



JUDICIARY OF  
ENGLAND AND WALES

**SENTENCING REMARKS**

**HIS HONOUR JUDGE JOHN WAIT**

**R**

**-V-**

**NEIL GREATREX**

**IN THE NOTTINGHAM CROWN COURT  
(SITTING AT BIRMINGHAM)**

**27 APRIL 2012**

You are 61 years of age.

At the trial it was evident that you had earned the respect of many for your work in the Nottingham UDM of which you became President, the union of which you also became the National President.

I have heard more this morning of the work you have done on behalf of miners over the years, of the respect earned through that work but also of the hostility generated when you founded the union. And of the hostility directed toward you and your family since your conviction.

I have heard of and take into account the health difficulties you have, in particular with your hearing.

I accept that you were through the 1980s and 1990s a hardworking man dedicated to the cause of miners and their welfare.

As President of the Union you became a trustee of a registered charity the Nottinghamshire Miners Convalescent Home which provided for sick and retired miners at a convalescent home in Chapel St Leonards. As the numbers of miners declined rapidly in the 1990s so the demand for this home for miners in ill health diminished and the decision was taken to operate the home as a commercial residential home and to pay a rent from the home and any profits from the company that was to operate it into the charity.

A trading company was set up for this purpose, the Phoenix Nursing and Residential Home Ltd. It was incorporated in 1998. It was not a company in which shares were issued to profit shareholders, it was a company limited by Guarantee. It was set up for the purpose of and intended by all to trade on behalf of the charity.

The Directors were Trustees of the charity. The company was incorporated in order to provide funds for the charity.

In 1999 a scheme approved by the Charity Commissioners widened the object of the charity so that it became the duty of the trustees to provide for the sick, disabled or infirm who worked or had worked in the mining industry and their families by providing them with residential and nursing care and making grants to them. The accounts of the charity through the period of this indictment demonstrate it was active and that there were many who could benefit from its work and resources.

As a trustee of the charity you were not entitled to profit from your role. I am satisfied there was never any intention on the part of the trustees that you would be entitled to profit from your role as director of the Company which was to serve the charity.

You were the leader of the Nottinghamshire UDM. In that role and as National President you drew a salary. In evidence you told the court that as long ago as 1987 your salary was £67000 and it rose somewhat, you drew additional salary in your role as National President and a further salary as a Director of Vendside a company incorporated by you and by Mr Stevens and said on the face of its notepaper to be acting on behalf of the union of democratic mineworkers. The Union also provided a contribution to the costs of your mortgage.

The benefits you enjoyed from the Union exceeded on your own calculation £110,000.

One of the duties you owed in the post of President was to act conscientiously as a trustee for the charity for sick and retired miners without further profit. I have no doubt that the work you undertook in administering the Home occupied a significant amount of your time. But you were being paid well as a full time employee.

After the incorporation of the company you saw an opportunity to make personal profit at the expense of those less fortunate than yourself whose interest you had agreed as trustee to protect.

I reject as did the jury that you had an honest belief that you were entitled to payment for your work at the Home. If you had had any such belief I have no doubt that you would have canvassed with advisors how such payment might be made.

As works were regularly being done by contractors at the union offices and the residential home you saw and seized upon the opportunity to have works done

at your own home and the home of your fellow director and then to charge those sums to the business of the charity.

Over the years you wanted works done at your own home and the home of your co-director; outside paving, a new kitchen, new windows and doors, many supplies of building materials. Works and materials that with the salary you were paid you could have afforded.

This was calculated and sophisticated greed. You used your influence with contractors to persuade them to provide false invoices, each of them knowing your position and no doubt hoping for further work. On occasions you used your pre-eminent position within the offices to require employees to make payments by cheque without supporting invoices.

While I accept that you did not have the whole of the benefit, your co-director was working within another part of the union's business and providing you with benefit from that. Not I stress a benefit which was unlawful.

Over the 5 year period of this indictment you stole very nearly £150,000 from those you held office to protect.

I look to the guidelines of sentencing for those who steal in breach of trust. This was theft in breach of the highest degree of trust. It was carried out over an extended period by the person in whom the highest trust had been placed. It was done for greed; the thefts were covered by invoices procured from traders who were persuaded to supply the false invoice in order to secure payment. It carried on up to the time the investigation commenced.

So far as the offence is concerned there is no mitigation. You have never accepted you have done anything wrong despite the blatant breach of trust and procurement of false invoices. You were convicted by a jury.

I have had regard to your previous good character, the contents of the Pre-Sentence report and to all that has been said on your behalf.

I regard this as a course of offending and so will pass concurrent sentences in respect of all offences but the sentence on each offence reflects the aggravation of the fact that it was part of a sustained fraud.

The least possible sentence I can pass is one of 4 years imprisonment concurrent upon each count. You will serve up to half of the sentence in custody before your release on licence, you must then abide by the terms of your licence or you will be returned to custody to serve the remainder of the sentence.

The determination of issues of costs, compensation and confiscation are postponed to 29<sup>th</sup> June.