



Section F

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F1: Disposal

Empty property – disposal procedures – safety

Mr Ash complained about a council's management of a property next to his.

What happened

1. Mr Ash and his family lived next to a large detached council property set in extensive grounds, which became derelict after the last tenant died. Mr Ash said there was an unreasonable delay in the council disposing of the property, failure to keep it secure from intruders, and unreasonable failure to prune or remove trees along the common boundary.
2. The council had been discussing disposal before the tenant died. But it did not start marketing the property until some two-and-a-half years after the tenant's death. This was despite an officer's recommendation two years earlier that some urgency was required, and despite 18 expressions of interest to the council about buying the property.
3. Mr Ash said that he and his family suffered nuisance from trespassers onto the property; their own property lost value; large numbers of foxes were being attracted and frequently strayed onto his property; and his family lived in worry of being hit by falling branches. Several large branches in fact did fall, but fortunately none fell on Mr Ash or members of his family.
4. Mr Ash made a number of representations to the council requesting action. The council had a report that overhanging branches from two trees were causing a nuisance and that two other trees needed attention, but nothing was done for three years.

The council's response

5. In response to the Ombudsman's investigation, the council accepted that the delay in marketing the property was unacceptable. The council:
 - marketed the property and quickly accepted an offer;
 - carried out work to the trees to Mr Ash's satisfaction;
 - offered to pay Mr Ash £500 compensation; and
 - published a draft report of one procedural review which was already underway and started another review.
6. The draft review report:
 - accepted that generally the timescales for completion of disposals had been unacceptably high;
 - noted the recent restructuring of the property division and implementation of a number of key improvements; and
 - recommended that a larger review of the disposal of all council assets should be undertaken.

The Ombudsman's view

7. The Ombudsman said the facts reflected very badly on the council in the way it had been dealing with vacant residential properties it wished to dispose of. She said that urgent reform was needed and this should involve:

- a holistic approach, so that even the possibility of officers acting or appearing to act in departmental rather than council interests was avoided;
 - streamlining of excessively bureaucratic procedures; and
 - the introduction of a fast tracking option where, as was the case here, the circumstances required.
8. The Ombudsman welcomed the council's positive response to the investigation.

(Report 02/C/13823)

F2: Open space

Consultation – lost opportunity

Mrs Finch complained that a council failed to consult her and her neighbours about developments on an open area of ground opposite their homes.

Development

1. Mrs Finch and her neighbours lived opposite a very large open space owned and maintained by the council.
2. She said the council failed to consult them about plans for an urban forest scheme and an earth mound on the open area. The result was that their formerly beautiful outlook had been badly spoilt and they were suffering nuisance and loss of privacy and amenity. She complained that the area had become unkempt and had become a focal point for unruly behaviour and fly tipping.

Consultation

3. The council had approved the planting programme subject to consultation with local residents. But this consultation was not carried out in respect of the site opposite Mrs Finch's house.
4. The Ombudsman said the failure to consult was maladministration.

Injustice

5. The Ombudsman could not be sure what the outcome would have been if the residents had had the opportunity to comment. It was certainly possible that the site would have been removed from the planting programme. One of the sites originally proposed was removed following objections from residents.
6. Mrs Finch had certainly suffered the injustice of a loss of opportunity to influence events and was left not knowing whether, if she had been allowed to comment, the outcome might have been better for her.

Remedy

7. The Ombudsman recommended that the council should pay Mrs Finch £250. The Ombudsman also recommended that the council should consider whether it could identify and implement improvements to the open space and find ways of reducing nuisances such as fly tipping and unruly behaviour.

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