

Decision Notice

Reference SfE-000291

Subject member	Councillor Moira McLaughlin
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 McLaughlin'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 McLaughlin in terms of them being a potential breach of the Code of Conduct I have the following observations:

1. It is alleged that Councillor McLaughlin discriminated against persons with learning disabilities by subjecting them to a special charging policy that treated them less favourably. 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 McLaughlin 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. It is alleged that Councillor McLaughlin used her position to secure Mr Miller and other senior officers an advantage by protecting them from adverse criticism from the implementation of the special charging policy. The complainant suggests that by doing this the member was complicit in a cover up, yet no cogent evidence has been provided to support this position. In addition the alleged conduct was at least four years ago, making any investigation potentially unfair.
3. It is alleged that Councillor McLaughlin brought her office into disrepute by declaring a prejudicial interest in all discussions related to the charging policy because she was friends with Mr Miller. It is also alleged that Councillor McLaughlin was wrong to exclude herself from decision making in such an important issue for vulnerable people. In the additional documentation provided Mr Morton has suggested that that such an interest should have precluded Councillor McLaughlin from taking on the role of Cabinet member for Social Care and Inclusion. However the evidence provided suggests that Mr Miller left the Council on 21 October 2007 and that all the declarations listed by the complainant occurred after this date. It appears that the only issue Councillor McLaughlin declared an interest in due to the friendship related to the Special Charging Policy; this is just one of the many issues Councillor McLaughlin would have responsibility for. Further Standards for England would not investigate a member for declaring a prejudicial interest and Mr Morton's view, that she should have placed her interest before her responsibility to uphold the rights of the most vulnerable people in society, does not stand up. Had Councillor McLaughlin involved herself in the matter she would have potentially breached the Code and left any decisions made open to challenge.

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