

# COUNCIL

Monday, 20 February 2012

Present: The Mayor (Councillor Moira McLaughlin) in the Chair  
Deputy Mayor (Councillor Gerry Ellis)

|             |               |              |               |
|-------------|---------------|--------------|---------------|
| Councillors | RL Abbey      | T Harney     | D Realey      |
|             | T Anderson    | P Hayes      | L Rennie      |
|             | C Blakeley    | A Hodson     | D Roberts     |
|             | E Boulton     | M Hornby     | L Rowlands    |
|             | A Bridson     | P Johnson    | J Salter      |
|             | A Brighthouse | M Johnston   | H Smith       |
|             | S Clarke      | AER Jones    | T Smith       |
|             | W Clements    | C Jones      | W Smith       |
|             | A Cox         | P Kearney    | J Stapleton   |
|             | J Crabtree    | J Keeley     | A Sykes       |
|             | G Davies      | S Kelly      | S Taylor      |
|             | P Davies      | B Kenny      | J Walsh       |
|             | WJ Davies     | I Lewis      | G Watt        |
|             | D Dodd        | A McArdle    | S Whittingham |
|             | P Doughty     | D McCubbin   | R Wilkins     |
|             | D Elderton    | AR McLachlan | I Williams    |
|             | S Foulkes     | C Meaden     | KJ Williams   |
|             | P Gilchrist   | D Mitchell   | P Williams    |
|             | P Glasman     | B Mooney     | S Williams    |
|             | JE Green      | S Mountney   | K Wood        |
|             | P Hackett     | S Niblock    |               |
|             | J Hale        | C Povall     |               |

## 124 DECLARATIONS OF INTEREST

The Mayor referred to a statement that she had made at the opening of the adjourned extraordinary meeting of the Council, held on 13 February 2012 (minute 103 refers). She restated her personal prejudicial interest in agenda item 3 (Anna Klonowski Associates Ltd (AKA) – Independent Review of the Council's Response to Claims made by Martin Morton (and others)) by virtue of her friendship with an interested party, and proposed to vacate the Chair and leave the chamber for the duration of discussion on this item (see minute 126 post).

Councillor Steve Williams declared his personal interest in this item by virtue of him being a Director of a company that did business with a company named in the AKA Report.

Councillors Pat Williams, Denise Roberts, Chris Meaden and Simon Mountney declared their personal interest by virtue of being mentioned in the AKA Report. Councillors Ian Lewis and Chris Blakeley also declared their personal interest by virtue of their friendship with a person named in the AKA Report.

Councillor Mrs P M Williams commented that although she had previously declared her personal interest in this item (minute 103 (13 February 2012) refers), issues which concerned her had now been resolved. She had taken further advice from the Director of Law, HR and Asset Management who had confirmed that she was now free to speak at this meeting.

125 **MAYOR'S COMMUNICATIONS**

The Mayor sought an explanation from officers as to why there had been a change to the agenda for the reconvened meeting. In response, the Director of Law, HR and Asset Management commented that as the Council had not yet received the Audit Commission HESPE PIDA Follow Up Report from the District Auditor, consideration of it had been deferred to a future meeting (minute 105 refers). As there was no prospect of it being received in time for consideration at the reconvened meeting, it had therefore been omitted from the agenda.

The Mayor, having vacated the Chair for this item and having left the chamber, the Deputy Mayor, Councillor G Ellis, took the Chair.

126 **ANNA KLONOWSKI ASSOCIATES LTD (AKA) - INDEPENDENT REVIEW OF THE COUNCIL'S RESPONSE TO CLAIMS MADE BY MARTIN MORTON (AND OTHERS)**

Further to minute 104 (13 February 2012), which deferred consideration of this matter in accordance with Standing Order 9 (k), the Council was requested to consider the Action Plan in response to the AKA Report and Martin Smith Report that had been agreed by the Cabinet on 2 February 2012 (minute 272 refers). The Director of Law, HR and Asset Management had provided to Members a partial list of Wirral MBC Employees (Table 1) and Other Individuals and Organisations (Table 2) that were mentioned in the AKA Report and outlined the rationale for the information being designated as exempt and not for publication. In particular, if the AKA Report was shown to contain errors in relation to service providers and their associates, there was a likelihood that the Council would face action for damages, which could be significant. In response to a question from Councillor Steve Foulkes, he confirmed that any liability as a result of disclosure was on the Council as a body corporate, not on individual Members.

On a Motion by Councillor Jeff Green and seconded by Councillor Lesley Rennie, it was –

**Resolved (unanimously) –**

- (1) That Table 1 – Wirral MBC Employees Mentioned in the AKA Report, be placed in the public domain.**
- (2) That Table 2 – Other Individuals and Organisations Mentioned in the AKA Report, be placed in the public domain.**

The Leader of the Council hoped that an un-redacted version of the AKA report would ultimately be made available to Members and expressed the view that public interest would be properly served by the partial information contained within tables 1 and 2 being placed in the public domain.

He thanked Councillor Simon Mountney for initially raising this matter with the Council, and he paid tribute to Martin Morton for his courage in ensuring that the issues were brought into the public domain. He expressed a view that the Action Plan could be further developed and made the following observations for consideration by the Council –

- That any reimbursement to be paid to those persons overcharged for their care should be backdated and that compensation should be paid to the immediate families of the service users affected.
- That an Independent Ombudsman should be appointed, to ensure that any concerns raised by Members or employees of the Council in the future will be dealt with appropriately.
- That the Independent Ombudsman should have the right to attend and be heard at meetings of the Employment and Appointments Committee.
- That Martin Morton be asked to reconsider taking up an offer for his re-employment with the Council.

He commented also that he had requested the Head of Human Resources and Organisational Development to produce a report upon the circumstances in which two senior officers mentioned in the AKA report were allowed to leave the employment of the Council with severance, less than a day before the final report was received. He also sought information as to why no disciplinary action had been taken in this matter.

The Leader of the Labour Group commented that he too, was angered at some of the findings of the AKA report and also, that the Audit Commission HESPE PIDA Follow Up Report had not yet been received. He suggested that the AKA Report should have been debated fully at the last extraordinary meeting, as natural justice dictated that it had not been proper to consider motions of no confidence, as the basis on which they were proposed was in connection with the AKA report.

He indicated that the consequences of failures in Adult Social Services were immediate and severe and he refuted any suggestion that he had been involved in any cover up. He was happy for measures to be taken to remedy the situation to Martin Morton's satisfaction yet, questioned why he had not been re-employed by the Council during Councillor Green's last term as Leader of the Council. He was also disappointed that matters contained within the AKA report had become a party political issue and referred to defamatory campaign leaflets that had been circulated, which were the subject of consideration by the Labour group's solicitors. The Director of Law, HR and Asset Management confirmed his view that the AKA report was overwhelmingly critical of Council officers as opposed to elected Members. The Leader of the Labour Group commented also –

- That so far, approximately £243k had been paid in reimbursement and that further assessment was being undertaken by officers to ensure that individuals were not put into a 'benefits trap'.
- That all steps were being taken to ensure compliance with the agreed Action Plan and that an Improvement Board had been put in place with the support of the LGA to find the best way forward.

- That although Labour Members would not take up an offer of Cabinet seats, there would be full co-operation to ensure the effective implementation of the action plan. This would include continued representation on the Improvement Board and he fully expected that Anna Klonowski would also continue to be fully involved in the improvement process.
- There would also be full co-operation with regard to any response to the HESPE report, when it was received.

The Leader of the Liberal Democrat group commented upon the difference between blame and responsibility and in particular referred to the collective responsibility of the Council in relation to the failings highlighted in the AKA report. He accepted that the identities of some people needed to be protected, yet agreed with the Leader of the Council that as much information as possible should be placed in the public domain. He expressed gratitude to the officers from the LGA for their cooperation on the Improvement Board and suggested that clarification was required in relation to the future role of Anna Klonowski.

Members of the Council expressed a diverse range of views, including –

- Whether or not there would have been an independent investigation if a Conservative/Liberal Democrat administration had not taken control of the Council in May 2010.
- That there was a need for the Council to restore the public's faith in it and to ensure that a climate existed in which Council officers would be comfortable to come forward to expose malpractice or abuse, safe in the knowledge that their concerns would be investigated and without fear of reprisal.
- That an effective whistleblowing policy was a key component of good corporate governance.
- That Martin Morton was an honest and truthful person who had been let down by Human Resources, who had failed to provide him with a safe way in which to raise his concerns. All Members had a responsibility to ensure that such matters were never repeated. Members noted that those issues predated the appointment of the present Head of Human Resources and Organisational Development.
- That there was a need for good leadership and for Members to support the Leader of the Council in order to expose wrongdoing. A public inquiry was also needed to ascertain why and how the matter was covered up for so long.
- That the analysis of the feedback forms submitted by staff from the Destination Excellence meetings should be presented to Members at the earliest opportunity.
- That the Labour Group had called the Special Meeting of the Council to consider the findings of the AKA report. It had accepted all of the recommendations contained within the agreed action plan and had included within its budget proposal (Cabinet minute 310 (13 February 2012) refers) an allocation of £250k for the creation of a Corporate Governance Unit, plus an additional allocation of £50k for the appointment of an additional solicitor with primary responsibility for Corporate Governance.
- That the offer for all political groups to be represented on the Cabinet to work together in order to improve corporate governance was at odds with defamatory election leaflets that had been distributed in some parts of Wirral.

Such negative political campaigning could have an adverse impact on staff in DASS, who were working hard to secure service improvement.

- That there was a need for a root and branch reform of DASS from the bottom to the top to secure long lasting improvement within the department.
- That significant improvement in Adult Social Services had been made in the last 12 months, which were due to the hard work and diligence of staff. However, the investment needed in Adult Social Services could not be reconciled with Government cuts in grant funding.
- That the action plan needed to be strengthened in order to effectively address the failings highlighted in it.
- That an un-redacted version of the AKA report should be provided to all Members of the Council so as to allow for effective scrutiny to be undertaken and to ensure that failure of duty was dealt with accordingly.

In summing up the Leader of the Liberal Democrat group stressed the need for the Council to respond on a corporate basis to the action plan and for Members to be open and honest to ensure that improvements were delivered in accordance with the findings of the AKA and Martin Smith reports.

The Leader of the Labour Group expressed his satisfaction that the Council was working to ensure compliance with the recommendations contained within the action plan, based on the AKA recommendations and he indicated that every Member of the Council had had an opportunity to be involved in setting the Key Lines of Enquiry (KLOE) within it. He commented that it was essential for the Council to have the confidence of the public in order to make progress and he hoped that the ongoing work, particularly that being undertaken by the Wirral/LGA Improvement Board would help regain public trust. He reiterated that the extent of wrongdoing highlighted in the AKA report had been kept from Members and that had it been known, the present Leader of the Council would surely have taken appropriate steps, during his last term as Leader in 2010. He expressed his disappointment in the nature of political leafleting in some areas and hoped that it would be condemned and not interfere with action being taken to secure improvement. In addition, he hoped that the Audit Commission HESPE PIDA Follow Up Report would be presented to Members at the earliest opportunity.

The Leader of the Council thanked Members for their constructive comments and trusted that the Council's procedures would be strengthened in the light of the AKA recommendations. However, he expressed a view that since the Labour Group had been in control of the Cabinet, since May 2011, opportunities to take action to secure improvement had not been taken. Key officers mentioned in the AKA report had been allowed to leave the employment of the Council on paid compromise agreements that had led to issues of trust and respect, which he was determined to put right. He now proposed that an independent public inquiry should be undertaken and gave an undertaking that the wrong that had been done to Martin Morton would be addressed.