

Submission to the Council of 13 May 2010 by Mrs. 'B' and Mr. 'C' (LGO reports)

re: Gardner Avenue Allotments/LGO Reports.

10 May 2010

We wish to draw members' attention to the following issues re: LGO reports, :-

- We do not understand why it should be "inappropriate" to accept the conclusions of a lengthy and detailed inquiry by the competent authority, the LGO, that upheld our complaints and found that officers acted unlawfully.
- We have always spoken on behalf of a majority on site (see enclosed petitions) and have complied with the due process of an LGO inquiry.  
We have had the consistent support of our M.P. Mr. Joe Benton, who believes we have been badly treated and subjected to the theft of our assets.
- We believe that by twice rejecting LGO reports, the Cabinet is defending proven malpractice by officers involving breaches of the law, rather than acting in the public interest.  
This has not only prolonged the injustices against us, it has wasted public money in Senior Officer time by placing Sefton in conflict with the LGO for a further two years.
- Does such a conflict regarding officers who've acted unlawfully ~~not~~ place Sefton in an abnormal legal position?
- We therefore appeal to those members with a sense of fairness and democracy to act on behalf of the public by accepting the LGO reports and implementing the "local Settlement" agreed with the LGO by the Leisure Director in February 06 (See LGO reports of 7 April 08), which he has failed to fully implement.
- Thank you for listening to our views

"Mrs. B" and "Mr. C" - LGO reports of 7 April 2008  
25 Feb. 2010.

PETITION No.4 - COMPENSATION CLAIM

40 a.h.s.

The ombudsman has established that the new association formed on 27 January 2005 is not a continuation of the original Gardner Avenue Allotment Society.

Leisure Services forced all of the assets of the original society into the hands of the new association in January 2005 and has failed to ensure their return.

As a result, Leisure Services has deprived us of the use of the trading hut and its stock since January 2005 to the current date (31 May 2008).

We, the undersigned, have incurred extra costs as a result of this in the form of higher prices for stock, plus extra transport and fuel costs to get it to our allotments, averaging £15 per allotment holder per annum.

We are therefore claiming compensation from Leisure Services to reimburse the extra costs we have incurred for being deprived of the use of the trading hut and their failure to ensure its return.

Ongoing claims will be made until the hut is returned to its owners so that we can again use it to purchase stock.

	NAME	SIGNATURE	DATE	PLOT No	YRS ON SITE	PERIOD CLAIMED (Jan 05 - May 08)	AMOUNT CLAIMED
1	F. ALDRIDGE	[Signature]	6.6.08	60	6	Full Period	£50
2	W. FENNEY	[Signature]	6.6.08	39	4	FULL PERIOD	£50
3	P.M. GIBBONS	[Signature]	6.6.08	40	35	Full Period	£50
4	H. WARBURTON	[Signature]	6.6.08	55	22	FULL PERIOD	£50
5	E. Gibbons	E. GIBBONS	6.6.08	42	35	FULL PERIOD	£50
6	JOAN JONES	[Signature]	6.6.08	63	23	FULL PERIOD	£50
7	CAROL JONES	[Signature]	6.6.08	65	14 mths	14 MONTHS	£17.50
8	J.G. Dolan	J.G. [Signature]	8 June 08	59	23	Full Period	£50
-	DONALD JONES	P.P. [Signature]	8th JUNE	65	22	JANUARY 05 MARCH 07	£33.75
9	E. WARBURTON	E. Warburton	7.6.08	53	22	FULL PERIOD	£50
10	J. HADDRELL	J. Haddrell	7.6.08	49	18	FULL PERIOD	£50
11	H. GRUNDY	[Signature]	7.6.08	62	50	Full Period	£50
12	K. BURNS	[Signature]	7.6.08	73	3	Full Period	£50
13	R. SPENCER	[Signature]	7.6.8	71	19	Full Period	£50
14	P. FINN	[Signature]	7.6.08	75	28	FULL PERIOD	£50
15	J. DOLAN	[Signature]	7.6.08	64	4	Full Period	£50
16	T. NORRIS	[Signature]	7.6.08	46	8	Full Period	£50

Sefton Council  
Legal Dept.  
Town Hall  
Lord St.  
Southport PR8 1DA.

Petition No. 3

18 April 2007

FOR THE ATTENTION OF THE LEGAL DIRECTOR

Dear Ms. Elwood,

RE: Gardener Avenue Allotment Site

We, the undersigned, believe that Leisure Services (LS) and I. Makins in particular have neglected their duty of care to all allotment holders (Ahs) by failing to restore good order on council land during the last two years.

Their actions have produced intolerable stress and total loss of enjoyment for a majority of Ahs during a prolonged campaign of intimidation and harassment by LS and its agents on site. This has involved them breaking allotment law, the Human Rights Act, and other legislation.

I Makins has been informed many times in countless letters, as well as two petitions (signed by a majority on site), as to who is responsible for so much trouble. The LGO enquiry has reached the same conclusion after studying the hard evidence.

Yet despite a written commitment by I Makins to all Ahs in November 2003 that immediate action would be taken against anyone responsible for threats and intimidation, LS and I Makins have done absolutely nothing to stop it.

In fact, for two years LS have elevated the trouble-makers, and their collaborators, to the position of Sefton's unofficial agents on site and have consistently supported and protected them.

By ignoring a majority view in favour of a small group of council-sponsored agitators, LS has displayed unfair discrimination to the great detriment of the common good.

We feel that I Makins is too close to the trouble-makers to be capable of restoring good order, or of fairly implementing the LGO settlement (such as returning the trading hut to its rightful owners), and we therefore request Sefton Council to appoint an impartial council officer to manage this site, someone capable of dealing with the known trouble-makers. Only then will good order be re-established.

J. Elman	PLOT 62.	M. R. BURR	73
W. Wainwright	55	G. Mc Cain	70
M. Gibboul	40	J. Haddrell	49
G. R. Bower	66	J. G. P. C.	59
A. ...	75	J. ...	25
A. Ryan	51	J. ...	77
P. Mc Keigh	50	C. Seaman	57.
E. Mc Keigh	52	J. Seaman	57.
C. ...	42	J. ...	63
E. ...	53	C. A. JONES	65
F. ...	58	M. ...	39.
L. ...	64	M. ...	56
D. J. ...	44	M. ...	59
R. ...	71	F. Aldridge	60
A North	?		

Petition No.3. addendum.

The GAAT Group  
(Gardner Avenue Allotment Tenants Group)

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FAO Ms Elwood contd.

18 April 07

The GAAT group also request that Sefton immediately implement all the terms of the settlement they agreed with the LGO in July 06.

It has been established from evidence presented to the LGO enquiry that the new association formed by I. Makins on 27 January 05 IS NOT a continuation of the original society. Sefton Council have accepted this fact as part of their agreement with the LGO.

It is therefore unlawful for the new Gardner Avenue Allotment Association (GAAA) to control the assets of the original and separate Gardner Avenue Allotment Society (GAAS).

We therefore request that Sefton ensure the immediate return of all the assets of the original GAAS from the new GAAA, particularly that the trading hut be returned to its owners (i.e. those allotment holders who's labour and materials built it to donate its use to the original GAAS), so it can again be used for the purpose it was built.

It was Sefton who forcibly ensured the transfer of all GAAS assets and documents to the new association in January 05 despite our protests at the time (and since). Sefton should now ensure their return, because they are allowing a few unrepresentative agitators from the new GAAA, who have absolutely no valid legal claim to the trading hut or GAAS assets, to hold the site to ransom. Seftons inaction makes them complicit in this malpractice.

Also, those masquerading as the original GAAS should immediately cease fraudulently using that name and revert to the name they all voted for on 27 January 05 (complete with its own new set of rules and constitution) – the GAAA.

I. Makins should ensure this happens because it was he who oversaw the inauguration of his new association on 27 January 05.

Contacts:

Mrs E. Warburton  
44 Gardner Avenue  
Bootle  
L20 6EQ

Mr J.G. Dolan  
33 Derwent Drive  
Litherland  
L21 5HR

Mr. P. M. Gibbons  
55 Gardner Avenue  
Bootle  
L20 6EF.

Mr. H. Grundy  
173 Gardner Avenue  
Bootle  
L20 6EF

We the undersigned request Sefton Council to ensure any Local Councillors who are also allotment holders, do not use their position as a councillor to unduly influence the running of Gardner Avenue Allotments.

On site, a councillor is an ordinary allotment holder and as such carries no more authority than anyone else.

We also request Sefton Council to act on the petition presented to Mr Haywood in June 2005, which has still not been acted upon

Name	Signature	Plot No
<del>J. Smeaton</del>	<del>[Signature]</del>	65
H. WARBURTON	[Signature]	53
S. SMITH	[Signature]	70
F. ANDRIDGE	[Signature]	60
S. RYAN	[Signature]	51
J. NORTH	[Signature]	3
[Signature]	[Signature]	73
P.M. GIBBONS	[Signature]	40
J. FINN	[Signature]	77
G. GIBBONS	[Signature]	42
E. WARBURTON	[Signature]	55
E. GIBBONS	[Signature]	42
J. Cole	[Signature]	11
A. HANNEY	[Signature]	11
M. CURRIE	[Signature]	69
A. DEVINE	[Signature]	75
J. VILKLEY	[Signature]	20
K. McKEE	[Signature]	27
K. SPENCER	[Signature]	71
H. GRUNDY	[Signature]	62
J. BOLDWIN	[Signature]	67
J. HADDALL	[Signature]	49+47
J. JENNY	[Signature]	39
P. McKEIGH	[Signature]	50
E. McKEIGH	[Signature]	52

} stand  
} plot

13 June 05

(32 allotment Holders.)

We the undersigned believe that there can be no fair, democratic election process on Gardner Avenue Allotment Site before all serious issues raised (with Leisure Services by allotment holders) since Dec 11<sup>th</sup> 2004 are fully resolved or before an adjudication by the Local Government Ombudsman.

It is therefore inappropriate to hold an A.G.M. at this time. We request that any elections be postponed until Sefton Council resolve the problems still dividing the site and until the Ombudsman makes a final judgement.

We speak as members of the original G.A.A.S. (still without a Committee since Dec 11<sup>th</sup>).

We do not speak as members of the separate and newly formed G.A.A.S. (founded by Leisure Services on Jan 27<sup>th</sup> 2005)

1 AS ON SITE

	Name	Signature	Plot No	
1	D. JONES	<i>[Signature]</i>	63	20 YEARS
2	J. JONES	<i>[Signature]</i>	65	20 YEARS
3	F. FIDRIDGE	<i>[Signature]</i>	60	3 YEARS
4	A. DEVINE	<i>[Signature]</i>	75	4 YEARS
5	H. WARBURTON	<i>[Signature]</i>	55	20 YEARS
6	C. R. BONNER	<i>[Signature]</i>	66	5 YEARS
7	P. FINN	<i>[Signature]</i>	77	23 YEARS
8	P.M. GIBBONS	<i>[Signature]</i>	40	33 YEARS
9	J. J. M. CAIN	<i>[Signature]</i>	70	4 YEARS
10	D. J. GIBBONS	<i>[Signature]</i>	44	1 YEARS
11	P. M. KELLY	<i>[Signature]</i>	50	18 YEARS
12	J. RYAN	<i>[Signature]</i>	51	30 YEARS
13	H. GRUNDY	<i>[Signature]</i>	62	50 YEARS
14	E. WARBURTON	<i>[Signature]</i>	55	20 YEARS
15	E. GIBBONS	<i>[Signature]</i>	42	33 YEARS
16	J. HAWLEY	<i>[Signature]</i>	11	30 YEARS
17	WILLIAM FERRIS	<i>[Signature]</i>	24	3 YEARS
18	J. WILROY	<i>[Signature]</i>	26	15 YEARS
19	J. SEAMAN	<i>[Signature]</i>	57	25 YEARS
20	C. SEAMAN	<i>[Signature]</i>	57	25 YEARS
21	J. HADDRELL	<i>[Signature]</i>	49	17 YEARS
22	M. CULSHAW	<i>[Signature]</i>	69	4 YEARS
23	J. G. GIBBONS	<i>[Signature]</i>	59	20 YEARS
24	P. COSGRAVE	<i>[Signature]</i>	58	15 YEARS
25	A. MACKLER	<i>[Signature]</i>	No 33	2 YEARS
26	J. NORTH	<i>[Signature]</i>	71	2 YEARS
27	R. SPENCER	<i>[Signature]</i>	71	17 YEARS
28	M. DUFFERY	<i>[Signature]</i>	38	1 YEARS
	JANE TAYLOR	<i>[Signature]</i>	45	10 YEARS

2 PROTS

Summed Plot

Summed Plot

Mr I Makins  
Leisure Services Department  
99-105 Lord Street  
Southport PR8 1RJ

Invoice

26<sup>th</sup> January 2007

Dear Makins,

It has fallen to those whose complaints have been upheld by the LGO.  
to seek the return of assets of the original GAAS

\* This letter is written following advice given by the LGO, so please accept it as a formal invoice/request for payment. \*

f: Stock value (stock in Trading Hut) as at 31/12/2004      stock value £550

**Tools and equipment and fittings to be notified:**

2: Cash in Bank (Original GAAS) as at 31/12/2004      £2700

Total value £3250 (Ex. Tools & Equipment)

3: The Trading Hut: - we again request Sefton's action to secure the huts immediate return to its owners.

The return of the hut is a priority before any consideration of its value being reimbursed.

The details of the new bank account, to be opened, to accept the returned assets will be forwarded to you as soon they have been approved.

Yours truly

Mrs E Warburton

Mr J.G Dolan

Mr D Jones

**USE OF COUNCIL TAXPAYERS MONEY**

The use of Council Taxpayers(CT's) money should not be used to subsidise the deliberate depletion of GAAS assets by the new Association formed on Jan 27<sup>th</sup> Jan 2005.

In order to reduce the burden on CT's Money and before Sefton reimburse the original Society with £3250 (+ tools & eqpmt)' we request Sefton to reclaim the maximum amount possible off those in the association who have wrongly taken GAAS assets.

We do not consider it right and proper for those who joined the new Ass, and who then depleted the Society assets to now benefit from the re-imbursed assets which they in our view effectively stole.

Mr J Dolan  
33 Derwent Drive  
Litherland  
L21 5HR

Mrs E Warburton  
44 Gardner Avenue  
Bootle  
L20 6EF

Mr D Jones  
52 Patrick Ave  
Bootle  
L20 6ER