

# Standards Committee

## Minutes

Thursday, 26 September 2013 at 09:30

PRESENT:

Councillors Sutton (in the Chair), Councillors Pettit and Stone and Mr L Gent (Parish Council representative).

Mr C Skinner (Monitoring Officer) and Mr D Johnson (Solicitor) (NPLAW), Mr R Hodds (Deputy Monitoring Officer) and Miss S Davis (Senior Member Services Officer).

### 1 **Minutes**

The minutes of the meeting held on 4 July 2013 were confirmed.

### 2 **Draft Investigation Protocol**

The Committee considered the draft Protocol for Investigations. A suggestion was made that it would also be useful to have written guidance produced on the hearing process.

RESOLVED:

That the Protocol for Investigations be adopted and the Monitoring Officer be asked to produce guidance on the hearing process for consideration at a future meeting.

### 3 **Appointment of Parish Council Representative**

The Committee considered the four nominations and agreed a set of 10 questions that each candidate would be asked. It was noted that the first candidate representing Somerton Parish Council had not arrived because, unfortunately, he had got the Committee date mixed up but he had indicated he still wished to be considered for the position. The other three candidates, two from Winterton and one from Bradwell, were interviewed.

A suggestion was made that an appointment be deferred to enable the Somerton representative to be interviewed as well.

RESOLVED:

That arrangements be made for the Somerton representative to be interviewed prior to an appointment being made.

#### **4 Code of Conduct Complaint**

The Committee considered the report and supplementary report of Mr D Johnson (NPLAW) who had been appointed as the Investigating Officer regarding a Code of Conduct complaint by Parish Councillor Mrs E Myhill against Councillor Mr J Rudrum, Chairman of Belton with Browston Parish Council. Members agreed that it was in the public interest for the item to be considered in public.

The Monitoring Officer reported that Councillor Rudrum would not be attending the Committee but had indicated he was happy for the hearing to go ahead without him.

It was noted that the complaint was that Councillor Rudrum had (1) failed to treat Councillor Myhill with respect; (2) bullied and intimidated Councillor Myhill in front of the rest of the Parish Council; (3) used his position to improperly disadvantage Councillor Myhill; and (4) lacked openness and transparency.

Members noted that when the Monitoring Officer had assessed the complaint for investigation he had found that the allegations fell into two categories (1) that Councillor Rudrum had improperly intervened in a decision of the Parish Council to send two named Councillors to the Compass Centre and Councillor Rudrum had undermined the appointees; and (2) that at a meeting on 19th February Councillor Rudrum had treated Councillor Myhill with disrespect but this fell short of a manner of misconduct.

Mr Johnson reported that he had interviewed all parties involved including several witnesses. Upon reflection of all the points raised he had found in relation to (1) above that there was no breach of the Code as there was insufficient evidence to determine that Councillor Rudrum had tried to undermine the Parish Council's decision, although he was of the opinion that if Councillor Rudrum wished to challenge their decision this should have been done at the Parish Council meeting. With regard to (2) above, he found that there had been a breach of the Code because on balance he favoured the detailed evidence given by witnesses that Councillor Rudrum had behaved in an unacceptable manner and treated Councillor Myhill with disrespect, as opposed to the dismissive and bland evidence of those people that sought to corroborate Councillor Rudrum's statement.

Reference was made to the fact that several witness statements used similar language and Mr Johnson clarified that this could be coincidental as he sent a copy of his notes to the witnesses after speaking to them and it was entirely possible that he had used the same language in the notes if they had expressed a similar view to someone else.

Clarification was also sought on the conflicting evidence around whether Councillor Rudrum was able to shout given his medical condition. Mr Johnson indicated that Councillor Rudrum had supplied him with information on his medical condition and it was unlikely that he could have shouted in the sense of considerably raising his voice, however, witnesses were clear that it was not just a question of volume but also about his manner, how he spoke and his demeanor, therefore, he had concluded that Councillor Rudrum did indeed have a medical condition that impacted on the way that he spoke but he had looked beyond that to ascertain how he had treated the Councillors.

The complainant stated that she still did not know why Councillor Rudrum had been opposed to her visiting the Compass Centre and Mr Johnson responded that Councillor Rudrum thought that it was pointless because they "wouldn't deal with her". He added that this point had not seemed to be a key part of the investigation so he had not asked all the witnesses if they knew why although he had asked Councillor Clarke and she didn't know why. Councillor Myhill indicated that as far as she was concerned there had been several issues with the Centre but these had been sorted out amicably.

Councillor Myhill was asked about Councillor Rudrum's manner towards her at the February meeting and she stated that he had shouted at her and was in her face which she had found intimidating and frightening. She added that she was not sure how long it had lasted for but after a while she had blanked out.

The witnesses present, Councillors Clarke, Greenacre and Hillier, were asked if they wished to add anything to their statements but they declined. However, one did state that with hindsight they wished they had tried to intervene when Councillor Rudrum had shouted and swore at Councillor Myhill but they had been shocked and it had been very uncomfortable. It was also added that there had not been any collusion between the witnesses with regard to similar wording being used on the statements.

The Committee considered all the evidence and the Monitoring Officer outlined potential sanctions that could be imposed if they upheld the Investigating Officer's findings.

RESOLVED:

(i) That the Investigating Officer's report and supplementary report be endorsed including his findings in relation to the allegations as follows:

(a) that Councillor Rudrum attempted to undermine and sabotage the complainant's delegation to the Compass Centre be not upheld and he was not found to have breached the Code of Conduct.

(b) that Councillor Rudrum treated Councillor Myhill with disrespect at the 19 February meeting be upheld and he was found in breach of the Code of Conduct.

(ii) That, in light of (i)(b) above, the Parish Council be recommended to require a letter of apology from Councillor Rudrum to Councillor Myhill within two weeks of the matter being considered at the Parish Council meeting but if he fails to do so, the Parish Council be recommended to consider his tenure as Chairman.

## **5 Appointment of Independent Person**

The Committee considered the nominations and concern was expressed that there were only two applications and neither appeared to have much Local Government experience. Members were reminded that they could appoint somebody from outside the Borough if they wished but they had previously decided to restrict it initially due to the costs involved for travelling etc. It was noted that the position had been advertised locally and on the Council's website with 16 application packs being distributed. Bearing in mind there were only two nominations, the Committee considered options for moving forward and it was agreed that the Monitoring Officer would contact Independent Persons for other nearby Local Authorities to see if they wished to be interviewed for the Great Yarmouth position in addition to the two nominations but in the event that they did not, the position be advertised again to

anyone living in nearby North Suffolk.

RESOLVED:

That the Monitoring Officer contact Independent Persons for nearby Local Authorities to ascertain if they wished to be considered for the Great Yarmouth vacancy alongside the two nominations already received.

The meeting ended at: 12:30