

Mr BFA Egan  
44 Oak Tree Road  
Milford  
Surrey  
GU8 5JJ

Helen Riglia

Solicitor (Litigation & Licensing)

**Policy & Governance**

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Calls may be recorded for training or monitoring

DX 58303 Godalming 1

Your ref:

Our ref: HR004021

Date: 13 July, 2016

Dear Mr Egan,

**Response to Letter Before Claim dated 5<sup>th</sup> July 2016**

**The Claimant:** Mr Brian F A Egan, 44 Oak Tree Road, Milford, Surrey, GU8 5JJ

**From:** Helen Riglia, Solicitor Policy and Governance, Waverley Borough Council, The Burys, Godalming, Surrey, GU7 1HR

**Reference:** HR004021

**Details of the matter being challenged:**

Your letter before action dated 5<sup>th</sup> July 2016 fails, contrary to paragraph 16 of the Pre-Action Protocol for Judicial Review, to set out the date and details of the decision, act or omission being challenged, a clear summary of the facts and the legal basis for the claim. Further, you fail to set out the issues, the details of the action that the Defendant is expected to take, and ADR proposals. This being the case the Defendant is unable to respond in detail to your letter.

Notwithstanding the generality of the foregoing, we understand that between 17<sup>th</sup> and 24th April 2014 the Defendant authority fell victim to a mandate diversion fraud. We

understand that you made a complaint to the Defendant authority concerning the manner in which this mandate diversion fraud was addressed in the annual accounts and financial statements of the Defendant authority for the financial year 2014/15. We understand that your complaint was dismissed at each of the three levels of complaint handling within the Defendant authority's complaints handling procedure. Your proposed Judicial Review appears to relate to the adequacy or implementation of this complaints handling procedure.

We also understand that you made a previous complaint about the adequacy of the Defendant's complaints handling policy at least as long ago as 16<sup>th</sup> April 2014, that is to say before the mandate fraud which forms the basis of your current complaint had occurred. Your earlier complaint about the complaints handling system was rejected by the Defendant authority. You sought to challenge that decision through the Local Government Ombudsman. Your complaint to the Ombudsman was rejected. You then applied for Judicial Review of the Ombudsman's decision (CO/2951/2015). The Defendant authority were joined to those proceedings as an interested party. That application for Judicial Review was refused and was certified as being totally without merit. You then sought leave to appeal the refusal to allow your Judicial Review and this too was refused and certified as totally without merit (C1/2015/2863).

The Defendant authority asserts that its complaints handling policy complies with the guidance issued by the Local Government Ombudsman in its document "Guidance on running a complaints system – Guidance on Good Practice". The Defendant authority asserts that its handling of your complaint concerning the financial reporting of the mandate fraud has at all stages been dealt with in accordance with the complaints handling policy.

**Response to the proposed claim:**

The matters raised in your letter before action dated 5<sup>th</sup> July 2016, such as they are, are not conceded and will be fully contested.

**Details of any other interested parties:**

The Defendant authority does not consider there to be any other interested parties.

**ADR Proposals**

Given the absence of clarity concerning your proposed Judicial Review the Defendant authority is unable, at this stage, to propose any meaningful ADR.

**Response to requests for information and documents**

Your letter before action does not request any information or documents.

**Address for further correspondence and service of court documents:**

Legal Services  
Waverley Borough Council  
The Burys  
Godalming  
Surrey  
GU7 1HR

Yours sincerely,

A handwritten signature in cursive script that reads "Helen Riglia".

Helen Riglia  
Solicitor