

REQUEST FOR MAYORAL DECISION – MD1344

Title: Financial recognition of the efforts of the family of Daniel Morgan

Executive Summary:

This decision form sets out a proposal to provide financial recognition of the efforts of the family of Daniel Morgan in bringing to light the failings of the Metropolitan Police Service following Daniel Morgan's murder in 1987.

Decision:

The Mayor is asked to:

- Approve the payment of the sum of £50,000 to the family of Daniel Morgan in recognition of the general social benefit brought about by their efforts in bringing to light the failings of the Metropolitan Police Service following Daniel Morgan's murder in 1987, and of the detriment which they have suffered in pursuing this matter.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:

Date: 8 May 2014

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Financial recognition of the efforts of the family of Daniel Morgan

- 1.1 Daniel Morgan was murdered in 1987, within the Metropolitan Police area, by a person or persons unknown. His family has campaigned since that time, incurring costs both material and emotional, with a view to the person or persons responsible being identified, charged and brought to trial. However, it appears unlikely that, despite their best efforts, such an outcome will be achieved.
- 1.2 In announcing an inquiry into the circumstances of Daniel Morgan's murder and subsequent police conduct in the House of Commons on 10 May 2013, the Home Secretary said:

"Daniel Morgan, a private investigator, was found murdered in a pub car park in south east London on 10 March 1987. It is one of the country's most notorious unsolved murder cases. After numerous separate police investigations into the case between 1987 and 2002, the Crown Prosecution Service discontinued the final attempted prosecution against five suspects in 2011.

The Metropolitan Police (MPS) have indicated that there is no likelihood of any successful prosecutions being brought in the foreseeable future. They have also admitted that police corruption was a "debilitating factor" in the original investigation. This has led to calls for an inquiry from Mr Morgan's family, who have waged a long campaign for those responsible for his murder to be brought to justice. I have met with the family and, after further serious consideration with them and their representatives, I am today announcing the creation of the Daniel Morgan Independent Panel.

...

The remit of the Panel will be to shine a light on the circumstances of Daniel Morgan's murder, its background and the handling of the case over the period since 1987. In doing so, the Panel will seek to address the questions arising, including those relating to:

- *police involvement in the murder;*
 - *the role played by police corruption in protecting those responsible for the murder from being brought to justice and the failure to confront that corruption;*
 - *the incidence of connections between private investigators, police officers and journalists at the News of the World and other parts of the media and alleged corruption involved in the linkages between them."*
- 1.3 Irrespective of the outcome of the Panel's inquiry, it is beyond reasonable argument that sections of the Metropolitan Police Service failed to act properly in this matter, through corruption and negligence, and that was acknowledged by a previous Acting Commissioner.
- 1.4 The family have been in touch with the Mayor's Office for Policing and Crime (MOPAC) and its predecessor organisations to make them aware of their concerns, of their campaign and of the financial and emotional toll upon them. In 2011 a payment of £125,000 was made, ex gratia and without any admission of liability, to the family as a contribution to legal costs incurred. The family has sought recognition for their losses and no other payment has been made to them.

- 1.5 The period which has elapsed since Daniel Morgan's death now exceeds 27 years. In that time members of his family, particularly his mother, sister and brother, have sought to bring to light the facts of – and surrounding – the murder, of an initial investigation tainted by corruption, and of subsequent investigations marred by blunders. Having suffered the initial and continuing grief caused by the loss of their son and brother, they have also lost time from work, experienced constant disappointment and frustration with the police and the legal system, incurred substantial expense and been unable to continue with their lives in a normal way.
- 1.6 However, the efforts of the family have not been fruitless. The Metropolitan Police Service's failings have been acknowledged by the Metropolitan Police Service, which, through its Acting Commissioner, apologised to the family in 2011. The Home Secretary has now set up a Panel of inquiry. The independent report into the Stephen Lawrence investigation conducted by Mark Ellison QC has noted possible links between the flawed investigation into the murder of Stephen Lawrence and that into the murder of Daniel Morgan.
- 1.7 The activities of the family have therefore helped to bring this issue to the fore, and thereby helped to ensure that lessons are learnt from what has happened, and to improve the police service.
- 1.8 It is recommended that a sum be paid to Daniel Morgan's family in recognition of the public benefit that has ensued from their work to highlight the weaknesses, and worse, in police conduct in, and around, the investigation of Daniel Morgan's murder.
- 1.9 The sum proposed is £50,000. No sum can properly compensate the family for the multiple detriments which they have suffered. The Greater London Authority (GLA) was not responsible for those detriments, and is obliged to bear in mind the public interest when allocating public money.
- 1.10 This proposed figure is intended to recognise the public benefit to which that pursuit has led and to mark the inconvenience and costs that they have incurred in pursuing this matter. It recognises that there is a real benefit to the people of London from being aware of this case and that, as the findings of current reviews are considered, the complete picture should be available to the people of London.
- 1.11 Without the considerable efforts and very considerable personal effort and expenditure of the family, this case would not have remained in the fore front of public imagination and would not be able to contribute to public understanding of the journey that the Metropolitan Police Service has been on and still needs to complete.

2. Financial comments

- 2.1 The GLA will allocate £50,000 from its 2014-15 contingency budget for the purposes of the proposed payment.
- 2.2 This payment is exceptional and recognises the efforts of the family, the particular nature of their campaign, the length of time over which they are campaigning, and the very real public benefit of maintaining this case in the public eye. All of these aspects of the case make it exceptional and do not set a financial or other precedent.
- 2.3 The payment should be disclosed as per the previous ex gratia payment made by the Metropolitan Police Authority (MPA).

3. Legal comments

- 3.1 The Mayor has power under section 30 of the Greater London Authority Act 1999 to do anything which he considers will further, *inter alia*, the purpose of promoting social development in London.
- 3.2 This power does not generally allow for payments to individuals who have suffered misfortune. However, the Mayor may form a view, on reasonable grounds, that a payment to such victims of misfortune, as a result of the negligent or deliberate wrongful acts or omissions of police officers, in circumstances where the victims' actions have been conducive to a general public benefit, will promote social development.
- 3.3 The Mayor may also take the view that the public prominence of this case is important in promoting efforts to ensure that the Metropolitan Police Service wins the trust of Londoners and that this, in itself, is an important promoter of social development.
- 3.4 This payment is exceptional, for the reasons stated above and it would be unlikely that the power under section 30 could be used to extend the payment. It is recommended that it is made clear to the recipients that this is an exceptional payment.

Appendices and supporting papers:

None

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:**Is the publication of this approval to be deferred? NO**

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form –NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Tom Middleton has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

Assistant Director/Head of Service:

Tom Middleton has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Sponsoring Director:

Martin Clarke has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Sir Edward Lister has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

Date

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

Date