

Complaint reference:
15 008 542

Complaint against:
Wyre Forest District Council

The Ombudsman's final decision

Summary: The Ombudsman cannot investigate Mr D's complaint about a Council officer providing false information about him during court proceedings because it lies outside the Ombudsman's jurisdiction. The Ombudsman cannot consider matters that have been considered by the court. She has no discretion to do so.

The complaint

1. The complainant, whom I shall call Mr D, complains that a Council officer provided false information in court proceedings.

The Ombudsman's role and powers

2. The Local Government Act 1974 sets out the Ombudsman's powers but also imposes restrictions on what she can investigate.
3. The Ombudsman cannot investigate a complaint about the start of court action or what happened in court. (*Local Government Act 1974, Schedule 5/5A, paragraph 1/3*)

How I considered this complaint

4. I considered the information and documents Mr D provided in his complaint to this office. I sent Mr D a copy of my draft decision and considered his comments on it.

What I found

5. Mr D took court action against the Council following an incident with a parking officer in June 2014 whilst he was attending a music event.
6. Mr D complains the officer provided false and misleading information to the court.

Final decision

7. This complaint lies outside the Ombudsman's jurisdiction as it is made in relation to matters that have been considered in court. The Ombudsman cannot investigate these matters and has no discretion to do so.
8. For this reason, I cannot investigate.

Investigator's decision on behalf of the Ombudsman