

**MINUTES OF AN EXTRAORDINARY MEETING OF THE FULL COUNCIL OF
ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL (ALCC) HELD ON
3 NOVEMBER 2021 AT 7.00pm
virtually and in the Council Chamber at Council Offices, Mitre Street, Abertillery.**

PRESENT

Councillors: Gary Oakley (Chair); Nick Simmons (Vice Chair); Roger Clark; Tracey Dyson; Bev Lucas; Perry Morgan; Barrie Page; Rob Phillips; Allen Rees; Glyn Smith; Bernard Wall; Mihangel ap Williams; Graham White.

Officers: David Cartwright (Clerk); Steve Edwards (Deputy Clerk).

BY VIDEO LINK

Councillors: Jaqueline Ledbury; Ben Owen-Jones.

Others: Several members of the public attended the meeting via video link.

133. APOLOGIES FOR ABSENCE AND WELCOMES

Apologies were received from Peter Adamson, Michaela Assiratti and Mark Lewis.

The Chair welcomed the four new Members to their first meeting of the Council and members of the public who were attending the meeting online.

The Chair read a prepared statement in which he reminded Members that the meeting had been called to fulfil a legal obligation placed upon the Council by the report *Unlawful Payments and Governance Failings – Abertillery and Llanhilleth Community Council* published by Audit Wales on 14 October 2021.

Audit Wales had published its evidence for all to read (and to make up their own minds) and had delivered its judgment that payments made to the Council's former Clerk and former Secretary in October 2014 were unlawful.

The Chair stated that he intended to make sure that the Council fulfilled its legal obligations under the Public Audit (Wales) Act 2004 to consider whether to seek recovery of the unlawful payments referred to in the report.

He was determined to keep the meeting focused on what must be decided in the present and, therefore, would not allow speeches from Councillors giving their version of what did, or did not, happen in 2014 or giving their view about how previous councillors acted in the past.

134. DECLARATIONS OF INTEREST

Cllr. Glyn Smith declared a personal interest as he is mentioned by name in the Audit Wales report.

Cllr. Rob Phillips declared a personal interest as he is mentioned by name in the Audit Wales report.

135. QUESTIONS FROM THE PUBLIC

The Chair declared that this section of the meeting was 'open' and that members of the public could ask to speak.

The Clerk stated that written questions had been received from several members of the public. A number of these required a straightforward response: some requested purely factual information; others needed to be redirected to other organisations or individuals. All of these questions had received a response before the meeting and the questions and answers had been published on the Council website.

Mr Anthony Partridge of Abertillery, who attended the meeting via a Zoom video link, asked the Clerk to read out a question he had submitted in writing. This asked whether the council would ask the police for a detailed reason as to why they have chosen to not carry forward a criminal investigation into the unlawful payments.

The Clerk responded that, as a matter of courtesy, Gwent Police shared the reasons for its decision not to pursue a prosecution with the Community Council in November 2018. The decision was taken by the Crown Prosecution Service that a criminal prosecution would not be in the public interest as there would not be a realistic prospect of providing the proof 'beyond reasonable doubt' required in the criminal court.

The Crown Prosecution Service will not provide more detailed or specific reasons so as not to prejudice any potential action in the civil courts, where cases are decided 'on the balance of probabilities.'

Ms Sarah Jones of Six Bells, who attended the meeting via a Zoom video link, asked the Clerk to read out a question she had submitted in writing. This asked whether all Council salaries and wages had been audited to check for accuracy since the events described in the Audit Wales report and accountability steps and measures taken to ensure that the same errors were not repeated.

The Clerk responded that the Audit Wales report details how it carried out an audit of past payments to officers going back more than a decade before 2014-15. From 2015-16 onwards, the Community Council's finances have been subject to an internal audit by new internal auditors and have been audited externally by Audit Wales.

Audit Wales met with the Community Council as early as December 2015 to detail their concerns about the Community Council's financial accountability. As the Audit Wales report states right at the beginning, Audit Wales is "satisfied that, since then, the Council has made considerable efforts to improve its governance and financial management arrangements."

The Clerk promised that the public questions and the Council's responses would be added to those published on the Council website.

The Chair stated that the Council had received a letter from the trade union Unison, written on behalf of the Council's former clerk, Mr Graham Bartlett, which included a request that it be read out at the meeting. The Chair stated that he had decided that this would not be appropriate but that the Clerk had contacted Unison to say that the Community Council hopes to maintain an open dialogue with the union.

The Chair declared that the meeting would now go into a 'closed' session where members of the public would not be allowed to speak but, as this was a public meeting, members of the public were very welcome to continue to follow proceedings via video link. The meeting was suspended at 7.16 pm to enable the microphones of members of the public to be muted. The meeting was reconvened at 7.18 pm.

136. AUDIT WALES REPORT

a) The Chair moved the motion that the Council accept the findings of the Audit Wales report. This was seconded by the Vice Chair.

Cllr. Graham White noted that the agenda for the meeting did not state that the agenda items were motions. Therefore, Standing Orders allowing a Member to speak only once on a motion should not apply.

The Clerk replied that the wording of the agenda items was such that it was clear that the items were motions that would be voted upon.

The Chair stated that the three agenda items would be treated as motions.

Councillors agreed that the findings of the report were both comprehensive and conclusive.

Council **RESOLVED** to accept the findings of the report *Unlawful Payments and Governance Failings* published by Audit Wales on 14 October 2021.

The Chair noted that eleven Members had voted in favour of the motion and that three (Cllr. Rob Phillips, Cllr. Glyn Smith and Cllr. Bernard Wall) had abstained.

b) The Chair moved the motion that the Council should seek recovery of the unlawful over-payments referred to in the Audit Wales report. This was seconded by the Vice Chair.

Councillors agreed that the Council had a duty to seek recovery of public money that had been overpaid. Councillors discussed whether it should also seek to recover from former employees any extra audit and legal costs incurred due to acts of bad faith.

Council **RESOLVED** to seek recovery of the unlawful over-payments made to the Council's former Clerk and former Secretary referred to in the Audit Wales report.

Ten Members voted in favour of the motion and four (Cllr. Rob Phillips, Cllr. Glyn Smith, Cllr. Bernard Wall and Cllr. Ben Owen-Jones) abstained.

c) The Chair moved the motion that officers should be authorised to seek legal and regulatory advice. This was seconded by the Vice Chair.

Councillors discussed their wish for legal advice to be seen to be independent and not to have been edited or modified before being presented to Councillors.

Council **RESOLVED** that any legal advice should be presented in writing, in full to a future meeting of the Council.

The Chair noted that twelve Members had voted in favour of this amendment and that two (Cllr. Rob Phillips and Cllr. Glyn Smith) had abstained.

Councillors discussed whether officers should ask for legal advice in regards to each of the two former employees separately.

The Deputy Clerk noted that the Council had already resolved to seek recovery of over-payments made to both.

Council **RESOLVED** that officers be authorised to seek legal and regulatory advice up to the value of £5,000 in relation to the recovery of the unlawful over-payments made to the Council's former Clerk and former Secretary and that the full, written legal advice should be presented to a future meeting of the Council.

The Chair noted that the motion, as amended, had been passed unanimously.

The meeting ended at 7.51pm.

Signed as a correct record by the Chair.....

Minutes produced by David Cartwright, Clerk.