

## **INDEX**

| <b>Doc No</b> | <b>Description</b>  |
|---------------|---|
| 1             | Complaint form and associated documents   |
| 2             | Response of Councillor MM dated 23 August 2022  |
| 3             | Decision Notice issued by the Monitoring Officer dated 30 <sup>th</sup> August 2022.    |
| 4             | Relevant Extract from the Code of Conduct of the Town Council                           |
| 5             | Statement of ED based on interview of 8 <sup>th</sup> November 2022 conducted via Teams |
| 6             | Statement of Cllr MM based on interview in person on 16 <sup>th</sup> November 2022     |



**CODE OF CONDUCT FOR COUNCILLORS  
COMPLAINT FORM**

(Before completing this form please read the attached Guidance Notes)  
To enable you to type into this form please go to 'Tool'; 'Fill and Sign'

**A. Your details**

1. Please provide us with your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

|                           |            |
|---------------------------|------------|
| <b>Title:</b>             | Miss       |
| <b>First name:</b>        | Elaine     |
| <b>Last name:</b>         | Dutton     |
| <b>Address:</b>           | [REDACTED] |
| <b>Daytime telephone:</b> | [REDACTED] |
| <b>Evening telephone:</b> |            |
| <b>Mobile telephone:</b>  |            |
| <b>Email address:</b>     | [REDACTED] |

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people may see this form:

- Members of the Standards Committee
- Monitoring Officer of Sedgemoor District Council
- The Council's Independent or Reserve Independent Person

A copy or brief summary of your complaint will also be shared with the councillor(s) you are complaining against. If we release a copy of the complaint form and any attachments, we will ensure that your contact details

(address, telephone number, e mail address) are removed. If you have serious concerns about your name and/or details of your complaint being released, please complete **Section C** of this Form and also discuss your reasons or concerns with the Council's Monitoring Officer.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted councillor of an authority
- An independent member of the Standards Committee
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other (.....)

**B. Making your complaint**

The sanctions available to a Standards Committee are governed by law and were significantly reduced by the Localism Act 2011. For a brief summary of sanctions available and other information about the process and time scales, please refer to the attached Guidance Notes.

3. Please provide us with the name of the councillor(s) you believe have breached the Code of Conduct and the name of their authority:

| Title | First name | Last name | Council or authority name                |
|-------|------------|-----------|--|
| MR    | Michael    | Murphy    | Burnham-on-Sea & Highbridge Town Council |
|       |            |           |  |
|       |            |           |  |
|       |            |           |  |

4. Please explain in this section (or on separate sheets) what the councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one councillor you should clearly explain what each individual person has done (with dates / witnesses) that you believe breaches the Code of Conduct. As a result of the Localism Act 2011 local authorities were given the power to adopt their own form of code of conduct so the content particularly amongst town and parish councils may vary significantly. This means that you do need to know what is in the code of conduct for the relevant council/authority and how it relates to the subject matter of your complaint. It is important that you provide all the information you wish to have taken into account by the Monitoring Officer or Standards Committee

when they decide whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the councillor said or did. For instance, instead of writing that the councillor insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

I am writing to report Cllr Mike Murphy has been verbally sexually harassing me whilst trying to perform my work duties at Burnham-on-Sea and Highbridge Town Council.

I feel he has breached the code of Conduct as follows:

#### Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, they have the following obligations.

1. They shall behave in such a way that a reasonable person would regard as respectful.
2. They shall not act in a way which a reasonable person would regard as bullying or intimidatory.

Here are the events that have occurred;

On Thursday 23<sup>rd</sup> June 2022 Cllr Mike Murphy came into the offices at Jaycroft Road, where Helen Hurley greeted him, he asked to see myself so Helen showed him into the waiting room, to wait until I was free.

When I was free I entered the room and instantly took a chair to create space between myself and Cllr Mike Murphy and indicated for him to take a seat. This was so I could keep a distance between us, so I could immediately establish a personal space.

Cllr Murphy wanted to discuss a grant for Party in the Park that he had been told he couldn't have as he hadn't applied for it before the closing date of 5<sup>th</sup> May 2022.

Cllr Murphy proceed to ask me if there was a way I could use council money for the party in the park or if I could give him an advance of £1500.00. I told him I could not do this and he would need to speak with Ron. I told him Ron was in on Monday, and I would tell him Cllr Murphy had been in and asked if there was another way round the situation, but couldn't promise a happy outcome. Cllr Murphy continued to repeat the conversation, trying to change my mind.

Cllr Murphy then made a very inappropriate comment asking me if I can wear a low-cut top and push my boobs up so they sit like a balcony, to then walk into the room and try and persuade the locum Town Clerk Ron Spur's mind. He was adamant this would work and was very serious about me doing this for him to get the outcome he wanted.

He then proceeded to carry on talking about the party in the park situation and said I made him feel calm and he wanted to give me a cuddle. I declined.

He then went on to disclose about a time when he was in Santa Fe and a tall lady stood beside him when he was at a stall making a purchase. He said she was in a bra type top and this meant her boobs were at his eye level. I have no idea why he felt I should no this information and felt very uncomfortable, I then bought the conversation to an end as quickly as I could.

After he left I immediately left the room and spoke with my colleague Helen Hurley about my concerns and she said I should now report this as he was saying more each time I seen him, which she had been witness to on previous occasions.

For a couple of weeks prior to this Cllr Mike Murphy has been turning up at the office without an appointment and making comments of how I'm his crush and he's falling in love with me, my colleague Helen Hurley was witness to this, he also tends to walk behind our desks where he has no need to be and stands very close to us with arms touching or looking over our shoulder, making us both feel very uncomfortable in his presence.

On a few occasions he was asked to not just turn up to the offices and to make an appointment first, but this was being ignored.

I would like to point out that these instances of harassment have caused me stress and anxiety, and they have been affecting my performance at work. Whenever I see his car arriving in the car park, I hide in another room, or get my colleague to say I'm busy. so I can avoid seeing him.

I find Cllr Mike Murphy highly inappropriate and his comments unwelcome, he has violated my dignity and created an intimidating, degrading environment, this has been one of the most difficult times I've ever had to face within the workplace.

**C Confidentiality of complainant and the complaint details**

**Only complete this next section if you are requesting that your identity is kept confidential**

5. In the interests of fairness and natural justice, we believe councillors who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary or copy of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have justifiable grounds:-

- to believe you may be at risk of physical harm from the councillor(s) against whom you are submitting a written complaint (or by a person associated with the same); or
- to believe your employment may be jeopardised if your identity is disclosed; or
- where there are medical risks (supported by medical evidence) associated with your identity being disclosed.

Please note that requests for confidentiality or requests for suppression of complaint details will only be granted in exceptional circumstances. The Monitoring Officer or Standards Committee will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will allow you the option of withdrawing your complaint.

However, it is important to understand that in certain very exceptional circumstances where the matter complained about is very serious, we may proceed with an investigation or other action and disclose your name even if you have expressly asked us not to. We will contact you where this situation arises to discuss the matter first.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

(Continue on separate sheet(s), as necessary)

**D. Remedy sought**

Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint. Please first read the guidance notes for details of the sanctions available to the Standards Committee. (Continue on separate sheet(s) as necessary)

This kind of behavior is unacceptable, and I am sure that the council does not condone this activity. I ask you to properly investigate this matter and put an end to this inappropriate treatment and take reasonable steps to protect me and my colleague from further instances, we should be treated with respect and decency.

Cllr Mike Murphy needs to know this kind of behavior is unacceptable and is offensive.

I feel he should not be allowed to be chair or vice chair of any committee.

**E. Additional information**

6. Complaints must be submitted in writing. This includes fax and electronic submissions. Frivolous, trivial, vexatious and politically or personality motivated tit-for-tat complaints are likely to be rejected by the Monitoring Officer.
7. In line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please contact the Monitoring Officer as soon as possible:

Melanie Wellman  
Group Manager (Legal and Democratic) and Monitoring Officer  
Sedgemoor District Council  
Bridgwater House  
King Square  
Bridgwater  
Somerset  
TA6 3AR

Tel: 01278 435734  
Fax: 01278 435500  
E-mail: melanie.wellman@sedgemoor.gov.uk

Please sign and date this Complaint Form and return it to the Monitoring Officer at the above address.

Signed  Date 18/07/2022



## Statement

Statement of Ronald Spurs, [REDACTED]

Email: [REDACTED]

Dated : 11<sup>th</sup> August 2022.

Signed: [REDACTED]

Between 4<sup>th</sup> May 2022 and 12<sup>th</sup> August 2022, I was employed by a company named Local Government Resource Centre, (LGRC), on contract to Burnham on Sea and Highbridge Town Council to work as a Locum Town Clerk to the Council. I am a qualified Town Clerk and have been a Town Clerk for seven years.

Burnham on Sea and Highbridge Town Council is undergoing a period of change and Ms Elaine Dutton and Ms Helen Hurley were the only members of administrative staff working for the Council. (The Deputy Clerk informed me of her resignation on 4<sup>th</sup> May 2022). I believe the Council had six full or part time managers and staff until recently.

Ms Dutton is employed as the Responsible Financial Officer and Ms Hurley is employed as an Administrative Officer.

On Monday 27<sup>th</sup> June 2022 Ms Dutton asked to see me as soon as I arrived in the building. She was visibly upset and was exhibiting signs of stress.

Ms Dutton stated to me that on Thursday 23<sup>rd</sup> June 2022 during a meeting in a small room in the Council building at Jaycroft Road Councillor Michael Murphy had made inappropriate comments to her.

I asked Ms Dutton to make a written record of the conversation as she remembered it.

This statement of complaint is attached as Exhibit RS 1.

The statement is also signed by Ms Hurley who can supply evidence of early complaint regarding the incident as Ms Dutton informed her of the details of the conversation immediately after it occurred.

The matter had been reported by Ms Dutton to the Chairman of the Council, Cllr Lesley Millard and the Chair of the Human Resources Committee, Cllr Sharon Perry.

Once I received the complaint in writing from Ms Dutton I spoke to her regarding the effect the incident was having on her. I believe she has explained this in her complaint to Sedgemoor DC.

I wrote to Cllr Murphy via email on 27<sup>th</sup> June 2022, a copy of this email is attached as Exhibit RS 2.

Together with the Chairman of the Council I arranged for Cllr Murphy to receive some support from a colleague.

~~\_\_\_\_\_~~

11<sup>th</sup> August 2022

copy

For the past couple of weeks Cllr Mike Murphy has been turning up at the office without an appointment and making comments of how I'm his crush and he's falling in love with me whenever I help him, my colleague Helen Hurley was witness to this, he also tends to come around our desks and stand very close to us, making us both feel very uncomfortable in his presence.

On Thursday 23<sup>rd</sup> June 2022 Cllr Mike Murphy came into the offices at Jaycroft Road, where Helen Hurley greeted him, he asked to see myself so Helen showed him into the waiting room, to wait until I was free.

When I was free I entered the room and instantly took a chair with space from Mr Murphy and indicated for him to take a seat. This was so I could keep a distance between us, so I could immediately establish a personal space.

Mr Murphy wanted to discuss a grant for Party in the Park that he had been told he couldn't have as he hadn't applied for it before the closing date of 5<sup>th</sup> May 2022.

Mr Murphy proceed to ask me if there was a way I could use council money for the party in the park or if I could give him an advance of £1500.00.

I told him I could not do this and he would need to speak with Ron.

I said Ron was in on Monday and I would tell him Mr Murphy had been in and ask him if there was another way round the situation but couldn't promise a happy outcome.

Mr Murphy then made a very inappropriate comment asking me if I can wear a low-cut top and push my boobs up so they sit like a balcony, walk into the room and try and persuade the locum Town Clerk Ron Spur's mind.

He said I made him feel calm and he wanted to give me a cuddle.

He then went on to disclose about a time when he was in Santa Fe and a tall lady stood beside him when he was at a stall making a purchase. He said she was in a bra type top and this meant her boobs were at his eye level.

After he left I immediately left the room and spoke with Helen Hurley about my concerns and she said I should now report this as he was saying more each time I seen him.

Whenever I see his car arrive in the car park I now feel anxious and want to pretend I'm not here to avoid seeing him.

I, Elaine Dutton can confirm this to be a true statement

Name: Elaine Dutton

Signed:..........

Date: 27<sup>th</sup> June 2022

I, Helen Hurley, can confirm that Elaine told me the above immediately after his departure.

Name: Helen Hurley

Signed:..........

Date: 27<sup>th</sup> June 2022



SUPPORTED BY  
Burnham-on-Sea  
& Highbridge  
TOWN COUNCIL

The Old Courthouse  
Jaycroft Road, Burnham-on-Sea, Somerset TA8 1LE  
01278 788088  
[locumclerk@burnham-highbridge-tc.gov.uk](mailto:locumclerk@burnham-highbridge-tc.gov.uk)  
[www.burnham-highbridge-tc.gov.uk](http://www.burnham-highbridge-tc.gov.uk)

Cllr M Murphy,  
(via email).

27<sup>th</sup> June 2022

Dear Cllr Murphy,

**Complaint of Inappropriate Conduct**

Today I received a written complaint from two members of staff regarding an alleged incident of inappropriate conduct which occurred on Thursday 23<sup>rd</sup> June 2022 at the offices of the Town Council in Jaycroft Road, Burnham on Sea.

The matter will be referred to the Monitoring Officer at Sedgemoor District Council for investigation.

This morning I met with the Chairman of the Council, Cllr Millard and the Chair of the HR Committee, Cllr Perry. During this meeting the following course of action was agreed:

1. With immediate effect you are not to enter any Council premises except to attend a Committee meeting or Council meeting.
2. You are not to contact any female member of staff via email, in person or by telephone.

If you require any administrative support please contact me via email or speak to the Chairman of the Council.

By introducing these restrictions; the Council is not implying that the allegations are true. The Council is simply carrying its duty to safeguard members of staff.

Yours sincerely,

Locum Town Clerk

**Subject:** [OFFICIAL] - Complaint response

**Date:** Tuesday, 23 August 2022 at 19:38:29 British Summer Time

**From:** mike murphy

**To:** Melanie Wellman, ~~Emily Webber~~

**Caution:** This email has been sent from outside of SDC/HIS. Do not open any attachments, click on any links, reply or forward it on unless you recognise the sender and know that the content is safe.

Dear Melanie

Please find below my response

**Response to allegations of breach of the Burnham on Sea & Highbridge Town Council Code of Conduct, brought against Michael Murphy**

I write to set out my response to the allegation made by Elaine Dutton (the complainant/ED) that I have breached the Burnham on Sea & Highbridge Town Council Code of Conduct, as set out in writing to me dated 4 August 2022.

The allegation is that I have breached the following Member Obligation:

*When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, they have the following obligations.*

1. *They shall behave in such a way that a reasonable person would regard as respectful.*
2. *They shall not act in a way which a reasonable person would regard as bullying or intimidatory.*

I have reviewed the Members Code of Conduct enclosed with the letter to me dated 4 August 2022. I cannot identify the specific Members Obligation as set out in the form above. Please direct me to that specific wording. My responses below are without prejudice to your response to this request.

**The allegations**

From the correspondence to date I understand that:

1. it is alleged on 23 July 2022:
  - a. That I, as a serious request, asked the complainant to wear a low-cut top and to push her breasts up so that they 'sit like a balcony' as a way to try and persuade the locum Town Clerk to agree to a request;
  - b. That I commented that the complainant made me feel calm and that I said that I wanted to give the complainant a cuddle, to which the complainant declined;
  - c. That I told a story about a woman in Santa Fe who was wearing a 'bra type top' and that her breasts were at my eye-level. The complainant says this story made her feel very uncomfortable and that she brought the conversation to an end as quickly as she could;
2. it is alleged that on unspecified dates;
  - a. I have been turning up at the office without an appointment and have been making comments to the complainant saying that she is my crush and that I am falling in love with her.
  - b. I walk behind the complainant's desk and stand within her personal space, which makes her feel very uncomfortable in your presence.
  - c. That I have been asked not to just turn up to the offices without an appointment, but this request has been ignored.
  - d. That these instances have caused the complainant stress and anxiety and that they have been affecting her performance at work and that these alleged instances have caused her to make an active effort to avoid seeing you.

## **Jurisdiction**

I do not consider The Members Code of Conduct applies in all the allegations in this matter. The allegations 1a) and c) raised by the complainant (ED) in relation to 23 July 2022 relate to a conversation that I had with her in my capacity as Chairman of the Cultural Arts Development Society (CADS). I was not acting in my capacity as a Councillor. The complainant was aware of this.

## **Denial of the allegations**

Without prejudice to my jurisdictional point above, I refute the allegations in their entirety.

The allegations should be dealt with individually and severally.

## **My response to the allegations**

Below is an account of what happened to the best of my knowledge on 23 July 2022:

### **Allegations 1a) and 1c)**

- I was granted entry to the Council office to ask questions in my capacity as Chair of CADS (a volunteer group that has mounted three/four free music concert events in the Manor Garden, Burnham on Sea, for the last 28 years).
- Specifically, I needed to know the following:
  - that I could collect chairs for the party from the Princess Theatre;
  - why CADS was not being added to the list of grant applicants, in particular why ED had written to my secretary advising she had made the application too late (she hadn't) and when ED had actually already acknowledged in a reply that the application had been received and was being processed;
- As I stood in the office, the complainant was sitting at her desk. Whilst speaking to her and looking at her face her chest was also in my direct line of sight. I felt uncomfortable with this and so I felt it was appropriate to let her know and reassure her that I was looking at her face as we spoke. I said to her *"you bosom is in my direct line of sight, I don't want you to think that I'm looking at your bosom, I'm looking at your face."* The complainant's response to this was *"I'm not bothered. It doesn't bother me";*
- I said I did not at any time ask her to wear a low cut top;
- I did not ask her to push her breasts up so that they sit like a balcony;
- I did not request to use Council money for the Jubilee Party. I had been asked (in my capacity as Chair of CADS) to put on a Jubilee Party in the Park which I had agreed CADS would arrange subject to receipt of a Council grant and my enquiry at the office on 23 July 2022 was in respect of confusion over the status of that grant;

### **Allegation 1b)**

- Entirely separately, I then asked the complainant where I should go for help with the IBABS system – a system of listing agendas, minutes etc for meetings and meetings and emails. I could not access this and did not know who to ask since the departure of the previous Responsible Finance Officer;
- The complainant asked me to get my tablet and give it to her, which I did. She then invited me to come forward and stand behind her. I said I was uncomfortable doing this but she said *"I'm not bothered about that just come and look at the screen"* and indicated where I should stand behind her, which I did. She very quickly answered my query and I had access to the system. My inability to access the IBABS system had been causing me considerable difficulty for some time and had led to me missing an important meeting. As a result, I was, frankly, overjoyed and relieved that the complainant had been able to resolve this issue for me so quickly. In response I said to her *"you are fantastic, I'd like to give you a big cuddle but sorry I can't. Let me just say you are my crush for today and I think I could fall in love with you. Thanks for your help."*
- I did not say the complainant made me feel calm;
- I did not make any reference to a woman in Santa Fe. I have no idea what the complainant is referring to.

### **Allegation 2**

In response to the allegations on unspecified dates;

- I deny that I have been turning up at the office without an appointment and making comments as alleged. Please provide full details of any further alleged comments including in particular the dates on which they allegedly occurred;
- On a small number of occasions I have attended the offices, for good reason. On each occasion I did try to telephone in advance to book an appointment but I was unable to get through and my reasons for attending could not wait – the particular matters had become urgent. Alternatively, I did call and was told by the Locum Clerk to come in to the office, but I did not register an appointment because, again, it had been difficult to get through and then time was short;
- On the small number of occasions I have attended the offices as detailed in the point above, my contact with the complainant has been minimal. I have predominantly dealt with Helen Hurley or the Locum Clerk;
- I deny that I have walked behind the complainant's desk at any point and stood within her personal space, making her feel very uncomfortable in my presence. I have walked behind her desk on one occasion, as set out above and only on invitation by the complainant, therefore, respectfully, it is hard to see how this could have made her feel uncomfortable;

With all due respect to Ms Dutton, I was very shocked and aggrieved by the false allegations. I have been in public office for many years and have never experienced anything of this nature. As regards the comments I did make as set out above (which Ms Dutton has not accurately described in her complaint), these were made genuinely and without any intention to cause and discomfort as alleged or in any way at all. The first comment I made because I felt uncomfortable. The second comment in respect of the IBABS matter was a phrase I commonly use without any sexual connotation. I am a [redacted] year old man and I often refer to my [redacted] as my "crush for the day".

Please do not hesitate to contact me if you have any questions regarding this response or if I can assist further with your investigations.

Yours sincerely

Mike Murphy



# DECISION NOTICE: REFERRAL FOR INVESTIGATION

Reference Standards/2022/1

**PLEASE NOTE** that information contained on this notice may be confidential and subject to the Data Protection Act 1998 and you should take appropriate advice before passing on any information contained in this notice or about this notice

## Complaint

On 1<sup>st</sup> August 2022, the Monitoring Officer considered a complaint from Elaine Dutton ("the Complainant") concerning the alleged conduct of Councillor Michael Murphy ("the Member"), a member of Burnham on Sea & Highbridge Town Council. A general summary of the complaint is set out below.

## Complaint Summary

It is alleged that the Member has been verbally sexually harassing the Complainant and this has led to the Complainant feeling that her dignity has been violated and that the Member has created an intimidating and degrading environment to work in.

The Complainant states that this is because on Thursday 23rd June 2022 the Member entered the offices at Jaycroft Road to have a discussion with her about funding for Party in the Park. During this discussion, it is alleged that the Member made a request to use Council money for the Party in the Park and the Complainant told him this would be something to discuss with the locum Town Clerk. The Complainant then said that she would mention to the locum Town Clerk that the Member had made this request but that she could not promise a happy outcome. It is then alleged, that as a serious request, the Member then asked the Complainant to wear a low-cut top and to push her breasts up so that they 'sit like a balcony' as a way to try and persuade the locum Town Clerk. It is also alleged that the Member made a further comment, during the discussion about the Party in the Park, that the Complainant made him feel calm and that he said that he wanted to give the Complainant a cuddle to which the Complainant declined.

It is also alleged that the Member then went on to tell a story about a woman in Santa Fe who was wearing a 'bra type top' and that her breasts were at his eye-level. The Complainant says this story



made her feel very uncomfortable and that she brought the conversation to an end as quickly as she could,

The Complainant also alleges that the Member has been turning up at the office without an appointment and has been making comments to the Complainant saying that she is his crush and that he is falling in love with her. It is also alleged that the Member walks behind the Complainant's desk and stands within her personal space which makes her feel very uncomfortable in his presence. The Complainant says that the Member has been asked not to just turn up at the offices without an appointment but this request has been ignored.

The Complainant states that these instances have caused her stress and anxiety and that they have been affecting her performance at work. These instances have also caused her to make an active effort to avoid seeing the Member.

The Complainant believes that the Member has breached the following Obligations of the Code of Conduct:

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, they have the following obligations.

1. They shall behave in such a way that a reasonable person would regard as respectful.
2. They shall not act in a way which a reasonable person would regard as bullying or intimidatory.

### **Decision**

Having considered the allegations and the Members response to them and having consulted and taken into account the views of the Independent Person, the Monitoring Officer has decided to refer the complaint for investigation.

### **Potential breaches of the Code of Conduct identified**

At this stage, the Monitoring Officer is not required to decide if the Code of Conduct has been breached. They are only considering if there is enough information which shows a potential breach of the Code of Conduct that warrants referral for investigation. No finding of fact is being made when making this decision.

The Monitoring Officer considers that the alleged conduct, if proven, may amount to a breach of the following paragraphs of the Burnham and Highbridge Town Council Code of Conduct. The Monitoring Officer will therefore now take steps to appoint an external Investigating Officer to conduct the investigation.

Please note that it will be for the Investigating Officer to determine which paragraphs are relevant, during the course of the investigation.

1. A Member shall behave in such a way that a reasonable person would regard as respectful.
2. A Member shall not act in a way which a reasonable person would regard as bullying or intimidatory.

### **Notification of decision**

This decision notice is sent to the:

- Complainant
- Member against whom the complaint was made
- Town Clerk

### **What happens now?**

The complaint will now be investigated under the Council's arrangements for investigating Code of Conduct Complaints under the Localism Act 2011. Further details regarding the next steps will follow once an external investigator has been appointed.

### **Appeal**

There is no right of appeal against the Monitoring Officer's decision.

### **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 we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

We can also help if English is not your first language. We can provide this document in Braille, large print, tape and disc. We can also provide other translations on request.

Please contact:

Monitoring Officer,  
Sedgemoor District Council,  
Bridgwater House,  
King Square,  
Bridgwater,  
Somerset  
TA6 3AR

Telephone: 0845 4082540

Signed:

A blacked-out signature, likely of the Monitoring Officer, Melanie Wellman.

Date: 30 August 2022

Melanie Wellman  
Monitoring Officer

I have been duly consulted and concur with the view of the Monitoring Officer

Signed:

A signature that has been completely redacted with black ink. The redaction covers the entire name and any handwritten text that might have been present.

Independent Person

Date: 30 August 2022

---



Burnham-on-Sea  
& Highbridge  
TOWN COUNCIL

# Code of Conduct

Date Adopted: 2015: Min No: 78/15/TC based on the NALC  
Model 2018

Review Date: May 2021 min ref: 53/21/TC

## **Introduction**

Pursuant to section 27 of the Localism Act 2011, Burnham-on-Sea & Higbridge Town Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

## **Definitions**

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

## **Member obligations**

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, they have the following obligations.

1. They shall behave in such a way that a reasonable person would regard as respectful.
2. They shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. They shall not seek to improperly confer an advantage or disadvantage on any person.
4. They shall use the resources of the Council in accordance with its requirements.
5. They shall not disclose information which is confidential or where disclosure is prohibited by law.

## **Registration of interests**

6. **Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), they shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.**
7. **Upon the re-election of a member or the re-appointment of a co-opted member, they shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.**
8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
9. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public

**Statement of Elaine Dutton  
Taken via Teams Meeting with Gill Sinclair  
on 8<sup>th</sup> November 2022 (2pm)**

1. I have been employed by Burnham on Sea and Highbridge Town Council since September 2021. I was originally employed as a Customer Services Officer.
2. In May 2022, the Clerk, Deputy Clerk and Responsible Finance Officer (RFO) left the Council. At that time, I was asked if I would take on the role as acting RFO. I agreed and I am now employed as the Deputy Clerk.
3. As a result of the departure of the 3 officers, the Town Council office was under-staffed. An email was sent to all councillors telling them that if they needed to come into the Town Council offices, they should make an appointment beforehand, this was sent because councillors would turn up unannounced and we didn't have the capacity to deal with them. The offices were open Monday – Thursday 9am – 3pm, so there was sufficient time available for appointments to be made. Most Cllrs accepted this request, Cllr Murphy did not.
4. Cllr Murphy was a Cllr who tended to turn up unannounced. When he did, he tended to stand close to me, at times he was so close his arm would touch my arm.
5. On Thursday 23<sup>rd</sup> June, Cllr Murphy turned up at the Town Council officer unannounced. He wanted to discuss a grant application. He was met by my

colleague Helen Hurley. Helen is a customer services officer, she asked him to wait in the waiting room until I was available.

6. I finished a phone call and then went into the waiting room to meet Cllr Murphy; I took a seat to keep some distance between us.
7. Cllr Murphy wished to discuss a grant application that had been made, but which had not been approved as it had missed the deadline for submission. He wasn't happy that the grant would not be made and asked me if the money could be taken from elsewhere, he said if the grant wasn't made, the event he was organising would not go ahead. His actual words to me were *"take money from elsewhere"* I said *"no I can't"*
8. Cllr Murphy had not made the grant application, this had been made by ██████████ understand that she is a director of the group on whose behalf the application had been made and she normally makes the applications on behalf of the group.
9. Cllr Murphy was not happy with my response, and he kept repeating his request for me to take money from elsewhere. In the end I said he should speak to the Town Clerk who was next in the office on the Monday (27<sup>th</sup> June).
10. Cllr Murphy then said I should try and persuade the Town Clerk and he described how he thought I should do so. He suggested that on Monday I should wear a low-cut top and a balcony bra to try and change the Town Clerks' mind. This conversation made me feel very uncomfortable, I tried to

change the subject, but this was not possible as Cllr Murphy then went on to describe a lady he had seen in St Tropez (referred to as Santa Fe in my complaint). He described her wearing a bra type top, which meant her boobs were at eye level. This conversation was completely unprovoked, it came from nowhere, I was not interested in it and did not want to discuss it with him.

11. No one else heard this conversation as I was in a separate room with Cllr Murphy throughout the meeting. I quickly tried to bring the meeting to an end and to leave the room.
12. Throughout the conversation I assumed he was talking to me because he was a town councillor. I had no reason to believe that he wasn't attending in his role as a Cllr. At no time during the meeting did Cllr Murphy give me the impression that he was speaking to me in any other capacity other than as a Cllr,
13. I had only been undertaking the acting RFO role for a short time, as such I had only had contact with Cllr Murphy since around April 2022. I had not seen him around other members of staff, but I felt uncomfortable with the conversations and the fact that when he came into the office, he tended to stand very close. In June 2022 there were only 2 members of staff routinely in the building.
14. I had not reported my concerns to the Town Clerk prior to my meeting with Cllr Murphy on 23<sup>rd</sup> June. I did speak to the Clerk when he was next in the office as I felt that his behaviour was getting much worse and I was feeling very uncomfortable.



15. One of the other incidents that had caused me concern which had made me feel uncomfortable and which I told the Clerk about related to Cllr Murphy standing behind me when I was working at my desk. He shouldn't have been there.
16. On one occasion when I was having a conversation with Cllr Murphy relating to another grant application, and whether that would be approved, he walked through the large office, between my desk and the desk of the other customer services officer, which is how we access our desks, he stood behind me looking at my computer screen. I didn't know what to say, but I was shocked, I didn't expect this from a Cllr.
17. On another occasion I was helping him with his computer, after I was able to resolve the issue for him, he said he was in love with me, and I was his crush. He then started to ask questions about my home life, he asked about things such as ironing and cooking. He made me feel very uncomfortable. I didn't know what to say. This incident was witnessed by my colleague Helen Hurley and he also stood behind her desk and was shoulder to shoulder with her.
18. The way Cllr Murphy has behaved has had an impact on me and on how I do my job. If I see his car pull up in the car park, I hide in another area in the building, on occasion I have locked myself in another room.
19. Other Cllrs have accepted the need to make appointments, the offices are open Monday to Thursday 9am -3pm, we can be contacted by email or by phone, so we are still accessible to Cllrs.

20. I have had to send general email to all Cllrs for information, Cllr Murphy has sent a response to me on two occasions. The Clerk did write to Cllr Murphy to advise him that he wasn't to contact me.

Signed

A black rectangular redaction box covers the signature. Below the redaction is a dotted line.

Elaine Dutton

Dated...12/12/2022

**Statement of Councillor Michael Murphy (accompanied by Juliette Staunton)**

**Taken By Gill Sinclair at Offices of Sedgemoor District Council  
On 16<sup>th</sup> November 2022 (2pm – 3.25pm)**

- 1 I am a Councillor on Burnham-on-Sea and Highbridge Town Council (BoS&HTC) I am also a councillor on Sedgemoor District Council and Somerset County Council. I consented to the interview being recorded for the purposes of the preparation of this statement.
- 2 In relation to the complaint, I was aware that in May 2022 the officers at BoS&HTC had asked all Cllrs to make appointments prior to coming into the Town Council offices. This was because the officers were under pressure as the Town Clerk, the Responsible Finance Officer (RFO) and the Deputy Town Clerk had all left the employment of the Town Council during the previous month. As such there were no officers in positions of management.
- 3 I was aware of this request, but on the morning of the 23<sup>rd</sup> June I wanted to speak to officers about a grant application I was panicking about. I am Chair of Cultural Arts Development Society (CADS). CADS made two grant applications last spring, one for the Jubilee weekend in early June. This application was made after CADS had been asked to host a party over the Jubilee weekend by the previous Town Clerk and Ian Jefferies, the manager of the Tourist information Centre, I had said CADS would organise the event, but we would need a grant.

- 4 An application for this event was made by Eileen Shaw, Eileen was the former Town Clerk at BoS&HTC and she was the Secretary of CADS. She had received confirmation that the grant application had been received by BoS&HTC, but she had not had any confirmation of its assessment. The deadline for the submission of applications for the Jubilee weekend event was 16<sup>th</sup> or 17<sup>th</sup> of May, the CADS application was submitted on 5<sup>th</sup> May. The Grant Panel was due to meet on 26/27 May. As a result of the Town Clerk, RFO and deputy Town Clerk leaving, the meeting of the Grant Panel was cancelled, as such CADS did not receive a grant for this event.
  
- 5 I had initially gone to the Town Council offices in May to see the Locum Town Clerk. This was after he had telephoned me, I believe I went into the offices around 14/15<sup>th</sup> May to discuss the grant for the Jubilee weekend event. He had said to me we could have whatever we wanted for the Party in the Park. The normal process was for grant applications to be assessed and approved by the Finance and Resources Committee, but there was an issue with calling the meetings, the Locum Clerk suggested I call a meeting of the Town Improvement Committee, I said there was no business on the agenda and the meeting would be cancelled.
  
- 6 There were various telephone calls and meetings with the Locum Town Clerk in the run up to the event trying to find a way to call a meeting so that the grant application could be considered. I had made several commitments on behalf of CADS, including the hire of a van, I had ordered souvenirs for the Jubilee event, without the grant CADS was starting to creak at the seams.

- 7 During one visit to the Town Council at the end of May I asked the Locum Town Clerk if he could help with printing a meeting agenda for me. He took me into a meeting room and the then Deputy Town Clerk, Lorna Williams joined Ron and I in the meeting, she said to me there was no reason we couldn't call a meeting, I felt I could not call a meeting to authorise a CADS grant. I would have a conflict of interest. I explained I would have to leave the room as I was Chair of CADS.
- 8 The Locum Town Clerk, then phoned me and suggested I or we could call a grant meeting. Everyone was ducking and diving, no one was organising a meeting. As mentioned, I had already made commitments in relation to the event. In the end no grant was made by the Town Council to CADS for this event, it went ahead using CADS reserves
- 9 A second grant application was made in relation to an event on 3<sup>rd</sup> July. This application was made on 20<sup>th</sup> June, the next meeting at which grants would be assessed was due on 7<sup>th</sup> July.
- 10 As I have said in June, I was panicking about the grant application for this event. I had tried to telephone the offices on the morning of the 23<sup>rd</sup> June, I don't recall what time I called. I didn't get an answer, so I went to the offices, I think I went to the offices around 10 am. I had to get into the office when the staff were in. I felt under pressure as I only had 10 days in which to organise the event. In addition to the grant application, I needed to sign a form for the hire of chairs for the event. I also needed to get some information about the IBABS IT system from the officers.

- 11 When I attended the offices, I didn't inform officers that I was there in my capacity as Chair of CADS, nor did I say I was there in my capacity as a Town Councillor, the officers were aware of who I am and what I do. They were involved in the minutes of meetings; they knew I was a Town Councillor and Chair of CADS.
- 12 When I attended on the 23<sup>rd</sup>, I was met at the door by Helen, all the interaction took place in the reception area of the office. Both ladies, Helen Hurley (HH) ED were in the office.
- 13 The first time I engaged with them on this occasion was when I said to HH that I really liked the colour of her hair. HH said didn't you like it before? I said I'm just saying it's nice.
- 14 ED then said that she coloured her hair black, and I said Well that's nice, but could make it any colour you wanted, you could put a bit of pink in it. HH then said you could have it striped. That was just banter between us all.
- 15 I then spent some time with HH looking at the form for the hire of the chairs. She was aware of the event I was organising; we discussed the arrangements for the pick-up and return of the chairs. Both ladies were in and stayed in reception and anything I said was said in front of both.
- 16 It maybe that part of the problem was that they were new to the Town Council, they had come in to save the Council, and they had recently been awarded a £500 honorarium to recognise the work they had done.

- 17 Turning to the meeting of 23<sup>rd</sup> June, the grant application for the event in early July was still not resolved. After my discussion with HH about the chairs, I walked across the office and stood in front of ED's desk, I am about 6ft tall and she quite small and was sitting at her desk, I was conscious that she was pushing out her breasts, forming a circle with her face. I felt I needed to say something, I said to her, *"I am really sorry to mention this to you, but I am a bit uncomfortable, I don't want you to think I am staring at your breasts, I am actually looking at your face, I am really sorry to say this to you, it's just what you are wearing, it's pushing up your breasts"*. My mission was for her not to feel badly of me.
- 18 I moved away from her desk, ED said she wasn't bothered.
- 19 I then asked her about the IBABS system, I had missed 2 council meetings as I couldn't use the system. I asked for the telephone number of the technical team, as I can only contact them by email. ED asked if I had my tablet with me, I got it from my car and gave it to ED. ED got it working in seconds. I couldn't believe what she had done, so I asked her to do it again, she repeated the process and opened the system up again. I was beside myself. I then stood back from the desk and said Look thank you very much, I then uttered this nonsense, *"I'd love to give you a cuddle, but I can't, it's not allowed, but what I can say is that you can be my crush for the week, I think I'm falling love with you – fantastic"*
- 20 I should say that when I gave ED the tablet, she invited me to stand behind her. I said, *"I'm really nervous about that, I don't want to look down on you and be in the same position staring down at you instead of ..."* ED said Come and Stand here". I thought Oh right,

OK, I walked around, stood on the corner looking at the screen and saw what she did, I then walked away.

- 21 I haven't used the language before or since and in terms of whether I would use it again, it depends, this was a youngish person, much younger than me, I didn't think badly of it, it was meant to be a compliment to her, it was a throwaway line, she had achieved something that no one else had achieved,
- 22 I obviously couldn't imagine that she would take it literally, maybe it seemed strange coming from an older man. I am used to those cool conversations with my grandchildren.
- 23 I have had Equalities training, it focussed on racial equality. But I always treat people with respect, the comments were meant to be a joke, it's a modern expression, a throwaway line, it's not a serious thing. I would never use it in my council business, it just seemed appropriate at the time. I was meant to be a compliment; I couldn't say anything else other than thanks and walk away.
- 24 I then immediately went on to the conversation with ED about the grant. I went over the conversations that I had had about the grant, and I asked why ED had written to my secretary to say the application was late. She responded that she had written to Eileen Shaw because she was the applicant.
- 25 I then asked ED is there was anything she could do as RFO, she said no, so I asked if it would make any difference if she spoke to the Town Clerk, ED said no comment, and said that I would need to speak to him myself.



- 26 As part of the complaint made by ED, she refers to me asking her during our conversation about this grant to dress in such a way as to persuade the Town Clerk to change his mind. I absolutely did not ask her this. It's ridiculous, it's implausible for me to say that she should dress like a tart, it's reprehensible. I simply asked if she could ask the Town Clerk about it, she said she couldn't, it was entirely up to me to do.
- 27 At that point the phone went HH took the call, it was for ED, HH said to me that ED would be a few minutes, so I should take a seat in the waiting room. When ED had finished the call, she came in and stood against the door frame, we finished the conversation about the grant for the Jubilee weekend, it was clear to me we would not get one, it was not possible to cancel the event, so I would need to stand as guarantor.
- 28 In addition, ED refers to me talking about a lady in Santa Fe during the conversation about the grant. There was no such conversation about Santa Fe. But I do recall having a conversation with her about St Tropez.
- 29 The conversation with ED about St Tropez took place during an IBABS training event. I spoke to her about the way she dressed. I had been called to attend an IBABS training session, ED came in and sat down she was wearing a black dress, she wore it every day. I think she wore the same dress when working in her other part time job in a hair salon where she can wear what she wants.

- 30 The dress had a scooped neckline, and her breast were almost out on the table, very exposed. I spoke to her and said that I thought her dress was not appropriate for her work at the Town Council. I thought she might be in breach of the Town Council dress code, clause 2.1 says I agree to wear something appropriate to work in a public office. No one had said anything to her, but I felt it had to be said. I felt embarrassed, I spoke to her very kindly and quietly.
- 31 I may have overstepped the mark, but something had to be said, it was staring at us all. Subsequently I have felt that I could have spoken to Sharon, but when I spoke to ED, she didn't seem bothered. I thought she was used to it, that it was part of her daily thing. But as she was new to the Town Council, I thought something had to be said, I used the conversation about St Tropez to illustrate the point about appropriate dress.
- 32 I said to her that I had just come back from St Tropez, in St Tropez, dress may not matter, I told her about an experience I had had whilst standing at a market stall, I explained that a tall willowy 6ft model type woman stood next to me, she was wearing yellow bikini bottom and a white cotton blouse that was open, she had a white bra with a fringe, it was like a shelf, perfectly like a shelf on to which her bosom was placed – completely out. I was shocked, but in a town like St Tropez, you can wear what you want, in a Town Council you need to be more discreet.
- 33 The conversations I have had were intended to ensure she didn't think badly of me. I was not trying to coerce someone. I certainly wouldn't have spoken as is alleged in front of two women. I simply repeated my experience of St Tropez.

34 I would add that I am really surprised that ED is jumbling issues up and making them into something they are not. I accept that some of the comments I have made are modern phrases, I don't know ED personally, I only know what she puts on Facebook. Maybe I was overzealous, but I am not malicious. I recognise ED is very talented on the computer and I am very grateful for her help.

Signed

A black rectangular redaction box covering the signature of Michael Murphy.

Cllr Michael Murphy

Date.....12.12.22.....