

APPEALS PANEL NO. 3

THURSDAY 29 JANUARY 2015 AT 2.00 pm

PRESENT: Councillors Collier, Bell and Stothard (Chairman)

OFFICERS: Director of Governance
Assistant Solicitor
Property Services Manager
Committee Clerk

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest in respect of the complaint.

3. PUBLIC AND PRESS

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

4. COMPLAINT REGARDING THE SALE OF LAND AT LONNING FOOT

Consideration was given to complaint regarding the sale of land at Lonning Foot.

The Chairman introduced the Panel and outlined the purpose of the meeting and procedure to be followed. He confirmed that all those present had seen the relevant documentation, copies of which had been circulated.

The appellant introduced himself to the Panel.

The Chairman asked the appellant to summarise the complaint as clearly as possible. The appellant explained that he had prepared a presentation to better clarify the issues regarding the boundary. The presentation included details contained within the deeds of the appellant's property with regard to the boundary of the land, details of a tree survey carried out in May 2011 which included the boundary layout of trees and hedgerow and photographs of the site showing the appellant's boundary marked with fencing. The appellant also presented a photograph taken on 3 September 2014 showing the selling agent's sign in situ and a copy of the information on the Rightmove website regarding the sale of the land. The appellant explained the location of the trees in respect of his property and the root protection area. The appellant believed that the selling agent would have known about the root protection as the details were prepared for them by the City Council.

The appellant stated on several occasions that there was never any dispute with regard to the boundary of the site.

The site was always kept in a good state of repair by neighbours.

The information contained within the selling agent's details did not include details of all rights of way. The appellant believed that previous potential purchasers of the land had withdrawn their offers after reading the small print in the details.

The appellant had initially contacted the Council in August 2012 requesting them to cut the grass on the site. That led to a brief exchange of e-mails concerning the questions raised in the appellant's initial e-mail.

The appellant believed there was a conflict of interest whilst the sale of the land was with the selling agent. There were conflicting statements made around the reasons why the contract with the selling agent was terminated and the sale of the land taken in-house.

The appellant queried why the standard practice of contacting previous bidders who had offers declined was not followed up by the selling agents or the Council when the previous offers were withdrawn.

The appellant further queried why the Council had not dealt with other bidders whilst considering the sale of the land with a potential buyer as they had done previously.

When the land was purchased the buyer contacted neighbours and invited them to a meeting to discuss any neighbourly issues. The appellant advised the buyer at that meeting that he was not happy with the way that the sale of the land had been conducted by the City Council and that he would be initiating the complaints procedure with them.

The appellant believed there were inaccuracies in the valuation certificate as it referred in the past tense to events that were to take place in the future. Documents sent to the Arbitration Board had been amended from the original document which had been sent to the appellant and a neighbour.

A meeting had taken place with the appellant and a neighbour in October 2014. The appellant believed that notes of that meeting were incorrect and suggested amendments.

The appellant did not believe that the Council had acted with due diligence and although he did not wish to purchase the land himself other people, including ratepayers, had suffered loss.

In response to a query from a Member the appellant confirmed that no maintenance had been undertaken to the trees on the site.

The appellant explained the issues around the charges in his property which had also been explained during the meeting held with Officers in October 2014. The appellant had apologised that one of the Officers had become distressed at that meeting.

In summing up the appellant agreed that his complaint was that the sale of the land by the City Council had not been handled in a transparent or professional manner.

The Panel thanked the appellant for his input and advised that he would be advised by letter within 20 working days of the Panel's decision. If the appellant was not happy with the decision his next course of action would be to take the complaint to the Local Government Ombudsman, details of which would be included in the letter. The appellant left the hearing at 3.20 pm.

The Panel invited the Director of Governance and Property Services Manager to the meeting.

The Chairman advised that the appellant had raised a number of questions and asked the Director of Governance and Property Services Manager to provide answers to those questions. The Director of Governance and Property Services Manager considered the questions raised by the appellant and answered every question to the Panel's satisfaction.

The Panel thanked the Officers for their input and they left the hearing at 4.10 pm.

The Panel then considered the evidence that had been presented to them, prior to and during the hearing and:

RESOLVED – 1. that the complaint would not be upheld as the Panel believed that the Council and its Officers had carried out its duties in an open, transparent and appropriate manner, that all matters had been dealt with fairly and that the correct procedures had been followed by Council Officers.

2. That the Panel would recommend that the Director of Governance checks that the protocol currently in place when transferring the sale of property from an agent to in-house was robust.

[The meeting ended at 4.30 pm