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Speakers:	David Purchon - Chairman of Inquiry Brian Privett Dr Ben Klink, British Geological Survey

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For legal reasons this transcript does not include some parts of the oral evidence given by Mr Privett.

CHAIRMAN: Gentlemen. Could I just explain the procedure for you today? I'll wish you good morning first. We're going to hear from Brian Privett again today, but before he starts I want to explain the programme for today.

You've probably noticed that Dr Klink from the British Geological Survey, who did a hydrogeological review and

some sampling on my behalf, is due to make a presentation this afternoon. He will use the overhead projector and screen which is on the witness table and next to it. He is travelling down from Cardiff(?) this morning, so I'm not quite sure what time he will arrive, but I've arranged for him to have the whole afternoon and he will make a presentation and be prepared to take questions on it, which will be different from our normal procedure. That is because he has undertaken this work on behalf of BGS and on behalf of me as investigator.

It may be that the current operator of the landfill site, AMGEN Rhondda, will be represented and may have some questions to put because they have had sight of the draft report, essentially because there were things in it that I wanted them to address as soon as possible. It's also been studied by the Environment Agency, again for the purposes of trying to improve the management of the site whilst it is in operation. So, to some extent it is a bit unusual to release a draft report but, on the other hand, everything we've tried to do here has been transparent and that includes acting upon draft information which may not be finalised because I'm aware that the problems are ongoing.

So, this morning Mr Privett will continue until lunchtime or until Dr Klink arrives, and Morris Owens will keep us informed. I would like to take a short lunch break today so that we have as long as possible this afternoon and because I need to leave no later than 4.30 pm because I have got an engagement in London this evening, and as you all know, it can be quite difficult to get into London.

If Mr Privett doesn't manage to finish his evidence today we will be operating again, probably for two days, next week, and he has agreed to continue.

So, if there are no questions or comments on that, I'll just ask Mr Privett to start his evidence. But Mr Owen just wants to make a remark before you start, Mr Privett. Could we have the microphone please?

GARROD OWEN: Yes, Garrod Owen (RANT). Just as a follow on to what you were saying, that you gave a draft report to the Environment Agency and you gave a draft report to AMGEN Rhondda for them to have a look at, I feel a - you know - a little bit left out in this that we haven't been sort of given the same facility as they have to at least have a look at a draft report if we could have had any views of ourselves that may have been of benefit to the British Geological Society.

CHAIRMAN: Well, I'm sorry if you didn't realise, but the report has been in the Resource Centre since I received it and had it printed off. Its reference, if you'd like to consult it later, is NYGMR1002. Now apologies if you haven't been aware of that, but it has been in the Resource Centre. I think, probably, the thing we're up against now is there is such a lot of material there, and I sent it for lodging in the Resource Centre - it isn't necessarily easy to pick up what has been lodged there.

I think I should draw to your attention that the -just in case no-one's aware of this, or anyone is unaware of it, the latest responses from Bro Taf Health Authority to the supplementary questions I put, and that were going to be delivered by Dr Temple in our last meeting, are now lodged in the Resource Centre. Now, when the public left the hearing in protest last week, Dr Temple did offer to read into the record the information that had been received in writing, but that didn't take place. It seemed a futile waste of two expensive personnel, namely myself and Dr Temple, so I abandoned the public hearing. But that information, in writing, is on the record.

I understand, but I haven't seen any of the correspondence in writing, that the Health Authority officers will not be attending any further hearings of the investigation. I've been asked whether I think that damages my investigation. I've said, "No", but I think it probably damages the process of public hearings, but I regard that as a political matter rather than a technical matter. So it's for members of the public here to express their views. I have had a couple of letters from people and I will pass them on to the National Assembly. This expresses their view of the situation.

Okay? So if there are no further comments I'll ask Mr Privett to commence. Oh, Mr Thomas wants to intervene. In the middle, please. The regimental tie - the dark blue tie...

MR THOMAS: Have you had a reason why Sharon(?) Hopkins didn't appear?

CHAIRMAN: No, only the explanation I was given last time which was that she was engaged in Health Authority business and Dr Temple'd come instead. I have no further information.

Okay. Thank you. With no further ado, Mr Privett - the floor is yours for an hour or so.

Well, of course Nantygwyddon tip was a political idea. No half and half about it. I will be specific now. I dodged it last time around, but I will be specific. Dennis Thomas told me how it was coming about, what the politics were, and my immediate reaction was, "God help it" I think I

covered that the first time around so I won't go through it again. You know, "They can't do that. It's just the wrong ..." You - but the Council being what they were. Could they do it? Most certainly they could do it, and they would do it. That's not the first of their horrendous major schemes that went wrong - went badly wrong, you know.

So of course it was initially a political idea but, of course, we were in the situation there where tipping space was running out. We had Ferndale, we had Treorchy. We had the action groups there, but of course the action groups were fragmented. They were nothing like the representation that has been made by RANT, not only representation but continuous, long term representation. Like I say, at this time that was something that the Council would never have bargained for. Right? They'd very nicely smoothed over the other action groups and, you know, they thought that up on Nantygwyddon there, was going to be their scene.

But of course what the councillors wanted, and of course here you've got councillors involved - I'll name them particularly now as we go on a little bit. Certain councillors were always looking for a money earner from somewhere. When you say a certain number of councillors, you say, well, what about the rest of them? If these councillors are only a handful of five, six or seven - there were 33 I believe at the time. What about the other 26, 27, 28? A couple of other sorts in there - (inaudible) Cymry and so on and so on, but the other majority, as I said to you earlier, they were the back benchers, and they would follow the most senior councillors, even though they may not have got anything out of it. Whatever went, had only gone to a small number of people.

So we'd been through now the other tip sites but the Council - even though this was an ongoing exercise, it was a sham. All the sites that were proposed were officer suggestions. You'd have John Cummane, etc, who would

quite rightly deal with these - right as, shall we say, good officers. John Cummane was - I'll be honest he was a technically - as I said before, a very good officer, very limited in experience because he'd come from a very big authority up in the Midlands where his knowledge was limited. Well, the first few years he was badly out of his depth. He tended to be a nervous character, so what he would do, he would cross every "I" and dot every "T". So all of the sites that you know about, and the audience know about now, were discussed by the management team, including Gwyn Evans, by committees - and I'll be a little bit more explicit when I go on a little bit further - and I knew, right from the start, right, that this was a smokescreen. Well of course when Dennis Thomas said

to me, he said, "The tip - *the* tip is going up Nantygwyddon" "Where?" He roughly told me where. My immediate reaction was, "Good God" You know. "It's like putting a tip up on the Matterhorn. How are we going to get a road up there for starters?" You know. As I said, last time the infrastructure was a massive cost. But as far as the money maker councillors were concerned, there are chaps in the past who'd been under their control, they could tip there what they liked. It started to raise a few little questions of the people of Treorchy and with the people of Femdale. So they thought that going up to the top of the mountain might they be away from everyone up there, right? The time being what it was, they would have total control of it. They could put their man up there, Malcolm Clark - because Williams' system as it was then, he had been qualified by Grahams, Gwyn has told me this - I mentioned it last time so you can check on it. Clark had been branded an idiot, right, and they tried to sack him. They tried all ways to sack him, but idiot or no, he was cunning enough in his own right to shake it all off so they had to get rid of him. In other words they sort of had it over, "You sort of step over the line and we were going to sack you" Simple as this. So whether that was the be-all and the end-all of Malcolm Clark going up to the tip, I don't know. But it was definitely on the basis of we can get rid of Malcolm Clark up the tip. And I didn't know now whether they were going to put him in charge of the thing or whether they were going to bury him up there, you know. But as I said, knowing the councillors - they were you just didn't know, you know.

CHAIRMAN: Just to try and clarify, so you're saying that even when the exercise that was officer-run looking at the six or seven potential sites was being undertaken, you believe the political decision had already been taken to -

MR PRIVITT: What I said (overspeaking) right, I missed little dinner at (inaudible) now that you've prompted me on this. Dennis Thomas now was keeping me in touch with the decision already taken up the top there. God, you know, so when I was dealing with Gwyn Evans now on other matters, right, I actually put it to him. I said, "You're not..." Well I think I mentioned this first but I haven't. We can check the tape. Gwyn Evans actually said to me, - he didn't mention his part in it, right, but that's what the councillors wanted, "They want it up there and you know if we can get away with it, we are going to get away with it" Right. So in other words, right, he was party to it. If anything came out of it he was culpable. Call it what you like, you know. But of course he was very much in the frame, as I say. He was a prime mover.

They were working very much on the basis of you're going to have a tip pile up on top of the mountain, they could arrange it from scratch to suit themselves and they didn't see any problems. Now to many of the councillors, right, it was too good a scam to miss, you know, I suppose they were dreaming of the lorries that were up there, you know, illegally and tipping this and tipping that and how much could we get for this? And they used to think - and believe you this is the way they used to think. But of course, I said to Dennis, "Well, right who's up front in this lot now, councillor-wise?" and would you believe it, the Dai Davies, Dai Wyres, he was up front there again.

Now for those that can remember him, and I hope Garrod and possibly Bill may, he was very much a bully-boy, you know. He'd bully everyone if you were prepared to put up with it. So I could imagine him going to town on various councillors to get them to agree. Of course, Eirian Groves were right up front there as well. You can't have the Lone Ranger without Tonto you know. They are a good pair. Of course there was Thomas mentioned as well. There was Dan Murphy, right, and there was also Roy Hicks. Now, where you have got to look now, deeper than this, and not only that - I'm not up with the timing of this but Dan Murphy became Council Leader after re-organisation - he might have been Council Leader before re-organisation. But then, he retired though ill health and Councillor Mrs Collins, Marty Collins took over from him, so Dan Murphy, once he was about when the tip was being initially discussed, he might have drifted then into retirement before the tip got underway or came into being, because I think we go then into radius(?). Roy Hicks, as I say, was another one. Now these were all councillors now with very much a bit of clout.

Now these were mentioned by Dennis Thomas and, of course, starting to become - not starting to become, I was a cunning individual myself, I was screaming questions in the right places at the right time through

dealing with transportation, refuse vehicles, how they were going to tip, where they were going to tip and Gwyn Evans actually confirmed to me that basically then the four councillors I outlined to you were the prime movers. Now when you look at these councillors they had allies. Now Dai Davies at that particular time had an ally, Brian Rolands from Williamstown. Again, another big bully-boy. Again, a councillor who came right to the front in the employment grant investigation that I told you about last time.

Also when - take you back a little bit distance, what I said now about the scam of going through the tip sites, it was only a front. Then that is very much the case because all of - if you want to run a parallel of what the Council worked, at the same time, or slightly afterwards, the same thing was happening with employment grants. The

internal audit investigation - the external audit investigation was all a scam. They employed consultants to deal with that matter. If it ever comes up now they say, "Well it was investigated" That's gone. It never was investigated. The smoke screen was thrown up for the benefit of the general public was exactly the same with the tips. It was a similar smoke screen that was thrown up for the benefit of the public.

Also, from my knowledge of the management team, what you find is, if chief officers were ever a little bit worried about the political implications of what was being put forward, but it was something that was irrelevant to their department, (inaudible) at times, right, but what the Chief officer would say - I spent much time in committee to see this and the background as well - they would say, "Well I haven't got the man-power to handle that. We've got to employ consultants" and this is where the question mark comes in, I believe - you're going to have to correct me on this - there was an input of the Council's own technical arm early on in the tip. And then they disappeared and then they quickly into the background and there were all manner of consultants being involved. Now as I say this is a typical - whenever a situation developed, and suddenly there were consultants involved in any exercise, as a experienced knowledgeable of background Council officer, you could immediately say, "There's something wrong here" Right. It was an indication that I could say something wasn't right, you know.

As I say, Dennis Thomas confirmed all this. Now you look at committee involvement, I think you asked me a question, -was the - not now but previously as well, when I say your notes on previous — you asked me then what sort of committee discussions ensued. Well, to be honest, I can only remember one little mention at committee, because during that time, I was attending

every committee because of my all round involvement - it was Development Services, it was Environmental Services, it was Finance and General Purposes. I was there in case anything that came up from transportation, telecommunications and capital redevelopment happened to crop up. And the only time - and the reason why this sticks out in my mind, for those people who were going here last time I mentioned Idwil Braes(?) as a Councillor. Now Idwil Braes, as I say, he was an extremely good councillor. He dealt with you on a proper basis. He was the only councillor who really did that 100%. The question of Nantygwyddon tip came up, only a small paragraph, and immediately, Idwil was on his feet. Sitting with three ords(?) standing roughly behind another gentlemen, who was Ben Garrod(?) there. I will always remember it, sitting alongside him was Mel Jones, who was also a ward member for that particular ward. I believe it was Gelli-Ystrad or something, (inaudible) and Idwil Braes gave the best committee address, I will always remember it, of any councillor I have ever heard. All the time I spent working for this Council he was absolutely brilliant. In other words, he washed his hands of the thing completely. Mel Jones also was the headmaster of Tonypandy Comprehensive School at the time, said his piece in support, but it was Idwil Braes who dominated by his sheer eloquence and his presence, but all that he said was just brushed aside, even though he was a member of the Labour Party, just brushed aside, as though he hadn't said it, you know, in other words well yawn, yawn. He is gone now, and that was it. And that was the only -

CHAIRMAN: Was he speaking in favour of the tip being there or against?

MR PRIVITT: No, no I was going to come to that. As a matter of fact, by him being so vehemently against the tip, that was the start of his demise as a councillor. Right? I got a feeling that it wasn't appreciated within the party for a start, because of what he said. But I had a feeling, a personal feeling, that he must have thought, "Well if this is the way they're working, I want no part of it" And he just got out. He might have been around for a year or two afterwards but I don't think it was very long. But if anyone wants to check on that and correct me well so be it.

CHAIRMAN: (inaudible) someone has a recollection perhaps - information on that point.

FEMALE SPEAKER: I live next door to Mr Braes so I can say that the year that it was the election they didn't reappoint him. Because the Labour Party dropped him and it was his Mayoral year. That year was his Mayoral

year and they just dropped him.

MR PRIVITT: When you talk about -

CHAIRMAN: Thank you.

MR PRIVITT: When you talk about payments, or I talk about payments for jobs, you also have to look in the atmosphere and the reactions of Rhondda Borough Council at the time. If any councillor was that committed on a little thing that he stepped out of line to the extent that Idwil did that one time, then if they could have done it they would have disciplined him. But it was better to say, "Okay, next time you're up, you are not going to get selected" because he was dangerous by his wanting to be honest and tell the truth. Simple as that.

You know, it's – now as I say Idwil's performance marked - stood out in my mind that after every committee the draft minutes would be circulated around all the departments and any officer then with an input could either agree the minutes, which they have to do on a regular basis, particularly for the Housing Services Committee. You would initial and date the minutes, or you would offer corrections with your signature alongside to show that you had corrected it and those minutes wouldn't be accepted within the establishment and printed as agreed, true record, until you did this. As I say because of my cross-council involvement, the minutes for that meeting never came my way - and I believe it was Development Services Committee which I was a full ranked member of anyway from a applying(?) political point of view. So I remember that strikingly, at that particular time I never saw anything. Now this is relative now to something I'll come to later and that's why I made that particular point.

When you think of it now, you know they had a tip that they intended to put on top of the mountain. It was initially Rhondda area only, right? They were looking at the 30/40 year life at that particular time, you know. They had no public close by to worry about as far as they were concerned. The Council had full control of it; what better, you know?

But I think everything started to go pear-shaped for them, when first of all they had the road instability I believe, where then it was such a massive cost that they had to involve then the EU on a grant basis, so that spread it that much further. Then I believe it was Maggie Thatcher's legislation then that came along setting up these LAWDCs and, of course, last but not least, because they undoubtedly fed the whole lot aight, was

RANT themselves. In no way did they anticipate - albeit that things that had now gone on for so long that they couldn't do anything about it - in other words it was up there. It started, so on and so on and so on, by the time RANT were involved. And what they'd committed that was meant to be such a good thing - out of the way where nobody would be bothered - was now creating big problems.

So when you look now at the illicit dumping, or the dumping of illicit materials up there, whilst I have got no information on that because I wasn't directly involved, a lot started to come after my time anyway, then you know, it didn't come as a surprise really because this was the whole background of what they were working to that I knew about going back to the 1977s, 1978s.

For the mentality of the people again, you know, I believe they had an opening ceremony and undoubtedly - I've got not idea on this - but there was beer and sandwiches all round. You know, they couldn't do any other, they always got something out of everything they did. If it wasn't money in their pocket, it was quidos or whatever it may be from other sources, you know. It was vintage, to my mind, Rhondda Borough Council and -

MALE SPEAKER: Could I have a word (inaudible)?

CHAIRMAN: Certainly, I think Mr Privitt may be coming to an end of his personal testimony at this stage.

MALE SPEAKER: Mr Privitt mentioned the point earlier and again now, in fact, about the fact that the tip was out of the way. Mr Purchon has already heard me express a situation in the past where I attended a public meeting and a member of the Council and a councillor, who I couldn't name at the time, I still can't - my father-in-law can't recall who they were, but he does remember them being there - where they said what Mr Privitt and Mr Triveter said, that the tip was out of sight, out of mind. And also my father-in-law's friend was something to do with the Council in those days, also more or less said what you said now. About the beer and sandwiches, as you put it, and so on and the fact that it was all glossed over and it was a smoke screen against the public.

'Unfortunately, Mr Privitt, I have to go shortly because I have got a dental appointment that I have waited two months for, but could I just say that what you have said today is quite remarkable. You've got a wonderful power of recall, memory and you are a brave man, because I feel what I have heard today - and it's the first time for

me to hear you speak, I am sure is - will be significant to what is going on in terms of Mr Purchon's investigation and quite remarkable some of the facts that you've brought out.

Fortunately, I can recall a lot of the Councillors you've mentioned, Groves and Davies and so on, and you're quite right, over many years I have heard similar stories, but not until today, of course, have I heard such a comprehensive account of what has happened in the past. And I thank you for that and I apologise to Mr Purchon - I've unfortunately got a dental appointment and I shortly have to leave. Thank you once again.

CHAIRMAN: I think someone else wanted to intervene.
Dr Wallace.

DR WALLACE: Yes, I notice in the questions that you put to Brian Privitt you asked about the landfill - number 5, that's about the design and so on of the Phase 1 landfill and whether it was done in-house by staff and whether he could name the officers. But also he just went over rather quickly about the use of consultants and we know at that stage from the records that Halcrows were the consultants and they said something which they repeated in several of the things about - basically they said, "No, there were no reasons against it. There were no hydrogeological or geomorphological features against it" and we know of course the landslip afterwards and we know of fissures they discovered afterwards. But Halcrows actually said that. Now was that - I mean the question would be like, well how did they come to that conclusion when everybody else was so concerned about it and they were wrong, of course afterwards? But that's easy to say afterwards, but was it an honest survey or was there something going between Halcrows and the Council?

MR PRIVITT: Well I will tell you what, that is getting to the end of my time but possibly a period, John - I am starting to just touch on to various things but I wouldn't have touched onto that. But going on the attitude of the Council, right, right through on everything, their mind was made up. Forget the public exercises, that have already - I beg your pardon, officer exercises that I have already covered, that was a front, a smoke screen. But I think, like Gwyn Evans had been named to me as the Chief Executive long before he ever came into being, the tip up there was mentioned to me long before it came into being. It was a political thing that was dragged out.

Now what you get if there were any technical shortcomings by way of investigation — now firstly they

would go through the processes because you'd get all of, shall we say, the agencies involved - Environmental, you had Welsh Water as possibly it was at that time, and so on and so on. So they would always want to say that there was a full book of technical qualification. But if there's any doubt in my mind that somebody somewhere, a technical officer, would have known of the shortcomings on that site, right, they just forgot about it. In other words, if this comes out before we start the site then it's going to spoil our master plan, so in other words if Halcrows had come out and said, "Well look now there's fissures there, instability blah blah" I think the tip would have gone. In other words they had nowhere to put their tip. And this was their master plan. This was - they would have put up there because of what we can get from it. So I've got no doubt - this is my personal opinion now, I've got no doubt that the technical shortcomings were overlooked, put to one side, they weren't an issue. They weren't an issue until possibly RANT became involved. And everybody now wants to jump in because you have got the Environmental Agency, you know, from dealings on other matters, right, it was a state, it was a time bomb.

CHAIRMAN: Could I just clarify that we have got access through the investigation to all of Halcrow's files. I haven't yet been through them in great detail, but there is the prospect of there being early drafts of reports as well as the final reports, so we have got a dialogue with them. Although in view of the passage time, of course, none of the individuals who did the work are available so, as has become common in this review, we have such files as there are, we don't have any significant, reliable testimony.

Now, I am wanting to adjourn for lunch shortly, but I've two people wanting to make a contribution. Mr Thomas and Mr Owen and Mrs Bacon for sure. Mr Thomas.

MR THOMAS: Mr Privitt has mentioned instances of ultra vires. Can I point out that there was also a case of ultra vires mentioned in the District Auditor's report regarding the granting of £1 million to the previous Rhondda Waste development -

CHAIRMAN: Thanks for that reminder. It's not relevant to anything Mr Privitt said, but we do have the District Auditor's judgement on that.

MR THOMAS: It was just the case that even when the District Auditor was aware of the ultra vires case that no action was taken either by the Police or any other body.

CHAIRMAN: He did explain why, did the Auditor when he was here. It probably is of interest for people to know that any correspondence with the Controller of the Audit Commission about that and other aspects of the External Auditor's work - and there's of vast amount of information about such audits as have been undertaken and also about how audits should be undertaken and that's the aspect that I am discussing with the Controller of the Audit Commission, who does seem to be a little anxious about the investigation.

MR THOMAS: As long as my observations are not in vain - that's all that was concerning me.

CHAIRMAN: Who knows? Mr Owen.

GARROD OWEN: Mr Privitt in his dealings with committees - based on the point that committees were making decisions that were possibly ultra vires. I have referred back to my meeting with the present District Auditor, or the outside auditor or whatever you call him, Paul Griffiths, when five or six of us went to his office in Cardiff after Janet Jones' predecessor finished and when we said, you know, "What is District Audit going to do about the authority?" in his words at that time, and he's never contradicted them, "Councils can do what they like" Those were the words that he used and he's never refuted them, and I think that it answers quite a lot and takes on board quite a lot of what Brian has said.

CHAIRMAN: Okay. Yes. Thank you. Mrs Bacon.

MRS BACON: Just a point of clarification, Mr Privitt. I was - was the Communist(?) councillor Annie Powell a member of this Rhondda committee?

MR PRIVITT: No. No what are you trying when you say a member of - all of the illicit dealings that I am - were kept within the Labour group. Right? If it was any other sort then - well you had, let me see, you had (inaudible name), a Conservative for a while, you had Annie Powell, Communist, for a long, long time. You had various (several inaudible words) James Garrett who spoke here, all those - they would never, they would be outside. These things would be discussed, management team - I

went into this another time, management team, group officers, which is quite common right throughout local government in the UK. It would be brought into an in camera meeting of the Labour group on the Tuesday night, as Council would take decisions on a Wednesday, but it was all cut and dried, pasted over, call it what you like.

CHAIRMAN: Can I call an adjournment now, because I want you all to have the opportunity for some lunch and I do want to start with the British Geological Survey presentation at 1.30. So I am sorry that you're down to about 57 minutes for lunch now. And Mr Privitt will have the opportunity, as I said earlier, of coming back. So those that want to hear the presentation, if you would come back for 1.30 please. Thank you.