

SPSO decision report

Case: 201602468, Aberdeen City Council
Sector: local government
Subject: parks, outdoor centres and facilities
Decision: upheld, recommendations

Summary

Mr C complained to us that the council failed to take reasonable action in relation to complaints he had made to them. Mr C's home is next to an open area of council greenspace. A nearby school uses the greenspace for organised sports lessons and school team activities. These uses often result in balls arriving in Mr C's garden. He sought information from the council about their designation of the land and the council told him that it was designated as an amenity residential open space. Once Mr C received this information he complained to the council that, given this designation as an amenity residential open space, the use of the greenspace for sports activities was contrary to their parks rules. Mr C was dissatisfied with the council's response and raised his complaints with our office.

The council explained to us that the land in question is not designated as amenity residential open space and that it in fact forms part of a school estate and is part of the school's playground area. The council clarified that the land is designated as open space as it is also accessible by the general public when not in use by the school. During our investigation, we looked at the relevant council policies alongside the history of the land in question and the legal restrictions on its use. We concluded that the council's position was reasonable and that, consequently, no action was required by the council.

However, we were critical of the council as we considered that they had failed to investigate properly and had failed to respond accurately to Mr C's complaints. We made a recommendation in relation to this.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to properly consider his complaint.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.