

Housing Health and Adult Social Care
Pembroke Road Council Offices, 37 Pembroke Road, LONDON, W8 6PW

Executive Director - Housing, Health and Adult Care Services
Jean Daintith

Director of Environmental Health
Paul Morse MSc MCIEH

Mr O'Connor



14 June 2010

My reference:
Your reference:
Please ask for: Georgette Gabriel

Dear Mr O'Connor

I am the Director of Environmental Health and Trading Standards for the Council and I have been asked to respond to your complaint at Stage 2 of the Council's complaints procedure. I am doing this as a senior Council officer who is independent of both the Housing Service and the Tenant Management Organisation.

In formulating this response I have reviewed or referred to a variety of documents including the Modular Management Agreement between the Council and the EMB, the Constitution of the EMB, your letters of complaint and Ms Sedgwick's response to your complaint at Stage 1. I have also interviewed Ms Johnson and Ms Sedgwick.

In general terms it seems to me that your complaint falls into two categories. Firstly there is the conduct of the Council and its officers and secondly there is the conduct of the Lancaster West EMB and its members. I note that to be helpful, Ms Sedgwick's response ranged across both issues but in my opinion it is only proper for the Council to respond in respect of the first category within its formal complaints procedure.

The substance of your complaint against the Council seems to be that it exerted undue influence in the matter of the operation of the LWEMB.

The chronology suggested by Ms Sedgwick's letter and the evidence I have, shows me that in December 2008 Mr Miles, the then chair of the LWEMB, cancelled a meeting at short notice with the then Chief Housing Officer Mrs Sue Daniels which had been arranged to discuss the performance of the Board.

Over the next few months, reports from TMO officers and a further cancelled meeting suggested to Ms Sedgwick and Ms Johnson (newly appointed as Head of Housing) that the problems may lie with the governance of the EMB, an entirely proper conclusion for them to come to.

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As a result of these concerns, three LWEMB Board members met with Ms Johnson and Ms Sedgwick in May 2009. At that meeting those Board members took a decision to recommend to the next possible Board meeting of the LWEMB that an external paid Chair should be appointed to support the EMB in resolving problems and also to review the viability of the EMB. There is no evidence of coercion nor any complaint I am aware of but yours that it may have occurred. Ms Sedgwick, at the meeting's request, used Consultancy firms to identify a number of potential candidates for the position.

Interviews were organised by Council staff on behalf of the LWEMB and undertaken by a panel comprising members of the LWEMB Board with Ms Johnson as an advisor. Ms Arvinda Gohil was selected by the panel but Ms Johnson left to allow the decision to be made by the panel alone. Ms Gohil was recommended to the LWEMB Board by the members of the Board on the selection panel and duly appointed as Special Advisor by the Board on 3rd of August 2009. Once again I can see no evidence of coercion and the fact that Ms Johnson absented herself from the decision making part of the interview and selection process suggests a clear awareness on the part of both Council and Board that this was a LWEMB decision.

Ms Gohil was subsequently appointed Chair at the LWEMB AGM on 1st September 2009. She did not serve on the Board as a Council appointee as you suggest but was co-opted by the Board as a Special Advisor.

In the evidence I have considered I can detect no sign of the coercion of any Board member, nor is there any evidence that the actions of the Board were anything other than free and informed. I have seen no evidence of any Council Officer delivering an ultimatum around dissolution of the EMB and I would suggest that you are misinterpreting Ms Sedgwick's response on this matter.

It is right that the Council supported the Board in the appointment of Ms Gohil and it seems to me that whilst this is not an approach specified within the MMA, it is within its spirit.

The remaining matters you have raised appear to me to be within the remit of the LWEMB and I would agree with you that it is inappropriate for the Council's complaints procedure be used to consider these aspects of your complaint. In view of this I would suggest to you that the appropriate course of action would be to request that the Chair of the EMB to investigate the matters you raise as they are clearly matters which were the EMB's responsibility to deal with and manage appropriately.

Yours sincerely

Paul Morse
Director for Environmental Health