

CLLR JOYCE BARROW (Declarations of Interest)

Note: Cllr Joyce Barrow is the Shropshire Council member for St Oswald (Oswestry) which includes the village of Morda (Home of the infamous 'ransom-strip' owned by her husband et al). The local parish council is Oswestry Rural Parish Council (ORPC) which she regularly attends. Minutes of the parish council which involved consideration of development of land involving the 'ransom-strip' show that she failed to declare an interest at 3 of their meetings when she was required to do so:

28th Feb 2012 – Cllr J Barrow: **Declared an interest** in item 12.5 (Development for Weston Rd). Her husband has land in that area.

30th April 2013 – Cllr J Barrow: **No declaration**. Item 6.5 was Outline Application (13/01393/OUT) relating to the 'ransom-strip'.

25th June 2013 – Cllr J Barrow: **Apologies for absence**. Item 8.7 was 13/01393/OUT now described as 'Land at Kingfisher Way'.

4th November 2013 – Cllr Joyce Barrow made the following comment to the Council's planning case officer:

From: Joyce Barrow Sent: 04 November 2013 16:18 To: Mark Perry Cc: Claire Porter; Graham White Subject: Re: Kingfisher Way (13/01393/OUT) and off Old Mapsis Way (13/03846/OUT).

Dear Mark,

In regard to Kingfisher Way, I will make no comment because Keith has an interest in a company that owns land in the vicinity. To be absolutely clear, it is not the site that the application refers to but is land adjacent.

Kind regards Joyce

This was a misleading statement as the land owned by the company that Keith has an interest in formed part of the red-line boundary (the infamous Morda access strip) and therefore part of the development. This information supplied by Cllr J Barrow would have been relayed to the Chair of the North Planning Committee by the case officer. If the committee chairman had been aware of the true facts i.e. The leader of the council had a pecuniary interest in the application, then he may have decided it would not be appropriate for his committee to consider the application, or at the very least, he would have had to advise all members of the committee of that interest.

15th July 2014 - On the 15th July 2014 an application to develop **Brogyntyn Hall** (14/0318/FUL) was submitted on behalf of **J Ross Developments Ltd** with an approval decision notice dated 17th June 2015. The application went before the North Planning Committee on the 16th December 2014 on which **Cllr Joyce Barrow** sits. **No members declared an interest** on this application at the meeting.

21st Oct 2014 - North Planning Committee – Cllr J Barrow: **Declared an interest** on 13/01393/OUT and left the room. (Wording of minutes: "Councillor Joyce Barrow declared that she would leave the room prior to consideration of planning application 13/01393/OUT due to a disclosable pecuniary interest")

24th March 2015 – Cllr J Barrow: **Apologies for absence**. Item 6.11 was an application to vary (14/05461/VAR) so that access to the development (13/01393/OUT) would not need to use the 'ransom-strip'. The minutes state that this application was refused on the day of the meeting by Shropshire Council. This was the North Planning Committee of 17th March 2015 and Cllr J Barrow declared an interest in this application and left the room. The minutes record: "Councillor Joyce Barrow declared her interest in planning application 14/05461/VAR due to a **perceived** disclosable pecuniary interest and left the room during consideration of and voting on this item".

24th Nov 2015 – Cllr J Barrow: **No declaration**. Item 83/15(b)(xi) was a reserved matters application (15/04690/REM) for the development of Land East of Kingfisher Way involving the 'ransom-strip'.

15th Dec 2015 – Cllr J Barrow: **No declaration**. Item 101/15(b)(ii) was the reserved matters application 15/04690/REM involving the 'ransom-strip'.

Cllr Joyce Barrow Register of Interests:

1st June 2009 (?) – Strip of Land at Morda registered.

9th July 2012 – Home address and 16b Bailey St registered (former carpet business) plus Husband director of Peakfast Ltd (Why the change when the land at Morda was not transferred to Peakfast Ltd until 13th July 2015 (SL141700)? **Is it possible this was done to hide/disguise the interest in the planning application? Application (13/01393/OUT) submitted 13th April 2013. Protracted discussions**

would have taken place prior to that submission because of the number of landowners involved. Perhaps the applicant, Roy Hughes, could give some idea of when discussions to develop the land began?

6th Jan 2016 – Home address and Husband director of Peakfast Ltd. Strip of land at Morda now held by Peakfast Ltd. However, Cllr Barrow still needs to declare the nature of her, or husbands, interest at any meetings that involve this land.

The exact requirements for Members to declare interests are set out in the Part 5 of the Shropshire Council Constitution - Members' Code of Conduct. The land (ransom strip) was not entered on the Council's register of interest as it did not belong to Peakfast Ltd. Therefore the paragraph that is of particular relevance in this instance is on page E2 which says:

“If my disclosable pecuniary interest (which includes your own interest and that of your partner) is not entered in the Council's register of interests, I will disclose its existence and, unless it is a sensitive interest, its nature, to the meeting and will notify the Monitoring Officer of the interest within 28 days of the meeting. I will withdraw from the meeting room when the matter is being discussed and will not participate, or participate further, in any discussion of, or any vote taken on, the matter at the meeting.”

Clearly the email to the case officer of 4th November 2013 and the declarations made at the North Planning Committees of 21st October 2015 and 17th March 2015 do not satisfy the above requirement. The minutes do not record the 'nature' of the interest and we can assume that the Monitoring Officer was not informed of the interest within 28 days of the meeting as this has not been provided as supporting evidence. Because of the email of 4th November 2013, it is appropriate to refer to The General Role & Conduct of Councillors & Officers as set out in Part 5 (2) of the Council's Constitution which says at para 2.1 (page E17): ***“A successful relationship between councillors and officers can only be based upon mutual trust and understanding of each other's positions. This relationship, and the trust which underpins it, must never be abused or compromised.”***

I believe that the email of 4th November 2013 betrayed that trust.

Paragraph 2.3 says that of particular relevance to councillors serving on the Planning Committees is the requirement that a Member:

“must not use or attempt to use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage;”

Clearly the issues that have come to light raise serious questions in this regard, and warrant far better explanation than has been provided so far.

Paragraph 8.1 says: “The conduct of any meeting where an application is considered is the overall responsibility of the chairman of that meeting. If the Chairman believes that a member is not observing the rules regarding declaration of interest, then he **may have to take action to ensure that Standing Orders are not breached.** In addition, individual councillors and officers have a responsibility for their own conduct and should not operate in such a way as to cause anyone present to think an application has not been treated properly.”

If the Chairman of the North Planning Committee had been informed of the true nature of the disclosable pecuniary interest, and not as testified in Cllr Joyce Barrow's email of 4th November 2013, then he could have ensured that the 'nature' of the interest was declared at the meeting as required by the members code of conduct (Part 5 of the Council's Constitution).

Paragraph 11.2 (Part 5(2) of the Council's Constitution) says: "One of the key purposes of the planning system is to manage development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that planning authorities should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. **The process should leave no grounds for suggesting that a decision has been partial, biased or ill-founded.**"

Regretfully the actions, or inactions, by some involved in the application(s) have left grounds to suggest that the decision has been partial, biased or ill-founded, and this is the reason that these concerns have been raised.

I therefore respectfully request that now that the police have concluded their investigation that this matter is investigated by the Monitoring Officer and referred to Shropshire Council's Standards Sub Committee for consideration.