

Complaints, comments, suggestions and compliments

Your complaints, comments, suggestions and compliments are important to us. Please complete this form as fully as possible, explaining why you are dissatisfied or pleased with the service or response you have received. If it's a complaint, please tell us what you would like us to do to put it right.

Your details

Title (Mr/Mrs/Miss, etc.) Mr First name(s) Alexander

Last name Muir

Address 3, Ouseley Road

London Postcode: SW12 8ED

Telephone number: 0208 767 3820 / 07968 307 535

Email address: sandymuir@hotmail.com

Reason for contact

Do you wish to make a:

Complaint ☒ Comment ☐ Suggestion ☐ Compliment ☐

Would you like a reply? Yes ☒ No ☐

Which service are you contacting us about?

Property Services and Housing and Community Services

Have you contacted the council about this before? Yes* ☒ No ☐

How did you contact us? Online ☒ Letter ☐ Email ☐ Face ☒ Other ☐

Who did you contact (if known?)

Cllr Jonathan Cook, Cllr Sarah MrDermott, Cllr Kathy Tracey, Martin Walker, Paul Martin, F.O.I. Office

* Ref: Have you contact the council about this before? YES - Although I have not formally lodged a complaint. I did however advise Cllr Cook and Cllr Tracey by email on 23rd July and 3rd August respectively that the complaint would be lodged subsequent to receipt of information requested under the Freedom of Information Act.

Multiple maladministrations of the process of soliciting offers for the lease of Neal's Lodge and Neal's Cottage on Wandsworth Common.

Maladministration 1

On 12th February 2015 the principal valuer was advised by the WBC planning officer that "uses for the properties are quite restricted and limited to those in connection with the Common or for recreational activities that would be accessible by the public" and that "the properties are unusual in this regards and we would be quite limited in terms of what we could accept as a use for the site."

Despite this advice, on 16th February 2016, in an email times at 08:39 the Principal Valuer chose to put his own interpretation on the Long Act "for the purposes of seeking expressions of interest from the market for these premises."

Thereafter in an email to Cllr Jonathan Cook on 7th July timed at 14:54 Peter Tiernan claimed that "The Borough Solicitor has advised that the proposed use of these premises as a children's nursery is consistent with the "Long Act".

The totality of these exchanges resulted in what was clearly a questionable legal interpretation and opinion being presented as facts. The consequence of this maladministration is that within 30 days of the council signing a lease with a nursery for the properties an application will be lodged for a judicial review of the legality of WBC's decision to grant that lease. The maladministration is exacerbated by the refusal of the Borough Solicitor to review, via expert opinion, his interpretation of the Long Act despite being repeatedly requested to do so in emails from myself and Mr Justin Harris between 10th January and 8th February 2016, (see Appendix 1). The maladministration is further compounded by WBC's refusal to provide the information requested in FOI request no.12318 relating to the exchange of correspondence on the matter between the Principal Valuer and the Borough Solicitor's Office.

The exchanges of correspondence referred to are available in the responses and attachments together with the reviews, subsequently applied for, to FOI request nos. 11997 and 12318.

Maladministration 2.

WBC Property Services engaged Lambert Smith Hampton (LSH) to market the above properties and solicit "expressions of interest" as per the details drawn up by LSH, on WBC's behalf (See Appendix 2). I, together with Joanne Cyphus Mason, expressed an interest in the lease, by the designated due date, and sent this to both LSH and Cllr Jonathan Cook (see Appendix 3). On 26th June in an email timed at 17:20 LSH advised that they would "be in touch with an update ASAP". (see Appendix 4)

On 7th July in an email timed at 14.53 Peter Tiernan wrote to Cllr Jonathan Cook with an update of the proposed letting and a summary of the "expressions of interest" received. Included in this advice was the claim that "a further expression of interest was indicated by another third party who REFUSED (*emphasis added*) to set out the detail of their proposals without first having a confidentiality agreement in place." I appreciate that MrTiernan may have been relying upon information provided by LSH when he wrote this but the information is DISINGENUOUS. AT NO POINT was I, or Ms Cyphus Mason, ever asked whether we were prepared to provide further information without a non disclosure agreement in place. We simply made it very clear in our submission that we wished to arrange a meeting to present and discuss our proposal more fully and expected some form of assurance of confidentiality in order to protect an imaginative and innovative idea. In fact as Cllr Sarah McDermott can

confirm I shared all the details of our proposal with her when we met to discuss the matter in early July WITHOUT HAVING A CONFIDENTIALITY AGREEMENT IN PLACE. Further, despite the assurance received by LSH on 26th June referenced above, no contact WHATSOEVER was received until 9th July when we were advised by LSH by email that our “offer” had been deemed “non compliant”.

The process of soliciting offers was thus maladministered because Property Services officers failed to properly manage their appointed contractors. In the course of this failure they allowed an unqualified placement student to take the lead role in the process. LSH transpired to be lazy, incompetent or negligent, as they failed to follow up on the written commitment to an update which they made. The Principal Valuer then provided DISINGENUOUS information to the Deputy Leader of the Council. I appreciate that the placement student was inexperienced and may not have been competently supervised but it was and is the Property Services team and Cllr Cook who were and are ultimately responsible for the evaluation of the expressions of interest, and the decisions which follow from them. It was precisely in this knowledge, and for this reason, that I ensured Cllr Cook was copied on our original proposal on the working day following LSH's revised deadline.

The exchanges of correspondence referred to are available in the attachments to FOI request no. 11997.

Maladministration 3

On 20th July, in an email timed at 18:10 LSH reminded Peter Tiernan of WBC's obligations under section 123 (2A) of the 1972 Local Government Act “to consider all offers in order to ensure best consideration”. In an email timed at 08:47 on 21st July Mr Tiernan requested a discussion of this with Mr Tunde Ogbe. At 08:56 Mr Ogbe instructed Mr Tiernan to “Press ahead with the letting”.

Clearly this instruction constitutes a breach of the Act referenced and is also at odds with the Assistant Director (Property Services) assertion in an email to to Cllr McDermott that the correct procedure was followed. This maladministration was compounded by council officers ignoring a potentially higher offer for the relevant lease, or the potential to negotiate one between two or more parties. This would appear to be negligent, incompetent or both on the part of both LSH and council officers.

Maladministration 4

FOI request no 11797 reveals, in a “DRAFT RESPONSE TO _____ COMPLAINT (JULY 2015) authored by Mr Peter Tiernan that “The Council has a duty to be even handed in its dealings especially when marketing property”. However an email from the Principal Valuer, the same Mr Peter Tiernan, to LSH dated 29th January 2015 instructing LSH that “the details be emailed to ____ of ____” clearly demonstrates that at least one party was given preferential access to details of the property ahead of it being more broadly marketed. Unfortunately, despite FOI request no.11797 being reviewed by the WBC Chief Executive, the council still refuses to reveal the identity of the (redacted) party who was provided with this preferential access.

If you are making a complaint, what would like us to do to put things right?

I would like the Council to withdraw the offer of a lease to Smart Pre-Schools, before they commit any monies to renovations, which would be at risk of a cease and desist order from the court, subsequent to Judicial Review.

I would like to arrange a meeting with the Council Officers responsible for Education, together with the Principal Valuer to discuss our proposal for developing Neal's Lodge & Cottage into a Community Asset which would provide 3000-5000 Wandsworth primary school age children with Non Formal Learning experiences on Wandsworth Common each year.

We want to make sure that everyone is treated fairly and has equal access to our complaints procedure.

We monitor our complaints to see that this is happening. You do not have to fill in this part of the form, but it may help us to improve our services.

If you do not fill in this part of the form, it will not affect the way we deal with your complaint. The information you give us is strictly confidential and we will use it for monitoring and statistical purposes only.

Your personal details

Are you? Male ☒ Female ☐ Prefer not to say ☐

Your age – Under 16 ☐ 17-24 ☐ 25-44 ☐ 45-59 ☒ 60-74 ☐ 75+ ☐

I would describe my ethnic origin as:

Bangladeshi	<input type="checkbox"/>	Mixed – White & Asian	<input type="checkbox"/>	Older – White	<input type="checkbox"/>
Black African	<input type="checkbox"/>	Mixed – White & Black African	<input type="checkbox"/>	Pakistani	<input type="checkbox"/>
Black Caribbean	<input type="checkbox"/>	Mixed – White & Black Carribbean	<input type="checkbox"/>	White – British	<input checked="" type="checkbox"/>
Chinese	<input type="checkbox"/>	Other	<input type="checkbox"/>	White – Irish	<input checked="" type="checkbox"/>
Indian	<input type="checkbox"/>	Other – Asian	<input type="checkbox"/>		
Mixed – Other	<input type="checkbox"/>	Other – Black	<input type="checkbox"/>		

☐☒

Language spoken (please state) English

Do you consider yourself to have a disability? Yes No

If Yes, what type of disability? NA

Hearing impairment ☐ Speech impairment ☐ Visual impairment ☐

Physical disability ☐ Learning Disability ☐ Multiple disability ☐

Other disability (please state) NA

Once you have completed the above information, you can either:

- Fax the form to 020 8871 8181
- Send by post to:
Support Services, Room 162 Town Hall, Wandsworth High Street,
SW18 2PU