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Housing and Regeneration  
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Date: 21 June 2012

Jonathan Rosenberg, Community Organiser  
West Ken & Gibbs Green Community Homes Ltd  
West Kensington Estate TRA  
Gibbs Green & Dieppe Close TRA  
105 Gibbs Green,  
London W14 9NE

Sent via email to [rosenberg@freeuk.com](mailto:rosenberg@freeuk.com)

Dear Mr Rosenberg,

### **West Kensington & Gibbs Green Estates**

I write in response to your letters of 7 June 2012 and 10 June 2012 to myself and Derek Myers, respectively.

I address below certain of the issues that are raised in those two letters. However, I want first to provide you with an update on the decision-making timetable.

As you know, the Council has been proceeding on the basis that the Cabinet would be able to take a final decision on whether or not to enter into the Conditional Land Sale Agreement (CLSA) at its meeting on 23 July 2012. However, negotiations over the CLSA have yet to be concluded, and it is now clear that it will not be possible to reach a final decision on that date. Instead, the Council is now working towards reaching a final decision at the 3 September 2012 Cabinet meeting (there being no meeting in August).

This change enables the deadline for any representations that you would like to make on the information contained within the 23 April 2012 Cabinet report to be extended to 16 July 2012. This new deadline will allow you further time to consider that report (and its attachments) and, if you feel it is needed, further time to inspect the (redacted) consultation responses. The consultation responses will continue to be available for inspection throughout this period, and - as Mr Myers confirmed in his letter of 8 June 2012 - no limit will be applied to the overall length of time for which individuals can undertake such inspections. Further, it remains the case that (as confirmed in the 8 June 2012 letter), so far as is possible, any comments that are received after the new deadline of 16 July 2012 will also be taken into account when the final decision is taken by the Cabinet.

In your 7 June 2012 letter you raise a concern about my letter of 1 June 2012. Janette Mullins, Head of Litigation was asked to email this letter to you on my behalf due to my absence on annual leave. She attempted to do so on 2 June 2012. You did not receive

her email because, for reasons that are unclear, it was returned to her as undeliverable. I attach a copy of the "undeliverable" email receipt, in case it is of interest. On 6 June 2012, Jennifer Laing, my personal assistant attempted to resend the letter. As appears from your letter of 7 June 2012, that subsequent attempt was successful.

My letter of 1 June 2012 suggested that you contact Shaun Dunleavy if you wanted to make another appointment to inspect the consultation responses. However, it was overlooked that he was in fact on leave until 11 June 2012. This was why he did not respond to Ms Kuklowsky's emails and phone calls.

On 6 June 2012, Ms Mullins discovered that Mr Dunleavy was on leave when she received (at 17:03) an "out of office response" in response to an email that she had sent to him. Again, in case it is of interest, I attach a copy of this email. Ms Mullins contacted officers in my department to alert them to the potential difficulties that this might cause given that Mr Dunleavy's contact details had been contained in the 1 June 2012 letter. However, as a number of officers involved in the Earls Court redevelopment project were on leave at the time, this issue was unfortunately not dealt with as quickly as it should have been. Nevertheless, on 7 June 2012, Mark Brayford, Head of Client Team, accessed Mr Dunleavy's voicemail to check for any messages. In the event, there were no messages to be retrieved. I am afraid I am not able to explain why the voicemail message left by Ms Kuklowsky at around 10:45 on 6 June 2012 was not available to be picked up by Mr Brayford, or why the Council's phone system prevented Ms Kuklowsky from leaving further messages. I can only apologise for the inconvenience that you have been caused.

To assist you in the future I invite you to send all emails relating to the proposed Earls Court redevelopment to the relevant addressee and to also copy them to [westken]@lbhf.gov.uk. I will ensure that this specific email address is monitored by officers so that there is no undue delay in providing you with a response in the event that an individual officer is on leave.

I turn next to your letter of 10 June 2012. I do not propose to respond to each and every point made in that letter, not least because Mr Myers' letter of 8 June 2012 already makes the Council's position plain on a number of the issues. However, I respond below to the points that I think I can usefully address.

In paragraph 2 of your 10 June 2012 letter you point out that my letter of 14 May 2012 in fact specified a deadline of 30 May 2012. I accept that, and apologise for the erroneous reference to a deadline of 28 May 2012 in Mr Myers' letter of 8 June 2012.

In paragraph 3 of your letter of 10 June 2012 you have explained what you meant by your claim (in your earlier letter of 29 May 2012) that the Council had "concealed" the proposed CLSA from residents and the public. Thank you for that clarification. I can confirm in turn that the Council's position remains as set out in Mr Myers' letter of 8 June 2012: the CLSA was not published at the time of the 23 April 2012 Cabinet meeting because it remained the subject of commercial negotiations yet to be concluded.

In paragraph 5 of your letter of 10 June 2012 you refer to your earlier letter of 7 June 2012. I have dealt with this letter above.

Paragraph 6 of your letter appears to suggest that a complaint may be made to Information Commissioner in relation to your concerns about the Council's analysis of the consultation responses. You may wish to note that in fact the Information Commissioner has no jurisdiction over such matters.

Paragraphs 7-12 of your letter complain of bias and error in the Council's analysis of the consultation responses. The Council remains of the view that it has conducted a proper analysis. I note the following additional points:

- The Council did not require the consultation responses to be signed. Accordingly, responses that were written in the same handwriting were counted as long as they appeared to come from different residents, irrespective of whether they bore verifying statements / signatures.
- It is also unfortunately the case that not all responses were date-stamped on receipt by the Council. This means that in some cases officers have had to use their judgment to determine the order in which multiple responses from the same resident were received. However, in so doing, officers have not been biased in favour of any particular viewpoint.
- I understand that after the consultation responses had been copied, redacted and put into the files for inspection they were not recounted. It is therefore possible that there are minor discrepancies between the original responses that the Council has been using for its analysis and the redacted versions that have been made available for inspection. Officers will check and if any minor discrepancies are found the revised figures will be used in the documentation that goes before the Cabinet.

As regards paragraph 13 of your letter of 10 June 2012, I have dealt above with the issue of arranging further inspections of the consultation responses.

In relation to paragraph 14 of your letter of 10 June 2012, the form in question contained foul language and a threat of violence and is for that reason not helpful or constructive. Nonetheless you have quoted from it and your letter of 10 June will be put before Cabinet Members, so the quoted content from that form will, for what it is worth, be before Cabinet Members who are in any case already well aware of the strength of feeling of some objectors.

At paragraph 16 of your letter of 10 June 2012 you seem to be repeating your request for a formal review of the handling of your "information request" which, from context, you appear to consider is a statutory entitlement. At the end of Mr Myers' 8 June 2012 letter, Mr Myers explained that this was not in fact a FOIA matter. You do not provide any reason to conclude otherwise. I therefore do not propose to revisit this issue.

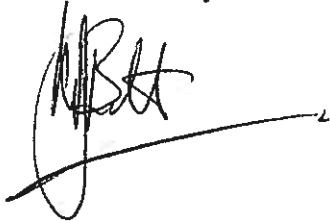
I can confirm that your letter of 10 June 2012 will be put before Cabinet Members when they come to make a final decision about whether or not to enter into the CLSA.

Contrary to the tenor of some colourful phrases used in your letters (e.g. "Kafkaesque", "labyrinthine plot") there is no sinister hidden agenda in this exercise. The Council is merely doing everything it can to ensure that the decision-making process is fair and lawful. We acknowledge that some communication difficulties and administrative errors in correspondence have occurred. This is regrettable and we have apologised where it has occurred.

May I assure you that officers and the Council's legal advisers are acutely aware of your determination to seize on any point, large or small, that you perceive may assist in your campaign to stop the proposed development. The Council respects your democratic right to campaign in this way but does not accept that your detailed points add up to a case that the Council is behaving unreasonably or unlawfully. We will do our best to ensure that, on our side, the tone of the correspondence remains cordial at all times.

Finally, I note that various FOIA requests are made in your letters of 7 and 10 June 2012. These will be responded to in due course in accordance with the Council's standard procedure for requests of this type.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'MBA', with a long horizontal line extending to the right from the bottom of the signature.

Melbourne Barrett  
Executive Director of Housing and Regeneration

Encs undeliverable email message of 2 June 2012  
the out of office email of 6 June 2012

## Mullins Janette

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**From:** Microsoft Outlook  
**To:** 'rosenberg@freeuk.com'  
**Sent:** 02 June 2012 10:50  
**Subject:** Undeliverable: West Kensington & Gibbs Green  
**NorSaved:** Yes

### Delivery has failed to these recipients or distribution lists:

'rosenberg@freeuk.com'

A problem occurred during the delivery of this message. Microsoft Exchange will not try to redeliver this message for you. Please try resending this message later, or provide the following diagnostic text to your system administrator.

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Sent by Microsoft Exchange Server 2007

### Diagnostic information for administrators:

Generating server: exchange11.lbhf.gov.uk

IMCEAMAILTO-rosenberg+40freeuk+2Ecom@lbhf.gov.uk  
#550 5.4.4 ROUTING.NoNextHop; unable to route ##

Original message headers:

Received: from EXCH14C.lbhf.gov.uk ([10.1.14.48]) by exchange11.lbhf.gov.uk  
([192.168.48.95]) with mapi; Sat, 2 Jun 2012 10:50:28 +0100  
Content-Type: application/ms-tnef; name="winmail.dat"  
Content-Transfer-Encoding: binary  
From: Mullins Janette <[Janette.Mullins@lbhf.gov.uk](mailto:Janette.Mullins@lbhf.gov.uk)>  
To: "rosenberg@freeuk.com"  
<[IMCEAMAILTO-rosenberg+40freeuk+2Ecom@lbhf.gov.uk](mailto:IMCEAMAILTO-rosenberg+40freeuk+2Ecom@lbhf.gov.uk)>  
CC: Barrett Melbourne <[Mel.Barrett@lbhf.gov.uk](mailto:Mel.Barrett@lbhf.gov.uk)>  
Date: Sat, 2 Jun 2012 10:50:27 +0100  
Subject: West Kensington & Gibbs Green  
Thread-Topic: West Kensington & Gibbs Green  
Thread-Index: Ac1ApSN5HT1PSRJaSayu8LXjMPsFeA==  
Message-ID: <[FB7788FE345B744BA502C00DCD8D2B0A0663F795E7@EXCH14C.lbhf.gov.uk](mailto:FB7788FE345B744BA502C00DCD8D2B0A0663F795E7@EXCH14C.lbhf.gov.uk)>  
Accept-Language: en-US, en-GB  
Content-Language: en-US  
X-MS-Has-Attach: yes  
X-MS-TNEF-Correlator: <[FB7788FE345B744BA502C00DCD8D2B0A0663F795E7@EXCH14C.lbhf.gov.uk](mailto:FB7788FE345B744BA502C00DCD8D2B0A0663F795E7@EXCH14C.lbhf.gov.uk)>  
MIME-Version: 1.0



West  
Kensington & Gibbs

**Mullins Janette**

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**From:** Dunleavy Shaun  
**Sent:** 06 June 2012 17:03  
**To:** Mullins Janette  
**Subject:** Out of Office: West Kensington & Gibbs Green: consultation analysis and inspection arrangements - serious concerns F

I am away from the office until June 11th. Your e-mail is not being forwarded, but I will deal with it on my return.