

18 April 2018

**Complaint reference:**  
17 020 034

**Complaint against:**  
London Borough of Havering

## **The Ombudsman's final decision**

Summary: we will not investigate this complaint about the Council's refusal to fence the boundary between a park and Mrs X's garden. The complaint is late and, in any event, it is unlikely we would find fault with the Council.

---

## **The complaint**

1. The complainant, who I have called Mrs X, complained that the London Borough of Havering will not put up a fence along the boundary between its park and her garden.

## **The Ombudsman's role and powers**

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. We provide a free service, but must use public money carefully. We may decide not to start or continue with an investigation if we believe it is unlikely we would find fault. (*Local Government Act 1974, section 24A(6), as amended*)
3. We cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something a council has done. (*Local Government Act 1974, sections 26B and 34D, as amended*)

## **How I considered this complaint**

4. I have considered the information provided by Mrs X. I have considered the Council's response to the complaint. I have discussed the complaint with Mrs X and considered her response to a draft of this decision.

## **What I found**

### **Key facts**

5. Mrs X's garden backs onto a Council-owned park. People and dogs come into her garden thinking it is part of the park.
6. In 2016 Mrs X asked the Council to put up a fence along the boundary between the park and her garden. The Council put up signs marking the park boundary.

---

But it would not put up a fence, saying it had no obligation to do so. It advised Mrs X it was her responsibility to secure her boundary.

7. In October 2016 the Council told Mrs X she had completed its complaints procedure and that she could complain to us. She did so in March 2018. Mrs X explained that a family member had been taken ill and things had gone quiet so she had left the matter. She has started to have problems with dogs in her garden again more recently.

### **Analysis**

8. We will not investigate this complaint.
9. The Council advised Mrs X in October 2016 that she could complain to us but she did not do so until March 2018. So the complaint is late and, while I understand Mrs X's reasons for not complaining sooner, I do not think we should accept it now.
10. Even if this were not the case, however, it is unlikely we would find fault with the Council. I say this because Mrs X is responsible for securing her boundary. So we are unlikely to find fault with the Council for failing to put up a fence along the boundary.

### **Final decision**

11. We will not investigate this complaint. This is because the complaint is late and we are unlikely to find fault.

### **Investigator's decision on behalf of the Ombudsman**