



Ministry of Housing,
Communities &
Local Government

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

Local Government Policy
2nd Floor, Fry Building NE
2 Marsham Street
SW1P 4DF

Mr Martin Powell
[request-661257-
c44d724e@whatdotheyknow.com](#)

www.gov.uk/mhclg

Date: **28 August 2020**

Dear Mr Powell,

Thank you for your follow-up email of 23 July, regarding the role of the Monitoring Officer in local authorities.

As I am sure you can appreciate, Ministers receive a great deal of correspondence and cannot respond to all of them personally. Your correspondence has been passed to me as I work in the team in the Ministry of Housing, Communities and Local Government which handles the conduct of local authorities.

Local authorities are independent of central government, and neither Ministers nor officials have remit to intervene in the day to day affairs of local authorities, except in cases where specific provision has been made in an Act of Parliament. Local authorities must act within their statutory powers, and are ultimately accountable to the electorate.

As outlined in my letter of 9 July, if you have concerns that a local authority has not followed their statutory obligations, you may wish to bring your concerns to the authority's Monitoring Officer. The Monitoring Officer has a statutory responsibility to ensure the local authority abides by the law, and its own stated policies, at all times.

If you remain unhappy, having gone through the authority's formal complaints process, you may wish to bring your concerns to the Local Government and Social Care Ombudsman. The independent 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.

Generally speaking, the Ombudsman will only investigate complaints once the authority in question's complaints procedure has been exhausted. The Ombudsman has personal authority in the investigation of complaints, and may choose to investigate complaints where communication between the complainant and the authority has broken down. You have indicated in your correspondence that this is the case regarding your complaint.

The types of faults the Ombudsman can investigate and the process for bringing a complaint to the Ombudsman may be found on his website, at www.lgo.org.uk.

Where the Local Government Ombudsman finds no maladministration, the final option available to the member of the public with concerns regarding their local authority is to seek judicial review of the authority's decision through the courts. I

would advise anyone considering taking legal action to seek independent legal advice before doing so.

You will appreciate that this correspondence has been going on now at some length. Whilst we are, of course, concerned to ensure that all correspondence from the public are dealt with properly and openly, we also do need to ensure that staff here need to be able to carry out their other obligations and duties. Resources are not infinite and we do always have to apportion them carefully to the different public duties that public servants have to fulfil. I am satisfied that we have given you all available and reasonable information that we hold in relation to the points you have made in your correspondence dated 17 December 2019, 18 February, 1 May, 8 June and 23 July 2020.

I ask you to appreciate that we are simply unable to continue pursuing this correspondence with you. I therefore have to inform you that staff will not reply to any more of your letters as this would require an unreasonable diversion of resources. We can only respond to any issues you raise on a different matter.

I hope that my advice is of help in seeking to resolve your concerns, and I am sorry that I cannot be of further help.

Yours sincerely,

James Potter
Local Government Stewardship Division