MC/CRIM/05/25

SENTENCING REMARKS

REX

v

ANTHONY JOHN RUNDLE

before
HHJ Malcolm Simmons

GIVEN ON
8th July 2025

Representation:

Mr Stuart Walker	Crown Counsel, Prosecution
Mr. Mark Neves	Defendant

These sentencing remark] will be published until 8th November 2031 for this reason:

- As per Schedule 10 of the Criminal Procedure Evidence Ordinance, 2014, the conviction of the defendant will be considered spent.

Any concerns about the publication or content of this document will be placed before the Judicial Officer(s) for consideration.

IN THE FALKLAND ISLANDS
MAGISTRATES COURT
Case Number: MC/CRIM/05/25

8th July 2025

Before:

HIS HONOUR JUDGE MALCOLM SIMMONS

BETWEEN:

REX

-v-

ANTHONY JOHN RUNDLE

MR. STUART WALKER, Crown Counsel, appeared for the Prosecution
MR. MARK NEVES appeared for the defendant by video link

SENTENCING REMARKS

Introduction

1. You appear before this court today for sentencing, having been convicted by the Summary Court on 5th June 2025 on two counts that:

Count 1

On 16th day of September 2024 and the 17th day of September 2024, you dishonestly and intending thereby to make a gain for yourself or another, made a representation to members of the Falkland Islands Museum and National Trust, Lookout Gallery and Exhibition Hall Project Board, which was and which you knew was untrue or misleading, namely that Sure-DM Limited was an existing company, an offence under sections 368 and 369 of the Crimes Ordinance 2014, and

Count 2

Between the 25th day of September 2024 and the 23rd day of March 2025, you dishonestly and intending thereby to make a gain for yourself or another, failed to disclose to members of the Falkland Islands Museum and National Trust, Lookout Gallery and Exhibition Hall Project Board, information which you were under a legal duty to disclose, namely that you were the company director of Sure-DM Limited (company number 15978276), an offence under sections 368 and 370 of the Crimes Ordinance 2014.

Guidelines

2. The appropriate sentencing guidelines in this case are the Fraud guidelines. I take into account the Overarching Sentencing Guidelines.

3. The maximum sentences for these offences is 10 years imprisonment or a fine or both.

Facts

4. At the time of your offending you were employed by the Falkland Islands Government as the Deputy Director of the Public Works Department. You had been in that role since 2023.

5. In addition to that employment, you had been permitted by the Falkland Islands Government to work in a personal capacity as a project manager on behalf of the Falkland Islands Museum and National Trust ("FIMNT") in relation to the construction of a gallery and exhibition centre. The project cost was estimated to be in the region of £2.3 million. The FIMNT is a statutory organisation and registered charity.

6. In order to deliver the Exhibition Hall project, the Trust set up a project board which was headed by Andrea Barlow, the Director of the Trust, together with a number of trustees and volunteers, who undertook work on behalf of the Trust.

7. Your role as project manager commenced on 5th June 2024 and you were to be paid by the FIMNT at a rate of £47 per hour, plus an internet allowance of £120 per month. You were a senior member of the civil service of the Falkland Islands and someone in whom the project board had complete trust.

8. Acting on behalf of the FIMNT, as project manager you were responspible for conducting a procurement exercise to identify a company to produce architectural and design drawings. You

were responsible for assessing those bids and recommending to the FIMNT the company that best met the selection criteria.

9. Four companies had submitted bids. The bids were markedly different. Of the four tenders, one company was disqualified, having failed to respond. A bid submitted by One Creative Environment Limited in the sum of £35,875 you determined did not meet the criteria. That company, on your evaluation, failed the tender process.

10. Of the remaining bids, you approved a bid submitted by Sure Design Management Limited in the sum of £138,600 and another bid in the sum of £166,000.

11. Having manipulated the tender process, you ensured the most attractive bid was that presented by Sure Design Management Limited.

12. On 16th September 2024 you circulated a tender evaluation document to members of the project board.

13. The Sure Design Management bid was supported by a tender document which stated that Sure Design had been working with clients in the United Kingdom for nearly a decade to deliver projects of varying scale, value and complexity. It set out a clear project plan, provided terms and conditions and quoted positive references from previous clients in relation to successful projects, including an Exhibition Hall in Cumbria with a value of £2.2 million.

14. On 17th September 2024, on the advice of the defendant, and based on the tender documentation, the FIMNT awarded the contract to Sure Design Management Limited.

15. However, Sure Design Management Limited did not exist on 17th September 2024. In fact, the company did not exist until 25th September 2024 when it was incorporated in the United Kingdom, with you as the sole Director and shareholder.

16. The dates of submission for the three competing tenders show that you submitted the tender in the name of Sure Design Management having had sight of the other two bids. You were therefore in a position to pitch the Sure Design Management bid in the middle of the two genuine bids and structure it in such a way that it would appear the more attractive bid, thereby ensuring it would win the tender process.

17. The tender documentation that you had submitted on behalf of Sure Design Management Limited included claims that you knew to be false, including a claim that Sure Design

Management Limited had been operating for over 10 years and that it had worked on numerous construction projects in the United Kingdom.

18. Sure Design Management Limited having been awarded the contract, you then informed One Creative Environment Limited that it had won the tender. This was a company that you had 'failed' as part of the tender process.

19. You informed One Creative Environment Limited that the contract for the design work would not be directly between it and the Trust, but instead would be between One Creative Environment Limited and a company called Alphasafe Limited (Construction Consultancy Services). You informed One Creative Environment Limited that Alphasafe was the company undertaking the project management on behalf of the Trust and that this was why the contract would be with Alphasafe. Alphasafe was another company that you operated.

20. It was One Creative Environment Limited that created the drawings that you intended Sure Design Management Limited would submit to the FIMNT as its own work.

21. The Sure Design Management Limited bid was in the sum of £138,600 and the One Creative Environment Limited bid was in the sum of £35,875, with an additional cost of £5,825 required for sub-contracting a quantity surveyor and costs advisor. Once the fees of One Creative Environment Limited for the design work had been paid, you stood to make a fraudulent gain of £102,725.

22. Between 30th October 2024 and 27th January 2025, Sure Design Management Limited submitted to the FIMNT invoices in the total sum of £76, 350. Those invoices were paid by the FIMNT and the funds transferred to the bank account of Sure Design Management Limited. That bank account was in the United Kingdom. From those monies, you paid One Creative Environment Limited the sum of £35,875. Sure Design Management Limited kept the difference in the sum of £40,475.

23. On behalf of Sure Design Management Limited, you presented further invoices to the FIMNT in the total sum of £65,250. However, those invoices were not paid.

24. Had those invoices been paid, the total fraudulent gain would have been £105,725.

25. In addition to these fraudulent invoices, during this period you presented invoices to the Trust for your work as project manager. Between August 2024 and February 2025 you submitted 7 invoices and were paid a total sum of £18,337.

Victim Personal Statements

26. Your offending has had profound and far reaching consequences.

27. Andrea Barlow was the Director of the FIMNT. She described the impact that your offending has had on her. She refers to the stress the project has had on her over time that I recognise was unrelated to your offending. However, she describes the revelation of your offending as the "tipping point" that, she said, caused her to have a "mental breakdown" at work, necessitating her receiving hospital treatment. She was also placed on medication. She says her mental health deteriorated and that, in consequence, she has taken a sabbatical from her position with the FIMNT. She says the morale of the entire FIMNT team was affected by your offending. She refers to the reputational damage to the FIMNT, particularly given that funds for the project are largely donated by a range of stakeholders that had included the Falkland Islands Government, Friends of the Museum & Archives as well as individuals, schoolchildren, 1982 veterans and even money given in memory of an ex-FIMNT employee who had passed away.

28. Steuart Barlow is the Chairman and a trustee of the FIMNT. He describes the importance of the project for the people of the Falkland Islands and the many visitors it was anticipated would visit the centre and the impact that your offending has had on the project and the reputation of the FIMNT. I recognise that many organisations such as the FIMNT rely upon donations and public fund-raising to support operational costs. The Trust had worked hard to raise funds to support the project, including public subscriptions and donations. Staff morale has been shaken by your actions. Members of the Project Board had invested a great deal of time and energy in trying to bring this project to fruition. They were all volunteers, giving up their free time. Yours was the only paid position.

29. John Hellowell was a trustee of the FIMNT. He described the commitment of the volunteers involved in the project, including the many unpaid hours they had put in, in order to bring the project to fruition.

30. As a result of your offending, the FIMNT has been forced to incur additional cost, including seeking advice from its own lawyers. I am told there are also potential intellectual property disputes relating to ownership of the drawings produced by One Creative Environment Limited.

31. It is clear from the impact statements that I have read that the reputational damage has been significant and continues to be a cause of concern, with a perception that it may take years to recover public trust and confidence. Inevitably, that will affect the ability of the Trust to raise funds that will likely impact its other activities that support the wider community.

Pre-Sentence Report

32. I have read the Pre-Sentence Report of the Probation Service dated 27th June 2025. It is a very thorough report that has assisted me in reaching an appropriate and proportionate sentence.

33. You were born on 8th February 1965. You are now 60 years of age. You were 59 when you committed these offences. You are married and your wife lives in the United Kingdom. You have three adult children.

34. I am informed that, following your arrest, you have accessed the services of the Emotional Wellbeing Service and that you continue to receive their support.

35. Following your arrest, you were suspended by your employer, the Falkland Islands Government from your position as Deputy Director of the Public Works Department. You have since resigned from that employment although, following you conviction for these offences, it is very likely the Falkland Islands Government would have terminated your employment.

36. In her report, the Probation Officer has assessed you as presenting a low risk of further offending. You are also assessed as posing a medium risk of harm, that harm being psychological rather than physical.

37. I have considered the probation report carefully and taken it into account in sentencing.

Previous Convictions

38. You have a number of spent convictions in the UK, the last being in 1979. These are not relevant to sentencing for these offences.

Offending

39. I have had the benefit of sentencing notes from both Mr. Walker and Mr. Neves for which I am grateful.

40. Mr. Rundle, the offences of which you stand convicted are serious.

41. I have read the character references written by Lisa Nicholson, Anton Livermore, Tony Mason and Andrew Potter. They have spoken of your professionalism, work ethic, honesty and integrity. Some of the qualities they recognised in you may be out of character with the person who appears before this court today for sentencing. I have considered those letters carefully and they have have given me a useful insight into your character. I have also seen an email your wife

sent to the Probation Officer on 16th June 2025. I have taken all of that into account in sentencing.

42. I have been assisted by Mr. Neves and Mr. Walker and I have considered carefully their respective submissions, which I have taken into account in sentencing.

43. When sentencing, I am required to consider the totality principle. I am obliged to impose a total sentence which reflects all of your offending, but it must be no more than is just and proportionate. I have taken that into account in my determination of the sentence. I have considered all sentencing options including custody and community sentences.

44. Counts 1 and 2 are both part of the same offending. Therefore, I shall deal with them together.

45. In terms of culpability, you were the project manager and someone in a position of trust and responsibility. You abused the trust that had been placed in you for your own personal financial gain. This was a sophisticated fraud, involving significant planning that included your setting up a limited company, creating a website and submitting a tender supported by documentation that you had fabricated. Your deceit continued from September 2024 to March 2025, a sustained period of time. Therefore, I am satisfied that counts 1 and 2 fall comfortably within Category A, high culpability.

46. The actual loss was £40,475 – being the amount you received less the payments paid to One Creative. The intended loss was £105,725 – being the total amount of invoices submitted, less the payments to One Creative. This places harm in category 3.

47. I have considered the harm actually caused and the impact that your offending has had upon those affected by your offending. I have considered and taken into account the serious detrimental effect that your offending had on the Trust and its staff members, in particular Andrea Barlow. Having regard to the relevant factors, I consider the impact to be high. I have been careful to avoid double counting.

48. The starting point under A3 is 3 years custody. The category range is 18 months to 4 years custody.

49. An aggravating feature is the cross-border nature of your offending.

50. Before considering your personal mitigation and guilty pleas, but having considered the aggravating factor, I consider the appropriate starting point to be 3 years and 9 months imprisonment.

51. In terms of mitigation, you are 60 years of age and you have no recent convictions relevant to sentencing. You originally travelled to the Falkland Islands with your wife but she returned to the UK. She recently had two full knee replacements and has been advised that she may need spinal surgery. Apart from obvious physical challenges, she is also financially dependent on you. She is understandably concerned about losing the family home. Your wife is currently supported by other family members. I understand an adult daughter resides with her. You have also expressed concerns about your children, all of whom you report have difficulties in their own lives involving abusive relationships and past traumas. I also recognise that, following your conviction for this offending, you may find it difficult to obtain future employment and that, inevitably, this will put further strain on your financial circumstances. You have expressed remorse. I have read the character references of people who attest to your character and work ethic. You have clearly worked hard over the years and achieved much. I have taken all of that into account in sentencing.

52. That you find yourself here today is entirely of your own doing. You abused the trust that had been placed in you for your own financial advantage.

53. I have considered and taken into account the totality principle. I have structured the sentence to reflect all of the offending behaviour with reference to overall harm and culpability, together with the aggravating and mitigating factors relating to the offences and your personal circumstances, arriving at a sentence that is just and proportionate. I have given full credit for your early guilty plea.

54. The sentence I impose is 2 years and 4 months imprisonment on Counts 1 and 2.

55. I recognise that the impact of a custodial sentence will be serious. You are a UK national. Your wife and family live in the UK. I have taken into account the impact of any sentence upon your family.

56. I have referred to the support that you are receiving from the Emotional Wellbeing Service and I am confident that this could continue and be appropriately managed within the prison system.

57. It is common ground that the custody threshold is passed. However, I have to consider if appropriate punishment can only be achieved by immediate custody. Weighed against this is the prospect of rehabilitation, personal mitigation and concern that immediate custody will have a harmful impact on others. I have taken into account the nature of your offending as well as the aggravating and mitigating features and I am satisfied that your offending is so serious that only an immediate custodial sentence is appropriate.

58. There is also an application for a Compensation Order in the sum of £40,475. This is the sum of £76,350 paid to Sure Design Management Limited by the Trust, less the sum of £35,875 paid to One Creative Environment. You were the Director and sole shareholder of Sure Design Management Limited. I am told that the Crown Court at Southwark has made a restraint order in relation to accounts that you operate in the sum of £38,646.91.

59. I also make a compensation order in the sum of £40,475.

SENTENCE

60. Mr Rundle, you are sentenced to a term of imprisonment of 2 years and 4 months.

61. You will pay Compensation to the Falkland Islands Museum and National Trust in the sum of £40,475 as follows:

    a. the sum of £38,646.91 that is the subject of the restraint order in the United Kingdom to be paid within six months;
    b. the balance of £1,828.09 to be paid within 14 days.;

62. There is insufficient information before the court to make any additional compensation order(s)

63. You will pay prosecution costs of £150 within 14 days.

HHJ Malcolm Simmons

Senior Magistrate