



## Standards Committee

**Date:** Wednesday 20 March 2013  
**Time:** 10.30 am  
**Venue:** Cranworth Room, County Hall, Norwich

### Membership

Mr R Bearman  
Mr B Hannah  
Mrs J Leggett  
Mr R Hanton

Mr M Langwade  
Mr T Tomkinson - Chairman  
Mr J Ward

**For further details and general enquiries about this Agenda  
please contact the Committee Officer:  
Lesley Rudelhoff Scott on 01603 223008  
or email: [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)**



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## A g e n d a

1. **Apologies:** To receive apologies and details of any substitute Members

2. **Minutes of the Meeting held on 1 February 2013**

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3. **Members to Declare any interests**

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter. .

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

If that is the case then you must declare such an interest but can speak and vote on the matter.

4. **To receive any items of business which the Chairman decides should be considered as a matter of urgency**

5. **Standards Performance and Monitoring Report**

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Report by the Head of Law and Monitoring Officer

6. **Hearing of the Standards Committee – Chairman’s Report to Full Council**

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Report by the Head of Law and Monitoring Officer

**Chris Walton**  
**Head of Democratic Services**  
County Hall  
Martineau Lane  
Norwich  
NR1 2DH

Date Agenda Published: 12 March 2013

**Meeting of the Standards Committee  
Minutes of the Meeting Held on Friday 1 February 2013**

**Present:**

Mr R Bearman	Mr R Hanton
Mr B Hannah	Mr M Langwade
Mrs J Chamberlin – substituting for	Mr T Tomkinson - Chairman
Mr J Ward	
Mr P Duigan – substituting for	
Mrs J Leggett	

**Also in Attendance:**

Ms V McNeill – Monitoring Officer  
Ms P Cary – Deputy Monitoring Officer  
Mr S Revell – Independent Person  
Ms J Richards QC – Investigator  
Mr C Walton – Head of Democratic Services  
Mr D Murphy – Former Leader of the Council  
Mr D White – Chief Executive  
Mr K Vaughan – Former Conservative Political Assistant  
Mr R Cassel – Solicitor (Hatch Brenner) representing Mr Murphy  
Mr J Dunning – Unison Branch Secretary, supporting Mr Vaughan.

**1. Chairman's Announcements**

- 1.2 The Chairman made a statement informing the meeting that this was the Committee's first hearing under the new standards procedures. The Committee had agreed that the meeting would be held in public. Evidence would be heard from those invited in accordance with the County Council's procedures for Standards Committee Hearings. There would be times when it was necessary for the Committee to withdraw from the meeting to deliberate in private.
- 1.3 The Monitoring Officer reminded the Committee that any decision reached at this meeting in relation to any of the allegations of breach of the Code of Conduct should be based on the documents in front of them and the evidence that they would hear at the meeting rather than anything that they had heard or read elsewhere in the lead up to the hearing.
- 1.4 The Chairman introduced the Members of the Committee, the Monitoring Officer, the Independent Person, the Deputy Monitoring Officer and the Investigator.

**2. Apologies**

- 2.1 There were apologies from Mrs J Leggett and Mr J Ward.

### **3. Minutes**

- 3.1 The Minutes of the meeting held on 10 October 2012 were confirmed by the Committee and signed by the Chairman.

### **4. Declarations of Interest**

- 4.1 Mr Langwade declared that he was a Member of the Borough Council of Kings Lynn and West Norfolk.
- 4.2 Mr Hannah declared that he was a Member of North Norfolk District Council.
- 4.3 Mr Duigan declared that he was a Member of Breckland District Council.

### **5. To receive any Items of Business which the Chairman Decides should be Considered as a matter of Urgency**

- 5.1 There were no items of urgent business.

### **6. Determination of Appeals for Exemption from Political Restriction**

- 6.1 The annexed report by the Head of Democratic Services was received but not discussed by the Committee due to recent changes in the law which had overridden it.

### **7. Investigator's Report – Executive Summary**

- 7.1 The annexed report by the Monitoring Officer attaching the Executive Summary of the Investigator's Final Report in relation to seven complaints against the former Leader of the County Council Derrick Murphy was received and noted.

### **8. Exclusion of Press and Public**

- 8.1 The Chairman informed the meeting of the Committee's decision to hold the hearing in public. No-one had objected to any of the disclosures in the Investigator's Final Report (the Final Report) being made public.
- 8.2 The Committee **RESOLVED** not to exclude the public from the meeting.
- 8.3 The meeting was adjourned for 15 minutes in order to distribute copies of the previously exempt Final Report to members of the public and permit reading time.

### **9. Investigator's Report: Final Report**

- 9.1 The annexed Final Report was received in respect of the seven complaints received against the then Leader of the Council Mr Derrick Murphy.

- 9.2 The procedures for hearing the factual disputes were agreed by the Chairman with the Investigator and Mr Cassel.
- 9.3 The Investigator presented her report and provided a brief overview of the facts; a short outline of the investigative process; and made reference to the core factual findings and the evidence.
- 9.4 The following points were also made by the Investigator:
- It had been drawn to her attention that, after the Final Report had been given to the Monitoring Officer, there had been comments in the press that the complaints made had been politically motivated. The Investigator said that she could find no evidence to support this.
  - She said that it had also been drawn to her attention that some complainants were opponents of the proposed energy from waste plant in Kings Lynn. The Investigator said that this did not seem to her to affect the genuineness of their concerns. The complainants were genuinely concerned and troubled over the events that had taken place and that was why they had made their complaints.
- 9.5 The Investigator drew the Committee's attention that she did not uphold all the allegations.
- 9.6 The Investigator made the following additional points:
- After interviewing all witnesses, including Mr Vaughan and Mr Murphy twice, she accepted Mr Vaughan's recollection of events. She was supported in this view by the conflict in Mr Murphy's evidence in his second interview when he admitted that it was his idea to send the email and not Mr Vaughan's as he had stated in his first interview.
  - Evidence would be heard in due course from the Chief Executive regarding a recorded telephone conversation between him and Mr Murphy.
- 9.7 There was a 10 minute adjournment of the Meeting for a break.
- 9.8 On reconvening the meeting the Investigator was invited to call her witnesses before the Committee. Chris Walton was the first witness to be called.
- 9.9 Mr Walton was asked by the Investigator to give his recollection of events and answer questions in relation to the conversations he had with Mr Vaughan regarding the freedom of information request that was received in respect of an email sent by Kevin Vaughan to the BBC. The facts were as outlined in the Final Report at pages 39-40 and Mr Walton confirmed these facts. He stated that he had made handwritten notes of the conversations with Mr Vaughan which had been typed up early the next day. The original notes were no longer held. With regard to the texts/emails that Mr Vaughan had received from Mr Murphy requesting that he send the email, he confirmed that he had not actually had sight of the texts/emails but Mr Vaughan had read them to him from his blackberry.
- 9.10 Mr Cassel questioned Mr Walton and in response Mr Walton confirmed the following:

- He was familiar with the Job Description of Political Assistant and that this stated that the post reported to the Group Leader and to the Head of Democratic Services for employment-related matters.
- It was the role of the Political Assistant to report to the Group Leader for the allocation of his work but the post required a line manager for employment related matters.
- He was responsible for training of the post holder and had ensured that Mr Vaughan's induction had been comprehensive. Mr Vaughan had spent a lot of time with chief officers and he had spent a considerable time with Mr Vaughan himself on a daily basis.
- The role of Political Assistant was unique but the post was an officer of the County Council.
- There were some 'blurred edges' to the Political Assistant's role but where there was doubt then the Political Assistant had to come to him for advice.
- Mr Walton had not had a conversation with Mr Murphy over the sending the email and the subsequent FOI.
- He said that he was clear about what Mr Vaughan was telling him as set out in paragraph 62 of the Final Report.
- Mr Vaughan did not mention to him in the initial interview that he was under pressure from the 'twin hatters.' When Mr Vaughan subsequently told Mr Walton that it was the 'twin hatters' and Mr Walton questioned him about that, Mr Vaughan told him that it was Mr Murphy's suggestion that he should say it was the 'twin hatters' who requested the information be sent to the BBC.

9.11 In response to questions from the Committee the following comments were made by Mr Walton:

- There was no specific training for the Leader of the Council and Political Assistant in order to help clarify their positions/relationship. However, Mr Murphy had served as Deputy Leader for a time and he would have had regular contact with a political assistant at that time. He confirmed that there was no specific training irrespective of political party and it was an undefined role in some areas with no specific training available.
- Mr Vaughan was not in post when appraisals had taken place. If he had been, Mr Walton and the Leader of the Political Group would have met with the Political Assistant and agreed and set targets for the forthcoming year.
- At the time of the sending of the email, Mr Vaughan had been in post for around nine months.

9.12 Kevin Vaughan was the second witness. Mr Vaughan was accompanied by Mr Dunning, the Branch Secretary of Unison, to support him. Mr Vaughan was asked by the Investigator about his recollection of events on 18 April 2012 and what he had told her in interviews about Mr Murphy instructing him to send the email to the BBC on that date.

9.13 Mr Vaughan made the following comments in addition to the extracts from his interview contained in pages 34-39 of the Report:

- The Executive Summary did not contain part of his interview where he had talked at great length about the conversation he had with Mr Bill Borrett.
- Mr Borrett came into his office and referred to the County Council's Media Team and discussions they had had with BBC Radio Norfolk. Mr Borrett expressed extreme unhappiness with the Media Team. He felt that the Team's approach could be politically damaging to the Conservative Party.
- Mr Murphy and Mr Vaughan then discussed this and Mr Murphy had the idea to send the email to BBC Radio Norfolk.
- Mr Vaughan confirmed that Mr Borrett did not know about the emails until after it was sent.
- On the day that he was meant to send the email, Mr Vaughan had called Mr Murphy into his office to view emails on an unrelated urgent matter. The draft email he was meant to have sent earlier that day to the BBC came up on the screen instead. Mr Murphy was keen to see the other emails and Mr Vaughan felt that he did not give much regard to the content of the email to the BBC. Mr Murphy told him to send it and not to wait for a personal email address for Mr Conrad.
- Mr Murphy took a strategic overview of things and left the finer detail of things to officers or other Members as he had so much to do. It was difficult to get him to focus on detail and to pin him down, so he was sure he did not pay much attention to the content of the email.
- He did not seek the help of the Media Team to find Mr Conrad's private email address. The inability of the Media Team to meet the needs of the Conservative Group meant that he did not want them involved.
- In his interviews with Mr Walton after the FOI request had been received, Mr Vaughan said that he did not know what he should share with Mr Walton as he considered what had gone on to be a private and political matter between himself, Mr Murphy and the BBC. He was in a dilemma as to what to do and gave a subjective account of his feelings. He did not feel supported by his colleagues and felt vulnerable and under pressure to respond to Mr Walton's questions.
- He was not asked about any subsequent conversations with Mr Murphy and he had concerns over how his conversations with Mr Murphy could be taken out of context.
- Mr Murphy wanted others to understand the rationale and origin of the email and that the intent had emanated from the 'twin hatters' but they had not actually requested that the email be sent.
- Following the receipt of the freedom of information request, Mr Vaughan contacted Mr Murphy who told Mr Vaughan to tell them that it was the twin hatters who had asked the email to be sent. Mr Vaughan did not agree with the position that he should say that it was the twin hatters as he felt that it was not the right thing to do.
- Before his disciplinary hearing took place, Mr Vaughan also had a conversation with Mr Murphy before Mr Murphy left to go on holiday. Mr Murphy asked him to return to his post as political assistant.
- It was difficult to say whether, had the relationship between the Media Team and the Political Group been different, there would have been a need to send such an email to the BBC.



9.14 The following responses were given by Mr Vaughan to questions from the Committee:

- He was employed in 2010 by Norfolk County Council as an Assistant Practitioner for Norfolk Care Connect, Adult Social Services. Before that he worked for the Norfolk Coalition of Disabled People on disability issues, which was a political role. He did a lot of political campaigning and was a trustee of local and national charities.
- He represented the whole of the Conservative Group, not just the Leader and the Cabinet and all conversations that he had with any of his Members would have been in confidence. He had never been given any formal guidance/training on what he should and should not say.
- Regarding the notes from the interview with Mr Walton he felt that from a personal perspective the information in the statement did not necessarily represent the facts.
- He felt that there were tensions between some Members and Chief Officers and he often felt uncomfortable about this and caught in the middle.
- He was not paid by the Conservative Group but by NCC and his first responsibility was to NCC
- He was privy to confidential information that other NCC staff were not and he had to think carefully about whom he said what to and this became increasingly difficult.
- He was restricted by the terms of his departure from NCC as to what he could and could not say about the matter.

9.15 The Monitoring Officer confirmed at this point that, as previously confirmed to Mr Vaughan and Mr Dunning, at this Hearing Mr Vaughan was able to say anything that he needed to say that was relevant to the Hearing.

9.16 Mr Vaughan then produced an email dated 27 March 2012 to the Chairman of the Committee that he felt might be relevant. He said that as it was sent in confidence and he had not shared in with anyone else. Advice was sought by the Chairman from the Monitoring Officer. The Chairman stated that this email contained personal information and it was not necessary to place it before the Committee. The email was returned to Mr Vaughan.

9.17 Mr Vaughan was asked if there was anything further that he would like to say given that he had the clearance from the Monitoring Officer to say anything he felt was pertinent to the case. He said that there was nothing he wanted to add but would answer any questions directed to him.

9.18 He made the following comments to questions from the Committee:

- He would often rely on the support from the Political Officer's Network. The difficulties faced by political assistants was an issue.
- It was a job where one could be mistrusted by officers and Members and he frequently found himself in this position.
- He felt that the origins of the email he sent related to the concerns of the Group over the pressure the Conservative Members were coming under by way of threats from the public. This issue was discussed frequently with Mr Murphy as he then had a responsibility of management and care of the

Members in the Group. The threats were interfering with the democratic function of the Members and it was felt that something had to be done about it.

- The 'twin hatters' had made it clear that there was something going on in the west of Norfolk but the situation was not being reported in the wider Norfolk sphere.
- The email was not sent at the 'twin hatters' request. However, they did want the information to get out for wider debate and they did not know how to achieve this. Mr Murphy felt that it was his job to sort the situation out on their behalf but not at their request.
- Although the problems that Members were having pertained to district matters it was impacting on their County Council work and it was incumbent on Mr Murphy to sort the matter out.

The meeting adjourned for lunch at 12:45pm.

9.19 On reconvening the meeting the Chairman announced that Mr Langwade would be stepping down from the Committee due to evidence that had been given before lunch which could lead to a perception of bias.

9.20 Mr Cassel said that his client, Mr Murphy, was very disappointed that this was the case as he had informed the Monitoring Officer previously in a letter that there could be an issue if a 'twin hatter' from West Norfolk sat on the Committee.

9.21 The Chairman said that it was very unfortunate that this had occurred.

9.22 Mr Cassel then asked questions of Mr Vaughan and read out the conclusions of the Investigator as to why Mr Murphy was found to have failed to treat others with respect and why it was felt that he had breached the Code of Conduct.

9.23 Mr Vaughan made the following comments in response to questions from Mr Cassel:

- Whilst in the role of Political Assistant he made himself intimately aware of the Code of Conduct. He had never accepted that he had been treated with disrespect by Mr Murphy. In fact he felt quite the opposite.
- He had never asked anyone to make a complaint on his behalf and had never made one himself about Mr Murphy. There was a letter referred to in the Investigator's Report that he had sent to the Norfolk Conservative Group in which he was very complimentary about Mr Murphy.
- In response to being asked if there were any matters that he felt the meeting should be aware of now that the restrictions had been lifted, he stated that he did not feel comfortable bringing up details about individuals and much of what he felt was detailed in the report which was in the public domain.

9.24 Mr Cassel made the following points about the position that Mr Vaughan was in around the time that the email had been sent as, although his circumstances were very personal, they were very relevant:

- Mr Vaughan was in the process of trying to sell his home and relocate to Norwich so that he could send his son to a private school in Norwich.

- He was concerned about his contract with NCC coming to an end and whether it would be extended or not.
- He had submitted two complaints against NCC about the care package he and his wife received as disabled parents which implicated senior officers at NCC. This was the main cause of his stress over that period and affected his relationship with these senior officers at work.
- As Mr Vaughan had considered taking legal action against NCC in relation to the care packages, he made both Mr Murphy and Mr Walton aware of the situation as his line managers and Mr Walton offered him his support.

9.25 Mr Vaughan stated the following:

- He had been interviewed by the Investigator, where he had discussed the draft report into his own conduct matter and whether anyone at NCC had authority to edit it.
- He had been sent the Final Report by email on 31 December by the Investigator, after she had sent the Final Report to NCC.
- He was asked by NCC about his willingness to disclose information in the Final Report that might be exempt under the Data Protection Act. He said at that stage that he would not be willing to put certain disclosures into the public domain until he had time to review the report.
- As he had been the subject of much negative publicity he felt that disclosure of some of the information would be a breach of confidentiality to give permission for the report to be public before he saw it in its entirety

9.26 The Investigator stated that she had interviewed Mr Vaughan on 12 October 2012 with his union representative, Mr Dunning, present. She had emailed Mr Vaughan on 31 December 2012 to check if he had any concerns over the report and he said that he was satisfied with the contents but wanted to check some aspects of the Final Report.

9.27 Mr Vaughan made the following comments in response to questions from the Committee:

- He was not of the view that Mr Murphy wanted to make his post redundant but he knew that the former deputy leader, Mr Mackie, had looked into the costs of cutting the post but Mr Murphy and the Conservative Group were not in favour of this proposal.
- He disagreed with Mr Walton's statement regarding his induction to the post, although he did have the chance to meet and discuss his role with staff. There were also courses available nationally for political assistants. It was also not the case that he was given a lot of support, although it was true that Mr Walton had an 'open door policy' and he could see him at anytime. If, however, there were any grey areas then these problems were passed to Mr Murphy to deal with as Mr Walton did not appear to have the answers.
- The Conservative Political Officers' Network was his main source of support and therefore he was privy to a lot of confidential information of what colleagues were doing across the country. He therefore knew that the actions that took place on 18 April were consistent with what others colleagues would have done in his position.

9.28 The Chairman thanked Mr Vaughan for his responses.

9.29 The Chief Executive, Mr White, the third witness. Mr White had provided the Investigator with a written statement which he then read to the Committee, these were the following points from the statement:

- As Chief Executive he had regular weekly scheduled meetings with Mr Murphy but, if there was no other business to discuss, he would have a telephone conversation instead of a meeting.
- It was agreed that Mr White would phone Mr Murphy on 27 April 2012 and they had a 25-30 minute conversation.
- He had spent all of his working life in the public sector and had been a chief executive since 1994 working alongside eight leaders of councils and one chair in a health authority. Mr Murphy was the only politician that he had recorded.
- He recorded the conversation because Mr Murphy frequently tried not to respond directly to questions, was reluctant to give straight answers, was usually extremely evasive, difficult to pin down and quite inconsistent in his views. He was also an intelligent man with an excellent selective power of recall of earlier conversations. He said that quite a few other chief and senior officers in the council had similar experiences.
- Having previously had the benefit of taking external legal advice, he recorded the telephone conversation to ensure that an accurate verbatim record existed.
- He did not want his own recall to be inaccurate if he had to recount the detail of the conversation later. He also did not want his own integrity questioned by any potential disagreements between himself and Mr Murphy.
- He firmly believed that the interests of NCC must come first and a true record of what was said was absolutely necessary. He was aware that his actions may jeopardise his own position. Serious allegations were being made regarding the behaviour of one of his staff, Kevin Vaughan. He believed that he had a duty of care towards all his staff and as such he wanted to ensure that a true record of “who knew what when” was available.
- Shortly after the telephone conversation at 12.30pm he gave the recording to a member of the administrative staff who transcribed it immediately in a quiet office that afternoon.
- Later that day the recording was erased after he had ensured that the transcribed note was accurate and accorded with his fresh recollection of the conversation.
- The transcript contained only that part of the telephone conversation with Mr Murphy about the email from Mr Vaughan.
- Until Mr Murphy has spoken to him on 27 April 2012, he did not know what he was going to say.
- He had no involvement in the formal decision making process concerning the investigation into Mr Vaughan’s behaviour and subsequent disciplinary proceedings. Had Mr Vaughan appealed against the sanctions imposed he would have been asked to determine the matter and consequently he needed to keep himself separate from any of the process.
- Mr Murphy was extremely clear that he had nothing to do with the email.

- On 23 May 2012 Mr Murphy phoned Mr White as pre-arranged. A short file note was made shortly after this conversation to note Mr Murphy's comments on the whole incident and in particular Mr Vaughan's suspension.
- He understood from what Mr Vaughan had said prior to him being suspended that Mr Murphy had been centrally involved and sanctioned his actions. It was evident to Mr White that Mr Murphy was denying involvement in the episode and he wanted Mr White to believe that it was all down to Mr Vaughan.

9.30 The Investigator asked Mr White about the transcript contained in the Final Report and he confirmed that the transcript of the conversation with Mr Murphy was an accurate one. He then gave the following responses to her questions:

- He had asked Mr Murphy specifically about the 'twin hatters' involvement as he wanted to check what he had previously heard from Mr Murphy as he often talked in riddles and cut across people whilst they were talking.
- The file note was prepared very shortly after the conversation had taken place and it accurately set out what was said in the conversation.

9.31 Mr Cassel asked questions of Mr White regarding policies at NCC. Mr White made the following response:

- As Chief Executive he was responsible for the introduction of policies at the NCC such as the Data Protection Policy and he wrote the foreword for the document. He was ultimately responsible for bringing such policies to the Council for approval.

9.32 Mr Cassel then read the data protection principles to the Committee and the foreword of the policy to the Committee, including that it must be ensured that personal data was processed fairly and lawfully; personal data must only be obtained for a specified and lawful purpose; and appropriate technical measures must be taken against any damage to the processing of data and that all personal data must be protected.

9.33 In response to this and further questions, Mr White gave the following responses:

- He was proud of how NCC operated and felt comfortable with what he did as he knew it would be a case of what he said against the word of Mr Murphy.
- He did not feel it was appropriate to go to the Director of ETD (as the person responsible for Data Protection) with this matter.
- He felt that Mr Murphy was not direct with him and was constantly evasive and that, if it came to a head to head situation, Mr White may not have been able to recall what Mr Murphy had said without the facts of the conversation being written down.
- He had taken external legal advice regarding his actions and as a result felt that he could take the action that he took.
- He was acting in the best interests of NCC at all times.
- He did not wish to share the legal advice that he had been given with the Committee and had no longer retained any documentation relating to it.

- In relation to the two pieces of evidence given to the Investigator, the first was a transcript of the conversation and the second was an aide memoire for his own use.
- He asked a member of the administrative staff to transcribe the recording and denied the suggestion that he was brow beating a junior member of staff to collude with him.
- At no stage did he tell Mr Murphy that he was recording the conversation.
- The recording was made for his own use. He did not know what Mr Murphy was going to say and wanted a record that he knew that he could rely upon if his own integrity was being questioned
- He had asked a member of the administrative staff to type up the conversation from the appropriate point in the conversation when it related to this matter. He totally denied that he told that person to leave out certain pertinent parts of the conversation.
- As he had a typed transcript of the conversation he felt it was no longer necessary to have proof of the recorded conversation, as the note was for his personal use only.

9.34 Mr Cassel said that Mr White had made an illicit recording, incited a junior member of staff to join him in this and had erased all the evidence.

9.35 At this point the Investigator reminded Mr Cassel that Mr White was attending as a witness, should only be asked about evidence of fact and could not be expected to answer legal questions.

9.36 Mr Cassel said that he took on board these comments but said that he felt that if someone had lost their integrity and broken the law, they lose right to be believed.

9.37 Mr White stated that he was giving evidence on the matter but was being treated like he was on trial.

9.38 Mr Cassel said that he had not meant to embarrass Mr White but he had chosen to besmirch the character of Mr Murphy by saying that others had had the same experience as him with regard to Mr Murphy being evasive over matters.

9.39 Mr Cassell said that Mr Murphy did not accept the transcript of the telephone conversation as a fair and accurate record of all the things that were said in the conversation and the note that Mr White prepared was not accurate either. He felt that Mr White was a wholly unreliable witness.

9.40 Mr White responded stating that was why he felt it necessary to take the action that he did to record the conversation as his memory could sometimes not be relied on to recall exactly what had been said in a conversation some months previously.

9.41 The Committee then directed questions to Mr White and he gave the following responses:

- He did not go to see Mr Murphy after the telephone conversation to express his concerns as Mr Murphy lived 45 miles away and was preparing to go on holiday early the next day.

- He did not feel that Mr Murphy's request to Mr Vaughan to send the email was a reasonable one but he would have hoped that Mr Vaughan would have sought professional advice from the Media Team before sending the email.
- He could not comment on the relationship that Mr Vaughan had with Mr Murphy
- He was told on 18 January 2012 by Mr Murphy that a senior management review was being talked about and he gave advice about management and staffing to Members.
- He had led similar reviews before in other authorities and, at the moment, he was very supportive of 'Enterprising Norfolk.'
- The conversations he had from 18 January onwards regarding this review involved a dialogue about the need for a Chief Executive within the County Council. He has always known that his role could change at anytime and that there may not be a need for his post at some point.
- His only issue with the review was the timing and conduct of the review. He felt that it should be in late autumn 2013 after the new administration had settled in. If it happened in the spring 2013, as Mr Murphy wished, it would have an impact on the County Council's three year saving plan and there would be issues as to who would lead it too due to the elections in May 2013.
- He recorded the conversation with Mr Murphy on an iphone belonging to a member of the administrative staff and that person erased the message after it was transcribed. He felt that the transcript was all that he needed.
- The recording of the conversation had not been tampered with: its very suggestion questioned the integrity of a member of staff.
- He could possibly have thought about his actions in a more calculated way but the recording, when it was made, was purely so that he could rely on it to help him remember what had been said for his own purposes. He never thought that he would have to rely on it in a situation such as this. He felt that the recording would help him be confident that his facts were correct if it ever came down to his word against Mr Murphy's.
- His actions were always primarily as Chief Executive of NCC and he did what he felt was necessary to do in this role.
- His lack of involvement in Mr Vaughan's disciplinary case was made clear in his statement. He did not recall seeing any information regarding the matter in order for him to comment on the situation. A range of complaints were made that day or soon after by members of the public following the findings of the case being published on 18 July 2012.

9.42 Mr Murphy was then called to give evidence. Mr Murphy read his statement and made the following points from the statement:

- He was very concerned about the inclusion in the Final Report of an alleged telephone conversation on 27 April 2012. The transcript of the conversation had been edited by Mr White and given to a third party, the Investigator, without his foreknowledge or approval.
- Those who knew Mr Murphy would know that he always gave a full verbal background.

- He regarded the behaviour of Mr White as unprofessional and unethical and constituted a pattern of behaviour by him which led to an increasingly strained relationship to the point where a breakdown of trust had occurred.
- The catalyst for this increasingly strained relationship was his announcement to Mr White on 18 January 2012 that Cabinet planned to embark on a senior management review.
- The decision to suspend, investigate and subsequently prevent Mr Vaughan's return to work was an important factor in the breakdown of trust.
- He was concerned about the Final Report in relation to the Investigator's apparent failure to interview the 'twin hatters'. He regarded their evidence as central to any discussion about the genesis of the idea of contacting the wider Norfolk media about the two facts mentioned in the email.
- The failure to interview the twin hatters meant that the Final Report's coverage lacked balance. He had asked the Investigator to interview the twin hatters.
- The alleged transcript made no direct reference to who requested that the emails be sent.
- When the investigation in to Mr Vaughan was over he had done everything in his power to get Mr Vaughan returned to his post.
- He was not the person who was evasive.
- The idea that a paid official of an authority can, without permission, make an audio recording of a conversation with another making an edited transcript of the conversation, destroy the recording and then subsequently pass that information to a third party without permission undermined the essential element of trust expected in public life.
- He emphatically denied that he had shown disrespect to Mr Vaughan by telling Mr Vaughan to say something that was untrue.

9.43 The Investigator then put her questions to Mr Murphy and he made the following comments:

- The genesis for the idea of sending the email to Radio Norfolk came from the 'twin hatters' but it was his idea to send it.
- He could not remember whether he physically sent the email in the end but he instructed Mr Vaughan to do it as he felt it was his job to do so.
- The genesis of the idea was the 'twin hatters' but they did not know that the radio show interviewing Mr Daubney was taking place. As he and Mr Vaughan knew about the show, they felt that the best way to get information known by the public was to send an email to Radio Norfolk.
- It was many months after the event when he was made aware that the telephone conversation he had with Mr White had been recorded. He had asked to hear the recording as he felt that it had been edited. He could not remember what else had been said in the telephone call that could have been edited out in transcript.
- In response to being asked what the basis for his allegations that the tape had been edited might be, given he could not remember the conversation, he responded that he could not tell what could have been said as the recording had been erased.
- He offered no information in the conversation with Mr White regarding his involvement as he was not asked.



9.44 In response to Mr Murphy saying that he had asked the Investigator to interview the 'twin hatters', she stated that Mr Murphy had asked her to interview various witnesses in the course of the investigation but he never asked her to interview any members from Kings Lynn and there was nothing in the transcript of her conversation with him where he asked her to do this. Mr Murphy responded saying the fact that she had tried to contact Michael Chenery of Horsburgh gave him the impression that she wished to interview him.

9.45 Mr Murphy gave the following responses to questions from the Committee:

- As the Leader of NCC who represented the majority of Members on the Council it was in his remit to require a review of senior management. The review was requested for very legitimate reasons and felt that this was a reasonable request. He felt that progress was slow and was not happy with the time it took for the Chief Executive to carry this out.
- Mr Vaughan was an exceptional political assistant and his relationship with him was very good. He knew what he needed to do and was not dilatory.
- He said that the 'twin hatters' did a sterling job for both councils on which they served.
- He has acted as a good leader of the party and has a strong duty of care to his group. He did not micro manage the Members of his group.
- He had a strong strategic view on how to run NCC and wanted a Member led Council not an officer led one. He worked for the people of Norfolk, looking after their best interests and as there were 63 Conservative Members out of 84 he represented the majority of the electorate in Norfolk.
- In asking for a senior management review to be carried out to move NCC in a certain way he had a good idea of what he wanted to achieve and where NCC should be going.
- The interviews that had taken place between him and the QC had lasted between two and three hours.

The Meeting adjourned for a ten minute break.

9.46 On reconvening the meeting the Investigator made the following comments regarding the scope of the interviews that she had carried out:

- She was asked to investigate a specific matter. This was the sending of the email and the conduct and the nature of the involvement of individuals after the event.
- Mr Murphy had asked that four individuals be interviewed but the fourth person seemed to have little relevance to the matter so was not interviewed. She thought that she might need to interview Michael Chenery of Horsburgh as it may have been relevant to the case to interview a 'twin hatter' as it had been stated originally by Mr Murphy that it was the 'twin hatters' who had requested the email be sent. In his later statement, however, he admitted it was he who requested it be sent, so there was little point seeking clarification over the matter as Mr Murphy had admitted it was him.
- The interviews she carried out were appropriate. Not all of them have been shared in the report but there was no lack of balance. If Mr Murphy had felt

that these interviews were relevant enough for inclusion in the report then he could have asked that they be submitted.

9.47 The Investigator made the following points to the Committee in summary of her report:

- The critical question for the Committee to make its decision on was what Mr Murphy had said and what he had done in this process of sending the email.
- The core facts were not in dispute by Mr Murphy.
- Mr Murphy was not consistent in his responses.
- There had been a divergence of testimony between Mr Vaughan and Mr Murphy and she accepted Mr Vaughan's account as he appeared to give a very truthful account of what had happened. It was clear that Mr Vaughan would not have said anything untruthful in order to get Mr Murphy into trouble. He sought to excuse Mr Murphy's actions wherever possible.
- Mr Walton's notes of the conversation with Mr Vaughan showed clearly that the 'twin hatters' did not ask for the email to be sent.
- In Mr Vaughan's own words he had been asked by Mr Murphy to say something that was not true, although he was very loyal to Mr Murphy.
- Paragraph 114 of the report formed the basis of her conclusion and she urged the Committee to uphold her findings.

9.48 Mr Murphy asked the Committee to disregard the transcript of his conversation with Mr White as it had been recorded without his consent.

9.49 The Investigator told the Committee that even in a criminal case it was not considered unfair to submit improperly obtained evidence, as confirmed by the House of Lords and the Court of European Rights. She also referred to case-law that confirmed that it did not render the proceedings unfair: Evidence of telephone conversations was routinely admitted in court. Mr Murphy had had the chance to challenge Mr White's statement if the facts were not correct and he had not. Information given could not simply be excluded because it was from a recorded conversation. She had concluded that the recorded conversation did take place as she had the benefit of doing other interviews and seeing the transcript as an independent person. It was now a matter for the Committee to evaluate the situation after having heard all the evidence.

9.50 Mr Cassel summed up making the following points:

- Although the Investigator had reached the conclusions she had in her findings, this in no way bound the Committee. It was up to the Committee to assess and decide the facts.
- Mr Murphy was decisive in dealing with people and passionate about giving full accounts and sometimes the finer points are not immediately apparent.
- Mr Vaughan had put events into context and had been frank in his responses which had been germane to the case.
- Mr Murphy always gave a balanced answer.
- The actions of the Chief Executive sent the message that the law can be flouted to all in NCC.
- To accept the recording of the conversation as evidence was wrong and should be dismissed,

- If the transcript was dismissed there was little evidence left against Mr Murphy.

9.51 After all the evidence had been heard the Chairman invited the Independent Person to present his conclusions in relation to the allegations.

9.52 Mr Revell said that he had read the report and listened to the evidence with the Nolan principles in mind, in particular honesty, openness, integrity and accountability. He agreed with the conclusions of the Investigator in relation to the breaches of the Code of Conduct. He had questioned her conclusion as to whether Mr Murphy had failed to treat Mr Daubney with respect. The attempt by an elected leader to sabotage another did not seem to him to be respectful but he accepted there was probably insufficient evidence to overturn the Investigator's conclusion.

9.53 The Committee withdrew from the meeting to consider the evidence, the views of the Independent Person and the other representations in private.

The Committee unanimously **RESOLVED** that a recorded vote be taken on each of the seven findings of the Investigator.

After full consideration of all the evidence and representations the Committee made its decision and it was **RESOLVED** as follows:

- (1) That Mr Murphy did not fail to treat Mr Daubney with respect. The Committee therefore upheld the Investigator's conclusion made in the report. This was a unanimous decision.
- (2) That Mr Murphy did not fail to treat Mr Conrad with respect. The Committee therefore upheld the Investigator's conclusion made in the report. This was a unanimous decision.
- (3) That Mr Murphy did not fail to treat Mr Vaughan with respect by asking him to pass information to Radio Norfolk. The Committee therefore upheld the Investigator's conclusion made in the report. This was a unanimous decision.
- (4) That Mr Murphy did not fail to treat Mr Vaughan with respect by telling Mr Vaughan on 24 April 2012 to claim that the twin hatters were responsible for the request to provide information to the BBC rather than himself. They had heard from Mr Vaughan that he did not consider that Cllr Murphy had failed to treat him with respect and that there appeared to be a great deal of mutual respect between Cllr Murphy and Mr Vaughan. The Investigator's conclusion in the report was not upheld.

Mr Duigan, Mr Hanton, Mrs Chamberlin and Mr Tomkinson voted against the Investigator's conclusion and Mr Bearman and Mr Hannah voted in favour of the Investigator's conclusion.

- (5) That the above conduct brought the County Council and the office of Leader into disrepute. The Committee upheld the Investigator's conclusion.

Mr Duigan, Mr Hannah, Mr Bearman and Mr Tomkinson voted in favour of the Investigator's conclusion and Mr Hanton and Mrs Chamberlin voted against it.

- (6) That Mr Murphy did not fail to treat Mr Vaughan with respect and thereby did not breach Paragraph 3 of the Code of Conduct by failing to explain his own role to the Chief Executive candidly and by attempting to mislead the Chief Executive as to the true position. The Investigator's conclusion was not upheld as the majority of Committee Members considered the transcript evidence on which the Investigator was relying was considered to be incomplete and unclear.

Mr Duigan, Mr Hanton, Mrs Chamberlin and Mr Bearman voted against the Investigator's conclusion. Mr Hannah voted in favour of the Investigator's conclusion. Mr Tomkinson did not vote.

- (7) That the above conduct did not amount to a breach of paragraph 5 of the Code of Conduct. The Investigator's conclusion was not upheld as the majority of Committee Members considered the transcript evidence on which the Investigator was relying to be incomplete and unclear in some respects.

Mr Duigan, Mr Hanton, Mrs Chamberlin and Mr Tomkinson voted against the Investigator's conclusion. Mr Hannah and Mr Bearman voted in favour of the Investigator's conclusion.

9.54 The Committee returned to the meeting where the Chairman announced the decisions of the Committee as above.

9.55 Mr Cassel responded to the decision stating that, in accordance with Paragraph 26 of the Procedure for Hearings, there was no requirement for the Committee to set a penalty at all as a result of the findings. If a penalty was set then it would be feasible to consider the relationship and events that had occurred between staff and Members.

9.56 The Investigator stated that any penalty needed to take into account the fact that it had been found that the Leader of the Council had asked an officer to lie. She did not know what bearing the relationship between staff and Members had on the penalty but it was standards of behaviour that mattered and that these were the core principles of public life and this should be taken into account when deciding any penalties.

9.57 The Committee again left the room to discuss the matter of sanctions in private.

It was proposed by the Chairman and seconded by Mrs Chamberlin that sanctions A and B and E, as set out in the Monitoring Officer's report, be imposed.

A second motion was then proposed by Mr Bearman and seconded by Brian Hannah that sanctions A, B, D and E be imposed.

On being put to the vote the alternative motion was lost with two votes for and four against

On being put to the vote the substantive recommendation was agreed by two votes for and four against.

After careful consideration of all the sanctions that it had the power to recommend to Council the Committee **RESOLVED:**

To impose the following sanctions on Mr Murphy:

- a) That a letter of censure be sent from the Committee in relation to the breach.
- b) That a report of the findings of the Committee be submitted to the County Council meeting.
- e) That Mr Murphy be required to undergo training in ethics and standards.

The Committee returned to the meeting and the Chairman reported on the decision of the Committee as above.

The Chairman thanked the members of the public for attending the meeting and to the Committee for its deliberations.

The meeting commenced at 10.00am and closed at 6.25pm.

### Chairman



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# Report to Standards Committee

20 March 2013

Item No:

## Standards Performance and Monitoring Report

Report by the Head of Law and Monitoring Officer

This is the first Standards Performance and Monitoring Report. Members are asked to note the contents and comment on the format which will be the basis for quarterly reports to be circulated to Standards Committee Members from June 2013 onwards

### 1. Introduction

1.1 From 1 July 2012 a new Code of Conduct was adopted by Norfolk County Council together with new arrangements for the assessment of standards complaints. A new, politically balanced Standards Committee was established.

1.2 At the first meeting of the new Standards Committee on 10 October 2012 it was agreed that the Standards Committee would meet twice yearly, if the Chairman considered there was sufficient business to consider, and that in addition the Monitoring Officer would circulate to Standards Committee members a quarterly Performance and Monitoring Report.

1.3 The minutes of the meeting of 10 October 2012 record that

*“The Committee requested that the Monitoring Officer draft the first performance and monitoring report for the Committee’s next meeting. The report would contain the information which the Monitoring Officer considered relevant. The Committee would then agree the format of future reports”.*

### 2. Performance and Monitoring October 2012 to March 2013

#### 2.1 Complaints

There has been one Standards complaint made in the period October 2012 to March 2013. This was received from a member of the public and is currently being considered by the Monitoring Officer. A Decision Notice will be publicly available following its consideration.

#### 2.2 Decision Notices

There have been two Decision Notices issued. These Decision Notices are attached and relate to seven complaints made against Cllr Derrick Murphy which have now been the subject of a Standards Hearing.

#### 2.3 Hearings

There has been one Standards Hearing which was held on 1 February 2013 and related to the seven complaints against Cllr Derrick Murphy.

## 2.4 Findings and Sanctions

The Standards Committee has made one finding of breach of the Code of Conduct. The sanctions it imposed were:

- a letter of censure to Cllr Derrick Murphy
- a report to Full Council
- that Cllr Derrick Murphy undergo ethics and standards training.

A letter of censure was agreed by the Standards Committee and sent to Cllr Murphy following the meeting. The report to Full Council is for consideration today. As Cllr Murphy has stood down as Leader, is no longer a Cabinet Member and will not be standing for election in May it is not considered practical to provide training.

## 2.5 Consultations with the Independent Person

The Independent Person was consulted by the Monitoring Officer in relation to the appointment of a suitable Investigator for the seven complaints against Cllr Derrick Murphy. The views of the Independent Person were sought by the Standards Committee at the Hearing referred to in paragraph 2.3.

## 2.6 Training

There has been no further training since Members were trained on the new Code of Conduct and arrangements following their introduction in 2012. Training has been organised for all members following County Council elections in May 2013.

## 2.7 Applications for exemption from political restrictions

These are now dealt with by the Chief Executive, following the introduction of the relevant provisions of the Localism Act.

## 2.8 Dispensations for Disclosable Pecuniary Interests

There have been no requests for dispensations.

## 3. Recommendations:

- 3.1 That Members note the County Council's performance in relation to standards as specified in paragraph 2.
- 3.2 That members approve the format of the performance and monitoring information at paragraph 2 and consider whether they would like any additional information.


Attachments:

Decision Notice of the Monitoring Officer dated

Decision Notice of the Chairman of the Standards Committee dated



**Officer Contact:**

 <p>The logo for 'IN TRAN communication for all' features the words 'IN' and 'TRAN' in a bold, sans-serif font. 'IN' is positioned above 'TRAN'. To the right of 'IN' is a solid black triangle pointing upwards. To the left of 'TRAN' is a solid black triangle pointing downwards. Below the text 'TRAN' is the tagline 'communication for all' in a smaller, lowercase, sans-serif font.</p>	<p>If you have any questions about matters contained in this paper please get in touch with: Victoria McNeill Tel No: 01603 223415 email address: <a href="mailto:victoria.mcneill@norfolk.gov.uk">victoria.mcneill@norfolk.gov.uk</a></p> <p>If you need this Agenda in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.</p>
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## Decision Notice – Referral for Investigation

Reference: CEEXE/38794

### Complaint

Norfolk County Council's Monitoring Officer has considered complaints from members of the public John Martin, Ron Cornell, Jenny Perryman, Joy Franklin, Christine Hall, Mark Russell and Stuart Wilkie (the "Complainants") about the conduct of the Leader of the Council, Councillor Derrick Murphy (the "Subject Member"). The Monitoring Officer has considered the complaints together as they relate to the same complaint and make the same or very similar allegations. Set out below is a general summary of the complaints, as follows:

The complaints relate to an email sent by Kevin Vaughan, employed by the Authority as Conservative Political Assistant to BBC Radio Norfolk on 18 April 2012 suggesting that the Leader of King's Lynn & West Norfolk Borough Council was facing a leadership challenge and that the Borough Council had failed in an attempt to procure alternative technology for dealing with waste in the Borough.

The sending of the email by an employee was the subject of an independent investigation. Whilst the investigator's report relates to an internal employment matter and is confidential, it has been reported that it concluded that Kevin Vaughan was acting on the wishes of the Subject Member.

The Complainants allege that in asking his publicly funded political assistant to suggest questions that BBC Radio Norfolk's Nick Conrad might want to put to the Leader of the Borough Council that Subject Member was:

- 1) failing to treat both Kevin Vaughan and Cllr Daubney with respect; and
- 2) bringing his office or the Authority into disrepute.

These are provisions of the pre-1 July 2012 Members' Code of Conduct. From 1 July 2012 a new Members' Code of Conduct was adopted by the Authority. The Code by which Members were bound, and which is therefore applicable, when these events occurred was the 'old' Code.

Paragraph 3(1) of that Code stipulates:

You must treat others with respect.

Paragraph 5 of that Code stipulates:

You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the authority into disrepute.

## **Decision**

The Monitoring Officer has considered the complaint under the Authority's agreed arrangements for the assessment of complaints, has consulted the Independent Person and has decided to investigate the complaint.

This Decision Notice is sent to the Complainants and the Subject Member and will be published on the County Council's website.

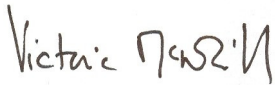
## **What happens now?**

The Monitoring Officer will arrange for these complaints to be investigated.

## **Terms of Reference**

Section 28(b) of The Localism Act 2011 provides that arrangements for considering allegations of breach must be put in place by authorities. The arrangements for this Authority were agreed by the Authority on 8 May 2012.

Signed



Date: 16 August 2012

**Victoria McNeill**  
**Monitoring Officer, Norfolk County Council**

# **Decision Notice following a Standards Committee Hearing**

**Reference: MOE/38794**

## **Complaints**

On 1 February 2013 the Standards Committee of Norfolk County Council (“NCC”) met to consider allegations from seven members of the public that Councillor Derrick Murphy breached the Members’ Code of Conduct (the “Code”) when he occupied the office of Leader of the Council.

The allegations related to events occurring prior to 1 July 2012 and therefore fell to be considered under the Code that was applicable at that time (the “old Code”). The Council has subsequently adopted a new Code.

The complainants alleged that Cllr Murphy breached paragraph 3 of the old Code by failing to treat both Cllr Nick Daubney, Leader of King’s Lynn and West Norfolk Borough Council, and Kevin Vaughan, political assistant to the Conservative Group at that time, with respect, and that his behaviour brought the office of Leader or the Council into disrepute and this breached paragraph 5 of the old Code. One of the complainants also alleged that Cllr Murphy also failed to treat Nick Conrad of BBC Radio Norfolk with respect.

Paragraph 3(1) of the old Code provides: You must treat others with respect.

Paragraph 5 of the old Code provides: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the authority into disrepute.

## **The Hearing**

The hearing took place in public in front of the Standards Committee comprising the following Members:

Cllr Tony Tomkinson (Chairman)  
Cllr Richard Bearman  
Cllr Jenny Chamberlin  
Cllr Philip Duigan  
Cllr Brian Hannah  
Cllr Ron Hanton  
Cllr Michael Langwade (who stood down after the morning session).

In attendance were Jenni Richards QC (the Independent Investigator appointed by the Monitoring Officer), Cllr Murphy and his solicitor (Richard Cassel of Hatch Brenner), Victoria McNeill (advisor to the Committee), Pamela Cary (Deputy Monitoring Officer) and Lesley Rudelhoff-Scott (Committee Clerk).

The Hearing was conducted in accordance with Appendix 18D of the Constitution.

Ms Richards presented her report to the Committee. She called Chris Walton (Head of Democratic Services), Kevin Vaughan (former Political Assistant to the Conservative Group) and David White (Chief Executive) as witnesses. They were

questioned by Ms Richards, Mr Cassel and by members of the Committee. Cllr Murphy then read his witness statement and was questioned by Ms Richards, Mr Cassel and members of the Committee. Ms Richards and Mr Cassel then made their closing statements.

After all the evidence had been heard the Chairman invited the Independent Person to present his conclusions in relation to the allegations.

Mr Revell said that he had read the report and listened to the evidence with the Nolan principles in mind, in particular honesty, openness, integrity and accountability. He agreed with the conclusions of Ms Richards in relation to the breaches of the Code of Conduct, namely that:

- (1) Cllr Murphy did not fail to treat Cllr Daubney with respect
- (2) Cllr Murphy did not fail to treat Nick Conrad with respect
- (3) Cllr Murphy did not fail to treat Mr Vaughan with respect by asking him to pass information to BBC Radio Norfolk
- (4) Cllr Murphy failed to treat Mr Vaughan with respect, and thereby breached paragraph 3 of the Code of Conduct, by telling Mr Vaughan on 24 April 2012 to claim that the twin hatters were responsible for the request to provide information to the BBC rather than himself
- (5) Cllr Murphy's conduct in (4) above amounted to a breach of paragraph 5 of the Code
- (6) Cllr Murphy failed to treat Mr Vaughan with respect and thereby breached paragraph 3 of the Code by failing to explain his own role to the Chief Executive candidly and by attempting to mislead the Chief Executive as to the true position
- (7) Cllr Murphy's conduct in (6) above amounted to a breach of paragraph 5 of the Code.

## **Decision**

The Committee considered Ms Richards' findings and the views of the Independent Person.

The Committee agreed with the Ms Richards' findings in relation to (1), (2), (3) and (5) above but disagreed with the findings in relation to (4), (6) and (7). The Committee concluded that Cllr Murphy had breached the Code by telling Mr Vaughan on 24 April 2012 to claim that the twin hatters were responsible for the request to provide information to the BBC rather than himself, and had thereby brought the office of Leader and the Authority into disrepute.

## **Reasons for Decision**

The Committee agreed with Ms Richards' conclusions in (1) and (2) that Cllr Murphy did not treat Cllr Daubney or Nick Conrad with respect, for the reasons presented in Ms Richards' report.

The Committee agreed with Ms Richards' conclusions in (3) that Cllr Murphy did not fail to treat Mr Vaughan with respect by asking him to pass information to BBC Radio Norfolk, for the reasons presented in Ms Richards' report.

The Committee disagreed with Ms Richards' conclusion in (4) because, in relation to this allegation, they heard from Mr Vaughan at the hearing that he did not consider that Cllr Murphy had failed to treat him with respect.

The Committee agreed with Ms Richards' conclusion in (5) that Cllr Murphy's conduct in telling Mr Vaughan to claim something he knew to be untrue brought the office of Leader and the Authority into disrepute, for the reasons presented in Ms Richards' report.

The Committee disagreed with Ms Richards' conclusions in (6) and (7) because in addition to Mr Vaughan stating at the hearing that he did not feel Cllr Murphy had failed to treat him with respect in relation to (6), the Committee found the underlying evidence in the form of the transcript to be incomplete and Cllr Murphy's precise intentions to be unclear.

### **Sanctions**

The Committee agreed to impose the following sanctions in relation to the breach:

- A letter of censure from the Committee in relation to the breach
- A Report to Full Council in relation to the breach
- A requirement for Cllr Murphy to undergo ethics and standards training.

**Signed**



**Date: 8 February 2013**

**Tony Tomkinson  
Chairman of the Standards Committee  
Norfolk County Council**

**Hearing of the Standards Committee – Chairman’s Report to Full Council**

Report by the Head of Law and Monitoring Officer

This report provides the Standards Committee with a draft of the Chairman’s Report to Full Council for approval

**1. Introduction**

At a Standards Hearing on 1 February 2013 the Standards Committee found that Cllr Derrick Murphy had breached the Members’ Code of Conduct. The sanctions imposed by the Standards Committee included making a report on the matter to Full Council.


**2. Report**

A draft of the Chairman’s Report to Full Council is attached.

**3. Recommendation:**

That Members of the Standards Committee approve the report for submission to Full Council.

**Officer Contact**

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# DRAFT

## Report to County Council

25 March 2013

Item No:

### Report on the Hearing of the Standards Committee of 1 February 2013

Report of the Chairman of the Standards Committee

At a Standards Hearing on 1 February 2013 the Standards Committee found that Cllr Derrick Murphy had breached the Members' Code of Conduct. One of the available sanctions agreed by the Standards Committee was to make a report to Full Council. The Council is invited to note the Report of the Chairman of the Standards Committee

#### 1. Introduction

- 1.1 In July 2012 complaints were made by seven members of the public in relation to the conduct of the then Leader of the Council, Cllr Derrick Murphy. The complaints related to the sending of an email to BBC Radio Norfolk which raised the issue of a leadership challenge at another local authority.
- 1.2 The Monitoring Officer in consultation with the Independent Person decided to investigate the complaints and appointed a QC to conduct the investigation.
- 1.3 The Investigator investigated seven allegations of breach of the Code of Conduct and concluded that in relation to three of those allegations there had been no breach of the Code of Conduct and in relation to four of those allegations there had been a breach.
- 1.4 Accordingly a hearing of the Standards Committee was convened on 1 February 2013. The Hearing was conducted in accordance with Appendix 18D of the County Council's Constitution.

#### 2. The Outcome of the Hearing

- 2.1 After hearing a considerable amount of evidence at the hearing, and after seeking the views of the Independent Person, the Standards Committee agreed with four of the Investigator's seven findings, and disagreed with three. One of the findings with which the Standards Committee agreed was a finding that Cllr Murphy had breached the Code of Conduct.
- 2.2 The Standards Committee issued a Decision Notice (attached) in relation to the outcome of the hearing, giving reasons where it failed to reach the same conclusions as the Investigator.



### 3. **Sanctions**

3.1 Since the introduction of the Localism Act 2011 the sanctions available to Standards Committee for breach of the Code of Conduct are limited to the following:

- (a) Censure or reprimand
- (b) Report to Full Council
- (c) Recommendation to the Council to remove the Member from membership of Committees or Sub-Committees
- (d) Recommendation to the Council to remove the Member from any position (including Leader) of the Executive
- (e) Require the Member to undergo training in Ethics and Standards
- (f) Removal of the Member from external nominations or appointments
- (g) Withdrawal of facilities or services from the Member including access to Council premises and/or IT facilities.

3.2 The Standards Committee decided to make a report to Full Council, to write a letter censuring Cllr Murphy and to arrange ethics training for Cllr Murphy.

3.3 Following the outcome of the Hearing Cllr Murphy, who had already stood down as Leader of the Council prior to the hearing, stood down from Cabinet and announced that he would not be standing as a candidate in the May 2013 elections.



3.4 A letter of censure (attached) has been sent to Cllr Murphy but no training is being delivered as within only a few weeks he will no longer be a Councillor.

### 4. **Recommendation**

4.1 That all Members attend training in standards and ethics following the May 2013 elections.

4.2 That Members note this Report.

### **Officer Contact**

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