Ltd, was known to him and that they had mutual business interests, Councillor Barrow failed to comply with the Code of Conduct of Shropshire Council.
- 1.4 Councillor Barrow accepts the findings and agrees that, with hindsight, he should have formally declared his interest. He has agreed to undertake training and to issue a formal apology to the Council.

2. Recommendation

- 2.1 That, subject to Councillor Barrow making an apology and undertaking training on his responsibilities under the code of conduct, there be no further action in relation to the finding by the Investigating Officer that, by failing to disclose at a meeting of the Board of directors of IP&E Ltd that a director of a company which was to be considered to undertake the audit and accountancy function on behalf of IP&E Ltd, was known to him and that they had mutual business interests, Councillor Barrow failed to comply with the code of conduct of Shropshire Council.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 The Localism Act 2011 places a requirement on Local Authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Failure to resolve the complaint appropriately risks damaging the reputation of the authority.

4. Financial Implications

- 4.1 In the event that further action is considered appropriate, costs may involve officer time and /or the costs of arranging a further hearing.

5 Background

- 5.1 It was alleged by Councillor Dave Tremellen that Councillor Keith Barrow failed to comply with the code of conduct of Shropshire Council.
- 5.2 The Standards Sub Committee, at its meeting held on 30 July 2015, referred the allegation to the Monitoring Officer for an Investigation. The Monitoring Officer engaged the services of Olwen Dutton to carry out the investigation.
- 5.3 After carrying out her Investigation, Mrs Dutton concluded that Councillor Barrow had failed to comply with the Code of Conduct of Shropshire Council. Her report and appendices are attached.
- 5.4 As required by the legislation, the Monitoring Officer has consulted with the independent Person and, in accordance with the arrangements adopted by Shropshire Council to deal with allegations of a failure to comply with the code of conduct, considers that the matter can reasonably be resolved without the need for a formal hearing. The Independent Person agreed with the proposals of the Monitoring Officer to request that Councillor Barrow issue a formal apology and undertake training on his responsibilities under the code of conduct.
- 5.5 The Complainant, Councillor Tremellen, considers that an apology and a commitment to undertake training on the code of conduct represents a reasonable outcome.
- 5.6 Councillor Barrow has agreed to undertake training provided by the Monitoring Officer and to issue the following apology:

“Councillor Keith Barrow apologises to the Council for failing to formally declare a conflict of interest when making a decision at ip&e Ltd.

An investigation into an allegation about the conduct of Councillor Keith Barrow has concluded that he failed to comply with the code of conduct of Shropshire Council by failing to formally disclose a conflict of interest at meetings of the Board of ip&e Ltd.

Councillor Barrow apologises to the Council for failing to disclose at those Board meetings his personal and business relationship with a director of the company eventually appointed as accountants and auditors of ip&e ltd. Councillor Barrow accepts with hindsight that he should have formally disclosed the nature and extent of his interest at the meetings and confirms that he will attend training to make sure he is fully aware of his responsibilities on such matters under the Council's Code of Conduct and to ensure such oversight is avoided in the future.

Councillor Barrow would also like to add that he has resigned from his position as Director of ip&e ltd in order prevent any future risk of such conflicts of interests arising and because it is the right time for the appointment of a Chairman independent of the Council.”

5.7 The options available to the Sub Committee are as follows:

5.7.1 Accept the findings of the report and the recommendations (following consultation with the Independent Person) of the Monitoring Officer that it is appropriate to resolve the matter informally in the manner proposed.

5.7.2 refer the findings in the report for a formal hearing.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Localism Act 2011

Arrangements for dealing with Standards Allegations under the Localism Act 2011

Shropshire Council Code of Conduct

Investigation Report

Cabinet Member (Portfolio Holder)

N/A

Local Member

N/A

Appendices

Attached