



Committee and date Council
2016

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NOT FOR PUBLICATION BY VIRTUE OF CATEGORIES 1, 2 AND 3 OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972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

Responsible Officer Claire Porter

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1. Summary

- 1.1 Allegations have been received from Councillor Dave Tremellen and Mr Steven Mulloy who allege that Councillor Joyce Barrow has failed to comply with the code of conduct of Shropshire Council.
- 1.2 The Monitoring Officer has delegated authority to determine what, if any, action is appropriate in respect of complaints about councillors. She considers that it is not appropriate for her to make that decision on this occasion as the complaint relates to the Chairman of a Scrutiny Committee and member of the Standards Committee.

2. Recommendations

- 2.1 That the Standards Sub Committee considers what, if any, further action is appropriate in relation to allegation that Councillor Mrs Barrow has failed to comply with the code of conduct.

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 assess 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 external consultants.

5. Allegation from Councillor Dave Tremellen

- 5.1 It is alleged by Councillor Dave Tremellen that Councillor Mrs Barrow has failed to comply with the code of conduct of Shropshire Council.
- 5.2 He alleges that, As Local Member for the St.Oswalds Division of Shropshire Council, Councillor Mrs Barrow compromised her position as a member of the North Planning Committee by failing to report breaches of planning law on the part of the British Ironwork Centre, Oswestry.
- 5.3 He alleges that Councillor Mrs Barrow will have been aware of unauthorised development which had been carried out at the British Ironworks Centre which as she was a visitor to the site, a personal friend of the owner and a member of the North Planning Committee. Her failure to report the unauthorised development is alleged to have compromised both her own integrity as an elected member of a public body and encouraged Mr Knowles in the pursuit of his breach
- 5.4 A Copy of the complaint that has been received from Councillor Tremellen is attached to this report marked “5.4”
- 5.5 A response to the allegation has been received from Councillor Mrs Barrow and is attached as “5.5.”

6 Allegation from Mr Steven Mulloy

- 6.1 It is alleged by Mr Steven Mulloy that Councillor Mrs Barrow has failed to comply with the code of conduct of Shropshire Council.
- 6.2 He alleges that Councillor Mrs Barrow has repeatedly failed to disclose the true nature of her interests in relation to the development of a particular area of land and has misrepresented her interests with planning officers.
- 6.3 A Copy of the complaint that has been received from Mr Mulloy is attached to this report marked “6.3.”
- 6.4 A response to the allegation has been received from Councillor Mrs Barrow and is attached marked “6.4.”
- 6.5 Details of interests declared by Councillor Mrs Barrow at the meetings referred to by Mr Mulloy are attached marked “6.5.”

7 Further Information

- 7.1 The Code of Conduct is reproduced as follows:

“You are a member or co-opted member of the Shropshire Council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted

member –

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, including your membership of any Trade Union, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.”

- 7.2 Councillors are required by the code of conduct to disclose their interests at meetings of their authority. It is noted that Councillor Mrs Barrow is not a member of the Oswestry Rural Parish Council and is therefore not required to disclose her interests at its meetings. She appears to have acted appropriately at meetings of Shropshire Council and has alerted officers by e-mail to her interest in the site at Kingfisher way.
- 7.3 The owner of the British Ironworks Centre, who is known to be a close friend of Councillor Mrs Barrow, has stated in the press that he knowingly carried out development which had not been permitted. Councillor Mrs Barrow has responded to the allegation clearly confirming that she had no knowledge of the planning breaches.

- 7.4 Members are requested to consider if it is in the public interest to refer either allegation to the Monitoring Officer for investigation.
- 7.5 The options available to the Sub Committee are as follows:
- 7.5.1 take no action in respect of the complaints or request further information; or
 - 7.5.2 refer either or both complaints to the Monitoring Officer for investigation or some other course of action.

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

Cabinet Member (Portfolio Holder)

Councillor Pate

Local Member

N/A

Appendices

Attached