

16 March 2023

Complaint reference:
22 015 145

Complaint against:
Wiltshire Council

The Ombudsman's final decision

Summary: We will not investigate this complaint about the wording of the decision notices published in response to complaints the parish councillors had breached the code of conduct. This is because we have seen no evidence of fault in the decision making process.

The complaint

1. The complainant, I shall refer to as Mrs X, complains about the Council's wording of the decision notices on her complaints that two parish councillors breached the code of conduct.

The Ombudsman's role and powers

2. We investigate complaints of injustice caused by 'maladministration' and 'service failure'. I have used the word fault to refer to these. We consider whether there was fault in the way an organisation made its decision. If there was no fault in the decision making, we cannot question the outcome. (*Local Government Act 1974, section 34(3), as amended*)

How I considered this complaint

3. I considered information provided by Mrs X and the Council.
4. I considered the Ombudsman's Assessment Code.

My assessment

5. Local Authorities have a duty to designate a Monitoring Officer to ensure the lawfulness and fairness of authority decision making. The Monitoring Officer must ensure that the authority, its officers, and members maintain the highest standards of conduct. Each council has different rules for dealing with complaints about code of conduct breaches.
6. The Ombudsman does not provide an appeal against the Monitoring Officer's decisions. We are also unable to investigate or comment on the actions of the councillors complained about. We can consider the Council's administration of a code of conduct complaint. However, where a decision has been made in line with the correct procedure, taking account of the relevant evidence, the Ombudsman will generally not criticise the decision, even if the complainant does not agree with it.

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7. In this case, I am satisfied the Monitoring Officer dealt with the matter in line with the Council's rules for code of conduct complaints.
 8. Mrs X's concerns her complaints were put to the Council's Assessment Sub Committee. The Council confirms the Sub Committee considered:
 - The complaint and supporting documents from Mrs X
 - A written statement from Mrs X
 - The response of the subject members; and
 - The Monitoring Officer's reports on the complaints
 9. The Sub Committee decided the evidence it had seen did not show the parish councillors had breached the code of conduct.
 10. I understand Mrs X disagrees with the wording of the Council's decision. However, without evidence of fault in the decision-making process, we cannot consider the wording of the decision notices.

Final decision

11. We will not investigate Mrs X's complaint because we are unlikely to find fault by the Council.

Investigator's decision on behalf of the Ombudsman