

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Tuesday, 30 October 2007 at 2.15 pm in
Norfolk Room, Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Mr D.R. Williams JP (Chairman) Mrs M. Oechsle JP
Mrs J. Jenkins Mr J.P. Labouchere

Also Present

Mr M.D. Eveling JP Mr M. Whittley
Mr B.D Rayner

In Attendance

John Chinnery - Solicitor & Standards Consultant
Elaine Wilkes - Senior Committee Officer

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41/07 MINUTES

A correction was made to note the addition of Mr M. Eveling's name to the list of apologies for absence, subject to which the minutes of the meeting held on 11 September 2007 were confirmed as a correct record and signed by the Chairman.

42/07 APOLOGIES

An apology for absence was received from Mr R. Childerhouse.

43/07 NON-MEMBERS WISHING TO ADDRESS THE MEETING

The following substitute members were present as observers:

Mr M. Eveling
Mr B. Rayner
Mr M. Whittley

**44/07 COMPLAINT AGAINST MR ROY RUDLING, EX-COUNCILLOR
OF BRECKLAND COUNCIL (AGENDA ITEM 7)**

The following persons were present for the hearing into this matter:

Member Concerned	Mr Roy Rudling
Member's Witnesses	Mrs Jackie Seal, Clerk to Watton Town Council
Legal Adviser to the Committee	Mr John Chinnery, Standards Consultant

Attending Officers

Miss E. Wilkes, Senior
Committee Officer

Observers

Mr B. Rayner, Substitute
Committee Member
Mr M. Whittley, Substitute
Committee Member
Mr M. Eveling, Substitute
Committee Member

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Allegation

The allegation and relevant sections of the Code were stated in the Investigating Officer's report.

Procedures for the Hearing

The Chairman introduced the Committee and attending Officers and explained that the hearing would be conducted as follows:

1. To consider the findings of fact as submitted in the Investigating Officer's report.
2. To consider whether, in the light of the facts as found, the Member had failed to follow the Code.
3. If it was found that there had been a breach of the Code, to determine what, if any, penalty there should be.

At the end of stages 2 and 3, following consideration of the report and any other information supplied by the Member concerned and witnesses, the Committee would retire to consider its decision, which would then be announced.

Before presenting the Investigating Officer's report, the Standards Consultant asked Mr Rudling and the Committee to consider whether, bearing in mind the nature of the complaint and that it had initially been made in public, it was necessary to exclude the Press and public from the Hearing.

Mr. Rudling stated that he was happy for the matter to be conducted in public.

Findings of Fact and Reasons

The Standards Consultant then referred to the Investigating Officer's report in regard to findings of fact.

Evidence was considered in regard to the complaint as follows and Mr Rudling was afforded the opportunity to challenge the findings in the Investigating Officer's report and to call witnesses:

1. Relevant information from the Investigating Officer's report and supporting evidence was read out.
2. Mr. Rudling had issued an unreserved public apology.

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3. The Eastern Daily Press reporter, Nick Heath, had asked that it be pointed out that the Investigating Officer's report was inaccurate in stating that the article which appeared in the local press was prepared by a different reporter to the one present at the meeting. He confirmed that he was the reporter who had spoken to Ms Newson following her presentation and that he had written the press report.
4. *Did Mr Rudling use the words "so 25 per cent of us are nutty?" as reported?* Mr Rudling replied that he had said "25% of us *in this room* are nutty then?" and that he was not referring to an individual but was referring to "us" as meaning the councillors present at the meeting.

Mr Rudling was asked if he thought the words breached the Code and whether there was anything else in the Investigating Officer's report he wished to comment on.

Mr Rudling replied that he did not think he had breached the Code and he stated he had since heard similar terms used by a presenter in a radio programme and in a national newspaper article. He stated he had read the Investigating Officer's report; the Investigating Officer had not interviewed him but he felt it was a fair report. He accepted the draft report and trusted it would be the end of the matter, as explained in his letter of 4th August. He had served the Council for 28 years. He wished to see the matter resolved so that he could get on with his life.

Mr Rudling was asked if he was saying that the report in the Eastern Daily Press was inaccurate.

Mr Rudling replied yes; he had been talking about Councillors as the people in the room, not about any individual in the wider sense. It had not been said with any malice. The person who was present at the meeting had not made the complaint. The complaint had been made months later by someone who had not been at the meeting. He presumed the complaint was based on the press report, which he felt was "media hype". He felt that the people in attendance at the meeting appreciated the context in which the comment had been made.

Mr Rudling indicated he had nothing further to add at this point but was happy to answer questions.

In answer to a question from a member, the Standards Consultant explained that it was not unusual for an Investigating Officer not to interview all persons nominated by the parties due to time constraints and to keep reports to a manageable length. However, if at any stage during consideration the Committee felt it needed more evidence or information, it would be possible to do so, either through an adjournment or arranging another meeting.

Mrs Seal spoke in support of Mr Rudling as an exceptional and hard working Ward Member for Watton, who had done a lot for the town.

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Findings on whether any contravention of the Breckland Code of Conduct has occurred

Having accepted the findings of fact as set out in the Investigating Officer's report with Mr. Rudling's amendment, the Committee considered whether Mr Rudling had contravened any of the provisions of the Breckland Code of Conduct.

The Committee had regard to the fact that the meeting was public and that members had to have regard to the arena in which they were speaking and to the public perception. However, members recognised the context in which the comments were made.

The Committee's conclusion was that the use of the words by Mr Rudling, as admitted by him, was a marginal breach of paragraph 2(b) of the Code, in that he did not treat others with respect.

Findings on penalty, if any, for contravention of Code

The Standards Consultant explained that the options were to take no further action or to censure Mr Rudling in some way and that Mr Rudling would have the opportunity to address the Committee on the question of any sanction.

Mr Rudling indicated he was content to leave the matter to the Committee and he would abide by their decision.

The Committee concurred that a vote of censure was appropriate.

Decision

The Committee's decision was announced by the Chairman as follows:

RESOLVED that the Committee think that for a Chairman to use the word "nutty" in this forum and this context was wrong and ill-advised and we would hope that any person in that position would not use words which might be misconstrued by a particular group.

However, we recognise that Mr Rudling quickly apologised and that he has had a long and successful career as a member of Breckland Council.

The Committee would like to stress their belief that all training is important for all councillors.

45/07 EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972, the Press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A to the Act.

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46/07 COMPLAINT AGAINST THE EARL CATHCART, EX-COUNCILLOR OF BRECKLAND COUNCIL

The Standards Consultant presented the report of the Investigating Officer and explained that the regulations provided that where an Investigating Officer's report found no breach of the Code, the report had to be considered by the Committee in private in the first instance to determine whether or not they agreed with the finding.

If the Committee concurred that there was no breach, the member concerned had to be asked whether the decision could be released.

If the Committee disagreed with the Investigating Officer, a hearing had to be convened and the member concerned invited to attend.

Following consideration of the Investigating Officer's report, the Committee concurred with the finding that no breach of the Code of Conduct had occurred and accordingly

RESOLVED that no further action is taken on the matter.

47/07 SIXTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES (AGENDA ITEM 8)

Mrs Oechsle presented her report on the Assembly and explained that she had found it very interesting to see how other authorities' Standards Committees were constituted. She had formed the view that this Committee's membership would need to be enlarged to be able to deal with the forthcoming changes being introduced under the Local Government and Involvement in Health Bill to provide for investigations of alleged breaches of the Code of Conduct to be conducted locally.

The Standards Consultant confirmed that further regulations from the Government on the new arrangements were still awaited.

The Standards Consultant explained that from 1st April 2008, all complaints in Breckland would come to this Council and there would need to be arrangements put in place to enable each stage of an investigation, from initial consideration of an allegation to reviews of cases, to be dealt with by different sub-committees of the Standards Committee to ensure impartiality (i.e. that the same members or sub-committee did not determine more than one stage of an investigation). An example might be to have a three-member sub-committee to consider the initial complaint; a second three-member sub-committee to consider any referrals with a separate independent committee to conduct a hearing.

However, there would be other options; for example, by setting up joint arrangements with a neighbouring authority.

Indications were that standards committees would need an absolute minimum of six members but the Government recommendation was likely to require a minimum of nine members. It was made known at the Assembly that the current average size of standards committees was between eight and nine members.

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The Council would need to determine the make-up of its Standards Committee by January to enable the necessary amendments to the Council's Constitution to be made before the new arrangements came into force in April.

It was noted that the new regulations could place considerable demand on resources for Standards Committees; from the experience of some pilot schemes, it appeared there were initially a lot more cases passed for investigation. Although this was an unknown quantity at present, for budget purposes a bid for an additional £20,000 had been made but it was expected that resources would need to be found from elsewhere.

In answer to a question, it was confirmed that the Council had a duty to deal with Parish Council complaints. However, the new regulations would give the Council more control in dealing with complaints.

Members noted the position and

RESOLVED that further consideration is given to the implications for Standards Committees under The Local Government and Public Involvement in Health Bill at the next meeting of the Committee.

48/07 NEXT MEETING

The arrangements for an additional meeting on 14 November 2007 had been made to consider two complaints referred to the Committee by the Standards Board for England were confirmed.

The next ordinary meeting of the Committee was scheduled for 11 December 2007.

The meeting closed at 4.37 pm

CHAIRMAN