

# Decision Notice

**Reference** SfE-000292

<b>Subject member</b>	Councillor Denise Roberts
<b>Member's authority</b>	Wirral Metropolitan Borough Council
<b>Complainant</b>	Mr Martin Morton
<b>Standards committee authority</b>	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 Roberts'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 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 Roberts in terms of them being a potential breach of the Code of Conduct I have the following observations:

1. It is alleged that Councillor Roberts 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 Roberts 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 Roberts 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 Roberts failed to declare her friendship with Mr Miller at a meeting of the Council on 2 November 2009 during a discussion on the special charging policy. At the debate Councillor Roberts is alleged to have spoken against an independent investigation into the matter. However the complainant has provided no evidence to support the allegation that Councillor Roberts and Mr Miller are friends; to refer the matter for investigation I would expect at least a description of why the complainant considers them friends. I note in the additional documentation provided that Mr Morton has demonstrated that Councillor Roberts declared a prejudicial interest in the matter at a meeting on 19 January 2010 citing her friendship with an interested party (alleged to be Mr Miller). Given that this declaration came two months after the November meeting and the fact that it is not clear that the friendship is with Mr Miller, in my view there is still not enough information to warrant an investigation.

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**