



PO BOX 785 - HARROGATE - HG1 9RT

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Our Ref YLL/BMBC-MO/2022-11.01

03 November 2022

Mr Sukdave Ghuman
Monitoring Officer
Barnsley Metropolitan Borough Council
Town Hall
Church Street
BARNSELEY
S70 2TA

Sent by email to
sukdaveghuman@barnsley.gov.uk

Dear Mr Ghuman,

LAND ON THE WEST SIDE OF LAIRD'S WAY - PENISTONE
FORMAL COMPLAINT IMPLICATING THE LEADER OF THE COUNCIL

Further to our initial letter to yourself dated Friday, 28 October 2022, we understand you have been on leave and wanted to take this opportunity to provide you with copies of further correspondence, which has taken place in your absence, which whilst not specifically addressed to Councillor Sir Stephen Houghton CBE, relates inextricably to the allegations and case we have submitted for your consideration. This correspondence is enclosed with this letter, in date order, for your ease of reference.

We also respectfully request that your investigation of this matter is considered with full regard to the Seven Principles of Public Life – the Nolan Principles – with which we are sure you are most familiar. A copy of the Principles, as published on the UK Government Website, is enclosed for ease of reference.

As set out in our most recent letter to the Council's Head of Legal Services, Mr Jason Field, earlier today, we do believe that the Council, acting by its Officers and Members (including the Leader of the Council) have and continue to act in full conflict with each of the Nolan Principles, which is a matter of grave concern for us amongst the other considerations which we have raised.

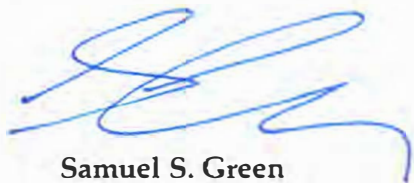
As the only Officer of the Council we believe is not complicit in the allegations we have made and who has remained silent on matters date, but with overall authority and responsibility for decision making at the Council, we will also be forwarding this correspondence, together with our letter to the Council's Head of Legal Services (Our Ref YLL/JF/2022-11.02) to the

03 November 2022

Council's Chief Executive, Ms Sarah Norman, to implore that she now take direct oversight and responsibility of this matter, in order that Ms Norman has the opportunity to take any direct interventions necessary to protect and restore the credibility of her Council forthwith.

Yours sincerely

YORKSHIRE LAND Limited



Samuel S. Green
Business Manager

Cc	Mrs Kathy McArdle	-	Service Director, Regeneration & Culture
	Mrs Sarah Norman	-	Chief Executive, Barnsley Council
	Councillor Sir Stephen Houghton CBE	-	Leader, Barnsley Council
	Julian Smith CBE MP	-	Skipton & Ripon Constituency
	Andrew Jones MP	-	Harrogate & Knaresborough Constituency
	Miriam Cates MP	-	Penistone & Stocksbridge Constituency
	The Bureau of Investigative Journalism	-	

Encs *Email dated 02 November 2022 from Barnsley Council Head of Legal Services*
Response dated 02 November 2022 to Barnsley Council Head of Legal Services
Email dated 03 November 2022 from Barnsley Council Head of Legal Services
Response dated 03 November 2022 to Barnsley Council Head of Legal Services
The Seven Principles of Public Life – Nolan Principles

Enclosure 1

Emails dated 02 & 03 November 2022 from Barnsley Council

Head of Legal Services

From: Field , Jason (HEAD OF SERVICE (LEGAL SERVICES)) <jasonfield2@barnsley.gov.uk>
Sent: 03 November 2022 08:58
To: office@yorkshireland-ltd.com
Cc: McArdle , Kathy (SERVICE DIRECTOR); Ghuman , Sukdave (SERVICE DIRECTOR - LAW & GOVERNANCE); Norman , Sarah (CHIEF EXECUTIVE); Houghton , Stephen (COUNCILLOR); julian.smith.mp@parliament.uk; andrew.jones.mp@parliament.uk; miriam.cates.mp@parliament.uk
Subject: RE: Re Land at Laird's Way Pensitone

Dear Sirs

I have nothing to add to our previous correspondence.

Regards

Jason Field
Head of Legal Services
Core Services Directorate
Barnsley Metropolitan Borough Council
Email: jasonfield2@barnsley.gov.uk
Westgate Plaza One, Westgate, Barnsley S70 2DR



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From: office@yorkshireland-ltd.com <office@yorkshireland-ltd.com>
Sent: 02 November 2022 16:15
To: Field , Jason (HEAD OF SERVICE (LEGAL SERVICES)) <jasonfield2@barnsley.gov.uk>
Cc: McArdle , Kathy (SERVICE DIRECTOR) <kathymcardle@barnsley.gov.uk>; Ghuman , Sukdave (SERVICE DIRECTOR - LAW & GOVERNANCE) <SukdaveGhuman@barnsley.gov.uk>; Norman , Sarah (CHIEF EXECUTIVE) <sarahnorman@barnsley.gov.uk>; Houghton , Stephen (COUNCILLOR) <CIlrStephenHoughton@barnsley.gov.uk>; julian.smith.mp@parliament.uk; andrew.jones.mp@parliament.uk; miriam.cates.mp@parliament.uk; office@yorkshireland-ltd.com
Subject: RE: Re Land at Laird's Way Pensitone

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Dear Mr Field,

LAND ON THE WEST SIDE OF LAIRD'S WAY - PENISTONE

Please find attached our response to your email (copy below) of 12:49hrs today – Wednesday, 02 November 2022.

Kindly confirm receipt and we look forward to receiving your response to our questions by reply.

Yours sincerely
YORKSHIRE LAND Limited

Samuel S. Green

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Company Number: 2185995 Registered Office: Tattersall House, East Parade, Harrogate, HG1 5LT

From: Field , Jason (HEAD OF SERVICE (LEGAL SERVICES)) <jasonfield2@barnsley.gov.uk>

Sent: 02 November 2022 12:49

To: office@yorkshireland-ltd.com

Cc: McArdle , Kathy (SERVICE DIRECTOR) <kathymcardle@barnsley.gov.uk>

Subject: Re Land at Laird's Way Pensitone

Dear Mr Green,

Thank you for your email of 31 October to Kathy McArdle re the Land on the West side of Laird's Way, Penistone. It has been passed to me to reply on behalf of the Council

As you know the Council's Complaints resolution team and the Local Government Ombudsman did consider your previous correspondence but chose not to investigate because you had other avenues available to pursue your claims.

We would reiterate our request that the website be removed. The request to have it taken down is not because it is causing embarrassment but because it includes what could be interpreted as libellous claims against named Council Officers.

A copy of the s106 is available here

<https://www.applications.barnsley.gov.uk/PlanningExplorerMVC/Home/ApplicationDetails?planningApplicationNumber=2020%2F0274>

I would reiterate that you refrain from sending any further correspondence regarding these claims, as such correspondence will be considered vexatious and will go unanswered.

Yours sincerely

Jason Field
Head of Legal Services

Core Services Directorate
Barnsley Metropolitan Borough Council
Email: jasonfield2@barnsley.gov.uk
Westgate Plaza One, Westgate, Barnsley S70 2DR



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Enclosure 2

Letter dated 02 November 2022 to Barnsley Council

Head of Legal Services



PO BOX 785 - HARROGATE - HG1 9RT
Email: office@yorkshireland-ltd.com
Tel: +44 (0)1423 770335

Our ref YLL/JF/2022-11.01

02 November 2022

Mr Jason Field
Head of Legal Services
Barnsley Metropolitan Borough Council
Westgate Plaza One
Westgate
BARNSELEY
S70 2DR

Sent by email to
jasonfield2@barnsley.gov.uk

Dear Mr Field,

LAND ON THE WEST SIDE OF LAIRD'S WAY - PENISTONE

Thank you for your email of 02 November 2022, sent on behalf of Barnsley Council in response to our emails dated 31 October and 01 November, respectively to the Council's Service Director for Regeneration & Culture, Mrs Kathy McArdle, which were in turn sent in response to Mrs McArdle's letter to ourselves dated Sunday, 30 October 2022.

All of the correspondence referred to is enclosed, for ease of reference by any persons reading this letter at a future date.

We appreciate your written confirmation that **neither the Council nor the Local Government Ombudsman have investigated the allegations we have submitted**. We intend to address this point more fully in our forthcoming formal response to the letter from Mrs McArdle of Sunday 30 October 2022. Suffice to say at this point, that **the Council has not in any way been exonerated and the serious matters we have raised therefore remain to be addressed**.

We are particularly concerned that in your position as **Head of Legal Services** at Barnsley Council, you have thought it appropriate to repeat the statement made in the letter of 30 October 2022 from Kathy McArdle, that:

"any further correspondence from you in this matter will go unanswered and treated as Vexatious"

This is not least as we have made it clear that Mrs McArdle's letter is littered with **factual**

inaccuracies and that we will be responding formally to correct these accordingly.

As an experienced Legal Officer and Head of Legal Services at Barnsley Council, we would have very much thought it your responsibility to ensure that the Council executes decisions based on the full evidence and facts.

We are also sure you will recognise the Legal Dictionary definition of Vexatious which is:

"Something instituted without sufficient grounds, to cause annoyance or embarrassment to the defendant."

Again, we would have thought that, in your position as the Head of Legal Services at the Council, you of all people would appreciate that our various factual correspondence, certainly does not in any way meet the definition of being vexatious.

For instance, just one of the factual inaccuracies we are referring to relates to the S106 agreement associated with Planning Application Reference 2020/0274 by Barratt and David Wilson Homes and the landowner, Mrs Rebecca Scott, in respect of the development of Local Plan Housing Site Reference HS75, which Mrs McArdle incorrectly sets out in her letter identifies specific obligations for the transfer/sale of our Land at Laird's Way.

Your response to our email to Mrs McArdle of 01 November, quite evidently ignores the specific question we asked of the Service Director, which was:

In order to assist us with the accuracy of our formal response, please can you kindly provide us, within the next 48 hours, with copies of the relevant obligations from the completed S106 agreement in so far as these relate to the specific transfer/sale of our Land at Laird's Way to Barnsley Council?

We then made the statement:

Having read through the completed S106 agreement ourselves, we are currently unable to locate any such obligations.

On this basis, we suspect the fact that you have only found it appropriate to send us a link to the S106 agreement (which we made it clear in our earlier email we have already read) was an attempt to deflect our question to Mrs McArdle, on the basis that the Council is quite unable to defend the position stated by Mrs McArdle in relation to the S106 agreement in that no such obligations relating to the specific transfer/sale of our Laird's Way Land to the Council exist within the agreement.

We therefore ask that you confirm the Council accepts this position is correct by reply.

Notwithstanding the other factual inaccuracies within the letter from Mrs McArdle, which we will outline in our forthcoming reply, the statements you made in your reply on behalf of the Council in your position as the Council's Head of Legal Services again causes us to question the competency and credibility of the Council and its Officers, whose statements and actions

in this matter quite evidently **do not** reflect the facts and evidence. Indeed, this leads us to question whether there is now institutionalised impropriety throughout the Council.

We again wish to record that you are also complicit in this matter, having dealt the with the Council Cabinet Sign off (*by Councillor Sir Stephen Houghton CBE*) which authorised the Council to acquire our Laird's Way Land.

The Council are therefore acting as Judge and Jury in choosing to ignore incontrovertible evidence and this is why we believe that only appropriate way of dealing with this matter is by way of an independent investigation led by a person with appropriate experience in administrative and planning law, together with appropriate judicial experience so that their impartial findings can be issued on this matter.

We look forward to receiving your confirmation, by return, that the position we have outlined in relation to the obligations contained within the S106 agreement concerning the transfer of our Laird's Way Land to the Council is indeed correct.

We believe you do have a duty to correct any inaccuracies and mis-statements made by Officers of the Council.

In the interests of **transparency**, this correspondence will also be uploaded to our website:
www.transparencyatlairdsway.co.uk

Yours sincerely
YORKSHIRE LAND Limited



Samuel S. Green
Business Manager

Cc	Mrs Kathy McArdle	-	Service Director, Regeneration & Culture
	Mrs Sukdave Ghuman	-	Monitoring Officer, Barnsley Council
	Mrs Sarah Norman	-	Chief Executive, Barnsley Council
	Councillor Sir Stephen Houghton CBE	-	Leader, Barnsley Council
	Julian Smith CBE MP	-	Skipton & Ripon Constituency
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	The Bureau of Investigative Journalism		
Encs	Email dated 02 November 2022 from Barnsley Council Head of Legal Services		
	Email dated 01 November 2022 to Barnsley Council Service Director Regeneration & Culture		
	Email dated 31 October 2022 to Barnsley Council Service Director Regeneration & Culture		
	Letter dated 30 October 2022 from Barnsley Council Service Director Regeneration & Culture		

Enclosure 3

Letter dated 03 November 2022 to Barnsley Council

Head of Legal Services



PO BOX 785 - HARROGATE - HG1 9RT
Email: office@yorkshireland-ltd.com
Tel: +44 (0)1423 770335

Our ref YLL/JF/2022-11.02

03 November 2022

Mr Jason Field
Head of Legal Services
Barnsley Metropolitan Borough Council
Westgate Plaza One
Westgate
BARNSELEY
S70 2DR

Sent by email to
jasonfield2@barnsley.gov.uk

Dear Mr Field,

LAND ON THE WEST SIDE OF LAIRD'S WAY - PENISTONE

We confirm receipt of your email of 08:58am today (03 November 2022) which simply states:

"I have nothing to add to our previous correspondence"

With respect, this response cannot be considered satisfactory in the context of which it has been sent - in reply to factual evidence - disproving statements made by Council Officers & we would suggest your conduct in this regard is **entirely at conflict** with the **Seven Principles of Public Life - The Nolan Principles**, which apply to anyone who works as a public-office holder, with which you will therefore no doubt be very familiar. However, a copy of these Principles, as set out on the UK Government Website, is enclosed for ease of reference and the benefit of any persons unfamiliar, that may be reading this letter moving forward.

In my separate capacity as a serving District Councillor, in another area of Yorkshire, I must inform you that I would be most **ashamed** were I to discover that my Council and its Legal Officer were acting in the manner which Barnsley Metropolitan Borough Council has and continues to act in this matter.

We therefore strongly believe that your latest response again serves to corroborate our allegations regarding the competency, credibility and complicity of yourself and other officers of the Council regarding the serious allegations we have made, not least in that the Council, acting now by yourself, in your position as Head of Legal Services, is apparently not even

willing to accept and apologise in writing that it's Service Director for Regeneration & Culture, Mrs Kathy McArdle made false statements in her letter to us of Sunday 30 October 2022, nor willing to confirm that there are not any specific obligations contained within the S106 agreement for an unrelated and unlinked planning application (Ref 2020/0274) pertaining to the development of Local Plan Site HS75, requiring the transfer/sale of our Land at Laird's Way to Barnsley Council.

The position outlined in the letter of Sunday, 30 October 2022 by the Council's Service Director, Mrs Kathy McArdle, is patently incorrect whereas our position is entirely correct, on the basis of clear facts and evidence.

Whilst we will still be responding formally, as previously advised, to correct the other factual inaccuracies made in the letter we received from the Council's Service Director for Regeneration and Culture, this now leads us to the critical point in this matter, that on the basis the S106 agreement pertaining to the development of Site HS75 (the planning application for which was unrelated and unlinked in any way either by Planning Policy or Land ownership to our Lairds Way land) did not identify any specific obligations requiring the transfer/sale of our Laird's Way land to the Council, we must question:

Why would we, as an experienced professional and commercial for-profit company feel obligated to sell our unlinked and unrelated Laird's Way land to Barnsley Council - at a significant discount to its open market value; at a fraction of its book value in our company accounts and on various other terms entirely detrimental to our Commercial interests - were we not improperly coerced into doing so, our position having been exploited by Barnsley Council and its Officers?

We would remind you that our factual explanation/statement of events in this regard is outlined in our formal complaint letter (Our Ref YLL/LW/2021-10.01) which was submitted to the Chief Executive of Barnsley Council, over one year ago, on 22 October 2021.

The only area in which we are unable to criticise the Council is its consistency in stating that it will not be investigating our allegations on the basis that legal remedies are available to us.

With regard to potential remedies in this matter, we are most aware that multiple options remain available to us. However, we trust you will accept that this does not in any way mean that the Council cannot nor should not agree to an independent investigation of the serious allegations we have lodged given the evidenced complicity of the Council's Leader, Planning & Legal departments. Indeed, notwithstanding that we believe such a position again conflicts entirely with the aforementioned Nolan Principles, which are:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;
- Honesty; and
- Leadership

The meanings of which are all detailed in the enclosed documentation, we would have thought that as a Local Authority which has also publicly set its commitment (see enclosed Barnsley Council website screenshot) amongst other things to:

- **Work with integrity, showing strong commitment to ethical values and follow the rule of law**

That the Council and not least yourself, in your position as the Council's Head of Legal Services, would take every possible opportunity to ensure probity of the Council and its Officers, not least to allay **Public Concern** arising as a result of this matter, which we continue to detail on the 'Public Feedback' page of our website:

www.transparencyatlairdsway.co.uk

With regard to Public Concern, as we have already stated in other correspondence, in light of our allegations and the Council's refusal to investigate them, how can any individual or business residing or operating in Barnsley now have any confidence in Barnsley Council, acting by its Officers and Members, as a decision maker in the Planning System nor be assured that Barnsley Council is accountable, when clearly it is not even prepared to investigate serious allegations of impropriety of its Officers and Members where they are supported by incontrovertible facts and evidence, such is the situation in our case.

We trust you will therefore appreciate that whilst case specific, our allegations are in fact far wider in scope and implication and indeed, while ever this matter remains to be addressed by the Council, public concern will only continue to grow as knowledge of the matter continues to find its way into the public domain via our website and other channels.

As we set out in our letter to the South Yorkshire Mayor dated 28 October 2022 (Our Ref YLL/SYM/2022-10.01) you may be aware that under the crest of South Yorkshire are written the words '*Each shall strive for the good of all*' and on the basis of the aforesaid we do hope you will now grasp the full gravity and seriousness of this matter.

Whilst pending our formal response to the letter from Mrs McArdle dated 30 October 2022, we again implore the Council to support our request for a formal investigation in the interests if not of transparency and accountability, then of fairness and justice; terms which could not be no more closely linked to ethics and morality and all of which, I am most conscious myself in my separate work as a District Councillor, are expected to be demonstrated and upheld at all times by those of us in Public Office.

As the only Officer of the Council we believe is not complicit in the allegations we have made and who has remained silent on matters date, but with overall authority and responsibility for decision making at the Council, we will also be forwarding this correspondence to the

Council's Chief Executive, Ms Sarah Norman, to implore that she now take direct oversight and responsibility of this matter and in order that Ms Norman has the opportunity to take any direct interventions necessary to protect and restore the credibility of her Council forthwith.

Yours sincerely

YORKSHIRE LAND Limited



Samuel S. Green
Business Manager

Cc	Mrs Kathy McArdle	-	Service Director, Regeneration & Culture
	Mrs Sukdave Ghuman	-	Monitoring Officer, Barnsley Council
	Mrs Sarah Norman	-	Chief Executive, Barnsley Council
	Councillor Sir Stephen Houghton CBE	-	Leader, Barnsley Council
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	Andrew Jones MP	-	Harrogate & Knaresborough Constituency
	Miriam Cates MP	-	Penistone & Stocksbridge Constituency
	The Bureau of Investigative Journalism		

Encs Email dated 03 November 2022 from Barnsley Council Head of Legal Services
The Seven Principles of Public Life – Nolan Principles

Enclosure 2

The Seven Principles of Public Life

(Nolan Principles)

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Guidance

The Seven Principles of Public Life

Published 31 May 1995



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1. The Seven Principles of Public Life

The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services.

1.1 Selflessness

Holders of public office should act solely in terms of the public interest.

1.2 Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

1.3 Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

1.4 Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

1.5 Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

1.6 Honesty

Holders of public office should be truthful.

1.7 Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

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