



Section G

Land

G1

Demolition

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G1: Demolition

Consecrated building – decision making – communication

Mr Robson complained, on behalf of a local history society, that a council acted unreasonably in its management of a cemetery chapel which it owned.

Complaint

1. Mr Robson complained that the chapel was not properly maintained following its closure; that consecrated furniture and other objects had been removed from the premises without permission from the Church of England; and that the council decided to demolish the chapel without consulting the Church of England, the history society, English Heritage or local residents.

Faults

2. The Ombudsman found that the council was wrong to remove items from the chapel without permission from the Church of England.
3. The council failed to consult the diocese about its intention to demolish the chapel. The council said it did not know the chapel was consecrated. But the Ombudsman said it should have investigated the situation and, in any event, the evidence for the consecrated status of the chapel existed in the council's own files.
4. The Ombudsman considered that the reports presented to committee members about the proposal to demolish the chapel did not contain sufficient information on which members could make properly informed decisions. For example:
 - there was no indication of the cost or the true extent of any possible renovation;

- no legal opinion was sought or provided;
 - the view of the council's own conservation officer was not reported; and
 - the report mentioned that a petition had been received but did not state the numbers signing the petition.
5. The council said that demolition was the only feasible option. The Ombudsman considered that, if that was so, the council report should have included the full extent of dissenting opinion and been able to demonstrate why renovation was not practicable. The failure to do so was maladministration.

Communication

6. The Ombudsman also expressed concern about the council's communication. At an early stage it undertook to write to Mr Robson when it had more to report. It did not do so, and Mr Robson found out about the decision to demolish the chapel from a reporter from the local paper.
7. The council had undertaken to keep Mr Robson informed and to write to him, and it did neither. The committee report was written over a period of months and the council had ample opportunity to tell Mr Robson what was happening. That would have given the history society the opportunity to make the council aware of its objections.
8. The failure to honour the undertaking to keep Mr Robson informed was maladministration. That caused an injustice in that the history society was denied the opportunity to make representations to the relevant meeting.

Outcome

9. The Ombudsman recommended that the council should pay the history society £400 compensation, and ensure that in future proper information was given to committee members when decisions needed to be made.

(Report 00/C/14838)

G2: Sale

Disclosure – land affected by mining

Mr Royal complained about a council's actions when it sold land to him.

Complaint

1. Mr Royal's complaint was that the council knew there were serious defects which would require substantial expense before the land was fit to build on, but did not tell him that before selling him the land.
2. Mr Royal bought the land for £13,500. He had to incur costs of £9,153 for remedial work on the land to stabilise it.

What the Ombudsman found

3. The Ombudsman found that, although the council knew that the land concerned had been seriously affected by mining, it did not disclose to Mr Royal information in its possession

which would have alerted him to this. The council inadvertently omitted from the particulars of sale relevant information which had always previously been disclosed to prospective buyers. The council suggested to the Ombudsman that, as Mr Royal had not enquired about the possibility of adverse ground conditions, the council was not obliged to tell him.

4. The Ombudsman concluded that the conduct of the council did not reach the standard of openness and honesty that members of the public were entitled to expect from a public body.
5. The Ombudsman recommended the council to reimburse in full Mr Royal's additional costs of £9,153.

(Report 01/C/2929)