

# West Ken & Gibbs Green Community Homes Limited

Derek Myers  
Joint Chief Executive  
LB Hammersmith & Fulham Council ☐  
Hammersmith Town Hall Extension  
King Street  
London W6 9JU

10 June 2012

Dear Mr Myers

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

1. Thank you for your letter, which I received by email at 4.32 pm on 8 June 2012.

You claim that you are responding to the letter I sent to Mr Barrett, dated 29 May: “on Melbourne Barrett’s behalf, as he is at present on annual leave”. This confused me because, in his letter to me, dated Friday 1 June, Mr Barrett claimed: “I am considering the points you have raised and will write to your [sic] with my substantive response next week”. Was Mr Barrett’s annual leave for the Jubilee holiday/ half-term week beginning 4 June known to him, or to you, by 1 June, or did he request his annual leave of you thereafter, at very short notice?

I have numbered the paragraphs in this letter in the same order as the paragraphs in your letter.

2. You claim that: “in fact Mr Barrett’s letter of 14 May 2012 set a deadline of 28 May 2012”. However, this is flatly contradicted by paragraph 7 of Mr Barrett’s letter of 14 May, which states:

If you would like to make any comments on the information contained within the Cabinet report you can do so by emailing [sarah.lovell@lbhf.gov.uk](mailto:sarah.lovell@lbhf.gov.uk) or by writing to Sarah Lovell at 3rd Floor, Hammersmith Town Hall Extension, King Street, W6 9JU. The Council would welcome any comments by 30th May 2012.

I attach, at Annex A, Mr Barrett’s 14 May letter, which a resident of Churchward House received through her letterbox around that date. She scanned and emailed it to me in PDF format on 17 May 2012. You can see that there is no reference to any date of 28 May 2012.

My letter to Mr Barrett, dated 7 June, recorded that I did not receive his 1 June letter until 6 June, and detailed the curious, if not Kafkaesque, circumstances contrived by the Council, which made it impossible for us to comply with his deadline of 4 pm on 8 June. I have not received any reply from him to this letter, either before his 4 pm 8 June deadline, or thereafter.

In the letter you emailed me at 4.32 pm on 8 June, you said you “appreciate” that the deadline of 4 pm on 8 June, which had expired 32 minutes earlier, “is a tight timeframe”. Thank you.

3. You claim that you are: “unsure what [we] mean [by] the first paragraph of [our] letter that the Council “concealed” the CLSA from residents and the public”. We

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explained this point to you, three months ago, on 12 March 2012, at page 11, Section 2, 3.1, in the response we submitted to the Council:

The Council has not supplied a copy of the Conditional Land Sale Agreement (CLSA) to residents, nor has it provided an Internet link. Instead, the Council maintains that this document is commercially confidential, and that neither it, nor the negotiations surrounding it can be disclosed (see subsequent letter from Director of Housing and Regeneration 3 February 2012).

....  
The CLSA affects residents' lives and futures fundamentally. It is irrational for the Council to consult residents about whether to sign a document, which it keeps secret from them. We expect the Council to disclose the CLSA in full and immediately, sending printed copies to all residents.

4. Thank you for providing the Council's first written acknowledgement of its receipt of the response we submitted on 12 March 2012 to its consultation on whether to include the estates in its proposed redevelopment scheme, and for your assurance that the Council will take this response, together with all the responses submitted by residents, into account when it takes a final decision. We shall make further submissions to the Council in due course.

5. You claim it was me who noted that: "the Council decided on this approach [the 45-minute restriction] for data protection reasons", and then you claim that: "the issue is ... one of the appropriate management of [the] risk [that] individual consultees ... could be identified on the basis of their handwriting [and] on that basis, the Council decided to set a time limit of 45 minutes per individual".

Under the Freedom of Information Act, please send me the risk management assessments, the records of these decisions, and any emails, correspondence, notes of discussions and meetings, and other relevant documents.

When the Council announced, in writing to residents, on its website, and at Cabinet on 23 April, that it was making the consultation responses available for public inspection, it mentioned no restrictions. We spoke three times with Council Officers, but when, as recorded in Annex B, we asked for an explanation of the Council's reason for its 45-minute restriction, the Council Officer did not give the explanation which you now provide. Nor did Mr Barrett make any mention of it in his letter, dated 1 June.

Notwithstanding the merits or otherwise of your explanation for the Council's 45-minute restriction, you went on to claim: "The Council has carefully considered [our] concerns, and has decided that this time limit should no longer be applied [, and that we are] free to make further appointments to inspect the redacted responses".

Under the Freedom of Information Act, please send me the risk management assessment, the record of this decision, and any emails, correspondence, notes of discussions and meetings, and other relevant documents.

In my letter to Mr Barrett, dated 7 June, I detailed the lengths to which we went on 6 and 7 June to take up his offer for us to make a further appointment to inspect the consultation responses, which are part of the circumstances the Council contrived to make it impossible for us to comply with his 4 pm 8 June deadline. Still, we have heard nothing from Mr Dunleavy, the Council Officer who Mr Barrett nominated to arrange our next inspection.

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Evidently, far from being, as you claim, "free to make further appointments", we are being restricted, stopped, and obstructed by the Council from making any further appointments, without good reason.

6. In my letter, dated 29 May, I raised very serious concerns about the rectitude of the Council's analysis of the consultation responses. These are not complaints to the Council: rather, they are grounds for us to challenge in the Courts any decision that the Council may make on whether to enter into the CLSA with the developer, Capital and Counties PLC, or with one of its subsidiaries, which relies on a faulty or false analysis of the consultation responses; they are grounds, furthermore, for making a serious complaint to the Information Commissioner; and, we think, they are evidence of public scandal.

7. The bias, which we allege and which you reject, resulted from the Council's systematic miscategorisation of a significant number of responses, and which distorted the results of the consultation analysis, unfairly, in one direction. We have already allowed for your point about "questions of judgment", as you can see from our inspection notes at Annex B, where we commented:

many of the forms are difficult to categorize (as they ramble on for example without clearly stating if the person is for or against), so I understand the subjective nature of categorizing some of these forms. However, it is apparent that there is miscategorizing.

Were your point valid, and were the Council's analysis "even-handed", as you claim, we should have observed about half the miscategorisations favouring the Council's position. We did not. Instead, nearly all the miscategorised forms we detected were miscategorised away from the category of outright opposition to the scheme, such as the 22 forms we observed, which clearly expressed concerns, but which the Council had miscategorised into the file for responses in favour of the scheme.

8. We saw that the 'Not counted' file contained 24 response forms marked "Duplicate". However, we also found forms duplicated within the files for other categories, which had no "Duplicate" mark on either of the copies.

9. Some forms had "date received" stamped on them; many more had none. In the "Estates discounted" file, we counted 3 sets of forms that were discounted for having contradictory opinions. In our inspection notes (Annex B), we recorded that:

Interestingly, in all of these forms, the date received for the form in favour of demolition was clearly stated by the council, while the dates for forms from the same person stating they were now against the demolition was not marked. Presumably because they were received after the yes forms. I raised this point with Patterson, that if the forms were received after they clearly should be counted as the view of the person, to which he replied not all forms were dated systematically.

We observed two forms in the 'Estates for' file, which expressed a change of opinion, but which bore no "date received" stamp.

10. The Council rejected many forms without indicating the reason for rejection by marks such as "Duplicate".

The Council rejected 18 forms, which contained the residents associations' standard typewritten response with no additional handwriting, without marking the reason for rejection.

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11. The point we made about the 18 'in favour' forms, which contained the same brief or similar content, and which appeared to be written by a single hand, was that none of them contained any signature or mark attesting authenticity. There is no parallel with forms in the 'against' file, because in the vast majority of these cases, forms not in the respondent's handwriting bear verifying statements and signatures, and are markedly different from each other in content.

12. The restriction of our inspection to two 45-minute sessions meant we only had time to count forms in three of the seven files. According to the Council's analysis of the consultation responses, annexed to the 23 April Cabinet report, there should be: 189 forms in the 'Not counted' file, whereas we counted 149; 21 forms in the 'Estates no opinion' file, whereas we counted 19; and 25 forms in the 'Estates concerned' file, whereas we counted 21. What discrepancies occur in the much larger files we have not counted? Where are the missing forms?

13. The Council rejects our serious concerns that it is guilty of bias through its systematic miscategorisation of the consultation responses at the same time as it blocks us from further inspection. The Council refuses to commission an independent analysis of the consultation responses, although it is apparent there are too many discrepancies distorting the results in one direction for it to be sustained that the analysis is fair or even-handed. Despite powerful evidence to the contrary, you claim that: "the analysis conducted to date may be properly relied on by Cabinet members".

14. You have provided no evidence, whatsoever, to support your claim that our allegations, however construed, are "entirely baseless".

Our determination to save our community is boundless. We are not intimidated by threats from the Council, veiled or otherwise; and we shall not allow the Council, Capital and Counties PLC, the Mayor of London, nor any other collaborator or contractor, to bully residents out of their much-loved homes.

Did you not read the 538 consultation responses we published; do you not recall those which exclaimed: "How dare You!"?

According to the notes of our first 45-minute inspection, attached at Annex B, the Council discounted a response from a person for being "potentially violent". Was this the response it discounted?

I disagree because it is not present and it is a load of bullocks. All my friends live here and I love my estates, West Ken and Gibbs Green. The Council will benefit from it because they're taking 10 million quid from the developer. It will destroy our neighbourhood. If you come round here I will lamp you in your head for rudeness. I WANT YOU TO FUCKING Read this!!!!

Under the Freedom of Information Act, please send me the Council's assessment policy for, its risk management assessment of, and its decision to discount, "potentially violent" responses, along with emails, correspondence, notes of discussions and meetings, and other relevant documents.

15. You claim that: "in truth, the Council has sought to operate with a high degree of transparency in this matter ... This spirit of openness has also been applied to the consultation responses". Preposterous! The public shall decide, the Information Commissioner shall determine, and, ultimately, the Courts shall judge, what is true. We have provided the Council with evidence to substantiate our allegations,

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whereas, you have supplied us with nothing, which is of any material substance, to corroborate the Council's claims.

You admit: "it is clear that the majority of residents on the Estates who replied (which was only a proportion), are against the proposals". Far from "only", the proportion of households who replied was 68%, which we reckon is a satisfactory turnout for a vote according to any sensible person's measure.

The Council's analysis hid the three-and-a-half-to-one result against demolition by not producing totals, and by not expressing these in percentages. Worse, as we have evidenced, the Council miscategorised sufficient numbers of response forms as to distort significantly the results, thus undercounting, in our estimation by more than one factor-to-one, the number of residents against demolition that was reported to Cabinet on 23 April.

16. Finally, you "apologise" for the fact that "the Council did not respond substantively to" my request for information, dated 18 April 2012. Notwithstanding your apology, the Council has still to respond substantively to my request for a formal Review of its handling of my information request to take up its invitation for residents to see all the responses, since well over 20 working days have elapsed within the time it is statutory for you to provide a satisfactory response. Nonetheless, I accept your apology.

Regardless, it is for the public to make sense of this labyrinthine plot; it is for the Information Commissioner to decide what the Council should provide under the Freedom of Information Act; and it is for the High Court of Justice to quash any decision, which it decides, on the evidence before it, is unreasonable.

Please ensure that you bring this letter, and the correspondence it cites, to the attention of Cabinet Members, as soon as practicable.

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: Melbourne Barrett, Executive Director of Housing and Regeneration  
LBHF; the Secretary of State for Communities and Local Government; the Minister for Decentralisation and Planning; Andy Slaughter MP; The Information Commissioner.

## Annex A

Letter to residents from Melbourne Barrett dated 14 May, which was delivered to residents, and which states "30<sup>th</sup> May 2012" as the deadline for comments.

London Borough of Hammersmith & Fulham  
Executive Director of Housing & Regeneration  
3<sup>rd</sup> Floor, Extension, King Street, London W6 9JU  
Tel: 020 8753 5571  
Email: [sarah.lovell@lbhf.gov.uk](mailto:sarah.lovell@lbhf.gov.uk)



14<sup>th</sup> May 2012

Dear Resident,

### West Kensington and Gibbs Green Estates Update

I am writing to thank those of you who sent us your views during the recent consultation on the proposal to enter into a so-called "Conditional Land Sale Agreement", and to update you on recent developments.

As you may be aware, on 23rd April 2012 a report outlining the initial findings of the consultation was presented to a meeting of the Council's Cabinet. The report also set out information on the likely terms of the Conditional Land Sale Agreement, and gave detailed financial information.

At the Cabinet meeting councillors noted that the Conditional Land Sale Agreement was 'suitable for recommendation' to the Council, subject to certain points of detail.

This does not mean that everything has been finalised, or that a final decision has been taken about whether or not to enter into the Conditional Land Sale Agreement, but it does mean that good progress is being made towards taking that final decision.

Officers are now finalising negotiations on the Conditional Land Sale Agreement so that a final report, including a full analysis of the consultation responses, can go to a Cabinet meeting later this year.

If you would like to read the 23rd April Cabinet report you can do so by logging on to [www.lbhf.gov.uk/westken](http://www.lbhf.gov.uk/westken), or you can request a hard copy of the report by calling Sarah Lovell on 020 8753 5571.

If you would like to make any comments on the information contained within the Cabinet report you can do so by emailing [sarah.lovell@lbhf.gov.uk](mailto:sarah.lovell@lbhf.gov.uk) or by writing to Sarah Lovell at 3<sup>rd</sup> Floor, Hammersmith Town Hall Extension, King Street, W6 9JU. The Council would welcome any comments by 30th May 2012.

We will keep you updated with future developments regarding the West Kensington and Gibbs Green Estates if you have any questions please contact Sarah Lovell on 020 8753 5571 or email her on [sarah.lovell@lbhf.gov.uk](mailto:sarah.lovell@lbhf.gov.uk)

Yours sincerely,

Melbourne Barrett  
Executive Director of Housing and Regeneration



Melbourne Barrett MBA MRICS  
Executive Director of Housing and Regeneration

## Annex B

### Notes from inspection of H&F consultation responses, May 10, 2012, 2pm, Hammersmith Town Hall

I met with Chris Patterson from the Hammersmith & Fulham Housing team on May 10, 2012 at 2pm at the Hammersmith Town Hall. I was only allowed to inspect the forms for 45 minutes and I had to be unaccompanied "for data protection reasons", according to Patterson. He sat in the room with me and seemed to be monitoring my activity throughout.

This is what I could gather: (NB the figures I've counted should be considered as estimates as I didn't have a lot of time, and as personal data was blocked out, it was difficult to make sense of a lot of it).

The forms were divided into several different binders:

- Estates for
- Estates against
- Estates no opinion
- Estates concerned
- Wider area for
- Wider area against
- Not counted

I didn't look at the wider area binders at all.

#### **Responses from estate residents in favour of demolition:**

There were very few essays. Most of the forms have only a "yes" or a "100% in favour" written on the first question and nothing in the other boxes.

Some forms clearly have the same handwriting – but so do ours.

#### **No opinion and Concerned binders:**

The distinction between the "no opinion" and the "concerned" forms is questionable as many of those counted as 'no opinion' are clearly either very concerned or actually against the demolition scheme. I counted about 5 forms from people who were clearly against (counted as no opinion) and 4 very concerned (counted as no opinion).

Of the **Concerns**: the majority are very negative about the scheme, the council's propositions and don't believe the council. A good proportion of these responses are leaseholders. Of the "concerned", I counted 5 who were clearly against the demolition or happy with their living arrangements.

I asked Chris Patterson, in the room with me, who had decided the distinction between the categories "concerned" and "no opinion" as so many forms clearly express serious concerns and he said it was a team of council officers who did it.

The **Not Counted** binder was the most problematic, and I was only starting to wrap my head around the whole thing when Patterson told me my time was up.

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- I counted 44 forms that were clearly against the scheme – some of these are marked as “duplicate” forms. Others aren’t.
- I counted 22 forms for the scheme – also some of these are marked as being duplicates
- There were 35 discounted forms from children (the Council says there are 42 they discounted. difficult to count without all the information visible).
- 1 form was from a youth that was discounted for being “potentially violent” as the young man told the Council not to come back to the estates
- 18 of our pre-written response forms (with no additional writing on them) were discounted
- I counted a total of 24 duplicates in the binder (clearly marked – some of these discounted forms weren’t marked up well or systematically. It really was not clear if some were in fact duplicates or not, there didn’t seem to be a very clear procedure there. Some had dates on them, others didn’t).
- I tried to count all the forms in the “not counted” binder and mark down the tenures of residents (these figures include duplicate copies). The totals are: 84 tenants; 13 leaseholders; 10 private tenants; 7 family mosaic; 24 wider area residents; 5 LQ; 3 freeholders; 2 other; 1 SBHA

Total = 149 – the council’s official figure is 189 – so I’m off by 40 (and this includes duplicates). I’m not sure if that’s an error in my counting, or if there were 40 of those sheets missing from the binder... something worth looking at again.

Finally there were three sets of 2 and 3 forms that were discounted for having contradictory opinions. Interestingly, in all of these forms, the date received for the form in favour of demolition was clearly stated by the council, while the dates for forms from the same person stating they were now against the demolition was not marked. Presumably because they were received after the yes forms. I raised this point with Patterson, that if the forms were received after they clearly should be counted as the view of the person, to which he replied not all forms were dated systematically.

Some forms had entire paragraphs blocked out for “data protection purposes”, while others had things like the word “leaseholder” in sentence “I am a leaseholder”) blocked out, while other forms didn’t have this information blocked out at all. There clearly wasn’t a systematic procedure of dealing with the data – with some forms having “date received” on them, and others not having this information at all.

There were quite a few forms in the “not counted binder” that I couldn’t make a clear reason for them being discounted as they were neither children, nor marked as duplicates. also it wasn’t clear in some duplicate forms if the original answer had been counted at all.

Other than Shirley and I, no one else has asked him to come in to see the forms from what he told me.

CK Community Organiser, West Kensington & Gibbs Green estates

**Second visit to inspect consultation results, Thursday May 24 2012,  
Hammersmith Town Hall 3pm.**

I met with an associate of Chris Patterson’s – Danny (didn’t catch his last name).



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Again I was given 45 minutes, and the man stayed in the room with me the majority of the time. He noted/verified with me this was my second time inspecting the forms.

A couple of the binders were a little different than when I first inspected. This could be because some of the original binders were too small to fit all the responses. (for example the estate support binder was merged with the estates concerned and the estates no opinion into one larger binder because the binder used previously was too small.)

I only had time to focus on One binder – the one called Estate – Support + Concerned + No Opinion.

### ESTATES NO OPINION:

Discrepancies:

1) There were **19 forms total in the binder**. The consultation analysis says there were **21 that were counted as no opinion** on the estates. I recounted 3 times to make sure I hadn't miscounted.

2) Of these

- 3 should clearly be counted as against;
- 6 should clearly be counted as concerned ("I am concerned about...");

### ESTATES CONCERNED:

Discrepancies:

- 1) Total forms = **21** when **25 forms were counted as concerned on the estates by the Council** in their analysis
- 2) One form was photocopied twice without the word "duplicate" on it (so apparently supposed to be counted as an extra form). This shouldn't be counted twice. The total in the binder than should be considered as **20. There are thus 5 missing forms.**
- 3) Of these:  
4 of these should be considered against the scheme. One form says "At the moment I am against it. I could change my mind if I could see what you are proposing to build ie size of flats and homes".

### ESTATES SUPPORT:

Discrepancies:

- 1) I identified two different people's handwriting that came up multiple times, and said virtually the same thing each time. These forms generally only had the first or the first two answers filled out with one or two words like "100% in support" or "good idea". I identified at least 5 forms from one person's writing and about 18 that looked like it was from another person's writing. This could potentially signify fake answers, however we also have in our responses a number of forms with similar handwriting – for example if people couldn't spell and asked for help. There are several forms that Alice and I have helped fill out as well.

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- 2) The way many of the "in favor" are counted is questionable. For example I counted at least 22 answers that were qualified with things like "if you're telling us the truth, then I support the scheme". The majority of these answers continue on to discuss their concerns about not having real guarantees about what will happen to them, and even talk about the money the Council stands to gain by kicking poor people out. It could be argued that these answers should be, at the very least, considered as "concerned" votes, and not in favour.
- 3) Aside from the 22 mentioned above, another 4 should be counted as concerned as they spend the time expressing concerns at length.
- 4) 1 form should clearly be counted as against: "I don't like moving"
- 5) At least 2 forms were duplicates and not marked as such (same problem as in the Concerned binder). As they aren't marked as duplicates, I'm assuming they are counting them as separate forms. There may be others as well. I tried to do my best to find duplicates like these, but with hundreds of answers, it was difficult to spot.
- 6) The majority of answers had very few words in them, and generally only a few words in the top box. I counted only 25 forms that were real essays, filling out at length all the boxes. Many of these were in fact part of the batch of 22 essays mentioned above (I didn't count exactly how many of these were essays though).
- 7) Two different forms have the words "I changed my mind, I am now in support". It is unclear how their previous and perhaps later forms were dealt with. As they were in the binder, these 2 forms were clearly counted as support votes.
- 8) One form had the words "Like I said previously" at the beginning this could potentially imply they counted twice the same person's answer. their procedure for dealing with people who changed their minds is very unclear and difficult to be made more clear without the name of the people responding on the forms.

I asked the man for another appointment to inspect further and he told me he would as Chris Patterson. I have followed up with an email upon returning home, May 24 2012.

The only thing I would say is that many of the forms are difficult to categorize (as they ramble on for example without clearly stating if the person is for or against), so I understand the subjective nature of categorizing some of these forms. However, it is apparent that there is mis-categorizing.

I have tried to record and count as objectively as possible those forms that clearly differ from the categories they are in.