

Paul Davies MS  
Chair, Economy, Trade and Rural Affairs Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Via email to: [SeneddEconomy@senedd.wales](mailto:SeneddEconomy@senedd.wales)

29<sup>th</sup> May 2024

Dear Mr. Davies,

I am writing in response to the submission to the committee from Mr Andrew Ling who was until June 2018, the CEO of Perpetual V2G Systems Ltd.

The letter makes claims about the role of Finance Wales as an investor in the business to which I would like to respond in order to correct the public record.

Mr Ling contacted the Development Bank of Wales in February this year to discuss the events leading up to, and subsequent to his dismissal by the board of Perpetual V2G Systems and prior to his planned legal action. He met with two of our investment directors and at that meeting also alluded to other unnamed companies who it was claimed, felt unable to raise their issues.

The Development Bank responded within the agreed timescales and in that response, expressed concern at the suggestion that any company felt unable to speak with us directly. In response, Mr Ling stated that he was aware that the directors of the other businesses had already been in touch. We also sought clarification on the specifics of his concerns relating to the Development Bank's actions.

In March, a formal complaint was submitted to our Chair, and a letter to you as Chair of this Senedd committee, both alleging that Finance Wales appointed advisors and non-executive directors to the business and that these individuals subsequently removed Mr Ling from the business resulting in his financial loss.

To properly and fairly address the claims made by Mr Ling, the Development Bank Board appointed a director not directly involved in investment activity to undertake an investigation

**Development Bank of Wales Plc**

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into the complaint in accordance with The Development Bank's complaints process. That director met with Mr Ling. The process has now concluded, and the complaint was not upheld. Our records show that there was no requirement in the investment agreement with Finance Wales, for the company to appoint an advisor. Finance Wales exercised a right to attend board meetings as a shareholder observer but did not take up its right to appoint an investor director.

Finance Wales first invested in the business in March 2016. At that point, the business already had in place an established relationship working with an advisor which was in place by early 2015. This advisor subsequently introduced an angel investor who invested in February 2015.

The decision to dismiss Mr Ling from the company was taken by the company's board as a result of a finding of gross misconduct taken following an investigation, a disciplinary hearing and an appeal process. As part of this decision, Mr Ling was classed as a "bad leaver" pursuant to the company's articles which resulted in the redistribution of his shares. In our experience, the inclusion of such a clause is standard practice where a shareholder is also an employee of a business. To the best of our knowledge, Mr Ling did not exercise his right to access an employment tribunal which would have scrutinised the dismissal process and the reasons for dismissal, in a public forum.

Neither do we recognise the allegation that a second battery storage business was established based on the IP of Perpetual. The second business to which Mr Ling refers was a reseller of portable battery solutions purchased from a Chinese entity.

In responding to these allegations, we are separating the events which led to Mr Ling's dismissal and the criminal charges brought by the Crown Prosecution Service. The Development Bank was not involved in the trial and is not able to comment on this.

We are also drawing a distinction between the outcome of a commercial negotiation between third parties and a complaint about the Development Bank's own decision making.

As we stated in our evidence to the committee, the Development Bank has a comprehensive complaints procedure and seeks to deal with all complaints openly and fairly. Unsubstantiated allegations have been made that there are organisations that are too scared to make a complaint for fear of reprisal or blacklisting. As they stand, these allegations are unhelpful and – in the absence of any substantiating information - we are unable to establish their veracity.

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To the extent that the Committee is made aware of anyone who has expressed a view that they felt unable to complain, we would be happy to receive this information, either to the Chief Executive or the Chair. If they wish the matter to be confidential, we have also revised our complaints procedure to provide direct access to the Development Bank's General Counsel, Liz Hitchings.

We recognise the extremely challenging time faced by Mr Ling over the last four years, however these matters were between Mr Ling and the company's board. The Development Bank of Wales appointed neither advisors nor directors to the board of Perpetual V2G Systems. Our involvement was only ever as a lender and minority shareholder.

Yours sincerely



**Giles Thorley**  
**Chief Executive**

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