The Tenant reported a dangerous gas condition (31 Mar 11) and submitted an official complaint (28 Jun 11) to Chester & District Housing Trust (CDHT) about carbon monoxide and other noxious emissions allegedly through structural carbonation which occurred when a new tenant moved into an adjacent flat. The complaints complied with CDHT Complaints Policy also CDHT Complaints and Compensation Procedure.

When the Trust neglected to act, the Tenant filed two telephone and three written complaints with Health and Safety Executive (HSE) about the dangerous gas condition (20 Jun 11) which that regulator neglected to investigate. Neither CDHT nor HSE has acted upon complaints in accordance with published protocols; instead they both used evasive tactics which classify as misconduct in public office.

HSE inspectors neither made any attempt to visit the property nor mitigate the damage. By that, HSE granted impunity for the Trust to leave the Tenant (an octogenarian) without heat and hot water in a flat riddled with carbon monoxide and other noxious gases for 16 months which included two winters with below zero temperatures. That condition still exists (31 Dec 12).

Neither HSE nor the Trust made any attempt to address the issues. Instead, Karen Heritage, Performance and Quality Team, CDHT neglected her duty of care to address dangerous health and safety issues by responding with disingenuous and insolent behavior in an attempt to dissuade an elderly person from complaining in direct violation of the Equality Act 2010. Carl Sands, Gas Officer, HSE and Tanya Stewart, Principal Inspector, HSE adopted a similar attitude. They each received information with URLs that linked to all the relevant information (20 Feb 12). [Information Release]

By that, HSE and the Trust (jointly and severally) evaded responsibility to prevent carbon monoxide emissions in Trust flats and to maintain appliances and flues in a safe condition in accordance with The Gas Safety (Installation and Use) Regulations 1998 and statutes in pari materia. The complaints essentially asked that the Trust rectify dangerous health and safety conditions existing in several flats in a particular building and by extension other flats built during the same period (circa 1960).

[Full Text: Health and Safety Executive - Misconduct in Public Office]

Health and Safety - Carbon Monoxide and other Noxious Emissions

Carbon monoxide (CO), difficult to detect and easy to inhale without realizing it, has no smell, taste or color and results from inefficient burning of fuels such as gas, oil, coal and wood.
When a fire burns in an enclosed space, it gradually uses oxygen and replaces it with carbon dioxide (CO2). If the amount of carbon dioxide in the air increases, then it prevents the fuel from burning fully which releases carbon monoxide, a poisonous gas. Inhaling carbon monoxide can cause a loss of consciousness and death.

Levels of carbon monoxide that do not kill can also cause serious health problems if breathed in over a long period. In extreme cases, paralysis or brain damage results from prolonged exposure. People with mild symptoms usually make a full recovery; however, complications can arise years later as a result of damage to the heart. Many public sector tenants do not realize the silent progression of a variety of medical conditions caused by carbon monoxide poisoning.

Public awareness of carbon monoxide dangers (and sensible precautions) dramatically reduces the risk of poisoning; however, some housing trusts and private landlords tend to ignore warnings by tenants about the need for repairs. They arbitrarily deny maintenance to save the cost of replacing outdated appliances and flues in property built up to fifty years ago. By that, they violate recent legislation that calls for additional visibility to facilitate thorough flue inspection by gas engineers.

The flues at the subject property do not allow visible inspection: therefore, they do not comply with current regulations. Moreover, they emit poisonous carbon monoxide gas and other noxious substances into living accommodations in the building. Under the revised regulations the heating and water heating appliances also the flues classify as unfit for purpose.

Trust employees turned a simple complaint into a complex issue then denied the Tenant a right to natural justice. The Trust tried to force the Tenant to litigate, an alleged use of barratry, in which case additional charges under the Equality Act 2010 apply.

Heritage stated in a letter (04 Jul 11) that Major Works and New Business Team (MWT) would investigate the complaint then advise the Tenant of its decision within ten working days. Five months elapsed and neither Heritage nor a MWT team member contacted the Tenant. No inspection took place despite the seriousness of the complaint and the health and safety risks involved which have caused several near-death experiences.

Stuart Crosthwaite, Business Assurance Manager, CDHT did not respond to refutation of an outrageous response he made about the initial complaint. He then orchestrated a campaign of denial and abuse using "retroactive preemption": an unlawful and disingenuous time-warp stratagem designed to preempt process of a complaint. Then he made unsubstantiated, disingenuous, self-serving assertions to evade the issues resulting from a complaint to Health and Safety Executive.

Crosthwaite ignored the issues for political expedience. He neither substantiated his statements nor took action to correct life-threatening conditions in several flats. He then claimed "without prejudice" status in an attempt to hold Trust employees harmless for their decisions and gross negligence. By that, Crosthwaite tried not only to dispense with a valid complaint but also attempted to deny due process by effectively frustrating an appeal.
Wendy Garwood, Satisfaction and Complaints Officer, CDHT removed the without prejudice status to allow filing of the appeal. That action only addressed a single document. Crosthwaite and Garwood continue to unlawfully withhold other documents essential to appellate investigation and arbitration; meanwhile, the health and safety risk has escalated.

Statutes that Crosthwaite and Garwood referenced classify as irrelevant and immaterial. They neglected to explain how they apply to the Trust’s defense to the complaint with particularity and have made assertions without substantiation arbitrarily to refute all allegations in the complaint by a general denial.

Health and Safety Executive (HSE) Safety Notice (02 Oct 10) applies to both the subject property and the complaint. That safety notice reinforces the information included by the Tenant in the Stage One Complaint and substantiates his challenge to Crosthwaite’s decision not to process the Stage One Complaint and to obstruct an appeal by delaying and denying process of the appellate Stage Two Complaint.

**Duty of Care - The Trust and Landlords generally**

Both public sector and private landlords have a duty of care to tenants (required by Health and Safety Executive). They must act immediately upon receipt of a report of a dangerous gas condition. In this case, the condition has existed since the tenant X took occupancy (01 Apr 11±) and complained about the health and safety risks. Eight months later, the Trust had not addressed that complaint in accordance with the regulations and the toxic pollution at Y increased exponentially with the deterioration of weather conditions.

The Trust has not exercised due diligence (a legally binding process under the Trust Tenancy Agreement) by inquiring into the environmental characteristics of the property. Moreover, the Trust neglected to verify information and documentation provided by the Tenant in order to make a decision on the urgency of maintenance and repairs. Due diligence requires an objective test, in this case the employment of independent structural and gas engineers.

The Trust complaint procedures require diligence and expedition normally shown by a competent prosecutor conscious of his duty to bring a case to trial in a court of law as quickly as reasonably and fairly as possible: despite claims to the contrary by Paul Burton the Trust in-house solicitor. In determining whether the Trust has acted with all due diligence and expedition, any court or ombudsman will apply an objective standard.

Instead, Trust employees ridiculed, harassed and bullied the Tenant. They arbitrarily made a decision to deny service by falsely stating that they had inspected the building and found no fault. However, the outdated spillage monitoring procedure that the Trust used did not address the effect of carbon monoxide and other noxious gases emanating from X and spilling into Y.

Despite two inspections of heating and boiler equipment at Y during the previous eighteen months, gas engineers did not perform a smoke spillage test, reposition an antiquated vent to the exterior of the building (defective due to its placement behind a radiator and covered with
wallpaper) or visibly inspect the flues in compliance with current regulations. They then fudged the certificates and withheld copies of them from the Tenant contrary to law.

The report of gas, tobacco, disinfectant and cooking fumes in the living room at Y described how the Tenant could not use it for more than ten minutes without experiencing sickness and headaches. The Tenant took unofficial advice from independent heating engineers who said that in all probability the flues spilled from Z and/or X into Y through a faulty or cracked flue or void.

They said that a crack in the concrete floor could also cause a problem but the most likely answer indicated damaged or incorrectly installed flues. A crack in the ceiling at X showed carbon monoxide stains which substantiated that opinion; however, the Trust painted it over to hide the problem.

Health and Safety Executive (HSE), UK national regulator for health and safety, Regulation 36(2) states that every landlord maintain in a safe condition: (a) any relevant gas fitting; and (b) any flue which serves that gas fitting, so as to prevent the risk of injury to any person in lawful occupation of relevant premises.

The Tenant requested the Trust to consider all aspects of the complaint and to make an unbiased determination, then order engineers to remedy all the building defects also appliance and flue problems throughout the property. Responses by Paul Knight, Assistant Director of Performance and Income and Crosthwaite to the life-threatening situation comprised nothing more than a general denial that a problem existed.

HSE decided not to process serious health and safety complaints (which included potential carbon monoxide poisoning) which outraged several tenants. They verbalized to the Tenant their frustration about the lack of Trust repairs to gas appliances and water heating equipment needed to make their flats livable in accordance with gas regulations.

The Trust Complaints Policy provided that Garwood had the authority to request Crosthwaite to revisit his Stage One finding before proceeding to a Stage Two Complaint. Crosthwaite did not revisit his decision and Garwood used the time to stonewall process of the Stage Two Complaint despite the ongoing carbon monoxide danger.

Garwood repeatedly withheld information necessary to explain the criteria at a hearing before the Trust Board Panel which must, under Trust rules, consist of three board directors. Under accepted rules of procedure, the Stage Two Complaint must remain separate from other issues with hearings convened in the order that the Tenant filed them. Knight tried to combine the first two hearings and to “retroactively preempt” a complaint against himself.

Garwood has still not provided a case number for a Stage Two Complaint against John Denny and Paul Knight. That complaint addresses alleged criminal activity which violates Equality Act 2010 and criminal statutes in pari materia. Garwood’s attempt to frustrate a complaint against her supervisors allegedly constitutes obstruction and will result in a filing of criminal
complaints with law enforcement authorities if she does not comply with Trust and lawful procedures.

That criminal referral will predicate upon her deliberate delay of process, the life-threatening environment imposed upon an elderly person and a continuing state of affairs which leaves the Tenant devoid of heating and hot water which makes Y virtually uninhabitable. That condition prevents him taking a bath or his arthritis soak and he can only use his bedroom as living accommodation.

The length of time that Garwood and Heritage have procrastinated shows a deliberate intent to create a catch-22 to advantage the Trust in the event of the Tenant's demise. That ostensibly would bring the complaints to an end; however, that predicament would arguably make them liable to charges of unlawful manslaughter. Furthermore, neglect by Garwood and Heritage of their duty of care, whether imposed upon them by their supervisors or not, makes them jointly and severally liable with their supervisors. Any breach classifies as a criminal offense especially when a reasonable person considers the age and health of the Tenant whom they continue to abuse by withholding vital services and obstruction of due process of law.

In such a case, Crosthwaite, Garwood and Heritage et alia cannot use a Nuremberg defense that they followed orders. The fact that staff members act as proxies for Executive Directors and Managers does not relieve them of their moral and legal responsibility not to commit or have complicity in a breach of their duty of care. Nuremberg insured that unqualified staff members cannot argue that they have a right to judgment at a lower standard than a qualified person. Therefore a lack of skill or education will not affect a defense of negligent conduct especially if the evidence establishes malice.

An objective test applies if staff members have particular skills and knowledge of a danger that a supervisor would not have. In that case, involvement of a staff member would stand in the light of those skills or knowledge and make them more responsible for negligence than their supervisors.

The ordinary law of negligence applies to these complaints in that those with an established duty of care have not acted as a “reasonable person would do in their position”. The Tenant alleges that they have breached that duty of care. Objective tests predicate upon the staff employment position at the time of the breach.

Garwood and Heritage have consistently refused to disclose details of their job descriptions. That omission interprets as an unlawful means by which they may act with malice without taking responsibility for their actions in a similar way to which Crosthwaite tried to use his “without prejudice” ploy.

Supervisors frequently rank as accessories before or after the fact by either delegating unlawful duties to staff members or knowingly covering up crimes committed by them. This does not relieve the staff member of responsibility for knowingly committing those acts; instead, the supervisor and the staff member have joint and severally liability.
If a death should occur as a result of neglect, then the staff member takes equal responsibility with the supervisor which precludes a hierarchical shuffle of responsibility for wrongdoing. It does not matter that the staff members did not appreciate the risk (a foreseeable risk of death) only that a reasonable person in that position would recognize that risk.

By the Stage Two Complaint, The Board of Directors, Executive Directors and Managers also staff members, Chester & District Housing Trust arguably could become jointly and severally liable for unlawful manslaughter if they do not act upon the negligence described in this position paper and death occurs as a result.

**Recent Deaths from Carbon Monoxide Poisoning**

In UK, National Health Service (NHS) claimed that an average of 50 people die from carbon monoxide poisoning each year and 200 encounter serious injury. Health and Safety Executive (HSE) reported that ten people died and hospitals admitted 330 people for injuries sustained from gas related incidents during 2009-10. According to HSE statistics, about a third of the carbon monoxide deaths occur from incorrectly installed or maintained gas appliances, flue spillage and lack of proper ventilation.

Health and Safety Executive issued an alert as an update to their regulations following another carbon monoxide poisoning death early in 2010. HSE claimed the purpose of the original alert as an attempt to raise awareness of the potential dangers from certain types of flues connected to gas-fired central heating installations in older properties that may have fallen into disrepair. The subject premises, built circa 1960, have structural deterioration also gas appliance and flue problems potentially more dangerous than those described in the HSE alert.

Additional research since the Stage One Complaint denial by Crosthwaite and new regulations strengthen the contentions made previously and substantiate the claim that the Trust has for eight months neglected to take action in a life-threatening health and safety situation. The health problems caused by Trust negligence and discriminatory behavior by Trust employees in violation of Equality Act 2010 have forced the Tenant to spend as much time as possible away from his home to mitigate possible health and safety damage.

**Maintenance and Repair**

Gas boilers located away from external walls have flues that run through ceiling (or wall) voids. In such cases, when engineers service or maintain a gas appliance they find it difficult, or impossible, to determine correct flue installation and to define the existing condition. In this case, the Trust has evaded its responsibility and duty of care to address that dilemma.

Instead, the Trust has started a merry-go-round to evade the issues. They have issued certification which contains an escape clause. That clause shows that they know about the problem but have no inclination to resolve it by installing the required hatches in walls and ceilings to support visible inspection as required by current gas regulations.

The Trust has violated HSE Regulations and deliberately evaded their duty of care to tenants by ambiguity of certification. The Trust and its contractors could not comply with the legally
defined term “visible” inspection of flue integrity through lack of hatch entry to the voids so
they used a rhetorical ploy and replaced the term “visible” with “visual” which has a very
different meaning. The Regulations call for visible access (visible - capable of being seen or open
to easy view) yet in evasion of their duty of care they used the term visual (visual - relating to
or using sight). The certificates also include an escape clause which admits that they did not
inspect the flues in compliance with the regulations and gas technicians have forged several
of them.

Escape Clause: This inspection is for gas safety purposes only in accordance with the
Gas Safety (Installation and Use) Regulations. Flues were inspected visually and
checked for satisfactory evacuation of products of combustion. A detailed internal
inspection of the Flue integrity, construction and lining has not been carried out.

Where a flue fault exists in combination with a boiler that does not operate correctly, a
dangerous level of carbon monoxide can release into living accommodation. Carbon monoxide,
a colorless, odorless, tasteless, poisonous gas produced by incomplete burning of carbon-based
fuels, stops the blood from bringing oxygen to cells, tissues, and organs and can kill quickly,
without warning.

The stated purpose of gas alerts relates to the education of homeowners, landlords and tenants
to make them aware of changes in regulations and advise them of required action. That
education becomes worthless when the Trust arbitrarily denies that a problem exists and takes
unlawful action to cover up its malfeasance.

The alert referred to the relevant gas industry technical guidance which it expected gas
engineers to follow. Gas Safe Register published a revised version of that guidance which
changed the approach that Gas Safe registered engineers must take when they service gas
installations. However, an adequate inspection cannot take place when the Trust does not
properly analyze the problem after it receives notice of gas seepage or spilling.

Instead, Trust employees evade their responsibility by ridiculing tenants in violation of age
discrimination laws. By that, they cover up their neglect to send an engineer to verify and
validate assertions by tenants arguably for political (financial) expedience. They have followed
that procedure for 21 months during which time the health of the Tenant has deteriorated to
a point where he has had temporarily to vacate his home.

The Trust cannot claim ignorance of the situation because they have received repeated advice
of a worsening condition of both the pollution and the Tenant’s health. Instead of checking the
emissions which would expose the fact that the appliances and flues do not classify as fit for
purpose, they diverted attention by asking for the medical records of the Tenant.

Gas engineers must check the flues and the voids each time that they work on a boiler. That
check includes a visible inspection. Similarly, when engineers maintain or install boilers they
must ensure that they do not constitute a danger to anyone. This includes visible checks to
insure safe flues.
HSE requires that the original installer and every subsequent servicing or maintenance engineer must visibly check continuity of flues in chimneys to ensure installation to manufacturer’s and HSE specifications. Flues must have support throughout their entire length with all joints correctly assembled and appropriately sealed. Those requirements remain physically impossible without updating the premises to comply with current HSE regulations.

In the subject properties, gas engineers cannot make visible checks due to the Trust neglecting to maintain the building in accordance with regulations. Engineers cannot ensure safety of the flue that carries emissions from the boiler because of the lack of inspection hatches in the ceiling and wall voids. Moreover, the carbon monoxide problem does not only relate to flues but allegedly to structural deterioration and to tobacco smoke seepage.

The original industry technical guidance (aimed at registered gas engineers) advised that: If the engineer could not visibly inspect a boiler and flues concealed within a void, then the engineer should assess it as not to current standards. That revised guidance took effect (01 Jan 11). If the engineer cannot visibly inspect the flues through lack of hatches, then the regulations require the engineer to provide a temporary alternative.

That temporary alternative states: If a property has no inspection hatches, registered gas engineers must carry out a risk assessment which should ensure short-term management of carbon monoxide. That risk assessment includes: looking for signs of leakage along the entire flue route; carrying out a flue combustion analysis check (and obtaining a satisfactory result); and checking for the presence of suitable audible carbon monoxide alarms (installing those alarms when not already fitted).

The Trust has not complied with any of those requirements at the subject property; instead, a witness observed them destroying evidence by painting over carbon monoxide stains. The Tenant purchased a carbon monoxide monitor himself for his own information and protection.

When the Trust has fitted inspection hatches, the gas engineer will then have the ability to make sure that the flue is safe and installed in line with the relevant standards and manufacturers instructions prevailing at the time of the inspection. In a property built ten years ago, the Gas Safe registered engineer must review the situation and the Trust must immediately meet the cost of installing inspection hatches and repair any defects to the boiler or its flues. The subject property has attained 50 years of age and has not received adequate inspection.

Meanwhile, the Tenant has turned off the gas at the meter to abate the carbon monoxide and other emissions that have severely affected his health; consequently, he has not had hot water or heat for several months. With winter approaching, and the most extreme conditions recorded that he experienced during the preceding two winters, the present condition of the property forces the Tenant to spend as much time away from it as possible. The Trust ordered permanent capping of the gas to prevent independent inspection which would prove the issues raised in the complaint. Trust officials maliciously denied the Tenant due process of law.
**Structural Defects**

Concrete comprises a mixture of water, cement and aggregates which set to form a solid mass. When fresh, the hydrated products of cementitious materials in concrete normally provide a highly alkaline environment that protects any embedded steel reinforcement and flues from corrosion. Carbon dioxide (CO2) in the atmosphere can react chemically with the hydration products of the cement to produce various carbonate minerals.

This carbonation process usually begins at the surface and slowly advances inwards from the exposed surface over time. In the outer or carbonated layer, alkalinity of the concrete remains low. If builders have embedded steel reinforcement or flues too near the surface then the advancing carbonated layer can corrode the structural components due to them no longer having the protection provided by an alkaline environment. In the case of embedded flues, carbon monoxide can seep through a corroded flue and travel through the concrete for the length of the beam and egress into living accommodation. The term “structural components” means beams, joists and rafters of a building but not ornamental elements. Gas engineers do not qualify to determine structural issues although they have presumed to do so in this case.

An assessment of the subject property will require the services of a structural engineer to investigate and report on the scale of structural damage also Trust non-compliance with maintenance regulations. Testing for structural decomposition requires the services of a chartered structural engineer accredited by The Institution of Structural Engineers.

**Carbon Monoxide Poisoning - Case Study**

Employees of Chester & District Housing Trust Limited (the Trust), a public sector company (and PH Jones the Trust sub-contractor for gas maintenance and certification) also Ann Edwina Hall (the Landlord), a private landlord receiving taxpayer funded rents, have neglected properly to maintain gas appliances and flues as required by law. By that, they knowingly committed criminal acts. They caused serious illness to an elderly tenant by neglect of their duty of care in violation of Health and Safety Regulations, Equality Act 2010 and other laws *in pari materia* (general laws that interpret with a common purpose).

Research and study by the Tenant (an elderly person with academic credentials and experience in relevant disciplines) showed cause and effect of carbon monoxide emission over a two-year period in both a row house and a flat in Chester. Both properties had certification of inspection; however, those inspections and the resulting certificates did not comply with health and safety requirements. Upon investigation, the Tenant revealed a pattern of deception by landlords and their engineers when signing off gas certification which allowed them to evade compliance with health and safety regulations.

The Tenant had an existing reflux condition (caused by physical abuse by a previous landlord whom police arrested and charged with assault) which he had held in remission under medical supervision for extended periods. After exposure to carbon monoxide in the row house, the Tenant suffered tinnitus and vertigo (for the first time in his life) from emissions caused by a
faulty gas appliance, flues and venting at the house which he leased. Reflux, an existing
condition in remission, returned after that exposure.

The Tenant almost fell down a steep flight of stairs while having his first attack of vertigo. He
then took precautions against another onset by turning the gas off at the meter (which
continued to record gas usage and the appliances to emit carbon monoxide while set to “off”).
A British Gas (BG) official ordered repair of the appliances and personally supervised
installation of exterior venting, the Tenant took medical advice and prescription medicine which
reduced the tinnitus and overcame the vertigo. The reflux condition again went into remission.

The row house landlord then entered the premises in the Tenant’s absence and without
permission to sabotage the gas and other appliances. By that, she deliberately increased the
carbon monoxide level evidently in revenge for reporting the situation to British Gas. Without
heating or hot water for three months (during the coldest winter in recorded history) the Tenant
moved to a Trust flat.

Ironically, the flat also had faulty appliances and flues despite certification before taking
possession. The carbon monoxide and other emissions became more apparent when new
tenants occupied X (the previously empty flat below the Tenant’s flat Y) and turned on their gas
appliances. The Tenant’s reflux/vertigo/tinnitus returned within a few days after almost twelve
months in remission.

The Tenant twice interviewed the tenant at flat X and other tenants in the neighborhood during
a process of verification and validation of the problems described in the Stage One Complaint.
Those interviews revealed that pollution described in the complaint emanated from the kitchen
at X through a large crack in the ceiling surrounded by carbon monoxide stains. The carbon
monoxide and tobacco fumes then allegedly traveled through the floor and wall voids and
discharged into the living/dining room at Y.

Unbeknown to the tenant at Y until the present investigation, the tenant at X had filed a
similar complaint at about the same time as the tenant at Y. Both elderly people, they received
the same type of ridicule and denial by unsubstantiated assertions that no problem existed.
Heritage, in violation of Health and Safety Executive regulations, ignored complaints for eight
months and the building and gas defects have now reached criminal proportions. By ignoring
the complaints from separate tenants the Trust endorsed its negligence.

The tenant at X asserted that occupants of that flat confined their smoking of tobacco and
cooking to the kitchen which confirmed the start of the route followed by the tobacco and
cooking fumes. Moreover, a test showed that within a few minutes of X turning on the boiler
to “heat water only” the living room at Y became polluted with carbon monoxide and other
gases.

During that test (in a consort with the Tenant) the X tenant turned on the water heating then
immediately visited Y to witness the gas emission within five minutes of the boiler activation.
Interviews with other tenants and tests during the previous three months established a distinct
pattern or practice of negligence by the Trust.
Moreover, the polluted condition has denied the Tenant use of the living/dining room due to a return of his reflux condition (previously in remission), tinnitus and vertigo caused by carbon monoxide and tobacco smoke entering that room. Considerable damage has occurred to new curtains, carpets, and upholstery to a point where the room and its contents will require professional cleaning or replacement of those items.

The Tenant turned off the gas at the meter after three months of filing complaints with the Trust (to no avail) which partially relieved the medical condition; however, carbon monoxide and tobacco smoke from X beyond his control continue to enter Y. The Tenant sealed the fireplace, took medical advice, then moved temporarily to another location at 1,000 meters elevation with only electrical appliances. The tinnitus, which by that time had become a chronic disorder, reduced and the reflux and vertigo went into remission after ten days. The Tenant replicated that experiment four times during 24 months with identical medical results.

Structural damage has allegedly allowed seepage and spillage of carbon monoxide and other emissions through the aging concrete structure and the lack of visible access hatches to inspect that condition violates recent legislation. The flues, voids and structural beams need inspection by a chartered structural engineer which should include a check on concrete decomposition. That engineer can then confirm any violations of gas regulations and order changes to insure visible access to flues by installing hatches and also replacement of defective appliances.

That assessment will require the services of an independent structural engineer to investigate and report on the scale of the damage and Trust non-compliance with maintenance regulations. In view of previous machination by the Trust, the word independent has significance. Testing for structural decomposition requires the services of an independent, qualified, chartered, structural engineer accredited by The Institution of Structural Engineers and approved by the Tenant in company with a qualified gas engineer (not technician). This will avoid the practice of Trust employees who give themselves titles to meet any contingency.

**Conclusion**

The Trust and the Landlord neglected to take action in violation of health and safety standards and the Tenant reported the Landlord to Cheshire Constabulary. In the event of a death, the Landlord’s behavior could have construed as unlawful manslaughter. The police neglected to act; instead, police officers entered his house without a warrant and held him hostage for two hours. During that time a female police office pronounced that anyone over the age of sixty should be euthanized. The complaint has now become subject to investigation by Independent Police Complaints Commission (IPCC).

Both the Trust and the Landlord have caused an elderly tenant to encounter near-death experiences through neglect of their duty of care and abused and bullied him when he complained to authorities about violation of Equality Act 2010 and legislation and precedents *in pari materia.*
As a former investigative journalist, the Tenant has a duty of care to other elderly people in similar circumstances to report incidents to authorities also to make the general public aware of neglect by public sector officials and their employees.

**Credibility Statement**

The Tenant has written hundreds of articles on corporate, trade union, senior and academic abuse also institutionalized racism. He founded *Contra Cabal* (one of the first electronic magazines to appear on the web) for which he develops the site, writes articles, designs pages, and produces graphics.

Published in print since 1944 and on the web since 1992, without a single legitimate challenge to the authenticity of his reporting, he has spent sixty years as an investigative journalist and graphic designer, twenty years as a new media industry CEO and systems designer-consultant, and thirty years as a post-graduate professor teaching computer industry executives working on masters or doctoral degrees as students of journalism, law, and graphic design.

The Tenant acted as building industry communication consultant to developers, architects and engineers in UK prior to moving to US in 1962. He has extensive experience in the building of concrete structures during the 1950s and 1960s.

He worked closely with Wilem Frischmann, CBE, FICE, FISTructE. Frischmann joined C J Pell & Partners (1958) becoming a partner (1961) and Chairman (1968). Considered as one of the foremost engineers of his generation, Frischmann gained his reputation on technically ground-breaking developments. The Tenant worked with him for several years as his industry communication consultant for Centre Point, Tottenham Court Road/Oxford Street, London (at that time the tallest building in London and the first with precast concrete construction) and on several other notable building projects.

As chairman and managing director, the Tenant incorporated the first public relations company that specialized exclusively in modular construction and precast building techniques. In US, he became chief executive of several corporations in the US communication industry and designed one of the first word processing systems in 1973.

During the 1960s, the Tenant also acted for about fifty other building developers and contractors (including Williams & Williams, Chester) which culminated in a modular construction exhibit at Crystal Palace in 1962 to introduce the ten centimeter (4”) module. He organized another presentation at the building exhibition in London. He had a close working relationship with the Royal Institute of British Architects through his association with Mark Hartland Thomas while working to introduce the 4” module and A4 DIN sizes into general use in the building industry.

In contrast, John Denny, Chief Executive, CDHT (who allegedly receives a higher salary than Prime Minister David Cameron) has refused to substantiate claims to twenty years experience in housing, to reveal his educational qualifications or to release a copy of his curriculum vitae. He has withheld his CV in a consort with Jill Dwyer, Communications and Media Officer,
Chartered Institute of Housing to whom he previously released it without restriction. One must question why Denny will not release a copy of his CV when he has already released it into the public domain.
Compounded Dangerous Health and Safety Conditions

Cosmopolitan Housing Group (CHG) comprising Chester and District Housing Trust (CDHT) “the Trust” and Health and Safety Executive (HSE) have not responded to complaints of dangerous carbon monoxide conditions reported during the first six months of 2011. They took no action to bring the premises into compliance with health and safety regulations then used quick and dirty installation of Baxi Combi boilers contrary to manufacturer’s instructions (01 Oct 12). The Trust gave the impression that it had brought flats into compliance with revised HSE regulations before the official deadline for completion (31 Dec 12) when they had only swapped the old boilers for the wrong type of new boilers in several flats without addressing structural deficiencies.

Baxi developed a new A rated Baxi Bermuda BBU HE as a direct replacement for an estimated two million old back boilers still in use. Designed for easy replacement of old Baxi appliances, the new version allows the use of existing pipe work and the new units fit into existing fireplaces. Only used in conjunction with a Valor Dimension electric fire, it brings its own benefits. When switched on it provides 100% usable heat at the point of use, whereas gas fires need to heat the flue before they become effective which can take more than 20 minutes.

The entire system can usually be replaced in a single day with minimal disruption for tenants without need for redecoration and loss of living space. However, that assumes the existing voids and appurtenances meet health and safety standards which in the case of most Trust properties they do not after many years of neglect from inadequate repairs and maintenance.

The Baxi appliance uses electric fireplaces in conjunction with gas back boilers; therefore, installation requires use of combined Condensing Back Boiler and Valor Dimension electric firefront for use only in a suitably ventilated location. However, very few Trust properties have air vents that classify as fit for purpose. Many reside behind radiators covered by wallpaper and others vent carbon monoxide emissions from new appliances to evade replacement, update or repair of faulty chimney voids and flues.

With approximately 1,000 properties fitted with the old standard efficiency back boiler units, the Trust had 2-1/2 years to replace tenant appliances since it selected and commissioned Baxi. (11 Jul 10). However, the Trust did virtually nothing until the initial deadline for installation (31 Dec 11) had expired by nine months (30 Sep 12) despite repeated complaints of dangerous conditions by tenants.

Moreover, the Trust neglected to make alternative safety arrangements specified by HSE for the expired months; instead, they installed new appliances in total contradiction of health and safety regulations and Baxi installation instructions. That created an even more dangerous
emission of carbon monoxide into the environment which recycled into other flats through open windows and air ventilation ducts.

Natural gas needs a certain amount of oxygen to burn correctly. Every cubic meter of gas needs ten cubic meters of air for complete combustion. Too little air causes incomplete combustion which produces carbon monoxide, a highly poisonous gas. Some types of gas appliance take their combustion air from the room which must then supply enough fresh air to ensure complete combustion impossible with vents misused for carbon monoxide emission or covered with wallpaper as occurs in Trust flats.

Neglect and misconduct by public officials to follow their own procedures in a timely fashion have allowed the Trust and HSE employees (also PH Jones as subcontractors) to collude in creating this dangerous practice of using horizontal air ventilation conduits for carbon monoxide emission.

Room Ventilation criteria

Part L overview, the document covering fuel and power provides energy efficiency information on ventilation. The new document has improved the energy efficiency targets for buildings by 25%. This affects ventilation equipment as part of the SAP calculation and the new Target Emission Rate’s (TER’s), set to deliver 25% improvement over previous regulations which brings it in line with Code for Sustainable Homes Level three.

Ventilation uses energy in two ways. Firstly, mechanical systems use electricity to power the motors and secondly, heat loss from exhaustion of heated air from the building now governed by a minimum energy efficiency level for all ventilation systems that comply with The Domestic Building Services Compliance Guide.

Previously, the Trust neglected to act upon complaints of dangerous carbon monoxide emissions which caused the Tenant to file two telephone and three written complaints with Health and Safety Executive (HSE) (29 Jun 11) which HSE neglected to investigate. Neither the Trust nor HSE has acted upon complaints in accordance with published protocols; instead, they both used evasive tactics which classify as misconduct in public office.

HSE inspectors neither made any attempt to visit the property nor contact the Tenant in an endeavor to mitigate the damage. By that, HSE granted impunity for the Trust to leave the Tenant (an octogenarian) without heat and hot water in a flat riddled with carbon monoxide and other noxious gases for 16 months which included two winters with below zero temperatures. That condition still exists (31 Dec 12). Neither HSE nor the Trust have made any attempt to mitigate before mandated deadlines. [HSE Misconduct in Public Office]

HSE issued an alert about an update to their regulations following another carbon monoxide poisoning death early in 2010. It attempted to raise awareness of the potential dangers from certain types of flues connected to gas-fired central heating installations in older properties that may have fallen into disrepair.
Three years later, the Trust has not implemented any of those regulations; instead, it unlawfully installed new appliances in deliberate defiance of manufacturer’s installation instructions and HSE regulations related to carbon monoxide emission to give the false impression that it had complied with HSE deadlines.

During autumn 2012, without notice, the Trust installed Baxi Bermuda back boilers in flats in various building complexes. Knowing the danger of exacerbating the existing dangerous health and safety condition of those buildings, some tenants refused access to prevent compounding dangerous structural conditions.

That installation policy evaded the issues by ignoring existing carbonation and void leaks by unlawfully diverting the carbon monoxide emissions from faulty chimneys to illegal horizontal emission through air vents intended to ventilate living accommodation. That diversion of dangerous emissions through wall vents allows it to reenter the premises through other air vents and windows which exacerbates existing dangerous conditions.

However, by alleged misconduct in public office, HSE officers have effectively granted the Trust impunity which has allowed Trust employees to ignore health and safety regulations thereby extensively increasing dangerous carbon monoxide risks to Trust tenants.

HSE and the Trust (jointly and severally) again evaded responsibility to prevent carbon monoxide emissions into Trust flats and to maintain appliances and flues in a safe condition in accordance with The Gas Safety (Installation and Use) Regulations 1998 and statutes in pari materia. The previous complaints essentially asked that the Trust rectify dangerous health and safety conditions existing in several flats in a particular building and by extension other flats built during the same period (circa 1960). Instead of repairing faulty appliances and voids the Trust exacerbated the existing dangerous conditions using a variety of fraudulent ploys.

Domestic building ventilation regulation progressed since 1992 with the addition of ventilation mandates to Building Regulations which commenced a series of changes with which the Trust did not comply and HSE did not investigate after receiving complaints.

*Projected Part F and L of the Building Regulations [Vent-Axia]*

2006 – Part F included continuous ventilation for the first time. Ventilation systems were being installed by skilled persons but the performance data was never tested. Part L changes meant that SAP C products could be included as part of the dwelling’s SAP calculations.

2010 – Design, install and ensure it’s used correctly. With dwellings being designed with increased energy efficiency and reduced air permeability, ventilation systems now require specific flow rates and there is more demand for highly efficient heat recovery to help reduce the DER’s. Ventilation is now required to be installed correctly with the installation recorded and measured plus there needs to be guidance to the home occupier as to how it operates.
2013 – Ventilation is likely to become a controlled service with notification. The road map to zero carbon means a 44% reduction in carbon emissions and ventilation systems will be installed by fully qualified persons and notified in much the same way as gas appliances now.

2016 – Mechanical ventilation with heat recovery the most likely choice. Buildings will require a significant reduction in carbon emissions and zero carbon homes targets are likely to make MVHR the natural choice for energy efficient homes.

In Great Britain, Baxi Bermuda installation guidelines predicate upon recommendations published in BS 5440 Part 1. Those guidelines approve use of only one of three available vertical concentric flue kits approved for use with the boiler. Gas engineers must not install other proprietary flue systems, terminals, adaptors or install flues on the exterior of buildings. Moreover, it defies basic common sense to divert carbon monoxide emission through ventilators designed to improve air conditions in living accommodation.

An inquiry to Baxi (11 Dec 12) as part of an information validation process contained this question:

Where can I find the external/exterior flue component description and installation instructions for the latest Bermuda Baxi back boilers?

The request elicited a prompt response from Baxi:

The only flue option for the BBU is a chimney liner in a 9 x 9 chimney or similar. There never has been an option for anything else and no plans for alternatives at present.

A reasonable person must ask why the Trust deliberately evaded dangerous carbon monoxide conditions and installed appliances and flues for exterior emission through horizontal runs in direct contradiction of manufacturer’s instructions and HSE regulations. The answer: the Trust has ignored fully documented Baxi instruction manuals and HSE regulations for political and financial expedience.

_Baxi Bermuda BBU 15 HE / Installation Rules (typographic emphasis added by Baxi)_

The following guidelines indicate the general requirements for installation of flues:

For GB recommendations are given in BS 5440 Part 1.

For IE recommendations are given in the current edition of IS 813 Domestic Gas Installations.

Only one of the three available MULTIIFIT vertical concentric Flexi Flue kits approved for use with the boiler can be used (10m kit 710143901 or 12.5m kit 710144001).

Any proprietary flue systems, terminals, adaptors etc., MUST NOT BE USED.
The available flue kits are intended ONLY for installation within an existing chimney. This should be clean and sound, and any other previously installed flue components (liners, dampers etc.) removed.

The flue must have a MINIMUM VERTICAL HEIGHT OF 3m.

No part of the flue must deviate greater than 45° from vertical.

NO HORIZONTAL RUNS ARE PERMITTED!

The terminal must be sited so that free passage of air across it can occur at all times. It must also be a MINIMUM of 150mm from any other terminals or obstructions:

(A) When adjacent to windows or openings on pitched or flat roofs it must be at least 600mm away.

(B) A minimum dimension of 2000mm must be maintained when below windows or openings in pitched roofs.

[Baxi Bermuda Manuals]

Health and Safety Executive (HSE), UK national regulator for health and safety, Regulation 36(2) states that every landlord must maintain in a safe condition:

(a) any relevant gas fitting; and

(b) any flue which serves that gas fitting, so as to prevent the risk of injury to any person in lawful occupation of relevant premises.

Any assessment requires the services of an independent structural engineer to investigate and report on the scale of the damage and Trust non-compliance with maintenance regulations. In view of previous machination by the Trust, the word independent has particular significance.

Testing for structural decomposition requires the services of an independent, qualified, chartered, structural engineer in company with an independent qualified gas engineer (not technician) to investigate and report on the amount of carbonation and Trust non-compliance with maintenance regulations. The Tenant arranged for an inspection; however, the Trust and HSE thwarted it to evade disclosure of the dangerous conditions that probably exist in at least 1,000 properties.

HSE decided not to process serious health and safety complaints throughout 2012 (which included carbon monoxide emission into living quarters). That outraged several tenants who verbalized to the Tenant their frustration about the lack of Trust repairs to gas appliances and water heating equipment needed to make their flats habitable in accordance with HSE regulations.

Peter Connell, Connell Consulting Engineers, the structural engineer with whom the Tenant started to negotiate (31 Oct 11) to provide a professional opinion, allegedly broke his professional responsibility not to divulge confidential information and colluded with the Trust.
His disclosure to the Trust that the Tenant intended to appoint a surveyor caused the Trust permanently to cap the gas six days later (10 Nov 11) which sabotaged any inspection.

On the morning of the capping, Carl Sands, HSE gave tacit approval for that capping to proceed without consulting the Tenant, the responsible party under the lease. The Tenant had informed Hamish Laird (a Trust employee) three times in as many days that he must not remove the meter or cap the gas supply in any way. Laird repeatedly used multiple job titles without substantiation which raised suspicion about his qualifications.

The Tenant tried to check Laird’s credentials for seven months but Gas Safe Register (GSR) withheld public information regardless that the Tenant had filed FOI requests. By that, Sharon Cutler, Team Leader and Amanda Hughes, Business Improvements Manager, Gas Safe Register (GSR) allegedly committed misconduct in public office. They knowingly allowed Laird, an unqualified, fraudulently registered gas operative to continue working for several months after they learned that his qualifications had received a challenge.

Gas Operatives - Required Qualifications

To legally work on gas appliances in the UK, Isle of Man and Guernsey, a gas operative must hold qualifications that permit Gas Safe Register certification either as an individual or as an operative employed by a commercial organisation. Certification requires prospective gas operaties to complete gas safe courses approved by United Kingdom Accreditation Service (UKAS) and to gain on site experience. To register, operatives must hold a recognized qualification for the intended areas of gas work after completing a core gas safety element in each of the seven areas of gas work and before taking any individual appliance assessment.

Appointed as the national accreditation body under the Accreditation Regulations 2009 (SI No 3155/2009) as a non-profit-distributing private company, limited by guarantee, UKAS operates independently under a Memorandum of Understanding with the Government through the Secretary of State for Business, Innovation and Skills. It exists as the sole national accreditation body recognised by government to assess organisations that provide certification, testing, inspection and calibration services and for that purpose uses internationally agreed standards. Accreditation by UKAS demonstrates competence, impartiality and performance capability of gas operative evaluators.

UKAS oversees UK Accredited Certification Scheme (ACS) on behalf of Health and Safety Executive (HSE) through seven bodies that certificate assessments throughout the UK. UKAS recognizes ACS as the accepted route for gas operatives to demonstrate and gain a competence qualification prior to seeking certification by Gas Safe Register. ACS certification covers all areas of gas work including domestic, LPG, commercial heating, commercial catering, commercial laundry, meter installation, emergency service provider.

All gas operatives and heating engineers who install, commission and repair gas appliances must hold the relevant ACS qualifications for the areas of work that they...
undertake. Operatives must earn qualifications under the Accredited Certification Scheme (ACS) regulated by the United Kingdom Accreditation Services (UKAS). These qualifications need to be renewed every five years.

In order to achieve an ACS certificate, the operative needs to pass assessment at a centre approved by BPEC or other accredited certification body. BPEC has developed a series of gas training materials that meet the requirements of the ACS scheme. The basic requirement for Gas Safe Registration includes theoretical and practical proficiency in the following areas:

**Gas Engineer - Level 3 Central Heating and Gas Installers Certification**
- Pipe bending and jointing skills for copper tube to industry standard requirements
- Pipe bending and jointing skills for steel pipe to industry standard requirements
- Installation and maintenance of cold water storage cistern
- Installation and maintenance of hot water cylinder
- Installation of central heating radiators and pipework
- Install and test steel pipe
- Install central heating electrical controls
- Installation and maintenance of central heating controls, i.e. pumps and motorized valves
- Testing and purging of domestic gas installations
- Combustion
- Flues and ventilation
- Gas pipework
- Controls for gas appliances
- Gas industry legislation
- Installation of domestic gas appliances
- Commissioning, servicing and maintenance of domestic gas appliances.

**On-site Practical Experience**

Following completion of a BPEC or comparable training program, the candidate must work with a Gas Safe registered installer who must observe and sign-off a set number of tasks to complete the candidate’s portfolio. Those tasks include:

- Tightness tests with and without appliances
- Tightness test (medium pressure)
- Appliance services
- Appliance breakdowns
- Appliance gas rates (imperial and metric)
- Working pressure at meter checks
- Standing pressure checks
- Spillage tests
- Trace and repair gas leak
- Flue flow tests
Identify correct ventilation
Visual flue inspections
Working pressure at appliance checks
Appliance re-lights

Before applying for registration by Gas Safe Register, the operative must have achieved ACS qualification in the areas of work requiring registration. The relevant certification authority will then issue a certificate of competence and will download the details to Gas Safe Register for a probationary period for businesses whose registration with CORGI lapsed three years ago.

When Gas Safe Register has poor or no history on the operative it will apply the probationary period as a matter of course. During the probationary period, the operative or employer must notify Gas Safe Register of all gas work they have carried out. Gas Safe Register will then carry out inspections to make sure the work has been completed to the required standards. Upon completion of the ACS assessments, the candidate can then apply for Gas Safe registration or apply for a position with a Gas Safe registered organisation.

To cover up their alleged misconduct, Cutler and Hughes removed Laird’s fraudulent gas credentials from the register which he obtained by filing false information: a criminal offense. He holds no more gas credentials than Aladdin or the Genie yet he portrayed himself as a gas engineer and manager for more than eleven years.

Under pressure by the Tenant, Cutler confirmed that Laird enlisted as an engineer under registration 188269 (15 Dec 00) and did not at the time of the capping (10 Nov 11) hold the relevant certificates of competence to do that work at that time. In an alleged attempt to soften the blow caused by her misconduct, Cutler then tried to start another merry-go-round by asserting:

Removing an engineer from a registration does not negate an engineer’s qualifications. Businesses add and remove engineers from their registration all the time and although they have to inform the Register of this they do not have to give a reason as to why they want to remove an engineer from their registration. We are therefore unable to provide you with the reason as to why Hamish Laird is no longer listed as an engineer for this business. You would need to direct this question to the employer in question.

Again, a reasonable person (and HSE) must ask about the game that Cutler and Hughes played when Cutler claimed Gas Safe Register only had a responsibility to maintain a register of gas engineers in accordance with the remit set by HSE. That remit did not excuse them for putting tenant lives at risk and ignoring the bullying that tenants suffered from Laird and other Trust employees when they complained about substandard gas maintenance services.

Cutler and Hughes obstructed access to public information which effectively subjected hundreds of people to carbon monoxide risks by not immediately exposing Laird for misrepresenting himself as a qualified gas engineer. Instead, they covered up criminal activity
by procrastination and manipulation. By that, they allegedly, jointly and severally, committed misconduct in public office.

Removal of the Tenant’s gas supply (10 Nov 11) had the sole purpose of preventing inspection by a structural engineer which would have revealed the dangerous carbon monoxide emission and defective structural conditions. By that, Connell effectively granted impunity and Sands gave tacit approval for the malicious and unlawful capping of the gas by Ian Doyle, National Grid Gas (NGG) and Laird. They both acted without authority and subsequently forged an NGG gas certificate knowing that they had sabotaged inspection of the building by an independent structural engineer that would have disclosed multiple violations of HSE regulations.

National Grid Gas (NGG) will not disclose whether Doyle acted as an independent contractor or as an NGG employee carrying out an official work order despite repeated requests to Andrew Hutchinson, Long Cycle Work Closure Manager, NGG for verification. Hutchinson has for nine months sabotaged mitigation negotiations with Paul Lucas, Customer Operations Specialist, Long Cycle Work Closure, NGG for political expedience. Hutchinson “disappeared” Lucas after he agreed to finance the services of an independent structural engineer to investigate the violations of Trust and HSE regulations by Doyle and Laird capping the gas.

By that, Hutchinson instituted a cover-up of dangerous carbon monoxide and other emissions contrary to HSE regulations which effectively require capping the gas in all the flats in the building complex and arguably 1,000 other properties owned by the Trust (01 Jan 13). Homes and Communities Agency (HCA) have found that the Trust does not meet the requirements on governance set out in its Governance and Financial Viability standard and that serious regulatory concerns exist that require regulatory intervention or enforcement action.

Robert J Thompson, Liberal Democrat Councillor (Hoole), with multiple conflicts of interest enough to bring misconduct in public office complaints, convened and chaired an unlawful panel hearing which he heard in absentia because the Tenant would not attend an illegal hearing. Thompson ignored repeated warnings sent to him during the preceding three months about contravention of Chester & District Housing Trust (the Trust) complaint procedures and conflict of interest by Trust executive directors and managers prior to addressing Stage One and Stage Two Complaints.

Regardless, Thompson chaired the Stage Two Complaint hearing in absentia and ignored documented Tenant evidence in favor of false and misleading representations by Trust officials. As Chair of a private sector company performing public sector duties and as a Councillor, he ignored both the generally accepted corporate procedures authoritatively defined by Walter Citrine and, perhaps more important, Chester West & Chester Council, Council Constitution Section 5, 5.5, 5.7 and 5.8, Citizens’ Rights and Responsibilities. [Constitution] [Fabricated Evidence]

Thompson reduced the stage two hearing which he chaired (23 Jan) to nothing more than a kangaroo court to cover up alleged crimes committed by Trust executive directors and managers. He supported a corrupt administration in its violation of HSE regulations and
knowingly accepting false evidence then tried to displace the blame for the result of his illegal decision onto the Tenant. [Kangaroo Court] [Retroactive Preemption and Stitch-Up]

Freedom of Information Act Requests

Freedom of Information Act 2000 gives all members of the public the right to ask any public sector organisation for all the recorded information they have on any subject. Anyone can make a request for information: no restrictions on age, nationality or current address apply. [Requests]

These publicly funded organisations work for the welfare of the whole population and form the nucleus of the public and private sector companies that must comply:

government departments
local councils
schools, colleges and universities
health trusts, hospitals and doctors’ surgeries
publicly funded museums
police
non-departmental public bodies, committees and advisory bodies

Sharon Cutler, Team Leader and Amanda Hughes, Business Improvements Manager, Gas Safe Register (GSR) obstructed access to public documents to delay and deny justice. Aleta Steele, FOI Solutions Team Manager and Miriam Wallace, FOI Solutions Team, Cheshire West & Chester Council frustrated access to information by disingenuous flooding with irrelevant and immaterial documents in response to specific FOI requests about Thompson’s kangaroo court. Moreover, Wallace instituted appeals of her own findings to further confuse the issues and Simon C Goacher (SRA 18914), Head of Legal and Democratic Services held secret hearings in a manner reminiscent of the Stasi. [Stasi]

Steele and Wallace et alia have unlawfully withheld much of the information relative to these six requests or deliberately confused the issues to evade their responsibility to provide all the information requested which construes as misconduct in public office.

Stage Two Hearing Documents [FOI - Steele]
Standards Complaint SCC44 [FOI - Thompson]
Statement by Stephen Mosley MP [FOI - Mosley]
External Flue and Chimney Systems [FOI - Brunt]
Dangerous Carbon Monoxide Emission Investigation [FOI - Brunt]
Goacher instigated misconduct in public office by Steele, Thompson and Wallace. Serious Crime Act 2007 addresses three offences: intentionally encouraging or assisting an offence; encouraging or assisting an offence believing it will be committed and encouraging or assisting offences believing one or more will be committed. This statute allows prosecution of public sector employees who assist others to commit an offence regardless of whether they actually commit or attempt the underlying substantive offence.

The Trust did nothing during 2012 to bring the premises into compliance except implement the quick and dirty appliance swapping plan to give the impression that the Trust complied with HSE regulations before the deadline (31 Dec 12). It neither addressed the carbonation issues nor installed visible inspection hatches before the deadline and faked compliance by using air vents for unauthorized carbon monoxide emission.

The flues at the subject property still do not allow visible inspection: therefore, they do not comply with current regulations (01 Jan 13). Moreover, they still emit carbon monoxide gas and other noxious substances into living accommodation in the building exacerbated by the new boiler installations which emit carbon monoxide to the exterior of the building through illegal horizontal flues which allows the gases to ingress through windows and air vents of other flats. Under the revised regulations the heating and water heating appliances, also the flues, classify as unfit for purpose despite the installation of new Baxi back boilers.

Structural damage continues to allow seepage and spillage of carbon monoxide and other emissions through the aging concrete structure and the lack of visible access hatches to inspect that condition covers up extremely dangerous conditions. The flues, voids and structural beams must have inspection by an independent, chartered, structural surveyor and a qualified gas engineer which should include a check on concrete decomposition before any more repairs take place and exacerbate the conditions further.

Professional inspectors can then confirm any violations of gas regulations and order changes to insure visible access to flues and voids by installing hatches and order replacement of defective appliances and flues. However, Rick Brunt and Tanya Stewart (HSE) continue effectively to collude with Trust officials in a cover-up of the non-compliant situation by obstructing access to information and alleged misconduct in public office.

The HSE alert referred to the relevant gas industry technical guidance which it expected gas engineers to follow. Gas Safe Register published a revised version of that guidance which changed the approach that Gas Safe registered engineers must take when they service gas installations. However, an adequate inspection cannot take place when HSE does not properly analyze the problem after it receives notice of gas seepage or spillage. Additional research and new regulations strengthen the contentions made previously and substantiate the claim that the Trust and HSE have for almost two years neglected to take action in life-threatening health and safety situations.
The HSE stated purpose of gas alerts relates to the education of homeowners, landlords and tenants to make them aware of changes in regulations and advise them of required action. That education became worthless when HSE and the Trust arbitrarily denied that a problem existed and took unlawful action to cover up negligence.

Gas boilers located away from external walls have flues that run through ceiling (or wall) voids. In such cases, when engineers service or maintain a gas appliance they find it difficult, or impossible, to determine correct flue installation and to define the existing condition. In this case, the Trust evaded its responsibility and duty of care to address that dilemma.

The Trust violated HSE Regulations and deliberately evaded their duty of care to tenants by ambiguity of certification. The Trust and its contractors could not comply with the legally defined term “visible” inspection of flue integrity through lack of hatch entry to the voids so they used a rhetorical ploy and replaced the term “visible” with “visual” which has a very different meaning.

HSE and the Trust cannot claim ignorance of the situation because they have received repeated advice of a worsening condition in both the building pollution and the Tenant’s health for almost two years. (01 Jan 13). Instead of checking the emissions which would expose the fact that the appliances and flues do not classify as fit for purpose, they diverted attention by asking for the medical records of the Tenant.

Gas engineers cannot make visible checks due to the Trust neglecting to maintain the building in accordance with regulations. Engineers cannot ensure safety of the flue that carries emissions from the boiler because of the lack of inspection hatches in the ceiling and wall voids. Moreover, the carbon monoxide problem does not only relate to flues but to structural deterioration and to tobacco smoke seepage.

The Trust addressed legitimate tobacco smoke complaints in the restricted premises by removing the notice which banned smoking on the premises. That declared an open season for more violations.

The industry technical guidance (aimed at registered gas engineers) advised that: If the engineer could not visibly inspect a boiler and flues concealed within a void, then the engineer should assess it as not to current standards. That revised guidance took effect (01 Jan 11) for completion of repairs within one year (31 Dec 12). The only change during that conditional period amounted to incorrect installation of new replacement appliances which exacerbated the situation.

A temporary HSE alternative for 2012 stated that: If a property had no inspection hatches, registered gas engineers must carry out a risk assessment which should ensure short-term management of carbon monoxide. That risk assessment included: looking for signs of leakage along the entire flue route; carrying out a flue combustion analysis check (and obtaining a satisfactory result); and checking for the presence of suitable audible carbon monoxide alarms (installing those alarms when not already fitted). Reminded of that requirement, neither the
Trust nor HSE took any action to implement it; instead, it destroyed evidence related to noxious emissions in several flats.

The Trust has not complied with any of those requirements at the subject property; instead, a witness observed them destroying evidence by painting over carbon monoxide stains. The Tenant purchased a carbon monoxide monitor himself for his own information and protection.

When the Trust fits inspection hatches, gas engineers will then have the ability to make sure that technicians install flues in line with standards and manufacturer's instructions prevailing at the time of the inspection. In a property built ten years ago, the Gas Safe registered engineer must review the situation and the Trust must immediately meet the cost of installing inspection hatches and repair any defects to the boiler or its flues. The subject property has attained 50 years of age and has not received any inspection for two years.

The carbonation process usually begins at the exposed surface and slowly advances inwards over time. In the outer or carbonated layer, alkalinity of the concrete remains low. If builders have embedded steel reinforcement or flues too near the surface then the advancing carbonated layer can corrode the structural components due to them no longer having the protection provided by an alkaline environment.

In the case of embedded flues, carbon monoxide can seep through a corroded flue and travel through the concrete for the length of the beam and egress into living accommodation. The term “structural components” means beams, joists and rafters of a building. Gas engineers do not qualify to determine structural issues although they have presumed to do so in this case.

**Building Regulations and Baxi Benchmark Commissioning Scheme for Baxi Bermuda BBU 15 HE - Condensing Back Boiler Unit**

Baxi claims that the Benchmark initiative aims to improve the standards of installation and commissioning of central heating systems in the UK and to encourage the regular servicing of all central heating systems to ensure safety and efficiency. Building Regulations require that gas appliance installation technicians comply with manufacturer's instructions and must complete a commissioning checklist when installing appliances in housing.

Benchmark places responsibilities on both manufacturers and installers to ensure that customers receive the correct equipment for their needs installed, commissioned and serviced in accordance with the manufacturer's instructions and approved Building Regulations. Where no specific instruction applies British Standard Code of Practice comes into play.

The Baxi appliance uses electric fireplaces in conjunction with gas back boilers: Therefore, installation requires use of combined Condensing Back Boiler and Valor Dimension electric firefront for use only in a suitably ventilated locations.

HSE operates the Gas Safe Register, a self-certification scheme for gas heating appliances. Only qualified Gas Safe Registered engineers may install, commission and service back boiler units using Benchmark Code of Practice criteria. Building Regulations (England & Wales) require
notification of the installation of a heating appliance to the relevant Local Authority Building Control Department using a commissioning checklist and service interval record.

The definition of competence calls for a person who works for a Gas Safe registered company and holds current certificates in the relevant ACS modules. All Gas Safe registered engineers must carry an ID card with their licence number and a photograph. The Trust uses rogue technicians to evade its responsibilities in law.

The addition of anything that interferes with the normal operation of the appliance (such as horizontal or exterior flues) without express written permission from the manufacturer or his agent could invalidate the appliance warranty. In GB, this could also infringe the Gas Safety (Installation and Use) Regulations.

**Conclusion**

Cosmopolitan Housing Group (CHG) comprising Chester and District Housing Trust (CDHT) “the Trust” and Health and Safety Executive (HSE) have not responded to complaints of dangerous carbon monoxide conditions reported during the first six months of 2011. They took no action to bring the premises into compliance with health and safety regulations then used quick and dirty installation of Baxi Bermuda back boilers contrary to manufacturer’s instructions (01 Oct 12). The Trust gave the impression that they had brought flats into compliance with revised HSE regulations before the official deadline for completion (31 Dec 12) when they had only swapped new boilers for old without addressing structural deficiencies.

During autumn 2012, without notice, the Trust installed Baxi Bermuda back boilers in flats in various building complexes. Knowing the danger of exacerbating the existing dangerous health and safety condition of those buildings. Some tenants refused access to prevent compounding dangerous structural conditions.

That installation policy evaded the issues by ignoring existing carbonation and void leaks by unlawfully diverting the carbon monoxide emissions from faulty chimneys to illegal horizontal emission through air vents intended to ventilate living accommodation. That diversion of dangerous emissions through wall vents allows it to reenter the premises through other air vents and windows which exacerbates existing dangerous conditions.

Structural damage continues to allow seepage and spillage of carbon monoxide and other emissions through the aging concrete structure and the lack of mandated visible access hatches to inspect that condition covers up extremely dangerous conditions. The flues, voids and structural beams must have inspection by an independent, chartered, structural surveyor and a qualified gas engineer which should include tests on concrete decomposition before any more repairs take place and exacerbate the conditions further in 1,000 similar properties.

Directors and managers have repeatedly violated their own code of conduct which forms part of their published repairs and maintenance policy that applies to all leaseholders:
Repairs and Maintenance Policy for Cosmopolitan and CDHT Leaseholders

To provide a prompt, efficient and economic 24 hour responsive repairs service for all Trust leaseholders.

To aim to complete all repairs within a single visit.

To ensure that the housing stock is kept in good repair and that the service demonstrates good value for money to the Trust’s leaseholders.

To recognise that the service should respond to the wishes of leaseholders and that feedback from them should be reflected in reviews of the policy and procedures.

To achieve a high standard of customer satisfaction by monitoring our contractor partner’s performance regularly and enabling leaseholders to comment on every repair undertaken.

To comply at all times with all current legal responsibilities and codes of good practices.

To service all relevant plant and equipment in line with our legal responsibilities.

To undertake a structured and comprehensive approach towards cyclical planned and property improvement works through consultation with our leaseholders.

To ensure that our responsibilities for repairs and maintenance of properties are clearly detailed in the leaseholder handbook.

To work as a provider of services, employer and leading player in our district to promote social inclusion, respect for others and equal opportunities for all. When a tenant reports a need for repair the Trust will consider your personal circumstances.

The Trust’s responsibility

The Housing Trust holds responsibility for the main structure of the property. It replaces and repairs items which formed part of the premises when the lease started (as included within the lease agreement).

These include: foundations; external walls to properties; window frames; roofs; gutters and rainwater pipes; shared drainage; water services; communal areas, components, services, lifts, stairs, doors and frames and decoration in multi-occupied buildings; External decoration.

In those properties with gas appliances the service includes: gas pipe work; supply of gas and gas meter; gas fires; gas water heaters; radiator valves, time clocks and thermostats; Gas boilers; Annual Gas or oil appliance servicing.

Gas Boilers - Flues in Voids - Deadline for Completion Passed

The revised technical guidance requires inspection hatches to be fitted in properties where the with flues concealed within voids which prevent visible inspection. The homeowner (or landlord etc.) has until 31st December 2012 to arrange for installation of inspection hatches. Any gas engineer working on affected systems after 01 January 2013 must advise the homeowner that
the system is "at risk" (AR) in accordance with the GIUSP and, with the owner’s permission, will turn off the gas supply to the boiler to prevent further use.

**Investigation for Misconduct in Public Office - Mitigation and Remediation**

The Companies (Audit, Investigations and Community Enterprise) Act 2004 amends the current regime for investigating companies. It contains provisions designed to improve investigators’ access to information, reduce the possibility of delay or obstruction by companies under investigation and remove a possible deterrent to individuals volunteering information.

Court of Appeals asserted as unfair and illogical the rules holding public officers liable for conviction of offences which do not apply to private sector employees performing public sector duties (eg. employees of housing trusts). Accordingly, the Court quoted from earlier authorities that misconduct in public service must address offences by both public and private sector officers for wilful breach of duty when conduct affronts public sector standards. Housing trust employees form part of private industry but in fact perform public sector duties.

Section 37 of the Health and Safety Offences Act 2008 allows prosecution of any director, company secretary or manager of the Trust (or anyone acting in that capacity) who commits a health and safety offence in consort or connivance with Trust employees. The Trust claims that: “This provision is aimed at directors and senior managers who ignore or close their eyes to health and safety risks that they ought to have been aware of and ensured that the Trust acted upon”.

The Secretary of State for Business has powers of investigation for misconduct when deemed to serve the public interest. Companies Investigation Branch (CIB) now part of the Insolvency Service, an executive agency of the Department for Business, Innovation & Skills (BIS), considers complaints about companies in England, Scotland and Wales.

Complaints about the conduct of a company can result in investigation. Although CIB carries out most investigations, private sector lawyers, accountants or other specialists can handle complaints and investigation. Most investigations occur under section 447 of the Companies Act 1985. Investigations remain confidential and allow suspicion of misconduct without risk of harming the business.

Should the investigation prove misconduct, it is possible to file applications to wind up the business and/or disqualify the directors. The Trust has shown no willingness to mitigate or that they have any intent to comply with Health and Safety Regulations now or in the future.
The Grim Reapers - Health and Safety Executive - Misconduct in Public Office

Sanctuary Housing Group comprising Chester and District Housing Trust (CDHT)
John Denny, Chief Executive and Paul Knight, Assistant Director

Previous Gas Servicing Scam condoned by Paul Knight, Assistant Director, CDHT

In a Trust News article (01 Mar 08) entitled “Serious about Safety” Lynne Britton, Gas Servicing Administrator, Chester & District Housing Trust claimed that in 2005/2006 sixteen people in the UK died from carbon monoxide poisoning. Without stating any cause, regulation or statistics, she then issued a series of threats to Trust tenants that she would take legal action to gain entry to their homes if they disregarded reminders about gas service. That caused an automatic default from which PH Jones and other Trust subcontractors allegedly received financial benefit (31 Dec 10).

This current article, considered in relation to the previous scam, establishes a pattern or practice of fraud by the Trust which Geoffrey Podger, Chief Executive Officer, Health & Safety Executive effectively condones. Podger made arbitrary statements and did not comply with HSE Transparent Investigation Procedures. He used willful blindness and neglected to agree to cooperate with Tenant lawyers on the appointment of an independent surveyor to inspect the subject property and a substantial sample of the more than 1,000 properties owned by the Trust that do not comply with current gas health and safety regulations.

The subject property has had no gas inspection in accordance with HSE regulations for more than two years. Attempts by the Tenant to mitigate the damage at his own expense have been sabotaged by the landlord to cover up HSE and HCA failure to investigate fraud and neglect attributed to Sanctuary Housing Association (Sanctuary Group) comprising Chester & District Housing Trust. That construes as multiple misconduct in public office by public sector regulators.

[Retroactive Preemption and Stitch-Up]

A new survey among 4,300 private sector tenants (published 09 May 13) shows an estimated 900,000 people in England now at risk from gas safety hazards. YouGov an international, online market research agency that offers research and market intelligence reports conducted the survey for Shelter, a registered charity that campaigns to end homelessness and bad housing in England and Scotland.

The law requires landlords in both public and private sectors to carry out a gas safety check every year to identify possible problems including faulty appliances that could lead to gas leaks or carbon monoxide poisoning. One in 10 private sector tenants did not have that mandatory gas safety check during 2012 according to the survey. Separate research by British Gas found 15% of private landlords unaware of their legal responsibilities.

[Position Paper and Case Study]
Alphonse Karr (1859): *Plus ça change, plus c'est la même chose* [The more things change, the more they remain the same] again has particular relevance.

Lynne Britton, Gas Servicing Administrator, Chester & District Housing Trust set up a catch-22 to harass and penalize tenants. She continues to harass tenants and during the past few months has vexatiously intimidated tenants with regard to gas servicing.

Previously (17 Dec 10), Britton threatened to install disabling devices in boilers in leased flats of tenants with a history of disregarding or preventing gas appliance servicing. Those devices would automatically activate to close down boilers if tenants ignored warnings about arranging gas service. She then colluded with the subcontractors to deliberately create defaults as part of a lucrative scam. The tenants had no notice of those appointments and the subcontractor defaulted by not turning up for other scheduled appointments.

Later, Britton wrote to the Tenant that if he did not keep an unscheduled appointment, then she would take him to court. She falsely claimed that PH Jones had made “numerous attempts” to obtain access to the property: a patently untrue statement which construed as libel and/or slander in a campaign to discredit tenants and to deliberately create defaults for which subcontractors could claim remuneration.

Britton also threatened that if the Tenant did not contact her she would have no alternative but to apply to the County Court for an injunction to obtain entry to the property which would cost the Tenant a minimum of £300.00 for an injunction. By that, she allegedly harassed and bullied an elderly person in violation of Equality Act 2010. The Tenant drew her attention to the fact that the annual inspection did not fall due for another two months (22 Feb 11). . . .

[Full Text - Fraudulent Gas Servicing]

The Tenant presently has criminal complaints pending against Trust executive officers and managers who have maliciously caused an inordinate amount of expense to the Tenant through barratry and wasted large amounts of taxpayer funds. They have neglected to address several opportunities to mitigate a plethora of unlawful activity relative to the case by repairing the premises and appliances to comply with current laws after independent inspection and appraisal.

[Barratry]

The following article details the current Gas Servicing Scam condoned by John Denny, Chief Executive Officer, CDHT (the Trust); Paul Knight, Assistant Director, CDHT; and Carl Sands, Gas Officer, HSE; which Tanya Stewart, HM Principal Inspector, North West Field Operations (Cheshire), HSE; and Rick Brunt, Head of Operations, Unit 4, Scotland and Northern England Division, HSE; arbitrarily ratified in a consort with Geoffrey Podger, Chief Executive Officer, HSE; Judith Hackitt, Board Chair, HSE; and Stephen J Mosley MP (Conservative - City of Chester). By that they jointly and severally buried a dangerous carbon monoxide condition without conforming to HSE Transparent Investigation Procedures or regard for the health and safety of the Tenant.
Mosley, always ready to obtain cheap ink by using disinformation and media puffs, wrote several disingenuous letters on House of Commons letter headings to the Tenant. He insinuated himself into a Trust/Council debacle to the detriment of the Tenant (his constituent). The letters contain outrageous false and misleading assertions which will probably contribute to his undoing. He has conspired with the Trust on issues connected with the case and emulated Councillor Robert Thompson’s conflict of interest by not representing his constituent.

Mosley sent these unsubstantiated claims and blatant lies allegedly authored by Paul Knight, Assistant Director, CDHT:

I have spoken to CDHT today and understand from them that your complaint with them has been taken through to Stage 2 in their complaints procedure involving a hearing which you did not attend. They have also been investigated by their regulators, the Tenants Services Authority and by the Health and Safety Executive who found no evidence of non-compliance on behalf of the Trust. Cheshire West and Chester Council have also investigated your complaint and have found no evidence to support your claims (04 Apr 12). [Mosley]

[Code of Conduct Complaint]

Précis

The mitigative brief (04 Nov 11) published and sent to Carl Sands, Gas Officer, HSE (09 Nov 11) supported five complaints made to Health and Safety Executive (30 Jun 11). Instead of investigating the dangerous carbon monoxide gas and other noxious emissions contained in the complaints, Sands conspired with CDHT and National Grid Gas also unlicensed gas operatives to illegally and permanently disconnect the gas supply (10 Nov 11), allegedly on the instructions of Knight, CDHT. That malicious act prevented independent structural surveyors from inspecting the property and diagnosing the health and safety risks extant in several flats in a public sector property complex.

The Tenant (the responsible party) elevated the complaints to Health & Safety Executive which designated Tanya Stewart, HM Principal Inspector (Cheshire) as the officer of record. Stewart neither contacted the Tenant nor visited the property despite her duty of care to investigate the risks in accordance with the transparent procedure for operational group staff to carry out investigations consistently to enable efficient fulfilment of HSE duties under the Health and Safety at Work Act (1974).

Stewart then organized an allegedly criminal cover-up of the facts surrounding the complaints and issued unsubstantiated findings (30 January and 30 March 2012) contrary to HSE procedures. That left the Tenant in a flat polluted with noxious gases and without heat and hot water for two years (30 Jun 13). Stewart has since conspired in a cover-up of her alleged misconduct in public office with Podger, Hackitt, and Brunt. They made unsubstantiated general denials that a problem existed then sabotaged and withheld documents and information needed for legal disclosure under Freedom of Information Act, Environmental

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Information Regulations (EIR): actions that the Information Commissioner’s Office now has under investigation.

[Environmental Information Regulations 2004 (EIR)]

The Tenant released the following updated excerpt from a published Carbon Monoxide Emissions Case Study to CDHT and HSE prior to the illegal capping of the gas (10 Nov 11) which they ignored. It supports contentions about the malicious nature of HSE/CDHT acts and gives a reason for the cover-up now in progress at the highest executive HSE levels.

[Mitigation Offer (04 Nov 11) - See Appendix]

Prevaricating Bureaucrats and their Disingenuous Sycophants

Bureaucrats talk and write in a confusing way with intent to mislead and make the facts too difficult to unravel thereby keeping their misconduct in public office secret. They procrastinate in the hope that their adversary will just give up trying to obtain due process of law. While the term prevaricate basically means to lie, prevarication makes lies hard to know exactly to what they refer, an aspect of contextomy.

With regard to the issues in hand, Paul Knight, Tanya Stewart, Rick Brunt, Geoffrey Podger, Judith E Hackitt and Stephen J Mosley have all acted as protagonists (disingenuous associates). They have only shown consideration for financial advancement and self-aggrandizement which means that they will spend the rest of their professional lives in mutual blackmail. To varying degrees, they suffer from antisocial personality disorders that enable them to justify their neglect to perform in accordance with law.

[Antisocial Personality Disorder]

Oh what a tangled web we weave, when first we practise to deceive!
I cannot tell how the truth may be, I say the tale as it was said to me.
Sir Walter Scott, *Marmion, Canto xi, Stanza 17 et seq.* (1771-1832).

To support their distortion of fact, they use “contextomy” or “quote mining” which means selectively excerpting words from their original linguistic structure in a way that distorts meaning, commonly called “quoting out of context”. It involves the removal of words or quotations from the original content to adulterate adjacent phrases or sentences that serve to clarify meaning.

Arguments based on contextomy, frequently found in political dissertation, quote opponents out of context to misrepresent a position. They refute quotations to belie that an authority supports a particular position. Stewart (in a consort with Hackitt and Podger) repeatedly uses those disingenuous rhetorical ploys which create logical fallacies to provide false attribution by rearranging passages to distort the meaning of content. In a legal sense, they pervert the course of justice by distorting facts, a serious criminal offence.

[Contextomy]
Neglect to Investigate by Tanya Stewart, HM Principal Inspector, HSE (Cheshire)

Tanya Stewart (HSE) and Carl Sands (HSE)

Stewart allegedly committed gross misconduct as a public officer. Instead of investigating serious health and safety domestic gas issues with particularity, she orchestrated a stonewalling campaign (30 Jan 12) then started a self-serving merry-go-round (13 Dec 12). Her conduct allegedly qualifies her and her supervisors for indictment under common law for misconduct in public office which can either result from actions taken or neglect to act.

An offence at common law triable on indictment, misconduct in public office can also construe as perverting the course of justice which carries a maximum sentence of life imprisonment. Confined to public sector officials and private sector officials performing public sector duties, these offenses occur when taxpayer funded directors, managers and staff members breach rules and laws that pertain to their official duties.

When clarifying the meaning of the term misconduct in public office, appellate judges make it clear that courts should strictly confine those and other offences that violate Criminal Law Act 1977. The HSE issues now await a decision on a series of internal reviews by the Information Commissioner (ICO) prior to filing impending common law complaints which involve conspiracy to commit misconduct in public office and other offences which violate those and other acts in pari materia.

Public officers commit those offences, acting jointly or severally, by wilfully neglecting to perform their duty and/or wilfully misconducting themselves to such a degree as to amount to an abuse of the public’s trust without reasonable excuse or justification. Prevarication, and any act that interferes with an investigation or causes it to head in the wrong direction, tends to pervert the course of justice.

Knowingly refusing access to information needed for legal disclosure ranks high on the list of evasive tactics. Special meaning attributes to the terms “intent” and “motive” when the act involves the public interest. Proof of intent either to pervert the course of justice or to do something which, if achieved, would have that effect such as arbitrarily withholding disclosure documents defines as misconduct in public office. Knowledge of all the circumstances and the intent of any act which has a tendency, when objectively viewed, to pervert the course of justice suffices for prosecution.

Bizarrely, HSE officials stonewalled (usually in a juvenile, transparent fashion) by refusing to answer questions or cooperate or discuss domestic gas health and safety risks, prevalent among both public and private sector housing nationwide, by covering up crimes committed in violation of Gas Safety Regulations 1998.

[Position Paper - HSE Case Study]
**Whores of Bureaucracy**

In health and safety bureaucracies, an oxymoronic combination of oligarchic control and sycophancy grants officials impunity. Perpetuated by mutual blackmail, it predicates upon a personal dilemma caused by fear of repercussion for fighting wrongdoing (whistleblowing) or acquiescing to a lifetime of sycophancy, both unacceptable to individuals with integrity. Sycophants will do anything to keep their jobs. They act as gatekeepers to mislead and delay resolution of issues especially in a digitized society where they have access to public documents and information which they can either sabotage or withhold to conceal criminal activity by associates.

Supervisors rely on sycophantic gatekeepers by using their ethnic or cultural proclivity as a vehicle to protect themselves from having to mitigate their wrongdoing and misapplication of human rights legislation. They know that staff members cannot revoke sycophancy once they have accepted it due to its dependence upon mutual blackmail. Consequently, officials refuse to name low-echelon staff members and their supervisors, then secretly use them as proxies to orchestrate evasion strategies (stonewalling) and illegal merry-go-rounds under an umbrella of fear.

Stonewalling denies appeals and abrogates human rights by allowing public sector employees to indulge in contempt prior to investigation. Neglect to provide records promptly or to describe them with particularity construes as silent withholding which evades acting upon lawful requests. Moreover, laws require public sector employees to document any issue in which they officially participate which sycophants either evade or counterfeit. That results in intellectual confusion and work-project disaster for staff members with a modicum of integrity who have not subscribed to sycophantic handling of public duties governed by laws.

[Cloherty - ICO Investigation]

A narrow definition of domestic gas issues described in these articles, shows that HSE officials used low-echelon employees as proxies (some of them subliterate and most of them catering to pathological lying by their superiors) to evade the legal responsibilities for which the taxpayer employs them. Documentation of issues over a period of three years shows a consistent pattern or practice of stonewalling to obstruct justice among CDHT, HSE and HCA directors, executives, managers and their minions.

Any prosecution must prove that a suspect classifies as a "public officer". No simple definition exists and prosecutors must individually take into account the nature of the role, the duties carried out and the level of public trust involved. Case law contains an element of circularity which tends to define a public officer as a person who carries out a public duty or has an office of trust defined by particular cases and legal precedents.

The group of MPs that monitors the work of Communities and Local Government departments launched an inquiry into the regulation of social housing in England (07 Jun 13). The Communities and Local Government Committee will call Julian Ashby, the chair of the regulation committee of Homes and Communities Agency (HCA) to appear before the inquiry.
They will invite written submissions from interested parties then examine the work of the regulation committee since it replaced the previous social housing regulator, Tenant Services Authority (TSA) (01 Apr 12) . . .

[Inside Housing - Lloyd]

HSE denied that a problem existed without any substantiation of that claim resulting from investigation of the facts in accordance with HSE directives. By that, Brunt, Hackitt and Podger effectively granted impunity to all concerned and encouraged them to cover up their own lack of responsibility.

After the Tenant (the responsible party) spent more than five months of repeatedly filing requests with HSE for inspection. Sands finally responded by email and claimed that he acted as the first point of contact for HSE gas complaints in Chester. He asked the Tenant to forward all the necessary information to him. The Tenant immediately attached six files to an email message which fully apprised him of the situation.

Sands responded within three hours to say that he needed further information then contradicted himself by saying that time constraints unfortunately prevented him from giving his full attention to the fifty pages of documentation already sent to him. He said that he understood from the documents that independent heating engineers had confirmed that products of combustion entered the Tenant’s residence, number 37, from either or both numbers 33 and 35 through cracks in the ceiling and flues.

The Tenant responded that Sands had correctly understood the situation and reiterated that the problem related to emissions through cracked voids and flues which the Tenant had tested by temporarily turning off the gas over an extended period in cooperation with neighbors. Sands also confirmed that he understood that both the flues in question occupied concealed spaces that had not received inspection which the Tenant confirmed.

Sands then wrote that he understood from the landlords that their heating engineers attended all of the addresses in question around the beginning of July and supplied annual gas safety certificates before that date. The Tenant informed him that the landlord had made a patently untrue statement. The engineer only checked #33 and #35 although the Tenant was available at #37.

They did not issue gas safety certificates for #35 or #37 only counterfeit documents issued retroactively to support a cover-up. The Tenant repeatedly requested copies of valid certificates which they claimed they had issued but they stonewalled each time. Sands again asked the Tenant if he still believed that products of combustion entered his home.

The Tenant responded that apart from the emissions that he could smell, carbon monoxide had made him feel ill (reflux, vertigo and tinnitus which two doctors later confirmed and for which they provided medication). Sands then informed the Tenant that HSE could not deal with issues regarding cooking smells and cigarette smoke emanating from other resident’s homes.
The Tenant responded that he had mentioned them as proof of the passage of the carbon monoxide and other noxious gases.

The following morning, without contacting the Tenant again, Sands tacitly arranged with two unlicensed operatives to illegally and permanently cap the gas at the Tenant’s flat instead of arranging inspection of the issues fully described in the documents that he received.

National Grid Gas (NGG) would not disclose whether Doyle acted as a rogue contractor or as an NGG employee executing an official work order despite repeated requests to Andrew Hutchinson, Long Cycle Work Closure Manager, NGG for verification. Hutchinson sabotaged mitigation negotiations started with Paul Lucas, Customer Operations Specialist, NGG for political expedience. Hutchinson "disappeared" Lucas after he agreed to finance the services of an independent structural engineer to investigate the violations of Trust, HSE and NGG regulations and the Doyle/Laird illegal gas capping; effectively, misconduct in public office by a public sector contractor.

The reason for all the subterfuge came to light when Podger arbitrarily claimed that the emission problem only concerned a single leased property reaffirmed six weeks later by Hackitt. Podger disingenuously used contextomy to distort meaning and Hackitt like any good sycophant parroted what he wrote.

They stated that the problem only related to a simple landlord/tenant dispute as Health and Safety Executive generally would have the public believe. Instead, a fully investigated three-year case study of carbon monoxide emissions revealed a string of health and safety risks in properties within the regulatory remit of HSE and Homes and Communities Agency (HCA) which they chose to ignore. The study showed conditions serious enough to portend fatal consequences in hundreds of social housing premises and revealed thousands of properties that do not comply with current HSE gas regulations nationwide.

The subject property had no gas inspection in accordance with HSE regulations for more than two years. Attempts by the Tenant to mitigate the damage at his own expense have been sabotaged by the landlord to cover up HSE and HCA failure to investigate fraud and neglect attributed to Sanctuary Housing Association (Sanctuary Group) comprising Chester & District Housing Trust. That construes as multiple misconduct in public office by public sector regulators.

[Retroactive Preemption and Stitch-Up]

A new survey among 4,300 private sector tenants (09 May 13) showed an estimated 900,000 people in England now at risk from gas safety hazards. YouGov an international, online market research agency that offers research and market intelligence reports conducted the survey for Shelter, a registered charity that campaigns to end homelessness and bad housing in England and Scotland.

The law requires landlords in both public and private sectors to carry out a gas safety check every year to identify possible problems including faulty appliances that could lead to gas leaks.
or carbon monoxide poisoning. One in 10 private sector tenants did not have that mandatory
gas safety check during 2012 according to the survey. Separate research by British Gas found
15% of private landlords unaware of their legal responsibilities.

By law, landlords must maintain gas fittings and flues in good order and have gas appliances
and flues checked by a registered gas engineer for safety once during each period of 12 months.
They must also keep a record of the safety check for 2 years and issue a copy to each existing
tenant within 28 days of inspection and to any new tenants before they move in.

[Full Text - Position Paper - HSE Case Study]

[Stitch Up - Antisocial Behaviour Order (ASBO) - See Appendix]

**Gas Servicing Scam**

Sarah Banwell and two men entered the subject premises (10 Nov 11) without the mandated
48 hours notice as required by the Tenancy Agreement or the Tenant's permission. The Tenant
(as the responsible party for the flat and associated appurtenances) refused them entry to the
flat because they would not identify themselves or state the purpose of their visit.

By admitting two men unknown to the Tenant into the building without his permission and
expecting him to admit them into his flat without the notice required by the life-time Tenancy
Agreement, Banwell violated that agreement. When the Tenant requested ID, they all refused
to identify themselves or show their ID cards. After constant pressure by the Tenant to reveal
their names, Banwell identified herself, one of them gave a false name and they all withheld
their ID numbers.

Government regulators later revealed the names of the two men as Ian Doyle, National Grid Gas
and Hamish Laird, Chester & District Housing Trust. Laird has still not released his ID# and
Gas Safe Register (GSR) will not verify his ID or gas servicing credentials. As a result of the
Tenant’s investigation, GSR has removed Laird's gas servicing entry and photograph from their
web site and further investigation shows that he does not hold gas servicing credentials. Both
Doyle and Laird used aliases for their job descriptions while Banwell aided and abetted their
deception.

Prior to leaving through the front door, Banwell evidently instructed Doyle permanently to cap
the gas supply regardless of objections raised by the Tenant who in law classifies as the
responsible first party. The capping, allegedly ordered by Paul Knight, had the sole purpose of
preventing the Tenant's structural surveyor from giving a professional opinion and providing
evidence at a panel hearing (kangaroo court) which Councillor Rob Thompson chaired. They
also tried to provoke a confrontation that could construe as antisocial behaviour and give them
an excuse to issue an ASBO: the only reason they could use to terminate that lifetime lease.

[**Kangaroo Court**]

While on the premises, Doyle and Laird allegedly committed a series of criminal acts by
breaking into the sealed meter box (posted with a warning notice) without permission of the
Tenant and capped the gas supply despite the Tenant’s objections. By that, they allegedly took part in a campaign of criminal harassment in violation of the Equality Act 2010. They did not hand the Tenant a certificate that complied with gas regulations.

After spending time together in a Trust van parked on an adjacent property, Doyle and Laird put a counterfeit National Grid Gas certificate through the letter box. That certificate contained false and misleading information which included Laird signing as proxy for the Tenant despite his presence on site. He also signed as “Heating Services Officer, CDHT”, allegedly a false job title. By that, they committed acts which could become subject to serious criminal complaints.

The Trust has neither made any attempt to repair the property nor mitigate the damage caused by the gas capping (10 Nov 11). Instead, they have deliberately left the Tenant without heat and hot water in a flat riddled with noxious gases which includes two winters with below zero temperatures allegedly to cover up similar conditions in 1,000 properties that do not comply with HSE regulations. More than two years have elapsed since the Tenant reported (30 Mar 11) serious emission problems into the flat from other flats allegedly through structural carbonation. The Trust has used various strategies to evade its responsibility to inspect the property which should have occurred within 48 hours of making the complaint which has escalated into the bizarre situation that now exists (12 Jun 13).

The Tenant escalated the issues to Podger with a request for him to address them immediately by appointing an independent investigator acceptable to the Tenant’s lawyers or file for a public inquiry with HM Ministry of Justice (21 Dec 12). Instead, Podger used willful blindness to ignore those requests and has continued to prevaricate.

To reiterate for clarity, Carl Sands, Gas Officer, HSE tacitly authorized Hamish Laird, an unlicensed Chester & District Housing Trust (CDHT) employee posing as a gas engineer and, by association, Ian Doyle, a National Grid Gas employee using illegal credentials unlawfully to permanently disconnect the gas supply as part of a cover-up allegedly orchestrated by Paul Knight, Assistant Director, Performance and Income. To prevent the Tenant’s independent structural engineer from undertaking an inspection which would prove his case, they evidently also contacted the engineer to “dissuade” him from acting for the Tenant.

Prevarication

Any act that interferes with an investigation or causes it to head in the wrong direction tends to pervert the course of justice. Knowingly refusing access to information needed for legal disclosure ranks high on the list of evasive tactics. Special meaning relates to the terms “intent” and “motive” when the act involves the public interest.

A prosecution must only prove intent either to pervert the course of justice or to do something which, if achieved, would have that effect such as arbitrarily withholding disclosure documents which defines as misconduct in public office. Knowledge of all the circumstances and the intent of any act which has a tendency, when objectively viewed, to pervert the course of justice suffices.
Bureaucrats prevaricate; they lie or mislead. While the term prevaricate basically means to lie, it also makes it hard to know exactly to what the lie refers. They talk and write in a confusing way with intent to mislead and make the facts too difficult to unravel thereby keeping their misconduct in public office secret. They then procrastinate in the hope that their adversary will just give up trying to obtain due process of law.

**Stonewalling**

When challenged, bureaucrats stonewall by refusing to answer questions or cooperate, usually in a juvenile, transparent fashion having arrived at a point where their adversaries (especially their sycophants) fear them. Sycophants arrive at a point where they will do anything to keep their jobs. They then act as gatekeepers to mislead and delay especially in a digitized society where they have access to public documents and information which they can either sabotage or withhold to conceal criminal activity. Gatekeepers rely on ethnic or cultural proclivity to protect themselves from having to mitigate their wrongdoing by using human rights legislation.

Executive directors and managers refuse to name the supervisors responsible for low-echelon employees. They then use those employees as proxies to orchestrate evasion strategies and illegal merry-go-rounds.

Stonewalling denies appeals and abrogates human rights by allowing public sector employees to indulge in contempt prior to investigation. Neglect to provide records promptly or to describe them with particularity construes as silent withholding to evade acting upon lawful requests. Moreover, laws require public sector employees to document any issue in which they officially participate which they either avoid or counterfeit.

To support the distortion of fact, they use "contextomy" or "quote mining" which means selectively excerpting words from their original linguistic structure in a way that distorts meaning, commonly called "quoting out of context". It involves the removal of words or quotations from the original content to adulterate adjacent phrases or sentences that serve to clarify meaning.

Arguments based on contextomy, frequently found in political dissertation, quote opponents out of context to misrepresent a position. They refute quotations out of context to belie that an authority supports a particular position. Hackitt and Podger have both used those disingenuous rhetorical ploys. The practice creates a logical fallacy and provides false attribution by rearranging passages to distort the meaning of surrounding content. In a legal sense, it perverts the course of justice by distorting facts, a serious criminal offence.

Bureaucrats generally use low-echelon employees as proxies (some of them subliterate and most of them catering to pathological lying by their superiors) to evade the legal responsibilities for which the taxpayer pays them. Documentation of issues over a period of three years shows a consistent pattern or practice of stonewalling to obstruct justice among CDHT, HSE and HCA directors, executives, managers and their minions.
Rick Brunt, Head of Operations (North West Field Operations), HSE.

Brunt’s latest message (17 Dec 12) classifies as nothing more than a “retroactive preemption”. That term means an unlawful and disingenuous time-warp stratagem designed to preempt due process by using corrupted evidence and documents which Stewart should have revealed during investigation of the complaint. Those documents related to a previous public records request during which HSE “disappeared” Kevin Brynton the member of the litigation team who, at the time of his disappearance, acted in accordance with freedom of information protocols.

The Tenant (the named responsible party) ordered an independent inspection to show multiple negligence and fraud by Trust executive directors and managers. The evidence showed a pattern or practice when the Trust used a default conspiracy against tenants in a consort with PH Jones during 2010. The Tenant then made HSE (using its complaint procedures) and later Carl Sands, Gas Officer, HSE fully aware of that situation; however, they chose to ignore those submissions. HSE has since “disappeared” Sands.

All HSE correspondence and actions since those submissions form part of a scam among Health and Safety Executive, Chester & District Housing Trust and National Grid Gas employees. That alleged conspiracy to defraud prevented inspection by an independent structural engineer and gas technician that would have exposed dangerous carbon monoxide emissions in a particular stack of flats which could have affected 1,000 other properties.

That inspection would also have exposed alleged negligence by Sands and a subsequent cover-up by Stewart now endorsed by Brunt and Podger who have asserted “We found no area of concern, nor any matters that required enforcement action. As no new information has been provided our conclusions remain unchanged and this matter remains closed”. Brunt then contradicts his conclusion by reopening the case: “You make serious allegations regarding a former HSE employee, Carl Sands. If you believe that Mr Sands has acted illegally whilst in HSE’s employee, I ask that you provide me with sight of the evidence so that I can investigate further and take appropriate action” (17 Dec 12).

A reasonable person will ask, does Brunt really think that the Tenant, who is writing this update while sitting in a polluted flat with a below zero temperature without heat and hot water, will now release information to him that will allow him to start another unlawful merry-go-round and cover-up using a time-warp stratagem: the discontinuity or distortion of the flow of time that moves events from one time period to another or suspends the passage of time to support a hypothesis? Like any other cow college yokel, Brunt does nothing to address the problem while he waits for the weather to change regardless of damage to the environment and to the people who pay his salary.

The Trust stated in evidence that the Tenant has heat and hot water: at a stretch that statement contains an element of truth if one takes into consideration that the Tenant, an octogenarian confined to his bedroom with a small fan heater next to his desk and an electric kettle both purchased from Argos (with a window partly open to allow the emissions to exit) has heat and hot water!
The latest responses from Brunt and Podger constitute nothing more than a general denial in an attempt to evade responsibility instead of addressing the issues. The term "general denial" defines arbitrary and biased statements, innuendo, and assumption that bear no relation to facts. Brunt and Podger have not controverted all the declarations and assertions as common law requires and used a narrow construction when legal precedents generally require a liberal construction, at least until a judge rules otherwise.

They will have to present a legal argument based upon fact if they wish to deny the substantiated assertions in complaints and must provide access to public documents. They have completely ignored the fact that as a "defendant" they must answer the complaints not try to displace them onto the Tenant using retroactive preemption. A general denial, in its legal sense, ranks as proscribed behavior. HSE has not presented a legal argument based upon fact to deny substantiated assertions in the complaint.

Retroactive Preemption | General Denial

**Geoffrey Podger, Chief Executive Officer, HSE - Complaint Escalation**

Rick Brunt, Head of Operations (North West Field Operations), HSE neglected to respond to three requests for the full name, title and email address of his immediate supervisor or managing director. Consequently, the Tenant escalated the issues to Geoffrey Podger, Chief Executive Officer, HSE with a request for him to address them immediately. The Tenant expected to receive a personal response from Podger containing more than lip service, platitudes and boiler plate evasion that he experienced in the past.

Podger receives a public sector salary of £270,000.00+/per annum.

Freedom of Information and Data Protection Act Request | What do they Know?

Despite contrary evidence, Podger persists in making false and misleading claims that:

. . . HSE investigated your complaint against your Landlord, Chester and District Housing Trust in accordance with our procedures. Your landlord provided us with documentary evidence that confirmed they were carrying out gas safety checks as required by the regulations including remedy of any defects. HSE concluded that the landlord was operating a suitable and effective scheme for gas safety and does not need to take any further action. We have provided you with details of our findings (23 Jan 13). [Podger-1]

By that, Podger, with a blatant disregard for law, evaded his responsibility to act in accordance with the published complaint procedure which personally named him:

How to complain. If you cannot sort out the problem with the person you have been dealing with, ask them for the name of their manager (letters from us will also give this information). You can then ask to speak, or if you prefer write to them. They will certainly investigate your complaint and tell you what they are going to do about it. Most complaints are settled in this way, very often immediately. If this is not the case, we always aim to respond within ten
working days. If you are still not satisfied, you can write to the Chief Executive of HSE: Geoffrey Podger, Health and Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside L20 7HS who will see that your complaint is followed up promptly and fairly. You can also write to your MP to take up your case with us or with Ministers. Your MP may also ask the Office of the Parliamentary and Health Service Ombudsman to review your complaint (22 Dec 12). [Podger-2]

Podger made yet another vexatious, frivolous unsubstantiated statement regarding documents requested under the Freedom of Information Act and Data Protection Act by writing:

Thank you for your email of 24 January. I refer to my letter of 24 January, sent by email (and hard copy). I believe we have provided all the information you have requested and have done all we can usefully do for you. We will not make any further response to requests for information that you have already been sent”. (28 Jan 13).

That arrogant and misleading response to several requests for information will now become the subject of a complaint to the Information Commissioner’s Office. Podger has either refused or neglected to provide documents containing public sector information in an attempt to cover up misconduct in public office by his associates and to pervert the course of justice.

He has distorted meaning by not responding to requests for information about public officers through disingenuous selection in which he provided some documents while withholding others. By that, he has allegedly committed additional misconduct by trying to prevent exposure of serious mismanagement during investigation into dangerous gas and carbon monoxide conditions in public sector housing.

Podger evaded his responsibility to provide public information; moreover, his letter (28 Jan 13) did not reference or address legitimate Freedom of Information Act (FOI) requests with particularity. The Tenant considers this another attempt by Podger to evade his responsibly to provide information and to cover up misconduct in public office by Tanya Stewart, Rick Brunt, Carl Sands et alia of which the Tenant has made him aware.

Podger will now become the subject of a comprehensive complaint to the Information Commissioner’s Office for withholding public documents and information necessary to verify and validate alleged criminal activity by health and safety officers using infantile obstruction techniques and an illegal merry-go-round. His letter (28 Jan 13) neglects to address with particularity the email messages to which he refers or the reason for withholding documents or citing the statute or exemption that authorizes such withholding or redaction. In effect, he has made an unlawful general denial which establishes a pattern or practice of misconduct in public office.

Pattern or Practice

Pattern or practice defines as, and manifests in, two or more organized acts or instances which indicate ensuant activity. Those acts include conspiracy to harass and coerce the Tenant through wrongful use of language that evades HSE duty of care. Podger et alia have ignored their responsibility to investigate both current and previous requests without bias.
General Denial

The term "general denial" defines arbitrary and biased statements, innuendo, and assumption that bear no relation to facts. HSE must controvert all the declarations and assertions as common law requires and not use a narrow construction when legal precedents generally require a liberal construction, at least until a judge rules otherwise.

HSE must present a legal argument based upon fact if it wishes to deny the substantiated assertions in complaints and must provide access to public documents. General denial, in its legal sense, classifies as proscribed behavior. Most courts will not accept a general denial nor should any properly convened investigating panel admit it into evidence.

HSE executives and managers continue to frustrate filing of legitimate complaints by repeatedly withholding documents. Employee information about public sector employees classifies as public information and HSE must make copies available upon request. For example, HSE refuses access to documents to provide substantiation of complaints and does not provide a reason for a withholding them except to make arbitrary and arguably untrue statements.

If HSE denies a document request, then it must identify the document and state the particular exemption and statutory reference that applies and give legitimate reasons for the refusal or redaction. Moreover, laws do not allow a general denial without substantiation with a legal precedent.

His nebulous statement neither complies with the Freedom of Information Act nor Data Protection Act. He has made a frivolous and vexatious statement to evade his responsibility to provide potentially self-incriminating documents when the Freedom of Information Act requires openness by public sector officials.

Podger received five days prior notice as a final opportunity to provide all the documents requested within the time frame allowed by the Act or state with particularity how the Act permitted him to withhold or redact documents by citing the specific exemption that he claimed. He ignored that opportunity to mitigate the damage. [Podger-3]

[HSE Complaint Escalation]

Secret Justice

Podger condones practices that evade HSE mandates explained in the HSE Enforcement Policy Statement by makes referring complainants to their members of parliament as part of a disingenuous merry-go-round that filing a complaint starts as in this case where Stewart and to a lesser extent Cloherty have allegedly committed criminal offences with impunity granted by the wilful blindness of high-ranking executive officials.

Podger wrote:

You can also write to your MP to take up your case with us or with Ministers. Your MP may also ask the Office of the Parliamentary and Health Service Ombudsman to review your complaint.
He knew that CDHT and HSE officials had already made a compact with the Tenant's member of parliament, Stephen J Mosley MP (City of Chester). Mosley, a former member of Chester West & Cheshire Council (CWCC) had already insinuated himself into the proceedings with a false and misleading, unsubstantiated general denial that a problem existed.

Mosley endorsed procedures adopted by both HSE and HCA by parroting this statement in a letter on a House of Commons letter heading which contained the following unsubstantiated claims and blatant lies allegedly authored by Paul Knight, a CDHT assistant director and proven pathological liar:

I have spoken to CDHT today and understand from them that your complaint with them has been taken through to Stage 2 in their complaints procedure involving a hearing which you did not attend. They have also been investigated by their regulators, the Tenants Services Authority [formerly Homes and Communities Agency] and by the Health and Safety Executive who found no evidence of non-compliance on behalf of the Trust. Cheshire West and Chester Council have also investigated your complaint and have found no evidence to support your claims (04 Apr 12). [Mosley]

A reasonable person will comprehend that the Tenant cannot escalate a complaint to his MP or the Parliamentary and Health Service Ombudsman without a finding by the regulators handling the initial investigation (TSA dba HCA and HSE). They must provide the Tenant with documents supporting their findings in accordance with their own published criteria before they terminate an investigation. That prerequisite allows the Tenant to escalate the complaint to another regulator.

Matthew Bailes, Executive Director of Regulation (TSA/HCA) and Podger (HSE) have deliberately created an oxymoronic situation by not publishing decisions although they both arbitrarily terminated investigations. They both conducted self-serving internal reviews and denied document requests now under appeal to the Information Commissioner’s Office (ICO).

[Secret Justice] [HSE - Internal Review] [HCA - Internal Review]

Knight refused to provide a copy of his curriculum vitae for verification and validation of his repeatedly changing job titles and claims to educational and/or professional experience. He claimed to have worked in housing for more than 20 years with previous experience in banking and the private sector also for a Local Authority; however, there is no trace of those claims in public sector databases.

Ironically, Knight claimed responsibility for Business Systems & IT operations and for the continuous improvement of services across Cosmopolitan Housing Group (the group saved from bankruptcy earlier this year with a bailout by Sanctuary Housing Association). He also claims membership of the Chartered Institute of Housing (CIH) and as an Associate Lecturer at the University of Chester although no trace of professional or academic credentials support those claims (26 Jan 13). During the recent financial debacle, finally settled by assimilation of CDHT into Sanctuary Housing Association, Cosmopolitan Housing Group "disappeared" Paul Knight.
After the initial complaint to Karen Heritage, a low-echelon gatekeeper through to her ultimate supervisor Paul Knight, Assistant Director, CDHT a policy of arbitrarily denying that a problem exists prevails. With Heritage initially using unbelievably insolent tactics with elderly people to obtuse technical arguments by Knight they both used the same premise: either get rid of the complaint by low echelon harassment and abuse or outwit them with fatuous arguments or by withholding critical documents that prove that a serious problem exists.

CDHT and its contractors PH Jones retroactively issue fraudulent gas inspection certificates with forged signatures to cover up the fact that they have not acted in accordance with their own regulations to evade valid health and safety inspection and evade criminal prosecution. HSE unwritten policy relates more to a Stasi type of secret justice predicated upon harassment and prevarication supported by forgery and document withholding using national security as an excuse. In extreme cases, they “disappear” whistle-blowers or sycophants suspected of not complying with the unlawful mandates issued by their executive officers.

With this panoply of lies, Podger has used willful blindness and neglected to mitigate damage by cooperating with Tenant lawyers on the appointment of an independent surveyor to inspect a substantial sample of the more than 1,000 properties owned by the Trust that do not comply with current gas health and safety regulations (01 Jan 11). The Tenant, a reasonable person, published that a similar condition must exist in thousands of public sector properties (built circa 1960) managed by other housing trusts throughout UK.

A recent survey among 4,300 private sector tenants (published 09 May 13) confirmed the findings by the Tenant more than two years earlier. The new survey showed an estimated 900,000 people in England now at risk from gas safety hazards. YouGov an international, online market research agency that offers research and market intelligence reports conducted the survey for Shelter, a registered charity that campaigns to end homelessness and bad housing in England and Scotland.

The law requires landlords in both public and private sectors to carry out a gas safety check every year to identify possible problems including faulty appliances that could lead to gas leaks or carbon monoxide poisoning. One in 10 private sector tenants did not have that mandatory gas safety check during 2012 according to the survey. Separate research by British Gas found 15% of private landlords unaware of their legal responsibilities.

Mosley’s statement effectively granted Podger impunity. By that, Mosley condoned misconduct in public office and allows a continuation of Podger’s unlawful behaviour which can only result in a request to HM Ministry of Justice for a public inquiry into all HSE gas activities and regulation and filing of impending criminal complaints with law enforcement authorities.
Conclusion

The Trust and HSE have neglected to stop carbon monoxide and other noxious fumes entering from other flats which has forced the Tenant, an octogenarian, to live in an uninhabitable flat for almost twenty-one months. Stewart in a consort with Podger, Hackitt, and Brunt stonewalled investigation allegedly to cover up HSE negligence.

Documentation of the issues over a period of 26 months shows a pattern or practice of stonewalling arguably in an attempt to obstruct justice by implementing evasion strategies and illegal merry-go-rounds (05 Jun 13).

Stonewalling denies appeals and abrogates tenant rights by allowing public sector officials to indulge in contempt prior to investigation. Neglect to investigate promptly, or substantiate denial with particularity, construes as silent withholding to evade acting upon lawful requests. Moreover, laws require public sector employees to document any issue in which they officially participate.

[HSE Enforcement Policy Statement]

Knight and Stewart

Stewart in a consort with Sands had an opportunity to give a simple caution in writing to the dutyholder (CDHT) that Paul Knight, Assistant Director (CDHT) had committed an offence with a realistic prospect of conviction. Instead, she allowed Sands to commit additional crimes by conspiring with Laird and Doyle to permanently disconnect the gas supply so that a qualified, independent structural engineer could not test the appliances, flues and voids in the subject premises. That would have confirmed the Tenants findings regarding dangerous carbon monoxide and other noxious gas emissions in public sector housing (a statement that has expanded to include private sector housing as the result of a new survey (09 May 13).

[Position Paper]

HSE policy statements make it clear that the use of simple cautions rest upon situations liable to prosecution. They define differently from cautions given under the Police and Criminal Evidence Act 1984 by an inspector before questioning a suspect about an alleged offence when offering a simple caution as defined by current Home Office guidelines.

Health and safety sentencing guidelines regarding death result from a criminal act (carbon monoxide poisoning through landlord neglect) as an aggravating feature of the offence. If sufficient evidence exists that the breach caused the death, HSE considers that normally such cases should be brought before the court. However, there will be occasions where the public interest does not require a prosecution, depending on the nature of the breach and the surrounding circumstances of the death.

The enforcing authorities have a range of tools at their disposal in seeking to secure compliance with the law and to ensure a proportionate response to criminal offences. Inspectors may offer dutyholders information, and advice, both face to face and in writing. This may include warning
a dutyholder that in the opinion of the inspector, they are failing to comply with the law. Where
appropriate, inspectors may also serve improvement and prohibition notices, withdraw
approvals, vary licence conditions or exemptions, issue simple cautions* (England and Wales
only), and they may prosecute (or report to the Procurator Fiscal with a view to prosecution in
Scotland).

[Recent Carbon Monoxide Deaths]

Penalties for Health and Safety Offences

The Health and Safety at Work Act 1974 (HSW), section 33 (as amended) sets out the offences
and maximum penalties under health and safety legislation.

Failing to comply with an improvement or a prohibition notice, or a court remedy order (issued
under the HSW Act sections 21, 22 and 42 respectively):

   Lower court maximum: £20 000 and/or 12 months' imprisonment.
   Higher court maximum: unlimited fine and/or 2 years' imprisonment.

Breach of sections 2-6 of the HSW Act, which set out the general duties of employers,
self-employed persons, persons who have control of premises, employees, manufacturers and
suppliers to safeguard the health and safety of employees and members of the public who may
be affected by work activities:

   Lower court maximum: £20 000 and/or 12 months' imprisonment.
   Higher court maximum: Unlimited fine and/or 2 years' imprisonment.

Most other breaches of the HSW Act, contravening licence requirements and breaches of all
health and safety regulations under the Act. Regulations impose both general and more specific
duties, such as the requirements to carry out a suitable and sufficient risk assessment or to
provide suitable personal protective equipment. Licensing requirements apply to high hazard
activities such as nuclear installations and asbestos stripping:

   Lower court maximum: £20 000 and/or 12 months' imprisonment.
   Higher court maximum: Unlimited fine and/or 2 years' imprisonment.

The sentencing option of 12 months applies in Scotland but only applies in England and Wales
upon enactment of section 154(1) of the Criminal Justice Act 2003.

On conviction of directors for indictable offences in connection with the management of a
compartment (all of the above, by virtue of the HSW Act sections 36 and 37), the courts may also
make a disqualification order (Company Directors Disqualification Act 1986, sections 1 and 2).
Courts have exercised this power following health and safety convictions. Health and safety
inspectors draw this power to the court's attention whenever appropriate.

   Lower court maximum: 5 years' disqualification.
   Higher court maximum: 15 years' disqualification.
It does not surprise the Tenant that Paul Knight has evidently done a bunk; moreover, he cannot trace Tanya Stewart because of unlawful information withholding by Rick Blunt who refuses to provide her middle initial (name). By that, they prevent the Tenant from meeting his duty of care to hundreds of other individuals in UK with the same name before instructing counsel to file impending criminal charges against both Knight and Stewart. They have allegedly, jointly and severally, conspired to cover up dangerous carbon monoxide and other noxious gas emissions in public housing.

[HSE Enforcement Policy Statement]

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Edition: #880-37-15a/13-0624-1801
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The issues addressed in the Précis and Case Study relate to an Internal Review of requests for documents under Freedom of Information Act; Environmental Information Regulations 2004; and Data Protection Act which predicates upon dangerous carbon monoxide and other noxious, gaseous emissions in public sector housing during the period 09 November 2011 through 11 May 2013 caused by Chester & District Housing Trust Ltd. (the Trust) negligence and non-compliance with current health and safety regulations also neglect by Homes and Communities (HCA) also Health and Safety Executive (HSE) to adequately regulate dangerous health and conditions in public housing.


Précis

The issues escalated due to Sanctuary Housing Association comprising Chester & District Housing Trust (the Trust); Cheshire West & Chester Council; Homes and Communities Agency (formerly Tenants Services Authority); and Health and Safety Executive conspiring in a cover up of misconduct in public office during proceedings related to near bankruptcy of the Trust allegedly caused by its lack of due diligence in an ill-considered amalgamation with Cosmopolitan Housing Group. Moody's decision to downgrade the credit ratings of 26 housing associations predicated upon the financial problems faced by Cosmopolitan and the time it took to safeguard its corporate future.

The Trust and Cosmopolitan have now reverted to their provenance as separate entities funded by Sanctuary Housing Association (Sanctuary Group) with headquarters in Worcester. The bailout cost Cheshire West & Chester Council and its taxpayers a substantial loss of assets; however, the acquisition moves the overall responsibility out of the generally corrupt political arena where irresponsible public sector officials and regulators conspired in a plethora of alleged criminal offenses.

Lack of regulation by HSE and HCA contributed to the financial burden which resulted in harassment and abuse of tenants to cover up denial of repairs and gas servicing over an extended period which caused health and safety risks. Sanctuary has given no indication that it will address those issues and its officials have ignored correspondence which brought alleged criminal activity to their attention.
The Trust admits that gas heating appliances in at least a thousand premises require replacement to conform with regulations. That will cost an estimated £1,000,000.00 for the purchase of new appliances plus the cost of installation which takes two engineers at least a day at each location.

Hidden additional expenses relate to correction of structural carbonation and installation of inspection hatches to bring buildings and flues into compliance with HSE regulations which will add £-millions to the overall cost. Hence, the reason for capping gas supplies and denying inspection of premises by independent qualified structural engineers which would have disclosed the magnitude of the problem and adversely affected refinancing negotiations.

Like all foxes at the first sound of barking, several Trust officials, councillors and regulators have gone to ground. The culprits have hidden or sequestered themselves from public view while under investigation and Sanctuary has continued the existing aura of secrecy supported by propaganda.

Current complaints to the Information Commissioner address evasion and contextomy in handling requests under Freedom of Information Act, Environmental Information Regulations 2004 and Data Protection Act during the subject period: allegedly, in a conspiracy to cover up issues which predicate upon dangerous carbon monoxide and other noxious, gaseous emissions in public sector housing caused by non-compliance with current health and safety regulations.

HCA and HSE inspectors evaded their responsibility to inspect or consult with complainants. Consequently, the dangerous conditions still exist and elderly tenants have suffered health and safety risks for more than two years during which time some of them had no gas heating or hot water for extended periods during the coldest winters on record.

The Trust, Health & Safety Executive and Homes and Communities Agency in a consort with Cheshire West & Chester Council tried to hide the facts about gas health and safety risks by violating Freedom of Information Act 2000; Environmental Information Regulations 2004; Data Protection Act 1998 and laws in para materia. By that, they granted impunity to public sector officials by denying access to documents and information that could indict them. To that effect, councillors and their lawyers held a series of secret courts and declared themselves not guilty.

The issues now await a decision on a series of internal reviews by the Information Commissioner prior to filing common law complaints which involve conspiracy to commit misconduct in public office and other offences that violate Criminal Law Act 1977.

Case Study

This position paper does not address conditions at a single leased property in a landlord/tenant dispute as Health and Safety Executive would have the public believe. Instead, a fully investigated three-year case study of carbon monoxide emissions revealed a string of health and safety risks in properties within the regulatory remit of HSE which it chose to ignore. The study showed conditions serious enough to portend fatal consequences in hundreds of social
housing premises and revealed thousands of properties that do not comply with current HSE gas regulations nationwide.

The subject property has had no gas inspection in accordance with HSE regulations for more than two years. Attempts by the Tenant to mitigate the damage at his own expense have been sabotaged by the landlord to cover up HSE and HCA failure to investigate fraud and neglect attributed to Sanctuary Housing Association (Sanctuary Group) comprising Chester & District Housing Trust. That construes as multiple misconduct in public office by public sector regulators.

A new survey among 4,300 private sector tenants (published 09 May 13) shows an estimated 900,000 people in England now at risk from gas safety hazards. YouGov an international, online market research agency that offers research and market intelligence reports conducted the survey for Shelter, a registered charity that campaigns to end homelessness and bad housing in England and Scotland.

The law requires landlords in both public and private sectors to carry out a gas safety check every year to identify possible problems including faulty appliances that could lead to gas leaks or carbon monoxide poisoning. One in 10 private sector tenants did not have that mandatory gas safety check during 2012 according to the survey. Separate research by British Gas found 15% of private landlords unaware of their legal responsibilities.

By law, landlords must maintain gas fittings and flues in good order and have gas appliances and flues checked by a registered gas engineer for safety once during each period of 12 months. They must also keep a record of the safety check for 2 years and issue a copy to each existing tenant within 28 days of inspection and to any new tenants before they move in.

When a flue fault exists in combination with an appliance that does not operate correctly and has improperly placed vents to the outside of the building or vents in need of repair or replacement, dangerous levels of carbon monoxide release into living accommodation. When breathed by tenants, those emissions stop the blood from bringing oxygen to cells, tissues, and organs.

When a fire or heater burns gas in an enclosed space, it gradually uses oxygen and replaces it with carbon dioxide (CO2). If the amount of carbon dioxide in the air increases, then it prevents the fuel from burning entirely and the appliance emits poisonous carbon monoxide. Inhaling those emissions can cause loss of consciousness and death in a short time.

In extreme cases, large volumes of noxious gases (which includes second-hand tobacco smoke) breathed by tenants with existing respiratory or other medical conditions can kill them within minutes without warning. This situation particularly applies to elderly tenants.

Relevant Personal Information - Credibility Statement

This statement obviates disinformation, libel and slander disseminated by John Denny, Paul Knight, Robert Thompson CW&CC et alia, Chester & District Housing Trust and Stephen Mosley MP: behaviour that effectively construes as misconduct in public office.

© Copyright 2013 by Paul Trummel. All rights reserved. Contra Cabal 880-37-15c/13-0512-1447 Page 3 of 8
First published in 1944, the veracity of the author’s published work has never received a legal challenge. He has spent sixty years as an investigative journalist and graphic designer, including twenty years as a new media industry CEO and systems designer-consultant also thirty years as a post-graduate professor teaching computer industry executives working on post-graduate degrees or doctorates in journalism, law, and graphic design.

In 1992, he founded Contra Cabal (one of the first and largest non-profit electronic magazines to appear on the Internet) for which he develops the site, writes articles, designs pages and produces graphics. He has written hundreds of web articles on corporate, trade union, senior and academic abuse also institutionalized racism.

After a grammar school education, an apprenticeship in Fleet Street, London and military service he formed a group of four public relations companies in London which specialized exclusively in modular construction and precast building techniques. Later in US, he became chief executive of several corporations in the US communication industry and designed one of the first word processing systems in 1973.

Employed as a corporate chief executive officer for 23 years and as a senior administrator and professor at private and public sector universities in the US for 25 years, he has read UK and US law since 1947. His current research and conclusions base upon 33 years experience of UK and US Freedom of Information Acts and State laws in pari materia.

He worked as communications consultant to Wilem Frischmann, CBE, FICE, FIStructE who joined C J Pell & Partners (1958) becoming a partner (1961) and Chairman (1968). Considered as one of the foremost engineers of his generation, Frischmann gained his reputation on technically ground-breaking developments predominantly Centre Point, Tottenham Court Road/Oxford Street, London (at that time the tallest building in London and the first with precast concrete construction) and on several other notable building projects.

He also worked as communication consultant to developers, architects and engineers in the UK building industry prior to moving to US in 1962 and gained extensive experience in the building of concrete structures during the 1950s and 1960s. He acted for about fifty building developers and contractors which culminated in a modular construction exhibit at Crystal Palace in 1962 to introduce the ten centimeter (4”) module into the building industry.

He organized a second modular presentation at the building exhibition in London as the result of his close working relationship with the Royal Institute of British Architects through his association with architect Mark Hartland Thomas, a member of the Festival of Britain Presentation Panel, where he introduced A4 DIN sizes into general use in the building and printing industries.

**Bureaucratic Liars and Self-serving Lies**

Health and Safety Executive (HSE) classifies as a non-departmental public body responsible for the encouragement, regulation and enforcement of health, safety and welfare and for
research into occupational and housing risks. Created by the Health and Safety at Work Act 1974 the Department for Work and Pensions sponsors it.

The public holds public officials to a very high standard not evident at HSE with rampant misconduct in public office accepted as the norm. That behaviour, a constituent part of perverting the course of justice, classifies as a criminal offence in UK and several other jurisdictions.

Judith Elizabeth Hackitt, Chair of the Board in a consort with Geoffrey Podger, Chief Executive Officer, have neglected to conform with HSE regulations by not overseeing gas servicing in social housing. That leaves tenants in thousands of premises nationwide at risk of dangerous carbon monoxide emissions and allows landlords to fraudulently use public funds for unlawful purposes.

This position paper does not address conditions at a single leased property in a landlord/tenant dispute as Hackitt and Podger would have the public believe. Instead, it consists of a fully investigated three-year case study of carbon monoxide emissions in social housing properties within the remit of HSE. That study shows conditions serious enough to portend fatal consequences in hundreds of Trust properties and in thousands of premises nationwide that do not comply with current HSE gas regulations.

The Tenant has had no gas inspection in accordance with HSE regulations for more than two years. Attempts by the Tenant to mitigate the damage at his own expense have been sabotaged by the provider to cover up HSE neglect to investigate fraud and similar neglect by the landlord Cosmopolitan Housing Group comprising Chester & District Housing Trust (the Trust) in other premises. That construes as multiple misconduct in public office. [Misconduct in Public Office]

HSE officials allegedly committed misconduct in public office through violation of regulations for safety in the installation and use of gas systems and appliances in accordance with Gas Safety (Installation and Use) Regulations 1998. Podger and Hackett reduced the result of two years investigative journalism into criminal activity by HSE officials to a single landlord/tenant incident by writing (six weeks apart) false and misleading 298-word and 335-word general denials, respectively. A first-year journalism student would easily recognize that they conspired to falsify evidence by making unsubstantiated assertions. [General Denial]

GP-13-0123-0000. Your landlord provided us with documentary evidence that confirmed they were carrying out gas safety checks as required by the regulations including remedy of any defects. HSE concluded that the landlord was operating a suitable and effective scheme for gas safety and does not need to take any further action. We have provided you with details of our findings.

JH-13-0307-0000. In relation to your complaint against your landlord we have already provided you with details of our findings. We have also made clear that the follow up of your complaint was carried out in accordance with HSE procedures. HSE staff are satisfied with the response they received from your landlord. We will not be pursuing this matter any further.
The premises have had no inspection since the Tenant filed a complaint (31 Mar 11). Both Podger and Hackett have parroted the lies of Paul Knight a Trust director, and proven, inveterate liar. Moreover, Trust gas engineers and HSE investigators have neither visited the premises nor questioned the Tenant about Knight’s unsubstantiated assertions that no problem exists.

Regulations deal with safe installation, maintenance and use of gas systems including gas fittings, appliances and flues mainly in domestic premises and affect a wide range of functions from installing, servicing, maintaining or repairing gas appliances and other gas fittings to supply and use of gas. By not following up the evidence and neglecting to address the issues, Hackitt and Podger allegedly committed misconduct in public office and by their repeated obstruction and lying have perverted the course of justice.

**Perverting the Course of Justice**

A common law offence, perverting the course of justice carries a maximum sentence of life imprisonment. It includes any of three acts: fabricating or disposing of evidence; intimidating or threatening a witness or juror and intimidating or threatening a judge.

The appropriate sentence essentially depends on three issues:

1. Seriouness of the offence to which perverting of the course of justice relates.
2. Degree of persistence.
3. Effect of the attempt to pervert the course of justice.

The term “course of justice” means police investigation of a possible crime although without the necessity for active legal proceedings or a false allegation which risks the arrest or wrongful conviction of an innocent person.

The word “pervert” can mean alter but behaviour does not have to go that far. Any act that interferes with an investigation or causes it to head in the wrong direction may tend to pervert the course of justice. The prosecution only needs to prove a possibility that what the suspect did “without more” might lead to a wrongful consequence.

The terms and motives differ; the intention of the suspect has particular importance if public sector interests apply. The prosecution must prove intent either to pervert the course of justice or to do something which, if achieved, would have that effect. Proof of knowledge of all the circumstances and the intentional doing of an act which has a tendency to pervert the course of justice suffices. Where the prosecution case involves false allegations, then the law only requires proof of intent for police to take the allegations seriously. They do not have to prove that they planned to arrest anyone.

**Conclusion**

Podger and Hackitt tried to misrepresent a major problem caused by HSE negligence as gas regulator for social housing. Consequently, thousands of social housing properties that do not comply with current gas regulations provide loopholes for gas technicians and providers to do
precisely what they wish despite regulations to the contrary. They can now quote the arbitrary 298-word and 335-word general denials which confine a national gas problem to premises in a single landlord/tenant complaint despite hundreds of pages of documents that describe in detail the dangers that exist in thousands of public sector premises from carbon monoxide emissions and the neglect to address them by regulators.

A three-year investigation exposed multiple criminal activity and a cover-up that has left thousands of housing tenants at risk which Hackitt and Podger arbitrarily refuse to address. HSE staff have ignored alleged criminal activity extant within an insolvent Trust and colluded with officials to bury a nationwide health and safety problem.

Homes and Communities Agency (HCA) published its first batch of eighteen regulatory judgments. Its decision predicated upon a proportionate approach using regulating standards. Those standards contain outcomes that the HCA regulator expects providers to achieve classified as either economic or consumer and graded for governance and viability. The judgments (07 Dec 12) placed the Trust at the bottom of the list. It came in eighteenth with the lowest grades possible.

HCA determined that:

The provider does not meet the requirements on governance set out in the Governance and Financial Viability standard. There are issues of serious regulatory concern and the provider is subject to regulatory intervention or enforcement action. The provider’s financial viability is of serious concern and it is subject to regulatory intervention or enforcement action.

Hackitt and Podger arbitrarily contradicted that finding despite repeated notification. They have persisted in their general denial to evade their responsibility to address the issues. Without any general release, the issues have raised considerable public interest in that they have generated thousands of hits on web sites.

It must surprise reasonable people that Peter McNaught QC, Legal Adviser, HSE allowed Hackitt and Podger to act as mavericks by releasing two signed letters for publication allegedly out of context and with criminal intent. They obviate open and transparent discourse and effectively construe as having committed misconduct in public office and perverted the course of justice. McNaught received five prepublication notices between 26 Jan 13 and 17 Feb 13 to keep him fully apprised of the issues; however, he evidently granted tacit approval and impunity for Hackitt and Podger to indulge in contextomy.

Deliberately taking words out of context to obstruct investigation of criminal activity and psychologically displacing those acts onto others, or denying that they ever occurred, effectively makes the culprits accessories before and/or after the fact to criminal activity. Evidently obsessed with power, they have taken words completely out of context to cover up multiple criminal acts by both HSE officials and Trust employees. By that, they have created a situation that leaves no alternative but to proceed with criminal complaints for repeated harassment and obstruction of justice.
FOIA/DPA issues on which HSE has spent months falsifying and withholding details of the issues have now formed part of a complaint to the Information Commissioner. Although requested to review their own problems and correct them, they have done nothing to mitigate the damage. Everything filed with HSE now classifies as overdue under ICO rules and regulations and Hackitt and Podger have done nothing to mitigate the damage caused from machination by HSE employees Rick Brunt and Tanya Stewart et alia. Moreover, HSE has misquoted ICO rules relating to internal review on both its web site and in its dealing with those reviews by arbitrarily and maliciously doubling the time frame for review to obstruct due process of law.

[Supporting Information]

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All Rights Reserved: 10 Mar 13/07:26
Edition: #880-37-15c/13-0512-1447
Feedback: Webspinner@ContraCabal.org
The Grim Reapers - Health and Safety Executive - Perverting the Course of Justice

Internal Review - HSE and HCA

Health and Safety Executive (HSE) - Internal Review
Re: Richard Hands, FOI Unit
1.G Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS

Homes and Communities Agency (HCA) - Internal Review
Re: Clare Rees, Information and Complaints Policy Manager
7th Floor, Maple House, 149 Tottenham Court Road, London, W1T 7BN

The issues addressed in the Précis and Case Study relate to an Internal Review of requests for documents under Freedom of Information Act; Environmental Information Regulations; and Data Protection Act which predicates upon dangerous carbon monoxide and other noxious, gaseous emissions in public sector housing during the period 09 November 2011 through the present time caused by Chester & District Housing Trust Ltd. (the Trust) negligence and non-compliance with current health and safety regulations also neglect by Homes and Communities (HCA) also Health and Safety Executive (HSE) to adequately regulate dangerous health and safety conditions in public housing.


Contextomy

"Contextomy" or "quote mining" means selectively excerpting words from their original linguistic structure in a way that distorts meaning, commonly called "quoting out of context". It involves the removal of words or quotations from the original content to adulterate adjacent phrases or sentences that serve to clarify meaning. The practice creates a logical fallacy and provides false attribution by rearranging passages to distort the meaning of surrounding content. In a legal sense, it perverts the course of justice by distorting facts, a serious criminal offence.

Arguments based on contextomy, frequently found in political dissertation, quote opponents out of context to misrepresent a position. They refute quotations out of context to belie that an authority supports a particular position. Hackitt and Podger have both used those disingenuous rhetorical ploys.
In US, an example of contextomy recently created a great deal of discussion. It forced Shirley Sherrod, Georgia State Director of Rural Development, United States Department of Agriculture (an African-American) to resign (19 Jul 10). Andrew Breitbart (late conservative American publisher) posted a clip of a video out of context which implied that Sherrod made decisions based on her skin color. National Association for the Advancement of Colored People (NAACP) condemned her statement as racist and US government officials forced her resignation. Following a review of the content of the complete text in the unedited video, NAACP and United States Secretary of Agriculture apologized for the firing and offered Sherrod a new position.

That incident resulted in a scramble by publications worldwide to write articles questioning whether or not Sherrod had a legitimate case for libel. A similar instance occurred recently in UK with unsubstantiated accusations published in the McAlpine case that resulted in many awards of damages. Another judicial ruling applied in US against newscaster John Stossel for posting video apparently taken out of context. A lower court protected him under California’s anti-SLAPP law; however, an appellate court ruled that a defamation case could stand.

[SLAPP]

Nine judges in Washington State Supreme Court unanimously found in favor of this author (the Tenant) in a case for fallacious harassment by Contra Cabal articles brought by a landlord and government officials, claims similar to those made by Podger and Hackitt et alia.

[Washington State Supreme Court]

In a libellous campaign to obstruct justice, Hackitt and Podger have used contextomy to give the impression that gas emission problems relate to a single instance when they exist nationally. With malice, they issued spurious statements without investigating the facts (with general denials deliberately taken out of context) and did not respond to fully documented position papers. That construes as misconduct in public office.

[General Denial] [Perverting the Course of Justice]

**Geoffrey Podger, Chief Executive, Chief Executive Officer, HSE.**

2011/12. Salary: £170,000.00/175,000.00. Expenses: £28,500.00.

GP-13-0123-0000. I refer to the recent email correspondence on 21, 22, 27 and 28 December 2012 and 12, 19 and 23 January 2013 and three specific topics they raised.

Firstly HSE does not intend to comment on the material you have published or intend to publish.

Secondly HSE investigated your complaint against your Landlord, Chester and District Housing Trust in accordance with our procedures. Your landlord provided us with documentary evidence that confirmed they were carrying out gas safety checks as required by the regulations including remedy of any defects. HSE concluded that the landlord was operating a suitable and effective scheme for gas safety and does not need to take any further action. We have provided you with details of our findings.
Third you refer to a number of requests made under the Freedom of Information Act. These have been, or are being, properly dealt with. Finally on 14 January 2013 you requested details about the Gas Safe Register.

The Register maintains details about businesses and operatives who are competent to undertake work on both piped natural gas and liquefied petroleum gas (LPG) in Great Britain. Capita Gas Registration and Ancillary Services Ltd (CGRAS) are the scheme provider for the Gas Safe Register and operate under a service concession agreement with the HSE. CGRAS were appointed on 1 April 2009, replacing the previous scheme, CORGI Gas Registration.

CGRAS are responsible for the actions of their staff, but the performance of the Gas Safe Register is measured against a set of Key Performance Indicators (KPIs) under the oversight of HSE’s Energy Unit. There are annual targets and financial implications if the Gas Safe Register fails to meet them. HSE also monitors CGRAS against their contractual obligations. I enclose the senior management organisation chart of Gas Safe Register. [298 words]

Judith Elizabeth Hackitt, Chair of the Board, HSE.

2011/12. Salary: £115,000.00/120,000.00. Bonus: £5,000.00/10,000.00. Expenses: £500.00 (Impending Complaint to Information Commissioner). [Internal Review]

JH-13-0307-0000. I have considered your email correspondence of 26 and 27 February, the circumstances of your complaint against your landlord, your assertions of misconduct by HSE staff, and the various requests you have made for further information, and internal review of our response, under the Freedom of Information Act (FOI).

The request you have made for review of our responses to your FOI requests are being handled by our FOI Unit and you will shortly receive a response to these in accordance with HSE procedure for processing such requests.

In relation to your complaint against your landlord we have already provided you with details of our findings. We have also made clear that the follow up of your complaint was carried out in accordance with HSE procedures. HSE staff are satisfied with the response they received from your landlord. We will not be pursuing this matter any further.

I am also satisfied that all members of HSE that have been involved in following up your complaint, and those involved in addressing your subsequent enquiries and requests for information, have acted properly and in accordance with HSE’s policies. I do not believe any internal investigation of HSE’s conduct is necessary and I will not be initiating any review.

HSE has provided you with answers to your request so far, and I do not believe there is any further information we can provide you with that is relevant to your complaint,
or the way in which it has been handled. Given that there is nothing further we can add, I have decided that HSE will no longer respond to your correspondence regarding this complaint against your landlord or the conduct of HSE staff in following up your complaint. Similarly HSE does not intend to respond to material you have published or intend to publish.

Where HSE considers any questions posed in your correspondence fall within scope of the Freedom on Information Act then we will continue to respond in accordance with our obligations and procedures for such requests. [335 words]

[HSE - Information Commissioner's Office Complaint - 13-0324]
[HCA - Information Commissioner's Office Complaint - 13-0318]
Freedom of Information - FOI/EIR Internal Reviews

The Grim Reapers - Freedom of Information - FOI/EIR Internal Reviews

Health and Safety Executive
Judith Hackitt, Chair of the Board and Geoffrey Podger, Chief Executive Officer

Freedom of Information Act 2000 (FOIA), ICO Decision Notices

On 15 October 2012, Rachael Cragg, Group Manager, Information Commissioner’s Office (ICO) sent Jane Cloherty, FOI Policy Advisor, Health and Safety Executive (HSE) a Freedom of Information Act 2000 (FOIA), ICO Decision Notice (Reference: FS50417522) regarding neglect to make a timely response to requests for internal review. Cragg placed Cloherty on notice that ICO would monitor HSE due to its neglect to comply with regulations that allow twenty working days for completion of internal reviews. [Cragg]

Cragg wrote:

1. The Commissioner’s guidance states that an internal review should be carried out within 20 working days unless the circumstances are exceptional, in which case it should be carried out no later than within 40 working days. In this case, the complainant drew the Commissioner’s attention to the fact that the HSE had exceeded the 40 working day time limit in which to provide him with the results of its internal review. The Commissioner would remind the HSE that he considers it to be good practice to provide a complainant with the results of an internal review within the appropriate time limit.

2. The Commissioner is concerned with the length of time taken by the HSE to respond to his correspondence in relation to his investigation. The Commissioner will continue to monitor the HSE’s compliance with FOIA and has noted the details of this case in particular.

Since that admonition, HSE has repeatedly neglected to comply with the notice and the regulations.

On 26 April 2013, the Tenant (Paul Trummel) informed HSE and ICO that more than forty-five working days had elapsed during which HSE had not replied to eight outstanding FOIA/Environmental Information Regulation (EIR) internal reviews which he had sent to Richard Hands, FOI Unit, HSE for action (15 Feb 13).

Hands did not reply to the content of a portfolio of information that the Tenant had previously sent to Sue Johns, Head of Secretariat. Neither did he reply to a request for him to validate that his credentials met ICO requirements for a senior officer trained in, and who understands, EIR regulations to conduct all EIR internal reviews: an important point given that HSE had prevaricated for eighteen months. Hands ignored repeated requests for a reply until Cloherty received a notice from Noel Mullarkey, Case Officer, First Contact, Information Commissioner’s Office which addressed the neglect to respond.
Arguably, those delays left thousands of public and private sector tenants at health and safety risk of dangerous carbon monoxide and other noxious emissions in housing which have existed for more than two years, the reason for the original request to HSE for investigation. The Tenant (an octogenarian) has had no heat or hot water since 10 November 2011 during two of the coldest winters on record.

Carl Sands, Gas Officer, HSE tacitly authorized Ian Doyle, a National Grid Gas employee using illegal credentials and Hamish Laird, an unlicensed Chester & District Housing Trust (CDHT) gas operative unlawfully to cap the gas supply as the result of a cover-up allegedly orchestrated by Paul Knight, Assistant Director, Performance and Income, CDHT in a consort with HSE officials.

Tanya Stewart, HM Principal Inspector, HSE (Cheshire) neglected to investigate the alleged crimes in accordance with HSE regulations despite repeated requests; instead, she submitted false and misleading reports that she had not found probable cause when she had not spoken with the Tenant (the responsible party) or visited the premises. Copies of those reports have become subject to the current EIR internal reviews which Geoffrey Podger, Chief Executive and Judith Hackitt, Board Chair HSE have stonewalled for five months (31 May 13).

On 09 May 2013, Mullarkey wrote to Cloherty about the delays in processing internal reviews on this issue and other associated requests. He wrote that if it is the case that you have not issued an internal review decision to [Professor Trummel] we recommend that you do so within 20 working days from the date of receipt of this letter. If you have, in fact, already responded to [Professor Trummel], and believe that your response should already have been received, we would recommend you contact him to confirm receipt if you have not already done so. [Mullarkey]

On 15 May 2013, Cloherty wrote as a result of the letter from Mullarkey: further to your email of the 15th February 2013 in which you requested an internal review of the five Freedom of Information (FOI) requests submitted to HSE between 8th December 2012 and 21st December 2012. I have been appointed as HSE’s independent appeals officer in reviewing all five requests in accordance with our FOI appeals process and confirm that I have had no previous involvement in this case.

Cloherty then appended 2,757 words of repetitive gobbledegook, which obfuscated the issues and in no way complied with FOIA/EIR directions for internal reviews, then sent them to the Tenant who forwarded them to ICO for an opinion.

Five Responses from Jane Cloherty, FOI Policy Advisor, HSE

01. Freedom of Information – Internal Review Reference – 2013020249
Original Request Reference – 2013010085
Subject: External Flue and Chimney Design System
On the 21st December 2012 you submitted the fifth information request to HSE via Whatdotheyknow.com seeking disclosure of the following:
5a. The full names (first name, middle name and surname) and email addresses of Brunt’s immediate supervisor;
5b. A job function and description for each function that public officials regularly perform;
5c. A list of decisions that he/she makes in his/her official capacity;
5d. Expenses received by Rick Brunt, his immediate supervisor, Tanya Stewart and Carl Sands in the course of their jobs for the years 2010/2011 and 2012;
5e. A list of the pay bands showing the minimum and maximum salaries for each band for Rick Brunt, His immediate supervisor, Tanya Stewart and Carl Sands, plus the reason for Carl Sands resignation, redundancy and or release for misconduct.

HSE responded to this request on the 22nd January 2013. As you have not specified the aspects of HSE’s response to this request that you are dissatisfied with, I have reviewed each subsection and detail the finding of my review below:

5a. I uphold HSE’s original decision to refuse disclosure of the full first name and surname of Rick Brunt’s immediate supervisor under Section 14(2) of the FOI Act – vexatious/repeated request, on the basis that this information is already known to you.

I uphold HSE’s original decision to refuse disclosure of the middle initial of Rick Brunt’s immediate supervisor under Section 40(2) of the FOI Act – Personal Data of a Third Party. I do not consider the disclosure of middle initials relating to HSE staff to meet a legitimate public interest and on this basis, disclosure would breach the first principle of the Data Protection Act (DPA) because it would be unfair.

5b. I uphold HSE’s original decision to refuse disclosure of job functions and descriptions for public officials within HSE under Section 21 of the FOI Act – Information accessible via other means. This information is available to view via HSE’s website and you were provided with the link to this information, together with additional information relating to this portion of the request, in HSE’s original response letter.

5c. I uphold HSE decision to withhold a list of decisions made by Rick Brunt’s immediate supervisor in their official capacity on the basis it is information not held by HSE.

5d. I am of the view HSE fully complied with this aspect of your request as HSE disclosed to you the expenses received by Rick Brunt, his line manager, Tanya Stewart and Carl Sands for the 3 financial years specified.

5e. I uphold HSE’s original decision to refuse disclosure of the salary band information for Rick Brunt, Tanya Stewart and Carl Sands under Section 14(2) of the FOI Act – vexatious/repeated, on the basis HSE have previously provided you with a link to this information on HSE’s website. I am of the view HSE fully complied with your request for salary band information relating to Rick Brunt’s immediate line manager as you were provided with a link to this information in HSE’s original response letter.

I uphold HSE’s original decision to refuse disclosure of information relating to Carl Sands departure from HSE under Section 40(2) of the FOI Act – Personal Data of a Third Party and Section 41 of the FOI Act – Information provided in confidence. I do not consider the disclosure of information exchanged between an employer and employee to meet a legitimate public interest and on this basis, disclosure would breach the first principle of the Data Protection Act (DPA) because it would be unfair. I also consider such information to be provided by both parties with an expectation that it will remain confidential.

02. Freedom of Information - Internal Review Reference – 2013020254
Original Request Reference – 2013010884
Subject: Dangerous Carbon Monoxide Emission Investigation

Further to your email of the 15th February 2013 in which you requested an internal review of the five Freedom of Information (FOI) requests submitted to HSE between 8th December 2012 and 21st December 2012. I have been appointed as HSE’s independent appeals officer in reviewing all five requests in accordance with our FOI appeals process and confirm I have had no previous involvement in this case.

On the 20th December 2012 you submitted the fourth information request to HSE via Whatdotheyknow.com seeking disclosure of the following:
All records that support the statement made by Stephen James Mosley MP (insofar as statement relates to HSE) predicated upon the cited HSE investigation.

I uphold HSE’s original decision to refuse disclosure of this information on the basis you were informed on the 16th January 2013 it was information not held by HSE.

03. Freedom of Information - Internal Review Reference – 2013020256
Original Request Reference - 2013010882
Subject: Eternal [sic] Flue and Chimney Design

Further to your email of the 15th February 2013 in which you requested an internal review of the five Freedom of Information (FOI) requests submitted to HSE between 8th December 2012 and 21st December 2012. I have been appointed as HSE’s independent appeals officer in reviewing all five requests in accordance with our FOI appeals process and confirm I have had no previous involvement in this case.

On the 13th December 2012 you submitted a supplementary request to HSE via whatdotheyknow.com seeking disclosure of the following:

2a. Supplementary request for similar information on Rick Brunt, Head of Operations (North West Field Operations) at Health and Safety Executive.

HSE responded to this request on the 11th January 2013. As you have not specified the aspects of HSE’s response to this request that you are dissatisfied with, I have reviewed each subsection and detail the finding of my review below:

2a. I uphold HSE’s original decision to refuse this portion of your request on the basis we require further clarification from you about the type of information you require before we can proceed. You were notified of this on the 11th of January 2013.

2b. I uphold HSE’s original decision to refuse disclosure of salary band information for Tanya Stewart and Rick Brunt under Section 21 of the FOI Act – Information Accessible via other means. The salary band information for HSE personnel is available to view via HSE’s website and you were provided with the links to this information in HSE’s original response letter.

04. Freedom of Information - Internal Review Reference – 2013020257
Original Request Reference – 2013010883
Subject: Dangerous Carbon Monoxide Emission Investigation

Further to your email of the 15th February 2013 in which you requested an internal review of the five Freedom of Information (FOI) requests submitted to HSE between 8th December 2012 and 21st December 2012. I have been appointed as HSE’s independent appeals officer in reviewing all five requests in accordance with our FOI appeals process and confirm I have had no previous involvement in this case.

On the 18th December 2012 you submitted the third information request to HSE via Whatdotheyknow.com seeking disclosure of the following:

3a. Copies of all documents that relate to the statement by Brunt (17 Dec 2012);

3b. Copies of all documents that relate to the investigation that Stewart claims to have completed. That package should include, all chronologies, transcripts of interviews with complainant; interviews by HSE personnel with records of those interviews containing full names, titles, and employment of interviewees; details regarding the overall investigations of the complaint; transcripts of telephone conversations with Chester & District Housing Trust and National Grid Gas employees in a consort with Sands;

3c. Salary band documents and job descriptions for Brunt, Stewart and Sands together with their full first name, middle initials, last names, dates of employment by HSE and job titles and descriptions;

3d. Copies of all correspondence and email messages sent to the three named HSE parties by the complainant and their response to those communications.
HSE responded to this request on the 16th January 2013. As you have not specified the aspects of HSE’s response to this request that you are dissatisfied with, I have reviewed each subsection and detail the finding of my review below:

3a. I uphold HSE’s original decision to refuse disclosure of an email under Section 21 of the FOI Act – Information Accessible via other means. The only information HSE hold in relation to your request was disclosed to you on the 17th December 2012 under normal business and is therefore accessible to you via your own email account.

3b. I uphold HSE’s original decision to refuse disclosure of information relating to HSE’s investigation of your complaint under Section 14(2) of the FOI Act – vexatious/repeated requests. HSE has already disclosed to you all the information we hold relating to your complaint. This information was disclosed to you in 2011 following an FOI request.

3c. I uphold HSE’s original decision to withhold salary band documents, job descriptions for Brunt, Stewart, and Sands, together with their full first name and surname under Section 14(2) of the FOI Act – vexatious / repeated requests, on the basis that:
- Salary band information for all HSE staff is available to view via HSE’s website. HSE provided you with a link to this information on the 11th January 2013 as part of our response to FOI request 2013010082.
- HSE provided you with job descriptions for Rick Brunt and Tanya Stewart on the 9th January 2013 as part of our response to FOI request 2012120212. HSE provided you with a job description for Carl Sands on the 16th January 2013 as part of our response to FOI request 2013010883.
- The first name and surname of Brunt, Stewart and Sands are already known to you.

I uphold HSE’s original decision to withhold the middle initial and dates of employment of Rick Brunt, Tanya Stewart and Carl Sands under Section 40(2) of the FOI Act – Personal Data of a Third Party. I do not consider the disclosure of middle initials or dates of employment relating to HSE staff to meet a legitimate public interest and on this basis, disclosure would breach the first principle of the Data Protection Act (DPA) because it would be unfair.

3d. I uphold HSE’s original decision to refuse disclosure of all correspondence and email messages sent to the three named HSE parties by the complainant and their response to those communications under section 21 of the FOI Act – Information accessible via other means. The information to which you refer relates to direct communications between yourself and HSE relating to our investigation of your complaint and is already accessible to you via your own email account or via paper copies.

05. Freedom of Information - Internal Review Reference – 2013020258
Original Request Reference - 2012120212
Subject: Eternal [sic] Flue and Chimney Design

Further to your email of the 15th February 2013 in which you requested an internal review of the five Freedom of Information (FOI) requests submitted to HSE between 10th December 2012 and 21st December 2012. I have been appointed as HSE’s independent appeals officer in reviewing all five requests in accordance with our FOI appeals process and confirm I have had no previous involvement in this case.

On the 10th December 2012 you submitted the first information request to HSE via www.whatdotheyknow.com seeking disclosure of the following:
1a. Please define the job title “HM Principal Inspector” used by Tanya Stewart;
1b. Stewart’s first name, middle initial and last name;
1c. A full job description to support the title “HM Principal Inspector, HSE” (I note that other inspectors use “HSE Principal Inspector” what is the difference;
1d. Full name, email address and job description for her immediate supervisor;
1e. Copies of the regulation, full description and illustrations that cover the following carbon monoxide exhaust function, component and installation.
HSE responded to this request on the 9th January 2013. As you have not specified the aspects of HSE’s response you are dissatisfied with, I have reviewed each aspect of your request and detail my finding below:

1a. I am of the view HSE fully complied with this aspect of your request as HSE provided you with a full definition of the job title “HM Principal Inspector” as part of our response to your original request;

1b. I uphold HSE’s original decision to refuse disclosure of Ms Stewart’s christian name and surname on the basis this information is already known to you;

1c. I am of the view HSE fully complied with this aspect of your request as HSE disclosed a copy of the job description for HM Principal Inspector to you in response to your original request;

1d. I uphold HSE’s original decision to refuse disclosure of Mr R Brunt’s full name and email address, on the basis this information is already known to you.

1e. I am of the view HSE fully complied with the second aspect of this request as HSE disclosed a copy of Mr Brunt’s job description to you in response to your original request;

1f. I uphold HSE’s original decision to refuse disclosure of information relating to External Flue and Chimney Design under Section 21 of the FOI Act – Accessible via other means. The guidance requested is available via HSE’s website and you were provided with the relevant links to this information in response to your original request.

Cloherty must cite the actual information and documents to which she refers with particularity. She has made a series of arbitrary statements without any substantiation and used boilerplate language to evade her responsibility to provide a reason for withholding documents and information which constitutes a pattern or practice of evasion. Like many other FOI people, Cloherty has a penchant for denying rightful access to information instead of providing it as required by law probably predicated upon manipulation by her supervisors. She has demonstrated that she has neither the training nor the experience to handle FOI/EIR internal reviews.

When applicants ask for third party data officials must remember that they can challenge secrecy. Refusal of requests can only occur if disclosure would breach any of the data protection principles. Any exemption claimed must have a substantiating precedent or proof that any of the eight data protection principles applies which officials must spell out and substantiate with facts.

A common myth relates to a belief that public authorities must ask for consent before releasing personal information about third parties; however, lack of consent does not give grounds to refuse information. Only information about the home or family life of an individual, his or her personal finances or personal references deserve protection.

Where information requested relates to people acting in the public sector, or for contractors undertaking public sector work, then the information will normally have a right of disclosure unless a properly defined risk to an individual applies. One of the key concepts governing the release of personal information relates to fairness: a nebulous term.
The key question rests on whether the information sought relates to an individual’s private or public life. If the information refers to home or family life or personal finances, then it deserves protection. Officials should not question information about someone acting in an official or work capacity before releasing personal, work-related information.

Cloherty prevaricated by selecting those issues that HSE does not object to exposing while omitting the remaining requests from the internal reviews. A copy of this report will go to the ICO for an opinion and instructions on how to proceed given the urgency of the health and safety risks to both public and private sector tenants and machination by Cloherty et alia. HSE officials have adopted a pattern or practice which shows that they have more interest in covering up each others wrongdoing than conforming with health and safety regulations.

A pattern or practice defines as, and manifests in, two or more organized acts or instances which indicate ensuant activity. Those acts include conspiracy to harass and coerce through wrongful use of language that evades a duty of care which construes as misconduct in public office and can define as perverting the course of justice, both criminal offences in UK.

Perverting the course of justice carries a maximum sentence of life imprisonment. It can include any of three acts: fabricating or disposing of evidences, intimidating or threatening a witness or juror (or an FOIA applicant conducting legal discovery).

Any act that interferes with an investigation or causes it to head in the wrong direction may tend to pervert the course of justice such as knowingly refusing access to information needed for legal disclosure. The terms intention and motive differ; the motive of the suspect has importance if public interest applies.

The prosecution must only prove intent either to pervert the course of justice or to do something which, if achieved, would have that effect such as arbitrarily withholding disclosure documents. Knowledge of all the circumstances and the intent of any act which has a tendency, when objectively viewed, to pervert the course of justice suffices.

Arguably, through prevarication Cloherty has become an accessory after the fact which means that she can become liable to indictment if she persists in her evasion and interference in due process of law. For example, through use of dogmatic statements based upon boilerplate language, Cloherty has not provided precedents to substantiate her assertions then arbitrarily refused to release documents.

Perhaps more serious, Cloherty has cherry-picked some internal reviews and addressed them to support political purposes and ignored those that relate to investigation of executive expenses: probably so that employees living on marmite sandwiches do not find out about Podger’s fifty quid lunches and Jiving Judy’s international junkets at taxpayer expense in a time of austerity.

Privacy and public accountability may seem mutually exclusive: however, the principles of DPA allow release of information about public sector officials. Cloherty has repeatedly quoted law incorrectly without substantiating her assertions. Some people believe that the DPA prevents the disclosure of any personal data without the consent of the person concerned: a complete fallacy; instead, DPA protects the private lives of individuals.
The only risk to people subject to these requests relates to indictment for alleged misconduct in public office. Under no stretch of imagination does that constitute a reason for withholding information and documentation that would, in a legal sense, define as disclosure evidence. Withholding documents or information to cater to underlying motives perverts the course of justice.

ICO guidance documents specifically warn against using any exemption “as a means of sparing embarrassment over poor administrative decisions”. When the official applies the exemption to cover up alleged official misconduct or crimes, then that withholding becomes an indictable offense. Following this logic, ICO has listed the types of information that officials must release without question.

Names of officials (which includes middle names and initials without reservation and replacement of nicknames with registered birth names)
Job description and official job function.
Decisions made in an official capacity.
Expenses incurred in the course of official business regardless of the source of funding.
Pay bands (which means not only releasing the pay bands but identifying the specific band for a particular official or employee) and actual salary details, bonuses, and expenses for senior staff.

The actual names of public officials rank as the only way to hold public sector employees accountable, hence their reticence in disclosing them. Many of them try to remain anonymous and use proxies to cover up suspicious activity. When requested, they must provide their full names (including middle names and initials) to avoid mistaken identity which can prejudice innocent people. Middle names insure that no mistake occurs when a public sector official with a common name like “Stewart”, who has allegedly committed misconduct in public office, does not become confused with an innocent person with the same name which constitutes a simple duty of care.

As to withholding documents originated by the applicant, the agency must release copies of them to insure that officials have not electronically altered or frivolously cited them. Podger and Hackitt have evaded the truth by using contextomy: changing meaning of content using arbitrary declension which obfuscates or thwarts due process. [Contextomy]

Senior HSE executives have used FOIA personnel as innocent or sycophantic gatekeepers to evade their own responsibility for alleged criminal negligence. Moreover, technological sabotage to make documents unusable or damaging them so that they defy processing as data could construe as hacking, allegedly a criminal offense when those acts apply to documents provided in accordance with FOIA/EIR/DPA.

Data and Application Sabotage (This applies to both HSE and HCA)

Health & Safety Executive (HSE) also Homes & Communities Agency (HCA) officials have maliciously corrupted files to prevent legitimate access to information. They used Intranet URLs to give the impression of openness when those files remained inaccessible. They also sabotaged
files, or withheld access to them, when responding to FOIA/EIR/DPA requests for information. By that, public sector officials arguably committed criminal acts which construe as misconduct in public office by using insider information technology (IT) sabotage to prevent due process of law.

Insider IT sabotage classifies as a malicious criminal activity frequently used by public sector officials with a primary motive to evade their public duty to provide information and documents required by FOIA/EIR/DPA. Their actions deny access to information and documents which expose criminal negligence or conceal details of intimidatory acts against staff by endeavoring to silence them when they file complaints.

During the period 2011 through 2013, Rick Brunt, Head of Operations (North West Field Operations), HSE; Matthew Bailes, Executive Director of Regulation, HCA (formerly TSA); Clare Rees, Information and Complaints Policy Manager, TSA-HCA (London) and their proxies followed disingenuous policies and arguably criminal hacking procedures when responding to document requests.

Generally, the public does not understand the difference between the terms Internet, Intranet and Extranet. That lack of knowledge allows IT operatives working under the direction of public sector officials to sabotage databases and applications for the purpose of withholding information while giving the appearance of openness. Hacking and providing inaccessible Intranet URLs to withhold information, both arguably criminal activities, involve their targets in unnecessary costs to repair databases. By that, they commit barratry.

The term “Intranet” defines a private network controlled by an organization to encourage interaction among its officials and staff members to improve efficiency and to share information. Information and resources shared on an Intranet might include: organizational policies and procedures; announcements; information about new products; and confidential data of strategic value.

Intranet restricted networks simulate the Internet but remain isolated to conceal content from non-authorized individuals. Based on TCP/IP protocols, an Intranet web page looks and behaves as any other web page but with access restricted to authorized persons and devices. In some cases, restricted access to an Intranet control relies upon not connecting it to other networks or using a firewall which denies access to unauthorized individuals or organizations.

The difference between Intranet and Internet accessibility defines in terms of size and control. Unless a provider uses content filters or government agencies censor content, the Internet remains accessible to everyone; however, Intranet content owned and controlled by a single organization that decides who may access it only allows access by designated individuals to specific information.

Officials who knowingly provide restricted Intranet URLs in answer to requests for information allegedly commit an indictable criminal offense. They disingenuously give the impression of cooperating in accordance with laws while using illegal applications and computer devices to prevent access or to censor information that could expose criminal activity.
Bailes and Rees, who acts as a sycophantic gatekeeper, have repeatedly used this ploy to prevent access to public data by distributing bogus or restricted URLs that give the impression that they complied with FOI regulations when they effectively censored the content. In those situations, individuals who do not have usernames and passwords to connect directly to the Intranet server cannot access files subject to release under FOIA: this construes as another act of misconduct in public office by the officials who provide those URLs when they know that they relate to restricted access.

The term “Extranet” describes an extended Intranet. In addition to allowing access to members of an organization, an Extranet uses a firewall, a profile or privacy protocols to allow access to users from outside the organization. In effect, an Extranet classifies as a private network that serves Internet protocols and public networks to securely share resources with customers, suppliers, vendors, partners or other businesses while preventing access by unauthorized individuals or organizations.

A single organization usually owns and controls both an Intranet and its corresponding Extranet; however, access primarily depends upon who has access to the private network and its geographical location. Intranets allow only members of a specific organization access while an Extranet allows other authorized individuals access by using usernames and passwords programmed to determine which parts of the Extranet a particular user may enter.

Until recently, most public sector organizations used local networks composed of expensive proprietary hardware and software for internal communications. Now, using simple Internet technology, Intranets make internal communication much easier and less expensive by using TCP/IP connections which support typical Internet web browsing. Web sites served within the Intranet can only gain access by computers connected through the local network which unfortunately allows negligent or malicious IT employees to manipulate information flows to cover up wrongdoing or contextomy.

“Contextomy” or “quote mining” means selectively excerpting words from their original linguistic structure in a way that distorts meaning, commonly called “quoting out of context” which both Podger and Hackitt frequently use. The practice involves the removal of words or quotations from original content to change the meaning of contiguous phrases or sentences that serve to clarify assertions.

The edit creates a logical fallacy and false attribution by removing a passage from its surrounding content to distort the intended meaning. In a legal sense, it perverts the course of justice by distortion of facts which construes as a serious criminal offence. The culprit then withholds the source documents (as they have done in this case) so that their unlawful acts cannot be proven.

Arguments based on contextomy typically take two forms: straw man arguments frequently found in political dissertation that quote an opponent out of context in order to misrepresent a position which makes it easier to refute and quotations taken out of context to belie that an authority supports a particular position. [Contextomy]
Hackitt, Podger and Brunt have used both those rhetorical ploys. Instead of addressing issues with diligence they repeatedly distorted meaning by false and misleading interpretation to give the impression that they complied with FOIA and laws in pari materia. That stratagem deliberately perverted the course of justice when they refused or neglected to mitigate damage by providing legitimate substantiation of contextomized assertions. Arguably, Cloherty has attempted (unsuccessfully) to use the same ploys.

**Conclusion**

In a libellous campaign to obstruct justice, Hackitt and Podger et alia used contextomy to give the impression that gas emission problems relate to a single instance when they exist nationally. With malice, they issued spurious statements without investigating the facts (using general denials deliberately taken out of context) and did not respond to fully documented position papers. That construes as misconduct in public office and perversion of the course of justice. It falsifies evidence that supports charges against public officials in impending investigations by ICO and other government regulators.

The latest file received from Michael Guy, Senior Solicitor, HCA contained false and misleading content that did not effectively address the criteria for FOI/EIR internal review. Moreover, he deliberately sabotaged the code of MS Word files prior to sending them which made them inaccessible to anyone without technical knowledge about hacking and the means to overcome it. Brunt used a similar ploy to sabotage data processing of Adobe Acrobat files. By that, they mutually established a pattern or practice. They both followed an identical pattern of criminal hacking (cracking) activity when responding to FOI requests. They acknowledged the request for documents by sending files that would not open in standard applications, contained malware that corrupted applications when opening them or used Intranet or Extranet URLs without providing access codes.

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Cloherty has prevaricated by selecting those items that HSE do not mind exposing while omitting the remainder for internal reviews. A copy of this report has been sent to the ICO for an opinion and instructions on how to proceed given the urgency of the health and safety risks to both public and private sector tenants and the machination by Cloherty et alia.

**Internal Reviews still outstanding (28 May 13):**

- **HSE Complaint Escalation** [Internal Review]
- **Geoffrey Podger and Judith Hackitt** [Internal Review]
- **Itemized Expenses - Judith Elizabeth Hackitt and Geoffrey Podger** [Internal Review]
The Grim Reapers - Misconduct in Public Office - Position Paper

Health and Safety Executive

Judith Hackitt, Chair of the Board and Geoffrey Podger, Chief Executive Officer

Position Paper - HSE Case Study

Health and Safety Executive (HSE) - Internal Review
Re: Jane Cloherty, FOI Policy Advisor
Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS

The issues addressed in the Précis and Case Study relate to an Internal Review of requests for documents under Freedom of Information Act; Environmental Information Regulations; and Data Protection Act which predicates upon dangerous carbon monoxide and other noxious, gaseous emissions in public sector housing during the period 09 November 2011 through the present time caused by Chester & District Housing Trust Ltd. (the Trust) negligence and non-compliance with current health and safety regulations also neglect by Homes and Communities (HCA) also Health and Safety Executive (HSE) to adequately regulate dangerous health and safety conditions in public housing.

Carbon Monoxide Emissions


Précis

The issues escalated due to Sanctuary Housing Association comprising Chester & District Housing Trust (the Trust); Cheshire West & Chester Council; Homes and Communities Agency (formerly Tenants Services Authority); and Health and Safety Executive conspiring in a cover up of misconduct in public office during proceedings related to near bankruptcy of the Trust allegedly caused by its lack of due diligence in an ill-considered amalgamation with Cosmopolitan Housing Group. Moody’s decision to downgrade the credit ratings of 26 housing associations predicated upon the financial problems faced by Cosmopolitan and the time it took to safeguard its corporate future.

Kangaroo Courts

The Trust and Cosmopolitan have now reverted to their provenance as separate entities funded by Sanctuary Housing Association (Sanctuary Group) with headquarters in Worcester. The bailout cost Cheshire West & Chester Council and its taxpayers a substantial loss of assets; however, the acquisition moves the overall responsibility out of the generally corrupt political arena where irresponsible public sector officials and regulators conspired in a plethora of alleged criminal offenses.
Lack of regulation by HSE and HCA contributed to the financial burden which resulted in harassment and abuse of tenants to cover up denial of repairs and gas servicing over an extended period which caused health and safety risks. Sanctuary has given no indication that it will address those issues and officials have ignored correspondence which brought alleged criminal activity to their attention.

[Health and Safety Executive 1] [Health and Safety Executive 2]  
[Homes and Communities Agency 1] [Homes and Communities Agency 2]

The Trust admits that gas heating appliances in at least a thousand premises require replacement to conform with regulations. That will cost an estimated £1,000,000.00 for the purchase of new appliances plus the cost of installation which takes two engineers at least a day at each location.

Hidden additional expenses relate to correction of structural carbonation and installation of inspection hatches to bring buildings and flues into compliance with HSE regulations which will add £-millions to the overall cost. Hence, the reason for capping gas supplies and denying inspection of premises by independent qualified structural engineers which would have disclosed the magnitude of portending financial problems and have an adverse affect on refinancing negotiations.

[Health and Safety Violations]

Like all foxes at the first sound of barking, several Trust officials, councillors and regulators have gone to ground. The culprits have hidden or sequestered themselves from public view while under investigation and Sanctuary has continued the existing aura of secrecy supported by propaganda.

Current complaints to the Information Commissioner address evasion and contextomy in handling requests under Freedom of Information Act, Environmental Information Regulations and Data Protection Act during the subject period: allegedly, in a conspiracy to cover up issues which predicate upon dangerous carbon monoxide and other noxious, gaseous emissions in public sector housing caused by non-compliance with current health and safety regulations.

HCA and HSE inspectors evaded their responsibility to inspect or consult with complainants. Consequently, the dangerous conditions still exist and elderly tenants have suffered health and safety risks for more than two years during which time some of them had no gas heating or hot water for extended periods during the coldest winters on record.

The Trust, Health & Safety Executive and Homes and Communities Agency in a consort with Cheshire West & Chester Council tried to hide the facts about gas health and safety risks by violating Freedom of Information Act 2000; Environmental Information Regulations 2004; Data Protection Act 1998 and laws in para materia. By that, they granted impunity to public sector officials by denying access to documents and information that could indict them. To that effect, councillors and their lawyers held a series of secret courts and declared themselves not guilty.

[Code of Conduct Complaint]
The issues now await a decision on a series of internal reviews by the Information Commissi-
oner prior to filing common law complaints which involve conspiracy to commit misconduct

Case Study

This position paper does not address conditions at a single leased property in a landlord/tenant
dispute as Health and Safety Executive would have the public believe. Instead, a fully
investigated three-year case study of carbon monoxide emissions revealed a string of health
and safety risks in properties within the regulatory remit of HSE and HCA which they chose
to ignore. The study showed conditions serious enough to portend fatal consequences in
hundreds of social housing premises and revealed thousands of properties that do not comply
with current HSE gas regulations nationwide.

The subject property had no gas inspection in accordance with HSE regulations for more than
two years. Attempts by the Tenant to mitigate the damage at his own expense have been
sabotaged by the landlord to cover up HSE and HCA failure to investigate fraud and neglect
attributed to Sanctuary Housing Association (Sanctuary Group) comprising Chester & District
Housing Trust. That construes as multiple misconduct in public office by public sector
regulators.

[Retroactive Preemption and Stitch-Up]

A new survey among 4,300 private sector tenants (published 09 May 13) shows an estimated
900,000 people in England now at risk from gas safety hazards. YouGov an international,
online market research agency that offers research and market intelligence reports conducted
the survey for Shelter, a registered charity that campaigns to end homelessness and bad
housing in England and Scotland.

The law requires landlords in both public and private sectors to carry out a gas safety check
every year to identify possible problems including faulty appliances that could lead to gas leaks
or carbon monoxide poisoning. One in 10 private sector tenants did not have that mandatory
gas safety check during 2012 according to the survey. Separate research by British Gas found
15% of private landlords unaware of their legal responsibilities.

By law, landlords must maintain gas fittings and flues in good order and have gas appliances
and flues checked by a registered gas engineer for safety once during each period of 12 months.
They must also keep a record of the safety check for 2 years and issue a copy to each existing
tenant within 28 days of inspection and to any new tenants before they move in.

When a flue fault exists in combination with an appliance that does not operate correctly and
has improperly placed vents to the outside of the building or vents in need of repair or
replacement, dangerous levels of carbon monoxide release into living accommodation. When
breathed by tenants, those emissions stop the blood from bringing oxygen to cells, tissues, and
organs.
When a fire or heater burns gas in an enclosed space, it gradually uses oxygen and replaces it with carbon dioxide (CO2). If the amount of carbon dioxide in the air increases, then it prevents the fuel from burning entirely and the appliance emits poisonous carbon monoxide. Inhaling those emissions can cause loss of consciousness and death in a short time.

In extreme cases, large volumes of noxious gases (which includes second-hand tobacco smoke) breathed by tenants with existing respiratory or other medical conditions can kill them within minutes without warning. This situation particularly applies to elderly tenants.

**Relevant Personal Information - Credibility Statement**

This statement obviates disinformation, libel and slander disseminated by John Denny, Paul Knight, Robert Thompson CW&CC *et alia*, Chester & District Housing Trust and Stephen Mosley MP: behaviour that effectively construes as misconduct in public office.

First published in 1944, the veracity of the author's published work has never received a legal challenge. He has spent sixty years as an investigative journalist and graphic designer, including twenty years as a new media industry CEO and systems designer-consultant also thirty years as a post-graduate professor teaching computer industry executives working on post-graduate degrees or doctorates in journalism, law, and graphic design.

In 1992, he founded Contra Cabal (one of the first and largest non-profit electronic magazines to appear on the Internet) for which he develops the site, writes articles, designs pages and produces graphics. He has written hundreds of web articles on corporate, trade union, senior and academic abuse also institutionalized racism.

After a grammar school education, an apprenticeship in Fleet Street, London and military service he formed a group of four public relations companies in London which specialized exclusively in modular construction and precast building techniques. Later in US, he became chief executive of several corporations in the US communication industry and designed one of the first word processing systems in 1973.

Employed as a corporate chief executive officer for 23 years and as a senior administrator and professor at private and public sector universities in the US for 25 years, he has read UK and US law since 1947. His current research and conclusions base upon 33 years experience of UK and US Freedom of Information Acts and State laws in pari materia.

He worked as communications consultant to Wilem Frischmann, CBE, FICE, FIStructE who joined C J Pell & Partners (1958) becoming a partner (1961) and Chairman (1968). Considered as one of the foremost engineers of his generation, Frischmann gained his reputation on technically ground-breaking developments predominantly Centre Point, Tottenham Court Road/Oxford Street, London (at that time the tallest building in London and the first with precast concrete construction) and on several other notable building projects.

He also worked as communication consultant to developers, architects and engineers in the UK building industry prior to moving to US in 1962 and gained extensive experience in the building of concrete structures during the 1950s and 1960s. He acted for about fifty building developers...
and contractors which culminated in a modular construction exhibit at Crystal Palace in 1962 to introduce the ten centimeter (4") module into the building industry.

He organized a second modular presentation at the building exhibition in London as the result of his close working relationship with the Royal Institute of British Architects through his association with architect Mark Hartland Thomas, a member of the Festival of Britain Presentation Panel, where he introduced A4 DIN sizes into general use in the building and printing industries.

**Prepublication Notice**

Individuals featured in *Contra Cabal* receive prior notice in accordance with codes of ethics agreed among journalists. Several of those codes have international legal precedent. They provide an opportunity to mitigate damage and to refute statements that could negatively affect reputations or cause investigation or prosecution for alleged illegal acts.

Under the mitigation doctrine, the law places an obligation on journalists to take reasonable action to reduce the effect of breaches of law. Mitigation rules apply to damages or costs in an action for tort or for breach of contract. It does not matter if the issues classify as civil or criminal.

The notices give them an opportunity to challenge with substantiated evidence any charges affecting their ethical or moral character. For public accountability, the author encourages them to respond in open exchange before a deadline. Individuals mentioned incidentally receive a copy of the notice as a courtesy. Journalists must report the truth no matter whom they offend and with disregard for the consequences of publication. Accurate reporting predicates a higher purpose and the common good.

The author does not solicit personal opinions and informs individuals that they should address only matters of fact. The notices declare personal or conflicting interests that relate to topics or to opinion especially when the content draws upon advocacy, experience, conclusion, or interpretation and advise of a responsibility to gather information and develop public awareness about wrongdoing and violation of codes of conduct.

Primarily, the articles expose malfeasance and misuse of public funds also abuse of elderly tenants by landlords, trust officials and law enforcement agencies. Named individuals neglected to adhere to their duty of care. Some maliciously damaged others and their reputations by libel, slander, assault, or other unlawful acts.

No person receives immunity from investigation. Anything published results from investigation, verification and validation which takes into account violations of law or breach of established rules and ethical practices.
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Professor Emeritus, Chairman and Chief Executive Officer

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Registrar of Companies England/Wales #7290470

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