

Legal Services
Kensington Town Hall, Hornton Street, LONDON, W8 7NX

Bi-Borough Director of Law
Tasnim Shawkat



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Mr Francis O'Connor
Grenfell Action Group
30 Verity Close
London
W11 4HE

2 August 2013

My reference:VS/ 30006091

Your reference:
Please ask for: Vimal Sarna

Dear Mr O'Connor,

Re: Grenfell Action Group blog

I refer to my letter of 25 July 2013 and to your letter of 29 July 2013.

Please be advised that the Council is in no way attempting to fetter your right to criticise. However you have made damaging allegations of misconduct and criminality against individuals with reputations, careers and feelings. Your allegations must be addressed as publishing defamatory material does cause upset and damages professional reputation. There are other appropriate ways to pursue suspected wrongful and/or suspected criminal activity through investigation. If you intend to stand by your allegations as you state, then the appropriate manner for dealing with these are by immediately making your evidence available to the proper authorities so that these can be investigated. However if it is the case that you have no such evidence and your allegations of criminal conduct are entirely unfounded, then the only proper course is for you to un-publish the defamatory material as swiftly as possible.

In terms of specific statements, the Council would like you to remove those made in your blog of the 10th July 'Who Killed Bambi'. The comments in that blog bring into disrepute the professionalism of officers from this Authority and Arvinda Gohil that are personal in nature, speculative, unsubstantiated and consist of your interpretation of events most of which you do not have first-hand knowledge and/or which are hearsay. I have underlined particular extracts from your blog for ease of reference and responded to the comments contained therein.

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Arvinda Gohil of HQN was appointed as interim Chair of the EMB, and remained in post for the next year. What board members didn't realise at the time, and were never told, was that Gohil was being paid about £2000 for a four-day month. This was strictly forbidden by the EMB constitution under which board members are allowed to claim expenses, but may not be paid, and so a convoluted system of payments was devised by RBKC and TMO officers working in secret. All invoices were addressed to Pam Sedgwick, the Housing Client side Manager at RBKC. They were then passed to Tony O'Hara, the TMO appointed manager at Lancaster West, who approved the payments before passing the invoices to TMO accountants who made the payments from EMB budgets – and all without the knowledge or consent of the EMB board.

Please be advised that the appointment of Arvinda Gohil was made by the Lancaster West Estate Management Board (EMB) after an interview process and in agreement with the local authority that 'out of the ordinary' steps needed to be taken as no chair had come forward for a number of months leaving the Board weakened and not functioning in line with its constitution. It was with the full knowledge of the remaining members of the EMB at the time that Ms Gohil was paid. Her invoices were paid from the management fee the TMO receive for managing the Council's housing estate Housing Revenue Account (HRA) which is a ring fenced account for expenses incurred as part of the management and maintenance of the local authorities housing estate.

I understand this has already been explained to you following a Freedom of Information request and subsequently you pursued a complaint that went through all three stages of the Council's complaints procedure in 2010.

A number of criminal offences were involved in this leger-de-main. Sedgwick, to whom the invoices were addressed, denied all knowledge of the payments – this was an offence under the Freedom of Information Act. Gohil, who clearly had a conflict of interest as she was Chair of the EMB but was invoicing RBKC for payment, never once declared her conflict of interest – every failure to declare her conflict of interest was an offence under the Companies Act. O'Hara authorised the payments from EMB budgets without seeking the consent of the Board – every such authorisation was another offence under the Companies Act, as he was acting as chief executive of the board and was authorising large payments without the Board's consent. Incidentally Council officers also lied about the source of the payments, claiming they were paid from TMO budgets, when in fact they were paid from EMB budgets over which TMO accountants had full control.

Statements about Pam Sedgwick, Arvinda Gohil and Tony O'Hara are all untrue. Pam Sedgwick did not deny all knowledge of the payments, Mr O'Hara was not acting Chief Executive, Ms Gohil was appointed by the remaining members of the EMB and payment for her services as acting chair was arranged as per normal procedure where invoices are raised, sent to the Council and payment as such made against the HRA by the TMO. As stated previously, if you believe criminal activity has taken place you should report it to the appropriate authorities. However if you do not have the evidence then you should take down this statement.

This brings us back to Ms Gohil and her £2000 a month conflict of interest. On paper she was tasked with rescuing and reforming the EMB and whipping it back into shape. In practice she did nothing of the sort. Instead in April 2010 she convened a Special General Meeting at which she recommended to the Lancaster West Management Association that they voluntarily dissolve the EMB and invite the TMO to take full control of Lancaster West. The assembled Association members rejected Gohil and her recommendation in no uncertain terms.

There was no conflict of interest as alleged in your blog. Ms Gohil was appointed by the Estate Management Board with a remit to see if it was possible to revive the EMB and enable it to function again as RBKC and the TMO actively support tenant involvement in the management of the estate. Ms. Gohil worked very hard to achieve this and any statement to the contrary is defamatory and brings into disrepute her professionalism. Ms Gohil presented a report to the EMB and asked them to vote on what course of action they wished to take, they decided to convene a SGM and put to it that the EMB should be dissolved. It was not her decision but that of the Lancaster West EMB. The people who attended the SGM did not reject Ms Gohil, they rejected the amendment to dissolve the EMB and voted to continue the organisation.

It took a few more months for the surviving rump of the EMB to unseat Gohil (and her conflict of interest). They held an AGM with board member elections in June 2010, but the Peasants Revolt at the SGM was really the last hurrah of the Lancaster West Management Association, after which the EMB became increasingly secretive, paranoid, isolated, authoritarian and corrupt, refusing to answer to the Management Association for its actions.

Again these statements are unfounded; not correct and should be removed. Ms Gohil left as she was only a temporary chair whilst a chair could be found from a local resident volunteer, she left as per the agreement with the EMB. The EMB continued to meet, take

minutes and have reports presented to it. If you have evidence of corruption from the EMB at this time again you should refer it to the appropriate authorities for investigation.

So why, you might ask, would the Director of Housing and other senior officers at RBKC continue to prop up this thoroughly corrupt and incompetent rabble? The answer would seem to be that yet another review of both the TMO and EMB management agreements has been underway over the last couple of years. Swingeing cuts to the government subsidy that supports the Housing Revenue Account (HRA) on which both organisations depend, and the recent introduction of a new self-financing regime for local authority housing has further complicated matters and caused the MMA reviews to drag on and on for much longer than was initially anticipated.

These statements are again all entirely incorrect and should be removed. It is vigorously disputed that the Council acted in any way to 'prop up a corrupt and incompetent rabble', or that changes in the way the HRA is financed as had any impact on the function of the EMB. The review of the EMB Modular Management Agreement (MMA) has perhaps taken longer than planned but the review of the MMA with the TMO had to take place first and then the EMB followed. The Council and the TMO have actively supported the EMB to continue to function, if it is no longer able attract Board members to further the governance of the EMB then this could be for a whole host of reasons but does not enable the drawing of a conclusion that it is because members are all corrupt or incompetent. Again, if you evidence of corruption and wrongdoing, you are asked to refer this to the appropriate authorities. If you do not again, please do not publish material that is defamatory.

We have no reason to suspect that the TMO review has been improperly conducted, but the EMB review has been quite another story. During the two years in which the review has been underway there have been only two review meetings held, and the only representative of the EMB to attend these meetings was the corrupt and thoroughly discredited Bob Bryans.

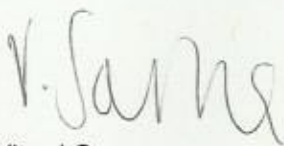
If you have evidence of Mr Bryans corruption, please refer this to the appropriate for investigation or remove this allegation.

The allegations of conspiracy in this follow up piece, are of course more speculative than the allegations made in our lead piece. This is because we have no direct evidence that Council officers have repeatedly conspired with TMO officers to undermine and disempower the EMB. Nonetheless the circumstantial case against them is very strong, and we have direct evidence showing that on occasions they have behaved criminally in pursuit of their ulterior motives. . The refusal of the Council over many years, to honour the management agreement with the LWMA is the essence of the case against them – the rest is just icing on the cake showing the unprincipled and opportunistic depths to which they will stoop whenever it suits them.

I must stress again that if you have evidence of a conspiracy and officers behaving criminally then it is only right that this should be reported to the appropriate authorities and investigated. There is very little to be gained in publishing material that cannot be substantiated and should be pursued through the correct channels. I look forward to receiving your co-operation and urge you to un-publish blogs that cannot be substantiated.

Please confirm by 4pm on 6 August 2013 that all allegations that can be supported with evidence have been referred for investigation and that those that cannot have been removed.

Yours sincerely,



Vimal Sarna
Senior Solicitor