



POOLS ON THE PARK  
**HEALTH  
SUITE**  
ACTION GROUP

COUNCILLOR NAME

c/o Democratic Services

London Borough of Richmond upon Thames

York House

Richmond Road

Twickenham

TW1 3AA

20 May 2024

Dear Sir/Madam,

We are writing to you in your capacity as a member of the Environment, Sustainability, Culture and Sports Committee regarding several concerns over financial, constitutional and governance irregularities. This letter is also being copied to members of the Audit Committee and the Finance Committee.

1. On 7th November, ESCSC members were told in Matthew Eady's report that there was allocated budget for the council's preferred option of the group exercise studio. This was a false statement and you were misled by Fenella Merry, Director of Finance. There was only £187,000 allocated budget for 'Pools on the Park - health suite refurbishment' that had been in place for the previous 20 months, and it is widely understood that 'refurbishment' means to renew and enhance rather than to effect a change of use.
2. Since there was no allocated budget for the group exercise studio, this means that the six ESCSC members who approved this proposal on 7th November (Cllr Coombs, Cllr Gant, Cllr Juriansz, Cllr Neden-Watts, Cllr Sacks and Cllr Varley), acted against the council constitution which states:

*The service committees are required to make decisions which are in line with the Council's overall policies and budget. If a service committee wishes to make a decision which is contrary to the budget or policy framework, the decision must be referred to the Council as a whole to decide.*

3. Information since disclosed as a result of FOI requests raises further questions:
- a. The specification of the new health suite, estimated at a cost of £210,000 was incorrectly disclosed in Matthew Eady's report (that was later discovered to be written by David Allister). The specification actually included a new piece of equipment – an ice bath – that had never existed before in the health suite's 28 year history. Had we known this at the time, we would have questioned why it was added to the specification and therefore increased the estimated cost.
  - b. We have been provided with numerous emails between the council and QS Support Ltd who were the quantity surveyors tasked with providing the £140,000 (group exercise studio) and £210,000 (new health suite) cost estimates.
    - i. At no point in these emails does the council state that there is a known maximum allocated budget of £187,000 for either option. This allocated budget had been in place for 7 months before QS Support Ltd were engaged. How is it possible that a £210,000 estimate was produced that was higher than the £187,000 allocated budget and contained an extra piece of undisclosed equipment?
    - ii. The answer appears to be found in an email dated 31st October 2022, where QS Support informs the council's Project Officer:

*I have removed the Café and provided updated sums to reflect a target of £[redacted] and £[redacted] for Fitness and Health Suites respectively.*

Why is the Quantity Surveyor referring to a "target" costing? This indicates that the £140,000 and £210,000 estimates were predetermined by the council and supplied to the Quantity Surveyor for him to match.

- iii. Please note that the council have refused to disclose the breakdown of these cost estimates. This FOI refusal has been escalated to the Information Commissioner's Office, along with three other refused requests.
4. In March 2023, the £187,000 approved budget for 'health suite refurbishment' was curiously split into £47,000 (2022/23) and £140,000 (2023/24). There was no need for this redistribution since only £6,000 of the £187,000 budget had been spent in 2022. This therefore indicates predetermination of the group exercise studio outcome since the estimated cost was known in October 2022 at £140,000. We are still waiting on overdue FOI responses on this issue.
5. In a Teams meeting with residents on 21st December, Matthew Eady stated:

*"This committee agreed to the allocated funding that was originally previously earmarked for the health suite, to be earmarked for the group exercise studio, because the committee at that same meeting decided not to pursue the health suite and therefore that capital sum has become available, and therefore the committee has the ability to be able to approve those capital funds."*

**You know this statement is false** because according to the constitution, the ESCSC can only reallocate funding up to £100,000:

*Each service committee is permitted to repurpose existing funds or use new income streams up to £100,000. Any repurposing of funds or use of additional income in excess of £100,000 requires the approval of the Finance, Policy & Resources Committee.*

6. On 23rd January, Fenella Merry brought a fake budget request (attached) to the Finance Committee where it was dutifully approved despite a public speaker telling committee members that it did not exist. This was disguised as a reallocation of just £12,000 but was actually for full reallocation of the remaining £181,000 'health suite refurbishment' budget. **You know that the ESCSC never resolved to make this budget request to the FPRC.** We are sure you will agree that it is unacceptable behaviour for an Executive Director to fabricate a budget request from your committee.
7. Peter Sass, Head of Governance was asked by email on 13th February why he was satisfied that allocated budget for 'health suite refurbishment' could be used for 'group exercise studio', as well as why he allowed a non-existent budget request to be brought to the Finance Committee. He replied that he had nothing to say on these matters and deferred to the statements made by the Monitoring Officer.
8. A public question was submitted for the council meeting on 5th March to ask Cllr Roberts why he allowed a non-existent budget request to be brought to his committee. This question was rejected by the Monitoring Officer.
9. The council states that there was allocated budget for the group exercise studio on the grounds that a budget allocated to 'health suite refurbishment' can be used for a change of use to 'group exercise studio'. If that claim is true then there would be absolutely no need for the Director of Finance to create a fake £12,000/£181,000 budget request to mislead the Finance Committee into reallocating this budget, 15 weeks after the ESCSC had made its decision. **There is a very clear contradiction between the council's statements and actions here.**
10. Multiple complaints were filed about the above irregularities but the Monitoring Officer has blatantly disregarded the council's complaints process and chosen to refuse to investigate any of them by misrepresenting the content of the complaints as being about a democratic decision. These have now been escalated to the Local Government and Social Care Ombudsman.
11. A complaint was then filed against the Monitoring Officer for misconduct by failing to adhere to the complaints procedure and repeatedly misrepresenting complaints. This was passed to John Scarborough, Managing Director of South London Legal Partnership. However, Mr Scarborough did not investigate the complaint properly and failed to consider any of the evidence supplied (e.g. the Monitoring Officer's responses were a total of 218 days overdue). The complaint was not upheld. As a result, this complaint has also now been escalated to the Local Government and Social Care Ombudsman.

We should not need to remind you that as a councillor, you have a duty to maintain the highest standards of conduct and ethics.

**Given the above information, what action are you going to take to uphold the integrity and reputation of your committee and the council?**

Yours sincerely

MEMBER NAMES

Pools on the Park Health Suite Action Group

[healthsuite.org.uk](http://healthsuite.org.uk)