

The Ombudsman's final decision

Summary: We will not investigate this complaint about a complaint concerning the conduct of three councillors. There is insufficient evidence of any fault in the way the complaint was investigated by the Monitoring Officer.

The complaint

1. Mr X who is a councillor, complained about the conduct of three other councillors which he considered was a breach of the Members' Code of Conduct. He says the councillors carried out intimidating behaviour and the Council failed to investigate his complaint.

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 cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. We must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3), as amended*)
3. The Ombudsman investigates complaints about 'maladministration' and 'service failure', which we call 'fault'. We must also consider whether any fault has had an adverse impact on the person making the complaint, which we call 'injustice'. We provide a free service but must use public money carefully. We do not start or may decide not to continue with an investigation if we decide:
 - there is not enough evidence of fault to justify investigating, or
 - we could not add to any previous investigation by the organisation, or
 - further investigation would not lead to a different outcome.

(*Local Government Act 1974, section 24A(6)*)

How I considered this complaint

4. I considered information provided by the complainant and the Council.
5. I considered the Ombudsman's Assessment Code.

My assessment

6. Mr X says his position as a local councillor has been made difficult by the behaviour of three other councillors who have intimidated him and made it difficult

for him to speak at meetings. He complained to the Council and asked it to investigate the behaviour of the councillors against the Code of Conduct requirements. He complained to us because he said no investigation had been undertaken.

7. However, shortly after we received his complaint the Council informed Mr X that it had asked the Monitoring Officer of another Council to undertake the investigation to maintain impartiality and results were forwarded to him in a few weeks.
8. We have limited jurisdiction to consider complaints about Members' Standards and we can only consider the way in which a council considered a complaint. We will only investigate complaints if there is sufficient injustice to warrant our involvement or we consider it in the public interest to do so.
9. There is no indication that the investigation by another Officer was not sufficiently detailed or impartial and we cannot comment on the outcome. In this case the outcome was that the complaint was not upheld but one point of concern was raised.

Final decision

10. We will not investigate this complaint about a complaint concerning the conduct of three councillors. There is insufficient evidence of any fault in the way the complaint was investigated by the Monitoring Officer.

Investigator's decision on behalf of the Ombudsman