

Minutes of the Remote Extraordinary Meeting of Full Council Held in Microsoft Teams on Monday, 8th November 2021 at 6pm

Present

Cllr Idris Williams (IW) - Chairman, Cllr John Hughes (JH) (Note Taker), Cllr Dylan Jones (DJ), Cllr Harry Davies (HWD), Cllr Pararajasingham Sasiruban (PS), Cllr Rob Lewis (RL) and Cllr Ceri Reeves (CR)

1.Apologies for Absence

Apologies were received from Cllr Tom Muller (TM), Cllr Trystan Rhys Griffiths (TRG), Cllr Jo Hillier-Raikes (JH-R) and Cheryl John (CJ) - Clerk.

2.Declarations of Interest

IW: Governor - Maesteg Comprehensive School, and Member - Maesteg Town Council (MTC) and Maesteg Celtic Rugby Football Club (RFC)

JH: Employed by Bridgend County Borough Council (BCBC) as Branch Secretary Unison, Director - Bridgend Lifesavers Credit Union, Member - Co-op Group National Members' Council, and Governor - Garth and Plasnewydd Primary Schools

PS: Trustee - Llangynwyd Community Association, and Owner - Llan Mini Market

RL: Governor – Cwmfelin Primary School

CR: Employee - Welsh Local Government Association and Bridgend Care and Repair Service, and Member - Maesteg Women's Institute

3.QualitySolicitors David & Snape - Opinion on Reclaiming and Repaying Funds Outlined in Auditor General for Wales' Report

In attendance - Gregor Tay-Lodge - Consultant Solicitor.

Mr Tay-Lodge informed the meeting of the likely costs of pursuing a civil case, against the former Community Council Clerk, for the recovery of funds identified by the Wales Audit Office.

These proceedings would have to be lodged with the County Court Money Centre, Northampton – 'multi-track' it – but this would not be a fast process.

The former Community Council Clerk would have 28 days in which she would need to provide a defence to the claim. Mr Tay-Lodge felt that this would likely be difficult for her to do, based on the report that he had been forwarded.

A summary judgement could then be given if nothing was forthcoming from the former Community Council Clerk, within that timeframe.

The cost for Mr Tay-Lodge's work would likely be £2,000 for the initial work – if the process went that far. He anticipated a total cost of between £3,500 to £4,000 should the process proceed to an actual court case.

Any judgement against her would stand for 6 years – so the Community Council could 'sit-on-it' until she completed the judged repayment.

Under a multi-track trial process, it would likely take 6 months to a year before the proceedings went to trial.

The Community Council would be claiming breach of contract but also alleging fraudulent activity against the Community Council.

Questions

Why didn't the Police / Crown Prosecution Service pursue this?

Mr Tay-Lodge did not know and could not understand why the Crown Prosecution Service didn't pursue the matter.

How much of the Community Council costs could be recovered?

Mr Tay-Lodge stated that the Community Council would likely be able to recover 80% to 85% of its costs.

Mr Tay-Lodge noted the rule of 'beyond a reasonable doubt' at trial whereas the Civil Court would look at the balance of probabilities (i.e., 51% certain that the former Community Council Clerk took the money, as opposed to not).

On the matter of arguable defence – based on the report he could not see how she could have a defence against the allegations.

Who would present the report?

Mr Tay-Lodge indicated that expert witnesses may need to be called e.g. a Forensic Accountant and there would be costs associated with the professional attending.

The process could be started and the Community Council could approach the process in 'small bitesize processes'.

Could the Community Council combine a claim with Ynysawdre Community Council?
Yes – the Community Council could.

With regards to payment back to Ynysawdre Community Council – Llangynwyd Middle Community Council couldn't simply offset the monies owed to it and Llangynwyd Community Council should look at discussions of repayment to Ynysawdre Community Council.

Insurance claim.

The meeting agreed that it may be worth pursuing this matter first and / or in conjunction with the legal process.

The Community Council noted that there were now measures in place – internal financial controls – to ensure against anything like this happening again.

4.Statement for WalesOnline and Local Government Lawyer and Public Law Today - Findings of the Audit Report

With regards to a statement to the press:-

The Community Council agreed to speak to Mr Tay-Lodge before any official statement, of how we intend to proceed, would be conveyed to the press.

Chairperson

Date