

SPSO decision report

Case: 201203175, West Dunbartonshire Council
Sector: local government
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

Mr C complained that, following a storm, a neighbour's tree fell across the garden ground of a number of residents. One of the residents was a council tenant and, as a result, the council offered to arrange for contractors to remove the tree and large tree stump. However, a number of residents refused to contribute towards the costs of removal, so the council arranged for the tree to be cut into sections and for the sections which lay in their tenant's garden to be removed. While the tree was being cut up, its root ball fell back into the hole that was made when the tree fell, with the roots protruding into Mr C's garden. Mr C was unhappy that the council allowed this to happen, and felt that the root should have remained where it was.

Our investigation found that this was, essentially, a private legal matter between residents, and we did not uphold Mr C's complaints. We found that the council had acted appropriately in attempting to co-ordinate the removal of the tree and its stump and, when some residents refused to contribute, appropriately arranged to remove the parts relating to their own tenant's property.