



Ministry of Housing,
Communities &
Local Government

**Ministry of Housing, Communities and Local
Government**

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Date: **9 July 2020**

Dear Mr Powell,

Thank you for your email of 29 May, regarding the role of the Monitoring Officer in local authorities.

I should explain that local authorities are independent of central government. The Secretary of State has no remit to intervene in the affairs of local authorities, except where specific provision has been made in legislation. Local authorities must follow the law and their own stated policies at all times, and are ultimately accountable for their actions to the electorate at the ballot box.

The Secretary of State uses his intervention powers extremely rarely, and only in highly exceptional circumstances. The Secretary of State has only used his statutory powers twice in the last five years, in Rotherham and in Northamptonshire, because in both cases there were indications from statutory inspections of widespread, systemic and extremely serious failures in the local authority.

If you are concerned that your local authority is not following the law, or its stated policies, you may wish to bring your concerns to the Monitoring Officer and request clarification in writing. The Monitoring Officer has a statutory role in reporting on matters which are, or which they believe to be, illegal or amount to maladministration.

If a member of the public has concerns that a local authority has not followed the law or their own stated policies, you may wish to bring your concerns to the Local Government and Social Care Ombudsman. The Ombudsman is charged by Parliament with the investigation of complaints by members of the public who have suffered personal injustice arising from maladministration by local authorities.

The types of faults the Ombudsman can investigate are set out on the Local Government and Social Care Ombudsman's website, at www.lgo.org.uk.

Where the Ombudsman finds no maladministration, the final option available to the member of the public who disagrees with the decision of their local authority is to seek judicial review of the local authority's decision through the courts. I would however advise anyone considering taking legal action to seek independent legal advice before doing so.

I hope that my advice has been of use in seeking to resolve your concerns.

Yours sincerely,

James Potter
Local Government Stewardship Division