

# West Ken & Gibbs Green Community Homes Limited

Melbourne Barrett  
Executive Director of Housing and Regeneration □  
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29 May 2012: **URGENT**

Dear Mr Barrett

## **Proposed disposal of West Kensington & Gibbs Green estates: Consultation analysis and inspection arrangements – serious concerns**

I am writing further to your letter dated 14 May 2012, in which you invited West Kensington & Gibbs Green residents to make comments by 30 May on the information contained in the 23 April Cabinet report, which outlined the initial findings of the consultation on the Council's proposal to enter a Conditional Land Sale Agreement (CLSA) for the disposal of residents' homes to a developer, albeit you concealed this proposed agreement from residents and the public.

You have previously received (though not responded to) our 60-page critique of the Council's consultation process. Unfortunately, we are bound to report now that we shall not be able complete our comments on the Council's analysis of the consultation by 30 May because the Council has obstructed us from inspecting the consultation feedback forms.

In any event, the two-week deadline you have set for comments is unreasonable, given the complexity of the information contained in the Cabinet report and the scale of its impact on residents. Government and London Councils policy is that consultation periods should last a minimum of 12 weeks.

On 18 April, the Chair of West Ken & Gibbs Green Community Homes (WKGCH) wrote to the H&F Council's Head of Governance and Scrutiny, (copied to two other Council Officers and to the Chairs of West Kensington & Gibbs Green TRAs):

We would like to formally request to inspect the consultation responses before the Cabinet meeting on Monday April 23. According to the Council's press release "Earl's Court progress report to go before Cabinet" published April 16 2012, "By the time Cabinet meets all the responses will be available for inspection upon request, including the responses that were not considered."

There is, however, no specification regarding who to contact or how to get in touch. Could you please forward this email to the relevant parties and let us know as soon as possible when we could view the responses for inspection?  
Please acknowledge the receipt of this email.

Around 20 April the Council distributed a newsletter to residents promising:

From Monday 23 April, H&F Council will be making all consultation responses available for inspection by appointment. You will be able to see all the responses that were considered as well as the responses we were unable to consider.

The WKGCH Chair received no response to her letter to LBHF's Head of Governance and Scrutiny. Following your presentation to Cabinet on 23 April, she wrote to you on 24 April:

## West Ken & Gibbs Green Community Homes Limited

We were told at the Cabinet meeting last night that residents' responses to the Earl's Court consultation would be available for inspection as early as today. I emailed Mr Adewumi about this on 18th April last week. (see email)

Please let me know when and how we can make arrangements to view these.

Again, receiving no reply, the WKGCH Chair wrote to you and the Head of Governance and Scrutiny on 2 May, copied to the two TRA Chairs:

I am still waiting for a response to my emails of 18th and 24th April.

It was not until 8 May, almost three weeks after our original request, when the Council finally responded to make arrangements for inspection.

On top of the unexplained delay, the Council then imposed unwarranted and unreasonable restrictions on inspection that plainly made it impossible for us "to see all the responses" as the Council had promised. On 8 May, Mr Patterson, from the Council's Housing Services department emailed the WKGCH Chair:

I can arrange an appointment for you to inspect the feedback forms from the recent consultation.

Appointments are for one person at a time. Inspections are for up to 45 mins and there can be no photography or copying of the forms.

Please contact me to arrange your appointment.

On 10 May, Celine Kuklowsky, Community Organiser for the West Kensington & Gibbs Green estates, attended the Council offices to begin our formal inspection. After 45 minutes, she was stopped, even though she had made only partial progress through more than 800 forms residents of the estates (we have not even begun our inspection of the 600 responses from the so-called 'wider area').

On 21 May, she requested another visit to continue our formal inspection, which was agreed and took place on 24 May. Since our work was far from complete, and we had found many discrepancies that suggested a pattern of distortion biased towards the Council's demolition stance, the Community Organiser immediately requested a third visit. Mr Patterson responded on 25 May:

The 45 minute inpection [sic] was specified to protect the privacy of respondents. You have already exceeded the allotted inspection time of 45 minutes with the second inspection. I am therefore not going to arrange another appointment for you to inspect the forms.

When the Community Organiser asked Mr Patterson on 10 May to explain the purpose behind the Council's inspection restrictions, he replied these were "for data protection reasons". This is insupportable. Either the data can be viewed or it cannot. There is no in-between position.

The subsequent version of the argument, that the restrictions were "specified to protect the privacy of respondents", is equally spurious, since the Council blacked out all names and addresses and heavily redacted many forms (including entire paragraphs) to remove all personal references. Clearly, the Council obscured this personal data to ensure it did not breach the Data Protection Act when it made the response forms available for inspection by the public. Therefore, neither "data protection" nor "privacy" can possibly be used to justify the restrictions and blockage placed by the Council on our formal inspection.

## West Ken & Gibbs Green Community Homes Limited

We understand that the Council intends to rely on its analysis of the consultation feedback forms when it makes its next decision on whether to sign the CLSA. Inevitably, also, it will have to report this information to the Government.

We have very serious concerns about the rectitude of the Council's analysis, which, far from being allayed by our inspection that you unreasonably curtailed, have only deepened. Inter alia, we have identified:

- Difficulties reconciling the numbers in the Council's analysis with the numbers of forms it has placed in each category;
- Miscategorisation of residents 'against' and residents 'concerned' into 'no opinion', leading to miscounting;
- Absence of any procedure for dealing with 'duplicates', leading to miscounting, erroneous exclusion and miscategorisation;
- Failure to date and have any procedure for dealing with forms from residents changing their minds, leading to miscategorisation and miscounting;
- Forms discounted for no apparent reason, leading to miscounting;
- Forms counted as 'in favour' that were so heavily qualified they should have been categorized as 'concerned' or even 'against', leading to miscounting;
- 18 'in favour' forms, which contained the same brief or similar content, which appeared to be written by a single hand, and which contained no signature or mark attesting authenticity.

We discovered well over a hundred miscategorised or suspect responses. Nearly all of these biased the results in one direction, and not only resulted in a systematic distortion of the analysis in favour of the Council's position for demolition, but also hid the true scale of residents' opposition to redevelopment and denied residents' fixed determination to transfer the estates into community ownership.

From our inspection, which you arbitrarily limited to one and a half hours, it appears that the three and a half to one majority of residents against demolition is a significant undercount, amounting to gross misreporting.

Outwith any further investigation, which you blatantly obstruct now, we conclude that the Council has not only misrepresented its own analysis of the results but has also miscategorised the consultation response forms to such an extent as to render its analysis worthless for Cabinet Members to rely upon when making any decision about whether to sign the CLSA. Worse, the Council is in danger of staging a lie, presenting a poisoned chalice for the Government to sup when it forces it to consider whether to grant consent for disposal of the estates to the developer for demolition.

The evidence we have gathered does more than lend credence to the charge that the Council has perverted the results of its informal and statutory consultation by systematically distorting and misrepresenting its analysis; it explains why the Council has made up the rules as it went along for limiting and disallowing our formal inspection.

The grounds we have itemized are sufficient for us, and for any sensible member of the public to fear that Council officers may be colluding to falsify the overall consultation results and to suspect that they may be conspiring to stop residents' elected organisations from discovering the truth, thereby misleading also the Council's Cabinet, the public and the Government.

## **West Ken & Gibbs Green Community Homes Limited**

The Council has broken its “you will be able to see all the responses” promise by delaying, restricting and finally blocking our formal inspection. The Council has no data protection or privacy defence against us continuing with our formal inspection. We have detected evidence of systematic bias: it is our duty to resume our formal inspection in the public interest, in the defence of our homes and community, and in the cause of national policy, which is Localism and the Big Society.

The Council will make itself incapable of sustaining any case that it has validated its analysis through independent inspection, unless, and immediately, it:

- Restores and maintains continued access for us to scrutinize the categorization and genuineness of response forms, without time limit, so we may complete our formal inspection absent unreasonable restrictions;
- Commissions an independent analysis of the response forms to be undertaken by a neutral assessor appointed with our agreement; and
- Institutes a formal Review under the Freedom of Information Act of the Council’s handling of the request we made on 18 April to take up its invitation for residents to see all the responses, since more than 20 working days have elapsed within the time it is statutory for you to provide a satisfactory response.

Yours sincerely

**Jonathan Rosenberg**  
**Community Organiser**

**West Ken & Gibbs Green Community Homes Ltd**  
**West Kensington Estate Tenants & Residents Association**  
**Gibbs Green & Dieppe Close Tenants & Residents Association**

Cc: Derek Myers, Chief Executive LBHF; Greg Clark, Minister for Decentralisation and Planning; Andy Slaughter MP; The Information Commissioner; WKGGCH Board Members.