

## WIRRAL COUNCIL

### STANDARDS COMMITTEE

4 July 2011

<b>SUBJECT:</b>	<b>REVIEW OF A RECENT STANDARDS COMPLAINT</b>
<b>WARD AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW HR &amp; ASSET MANAGEMENT</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>CORORATE RESOURCES</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 1. EXECUTIVE SUMMARY

- 1.1 This report provides a summary of the handling of Mr Morton's standards complaint.
- 1.2 Whilst specific details of the complaint cannot be confirmed, the purpose of the report is to provide a chronology of the complaint. The complaint in question has recently received press attention and was made by Mr Martin Morton.

#### 2.0 RECOMMENDATION

- 2.1 That the Panel considers and notes the chronology outlined in respect of Mr Morton's complaint and considers any action to be taken in relation to the administration of standards complaints.

#### 3.0 REASON FOR RECOMMENDATION

- 3.1 The Standards Committee is entitled to review and consider how effective the Council administers standards complaints and make changes as considered necessary.

#### 4.0 BACKGROUND

- 4.1 The Standards Committee on 30 June 2008 approved the process for dealing with complaints that allege that members and/or co-opted members have acted in breach of the Code of Conduct for members. The committee approved the terms of reference of this Panel (Appendix 1); the criteria to be used at the initial assessment stage (Appendix 2); and the protocol for dealing with complaints (Appendix 3).

- 4.2 The complaint by Mr Morton was initially submitted to the Monitoring Officer on 9 February 2010; however a second complaint form was submitted on 26 February 2010 which superseded the original complaint form.
- 4.3 Mr Morton's complaint was referred to the Council's Standards Committee's Initial Assessment Panel on 8 April 2010. That Panel comprised the Independent Chair of the Standards Committee, Mr Brian Cummins, and two Members of the Council's Standards Committee.
- 4.4 In line with normal Council practice, a covering report was prepared for the Initial Assessment Panel on 8 April 2010. The covering report set out, in seven paragraphs, the details of Mr Morton's complaint and referred to the substance of Mr Morton's second, revised complaint form.
- 4.5 Mr Morton's revised complaint form should have been appended to the covering report for the 8 April 2010 meeting of the Initial Assessment Panel. It was not. Instead, in error, Mr Morton's original complaint form was appended.
- 4.6 On 8 April 2010, the Initial Assessment Panel adjourned its consideration of Mr Morton's complaint so that further information could be provided, which was considered necessary before a decision could be made. For a number of reasons, there was then considerable delay in the progression of this matter.
- 4.7 Eventually, it was agreed that the matter should be considered further and a meeting of the Initial Assessment Panel was reconvened for 3 March 2011.
- 4.8 The Initial Assessment Panel meeting on 3 March 2011 was provided with a redated copy of the earlier covering report and the earlier appendix (i.e. Mr Morton's original complaint form). Thus, the earlier error was repeated and the Initial Assessment Panel again received the wrong version of Mr Morton's complaint form.
- 4.9 On 3 March 2011, in view of the complexity and political sensitivity of the matter the Initial Assessment Panel referred Mr Morton's complaint to Standards for England.
- 4.10 Standards for England were sent a copy of the covering report and the complaint form on 31 March 2011.
- 4.11 Standards for England then sought clarification from the Head of Legal & Member Services as to the discrepancy between the covering report and the appended complaint form.
- 4.12 The Head of Legal & Member Services reviewed the complaint file but found only Mr Morton's original complaint form on the file. Standards for England were advised in accordance with this fact.
- 4.13 Following officers' clarification, Standards for England considered Mr Morton's original complaint and confirmed its decision in respect of the same in writing to all parties concerned on or around 6 May 2011.

- 4.14 On 9 May 2011 the Complainant made enquiries of officers as to why Standards for England made no reference to his complaint against a particular Councillor. Upon consideration of this issue the error in relation to the original complaint form being appended to the report became apparent.
- 4.15 Following discussions with Standards for England between 10 May and 16 May 2011, Standards for England advised that they did not see any reason why the Council should not reconvene the same Initial Assessment Panel and invite that Panel to consider Mr Morton's revised complaint form.
- 4.16 An Initial Assessment Panel was therefore convened as soon as practicably possible, on 8 June, which duly considered Mr Morton's revised complaint.
- 4.17 The matter at the time of writing this report is still ongoing and no Council steps or actions are outstanding in relation to Mr Morton's complaint.

## **5.0 RELEVANT RISKS**

- 5.1 The administration of standards complaints should be dealt with as efficiently as possible to ensure matters are concluded quickly and closure of issues secured for both complaint and the subject member(s) involved.
- 5.2 It is recognised that unnecessary delays can be frustrating and can cause distress to the parties involved.

## **6.0 OTHER OPTIONS CONSIDERED**

- 6.1 The process for the administration of standards complaints is prescribed by legislation and therefore alternative processes have not been considered. Officers are however reviewing existing arrangements so as to significantly improve the time taken for standards complaints to be processed and ensure errors are not made.

## **7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 7.1 There are no implications for Voluntary, Community and Faith groups arising from this report.

## **8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 8.1 There are not financial implications arising from this report save as to say that any proposed changes to the manner in which standards complaints are processed shall be met from existing approved budgets.

## **9.0 LEGAL IMPLICATIONS**

- 9.1 The legal implications are set out within this report.

## **10.0 EQUALITIES IMPLICATIONS**

10.1 There are no specific discrimination issues arising from this report.

## **11.0 CARBON REDUCTION IMPLICATIONS**

11.1 There are no carbon reduction implications in this report.

## **12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

12.1 There are no planning and community safety implications in this report.

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## **APPENDICES**

None

## **REFERENCE MATERIAL**

No reference material has been used in the preparation of this report.