

ROYAL MAIL GROUP (POST OFFICE LTD) – CASE REVIEW

R. v Timothy St John Brentnall

Haverfordwest Magistrates Court and Swansea Crown Court

Offence and Case history

1. On 10th June 2010 at Swansea Crown Court, the defendant pleaded guilty to one count of Fraud, contrary to section 1 of the Fraud Act 2006. On 29th June 2010 the defendant was sentenced to 20 weeks imprisonment suspended for 18 months with a 200 hour unpaid work requirement.
2. The defendant first appeared at Haverfordwest Magistrates Court on the 15th March 2010. The case was adjourned to 10th May 2010 for committal on which date it was committed to Swansea Crown Court. The PCMH was listed on the 10th June 2011 on which date the defendant pleaded guilty with no basis being submitted. On 29th June 2010 the defendant was sentenced as above.

Prosecution case

3. The defendant, Timothy Brentnall, was during the relevant period, 8/10/2005 – 5/11/2009, a subpostmaster at Roch Sub Post Office.
4. On 5th November 2009 an audit took place.

5. On the date of the audit the auditor found a total shortage of £17106.45 made up as follows:
 - £16,448.92 (-) identified as a difference in cash figures
 - £657.53 (-) identified as a difference in stock figures
6. It was apparent that at 07.53 that day a cash transfer had been made to the ATM machine of £15,500.00 for which the cash was not on hand. The interim postmaster discovered another £500 of cash on hand the following day and the deficiency was reduced to £16,606.45.
7. Further enquiries revealed that there had been numerous transactional corrections since 2006 where discrepancies in the accounting of the ATM had been raised. There appears to be some confusion in the accounting of these transactional corrections. Some £22,500 was made good on 3rd November 2008.
8. Mr Brentnall in his interviews, conducted under the provisions of the Police and Criminal Evidence Act 1984 and the relevant Codes of Practice, on the 4th December 2009 said that:
 - He had been the postmaster for 3½ years
 - He worked with his Mum and 4 other staff.
 - He had a lottery terminal which was part of the post office.
 - He had an ATM machine which was filled on demand
 - He got himself in a mess over the lottery money going into the shop till.
 - He had 4 days on site training and the man who gave it did not know how to do the lottery or ATM.
 - He was doing the ATM monthly “just pulling off the report at the end of the month seeing how much I’d put in and moving it”
 - This happened for 2 years and then he had a transaction correction for £22,500.
 - This came as a shock.

- If the post office was short he would take money out of the shop as “I knew half of it was lottery money.”
- “At the time I know now I should have shouted as loud as I could but I’d got myself into this situation. I didn’t say anything to the Post Office because it was when they were looking at reducing the amount of rural offices and I didn’t want to appear to have not been able to do it or do it properly, you know, and I thought that might be a reason that they might look at closing my office.”
- He didn’t mention it to his parents who were stressed after his sister had had a late miscarriage.
- He had been putting withdrawals through twice on occasion which led in one instance to a surplus of almost £6,000.00
- He did not withdraw the surpluses as they were mixed in with the shop money.
- He did not use POL money to support the shop.
- He began putting HANCO transactions back through the system. These created further transaction corrections.
- He then began inflating the cash.
- He gave the lottery a separate drawer.
- He began putting money back into the system.
- His mother thought that the shop was up by about the amount that the Post Office was down.

Defence case

9. In interview the defendant denies taking POL money but admits entering false figures into Horizon.

Discussion

10. This case was dealt with by way of a guilty plea at the PCMH hearing. There was no basis of plea entered. To a certain extent there did not need to be in that the investigating officer approached the case in a very sensible and humane way which meant that the case was never prosecuted with the usual subtext that the

defendant had taken the money for his own purposes. Prosecution Counsel continued with this approach and included in his case summary a section titled “The Prosecution’s Stance” which specifically states that the Crown did not put its case on the basis that the defendant was stealing the money which led to the shortages, had been repaying the shortages before the audit and had repaid the whole of the shortage before the plea was entered.

11. The case was prosecuted on and sentenced on the basis of the defendant’s admissions in interview. The learned Judge stated in sentencing, “that he was not dealing with someone who had stolen from the Post Office rather someone who had run into difficulty due to sloppy accounting practices”
12. In my view if we had been in possession of the information highlighted in the Second Sight Interim Report we may well have disclosed it in this case had the case gone further than it did. In the event this is not a case where retrospective disclosure is likely to assist the defendant in mounting an appeal against conviction or sentence as he was prosecuted and sentenced in terms that he did not steal the money that formed the discrepancy

Conclusion

13. This is a case in which, had we been possessed of the material at the relevant time, we might have disclosed to the defence the matters identified in the Second Sight Interim report but in view of the sensible way in which this case was prosecuted it is my view that this case requires no further disclosure.

