

Decision Notice

Reference SfE-000290

Subject member	Councillor Pat Williams
Member's authority	Wirral Metropolitan Borough Council
Complainant	Mr Martin Morton
Standards committee authority	Wirral Metropolitan Borough Council

Allegation

On 10 June 2011 Wirral Metropolitan Borough Council's Standards Committee's Initial Assessment Panel decided to refer the above allegation to Standards for England. It was received by Standards for England on 14 June 2011.

The complaint concerns Councillor Williams's alleged behaviour with regard to the continuation of special charging policy operated by the Council. The allegation is summarised in the authority's decision notice.

Decision

When Standards for England receives an allegation from a standards committee, it must make one of three decisions:

- refer the case to one of its ethical standards officers;
- refer the allegation back to the standards committee of the relevant authority; or
- take no further action.

Having carefully considered the information provided to it, Standards for England has decided, in accordance with section 58(1)(b) of the Local Government Act 2000, as amended, to take no further action.

Reasons for decision

In making this decision I note that similar allegations were considered for referral and a decision was made to take no further action. Since that decision Wirral Council have provided the full document set and asked us to consider the allegations afresh. This has been agreed to and I have given careful consideration to the allegations made by the complainant and the Standards (Local Assessment) Sub-Committee's reasons for referring the case to Standards for England.

The complainant has raised serious concerns about the potentially inappropriate and unfair treatment of vulnerable people; concerns that the Council appears to now be treating very seriously. However in considering the various allegations against Councillor Williams in terms of them being a potential breach of the Code of Conduct I have the following observations:

1. During 2005 Councillor Williams was a member of the Charging Policy Review Group. It was alleged that as such she brought the Council into disrepute by supporting the continuation of an unfair and unlawful charging policy. The allegation appears to relate to a decision that was made several years ago. While I note that additional information has been provided to support this allegation, it still holds true that Standards for England do not investigate political decisions even if they are unfair. I am still not satisfied that the evidence provided with the complaint establishes that the decision was unlawful. Further Councillor Williams could not be held personally responsible for any charging policy which would have had to have been agreed by full Council as the review group was advisory.
2. In July 2007 Councillor Williams chaired the appeals sub-committee meeting that was considering the complainant's grievance appeal. It was alleged that Councillor Williams should have declared a prejudicial interest in the matter because she had been a member of the Charging Policy Working Group during 2005. It was further alleged that Councillor Williams was clearly biased during the meeting and used her position to allow Mr Kevin Miller, the director of Social Services, to threaten him with an action for defamation during the meeting. When considering whether this allegation warrants further investigation I consider it relevant that the alleged conduct was four years ago, making any investigation potentially unfair. Having said that, in my view the interest alleged by Mr Morton would not necessarily be prejudicial in nature even if proven anyway; Councillor Williams involvement in the charging policy working group would not preclude her from considering the grievance if the only link was that the complainant believed he had been mistreated because he was a whistle blower. Further while it may be that Councillor Williams failure to properly deal with Mr Miller's conduct might lead to her chairing of the hearing to be criticised, I do not see how such an allegation could be considered as a breach of the Code. Had Mr Morton considered his hearing procedurally unfair he would have been able to take the matter to tribunal. Finally Councillor Williams decision to meet only Mr Miller and not Mr Morton subsequent to the hearing would not be a Code issue.
3. It is alleged that Councillor Williams discriminated against persons with learning disabilities by subjecting them to a special charging policy that treated them less favourably. However no evidence has been provided in

the complaint to demonstrate that Councillor Williams was personally responsible for discriminating against anyone; indeed as stated earlier any charging policy would have had to have been agreed by full Council as the review group was advisory.

Further to the above I am mindful that substantial public funds have already and continued to be expended in investigating the factual context of the complainant's concerns. It is my view that in all the circumstances, including the lack of supporting evidence included with the complaint and the time that has elapsed since many of the alleged incidents occurred, the allegations made do not currently justify even further expenditure of public funds. I would comment that it may be for the Council's Monitoring Officer and Standards Committee to examine the findings of the investigation into the charging policy when it concludes and then consider the role of individual members.

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice, require large print, or a Braille or taped transcript, or translated version of the information in this letter, we are able to assist you.

Steve Bannister
Regulation Programme Manager

Date