

Digest of Cases 2008/09

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G1: Gypsy and traveller site

Refurbishment of approved gypsy and traveller site – poor management – failure to take action when things went wrong

The complaint

Mr A and 12 other residents of an approved gypsy and traveller site complained about refurbishment work undertaken to the site; in particular to amenity blocks housing kitchen and bathroom facilities. They alleged that:

- residents were not adequately consulted about the scope of the refurbishment works;
- works were not delivered on time;
- some works that were promised were not delivered at all;
- not all work was delivered to an acceptable quality;
- there was inadequate communication during the course of the works.

The Ombudsman's investigation

The Ombudsman upheld most of the complaints made. While he did not uphold complaints about inadequate consultation on the refurbishment proposals, he criticised the council for not consulting residents subsequently to advise what the refurbishment would cover.

He highlighted specific “fundamental errors” in that the council failed at the outset:

- to adequately involve its own asset management team in the planning and preparation of the works;
- to enter into a written contract with the contractor; and
- to ensure there was an adequate schedule of works.

The investigation also brought other failings to light. The contract for management of the site was allowed to lapse with insufficient attention given to a new arrangement. While the Ombudsman accepted that the council had challenges managing the site, he found that insufficient attention had been given to the needs of residents.

The Ombudsman's view

The Ombudsman said:

“It is hard to conceive of a more poorly managed project from start to finish”, and added that “the council must accept criticism for its failure to respond sooner to warnings that the refurbishment was going badly wrong”.

Outcome

In accordance with the Ombudsman's recommendations, the council agreed to apologise to the complainants and pay them compensation totalling £4,200.

It also commissioned specialist surveys to consider the condition of roofs and a report of damp conditions in amenity blocks already refurbished, and agreed to complete the final outstanding refurbishment to two amenity blocks. The council would seek funds to put the recommendations of the specialist report into effect.

The council would also ensure that measures were in place to ensure consultation with residents on matters of site management (ensuring a transparent complaints procedure was also in place) and would review certain decisions in the light of further consultation.

The Ombudsman further recommended that the council review whether current electrical supply arrangements were sufficient for the needs of residents, given evidence that this might be inadequate. He also asked the council to share with residents the outcome of the specialist surveys referred to above and to conduct further visits to residents to check any other outstanding repairs not covered by the specialist surveys.

(Report 06B15314 and 12 others)

G2: Sale of vacant land

Use of vacant land for allotments – council wrongly raised residents' expectations that it would sell them the land to extend their gardens

The complaint

Three residents, Mr A, Mr B and Mrs C, complained that a council decided to use vacant land behind their homes for allotments when it had previously offered to sell the land to them, and that it delayed making this decision for three years. Mr A had unnecessarily incurred the expense of

establishing who owned the land and, as a result of the council's new decision, all three complainants lost the opportunity to extend their gardens.

The Ombudsman's investigation

The Ombudsman found that the council appeared not to know that it owned the land when Mr A first enquired about it. The council then did not properly consider other options for the land at the time the complainants made their request to buy it. If the council had clarified its intentions at the outset, it would not have raised their expectations that they would be able to buy the land and extend their gardens. The council continued to lead the complainants to believe that they could buy the land, and appeared to have made a firm decision to sell it to them, but then delayed in proceeding with the sale. Without this delay it was likely that the sale would have been completed well before the council decided to use the land for a different purpose, over a year later. The council then did not tell the complainants for over six months that it had decided not to sell the land, so they lost the opportunity to object to and possibly reverse the decision.

The Ombudsman's view

The Ombudsman considered that the council did not properly consider options for using the land, and continued to lead the complainants to believe they could buy it, even after it had decided to use the land as allotments instead.

Outcome

The council agreed to suspend the allotments project and allow elected members the opportunity to consider a report from officers before making a decision on how the land should be used. If members decided not to proceed with the sale of the land to the complainants, the council agreed to pay compensation of £500 to the two landowners, and £300 to Mr B (a housing association tenant) for their raised expectations that resulted from the council's delays. If members decided to continue with the sale, the council agreed to pay the complainants £100 for their time and trouble in pursuing the complaint. Regardless of the eventual decision on the sale of the land, the council agreed to pay Mr A an additional £100 to compensate him for the cost of establishing that the council owned the land.

(Report 07B07461, 07463 and 07473)

