

Community Calls for Action: The University of Birmingham Training Event, Tuesday the 10th July 2007

Introduction:

At the beginning of this municipal year a new Overview and Scrutiny Procedures Document was produced. This document introduced Members to the concept of the Community Call for Action, which will come into operation from spring 2008. However, the Chair of the Overview and Scrutiny Committee asked to postpone consideration of CCAs/CCfAs until the new scrutiny arrangements had been established at the Council. It was agreed, therefore, that the Overview and Scrutiny Committee would start to consider CCAs/CCfAs and the implications for scrutiny in autumn 2007.

In the interim Officers have attended training courses at the University of Birmingham which have covered areas such as the Community Call for Action. This included a course at the Institute for Local Government Studies (INLOGOV) on Tuesday the 10th July 2007. A mixture of Members and Officers representing a variety of local authorities attended the course.

This report presents a summary of the comments and information provided at the training event. Many of the details contained in this report relate to information provided in the papers made available by the University of Birmingham or to comments made by the participants on the course. All contributions have been clearly referenced.

The Extended Role of Overview and Scrutiny:

The Local Government White Paper: Strong and Prosperous Communities (October 2006) and the Public Involvement in Health Bill, 2006/07 have expanded the role of Overview and Scrutiny within local government. In particular, these two papers have concentrated on expanding the remit of the Overview and Scrutiny process at a district authority level. This has implications for how the Overview and Scrutiny process should operate in future, although the terms of these papers have not yet come into force.

The Government White Paper suggested that Overview and Scrutiny Committees should concentrate on "strategic issues" (Bovaird et al., 2007, p8). The paper noted that from 2008 Overview and Scrutiny Committees will have an extended duty and authority to consider "specific matters regarding the action of local public service providers" (Bovaird et al., 2007, p8). The White Paper also stipulated that external public service providers will have a duty to co-operate with local authorities, to provide evidence where requested and to ensure that scrutiny recommendations are considered seriously.

The Involvement in Public Health Bill provided more specific guidelines in relation to which external partners would be required to give evidence to local authorities. These guidelines will be of particular significance to Community Calls for Action following the introduction of that process in 2008 (For more about Community Calls for Action see below).

The external partners will include County or District Councils; Primary Care Trusts (PCTs)*; NHS Foundation Trusts*; Chief Constables*; Police Authorities*; Local Probation Boards*; Youth Offending Teams*; Fire and Rescue Authorities;

* Only the Crime and Disorder version of the Community Call for Action will be able to call to account external partner organisations in the criminal justice system when considering a crime or disorder related matter. Health issues are managed through different health scrutiny arrangements.

Passenger Transport Authorities; Joint Waste Disposal Authorities; the Health and Safety Executive; Regional Development Agencies; Learning and Skills Councils; Job Centre Plus and the Highways Agency.

Participants on the course were informed that the Secretary of State for Communities and Local Government had reserved the right to produce regulations pertaining to external partners' provision of information to local authorities. These regulations have not yet been recorded and no indication was provided as to when/if these would be produced before the introduction of these powers (Rickard and Pullen, 2007).

Community Calls for Action: (CCAs/CCfAs):

There are two forms of Community Call for Action. The first version of the Community Call for Action (CCA) relates to Crime and Disorder matters and was introduced in the Police and Justice Act 2006. The second version of the Community Call for Action (CCfA) relates to local government concerns that are not considered crime and/or disorder issues. The second version was introduced in the Local Government White Paper: Strong and Prosperous Communities (October 2006). The CCA and CCfA require slightly different procedural arrangements which will be explained below. However, whilst the CCfA is due to be introduced across the country in spring (April) 2008 the Home Office recently postponed the introduction of the CCA (Hills, 2007).

A) Crime and Disorder Community Calls for Action (CCAs):

CCAs have been introduced to enable members of the public to initiate action in response to community crime and disorder issues which they feel have not been adequately addressed to date. Under the terms of the Police and Justice Act 2006 a member of the public, or a group of people from the local community, will be able to ask their Ward Councillor(s) to respond to a local crime and disorder matter as a CCA. The Act noted that a CCA could be raised by "a person who lives or works in the area that the Councillor represents" (PJA 2006, quoted in Cade, 2007).

The Police and Justice Act 2006 will provide Overview and Scrutiny Committees with a power to review/scrutinise decisions/action taken in connection with crime and disorder functions by "responsible authorities". These "responsible authorities" are the agencies that are responsible for crime and disorder strategies usually within a Crime and Disorder Reduction Partnership, or CDRP (in this Borough that is the Redditch Community Safety Partnership, or RCSP).

The Police and Justice Act 2006 envisaged a particular order of referral for CCAs. Firstly, an individual or group of people will refer a CCA for Ward Councillor consideration. The Ward Councillor will have a duty to respond, although this could include a decision not to take any further action where an appropriate explanation can be provided. Members of the public will also be able to appeal directly to the Executive Committee to request action in response to a CCA (Rickard and Pullen, 2007). The Executive Committee will have a duty to respond and again if deciding not to act on this proposal would need to provide an explanation to the CCA 'proposer'.

The Ward Councillor/Executive Committee will have the opportunity to resolve the issue through informal consultation with the CDRP. The Police and Justice Act 2006 made it clear that the Home Office expects the majority of CCAs to be resolved either at the Ward Councillor/Executive Committee stage or in consultation with partner organisations within the CDRP. The Executive Committee will have the option to refer a CCA to Overview and Scrutiny. The Overview and Scrutiny

Committee may choose to reject or to act in response to the issue. The Overview and Scrutiny Committee would then have the authority to call on the CDRP to make available to the Committee any reports produced in response to initial Executive Committee/Ward Councillor consultation. Once the Overview and Scrutiny Committee has made a decision about the CCA it will be required to inform the CCA 'proposer', probably via the Ward Councillor.

The Police and Justice Act 2006 stipulated that if an Overview and Scrutiny report, produced as part of the CCA process, is sent to partner organisations within the CDRP those partner organisations will have a duty to respond (Cade, 2007). Firstly, the partner organisation will need to consider the report and its implications for practice. Secondly, partner organisations will need to respond to the Committee, indicating what action (if any) they intend to take in response to the report's recommendations. Finally, partner organisations will be required to have due regard to the report and its recommendations when exercising their functions in future. Unfortunately, little information was provided on the course about how the response of partner organisations could be monitored. This might therefore be something which would have to follow existing practice or the Overview and Scrutiny Committee may want to make recommendations about the processes that will be required to manage the Council's response to Community Calls for Action.

B) Local Issues Community Calls for Action (CCfAs):

The Involvement in Public Health Bill 2006 provided a detailed definition of what areas the CCfA is intended to address. The proposed CCfA must "relate to the discharge of any function of the authority" and must affect all or part of the electoral area or any person living within that area (Bovaird et al., 2007). Moreover, unlike the CCA, the CCfA is only intended to apply at a district level. One possible consequence of this is that a district authority may be required to review issues that are the responsibility of the County Council. It is useful, therefore, that County Councils will be obliged to send representative to the district when called upon by Overview and Scrutiny to provide evidence. As such, theoretically there should be few difficulties accessing information or service expertise that is not directly controlled at a district level.

However, a number of areas will be exempt from the CCfA process. Crime and Disorder issues will be exempt (mainly because they are due to be considered as CCAs). In addition, Health Scrutiny issues, which are discussed in separate pieces of legislation, will remain the preserve of the County Council and will therefore also be exempt. Finally, the Secretary of State for Communities and Local Government may introduce further exemptions, rules or regulations governing the operation of CCfAs prior to their introduction.

The White Paper also provided guidance in relation to what items should be considered suitable issues to address as CCfAs. In particular, Ward Councillors, the Executive Committee and the Overview and Scrutiny Committee will be able to reject any items considered to be vexatious complaints, time-wasting or "procedural gatekeeping" (Bovaird et al., 2007). In addition, items will only be accepted if considered community, rather than individual issues.

The Involvement in Public Health Bill also provides guidelines about how local authorities should approach the CCfA process. Similarly to the CCA, Members of the community will be able to raise concerns with their local Councillor. However, an issue will only be regarded as a CCfA if a Ward Councillor chooses to treat it as such. Consequently, the Bill will extend considerable authority to Members in the management of CCfAs. Once a CCfA has been referred to the Executive Committee the Committee may choose to refer the issue to Overview and Scrutiny.

The Overview and Scrutiny Committee will then be required to consider the issue and to consult with any relevant partners, although it is likely that the CDRP will be involved as the CCfA will not be investigating a crime or disorder issue.

There were indications in all pieces of relevant legislation, that local authorities will be expected to co-opt representatives of partner organisations onto Overview and Scrutiny Committees to work on the extended scrutiny powers (Cade, 2007). A limit was not placed on the number of co-optees and no guidelines were provided. However, the Head of Scrutiny at Birmingham City Council noted that the government placed a particular emphasis on co-opting a representative of the Police Authority for the consideration of CCAs (Cade, 2007). This arrangement would correspond with existing Overview and Scrutiny co-optation arrangements at Redditch Borough Council. Currently two representatives of UNISON, one representative of UCATT and two Borough Tenant's Panel representatives act as Co-optees in the Overview and Scrutiny process. Co-optees generally only attend Committee meetings when the Committee is due to consider relevant items of interest, though as a general rule they receive the paperwork for each meeting.

A certain number of difficulties in accepting issues as CCfAs were identified by the participants on the course. A number of participants were concerned about the implications for existing complaints' procedures, particularly with regard to ensuring that all relevant forms of complaints procedures have been addressed before launching a CCfA. It was suggested by participants that the complaints procedures in many Councils might need to be reviewed and streamlined to ensure that information about previous Council action in response to complaints would be made available to Members/Committees when considering a relevant CCfA.

Mr Pullen noted that any reports published by Overview and Scrutiny as the result of the CCfA process will require specific responses. Firstly, the Executive Committee will be obliged to provide a published response within two months of receipt of an Overview and Scrutiny CCfA report indicating any actions taken in response to that report (Rickard and Pullen, 2007). In addition, the Overview and Scrutiny Committee will have the authority to require local partner organisations to "have regard to" an Overview and Scrutiny report when exercising their functions. This will only apply where the contents of the report relates to local improvement targets that are of relevance to the external partner, is specified by the Local Area Agreement and/or do not apply to Primary Care Trusts (PCTs). The Executive Committee and the Overview and Scrutiny Committee will both be obliged to make copies of their published reports available to the Member who raised the CCfA.

Local Authorities: Current and Future Actions in Response to these new Arrangements:

Birmingham City Council has developed a Gateway Scheme to manage the introduction of Community Calls for Action (all the following on Birmingham city Council's Gateway Scheme is taken from Cade, 2007).

The first stage of the Gateway Scheme will focus on the role of the Ward Councillor. Councillors will be expected to resolve the majority of CCAs/CCfAs before they reach the consultation stage and to use their discretion to decide whether to launch a CCfA in response to the issue. Guidelines are being developed by the Council for their Councillors to advise them about how to resolve CCAs/CCfAs at the referral stage, how to determine whether issues are vexatious, flippant or particular "hobby horses" and how to inform residents of the outcome of a CCA/CCfA. Birmingham City Council also intends to provide copies of these guidance notes to Officers within the Council and partner organisations in order to make them aware of the CCA/CCfA process and the rationale for Councillor's recommendations. Similarly, these

guidance notes will be provided to the appropriate Scrutiny Committee in Birmingham City Council to ensure that Members are made aware of the process.

Ward Councillors will be expected to demonstrate to the Scrutiny Committee that they have consulted the following areas before the Scrutiny Committee will agree to consider a CCA/CCfA. Firstly, the Councillor will need to demonstrate that the relevant complaints procedures have been complied with and that the service provider has attempted to respond to the complaint. Secondly, Members will need to demonstrate for CCfAs that the local service manager has been approached. This point would be particularly useful in cases where the issue relates to concerns about the suitability of existing services as it may be possible for the Service manager to introduce slight alterations to the service without the CCfA needing to progress any further. Thirdly, Members would be required to demonstrate that relevant partnership bodies or local groups have been informally approached and been given an opportunity to respond to a concern raised as a CCfA. Finally, in cases where the CCfA is likely to require major policy change Ward Members will be expected to demonstrate that the relevant Portfolio Holder in the Executive Committee has been consulted.

Birmingham City Council will then require certain procedures to be followed when referring a CCfA to a Scrutiny Committee. A Ward Councillor would need to inform Scrutiny Officers of the addition of the item to the agenda and will be expected to discuss the item with the Chair of the Committee, Officers and relevant partners before it is addressed by the Committee. The Ward Councillor will then be expected to present the case for the CCA/CCfA to the first Committee meeting to consider the item. Partner representatives will also be invited to present their position as will relevant Heads of Service. Birmingham City Council envisages that there will be three possible outcomes to a Scrutiny Committee investigation of a CCA/CCfA.

1. The Committee may determine not to make a report because it is not considered timely. The Ward Councillor will be expected to inform his/her constituents accordingly.
2. Alternatively, the Scrutiny Committee may decide to produce a report in response to the CCA/CCfA which would be published and made available to the public.
3. The Scrutiny Committee will decide that the CCA/CCfA is a complex matter and will need to be investigated further as a scrutiny exercise.

Academics at the University of Birmingham suggested that Area Committees/Neighbourhood Groups could be incorporated into the process to ensure a local focus in keeping with the Government's Localisation Agenda. The advantages of this approach are that these meetings already have a local focus and established criteria for the selection of agenda items which are required to be relevant to the community rather than individual concerns. However, at Redditch the Neighbourhood arrangements do not consistently attract large attendances. There could be a danger that limiting the initiation of CCAs/CCfAs to this level could restrict the process. Instead, the Neighbourhood Group could act as one forum through which CCAs/CCfAs could be identified for consideration.

Potential Impact on Overview and Scrutiny:

The introduction of CCAs/CCfAs has implications for Overview and Scrutiny. In particular, if a number of CCAs are launched simultaneously it could impact on the Overview and Scrutiny Committee's Work Programme, resources and Officer support. Indeed, a report from the University of Birmingham's Institute of Local Government Studies (INLOGOV) has noted that "the biggest challenge facing scrutiny under the new dispensation will be its ability to cope with a greatly increased

workload” (Bovaird et al., 2007, p 9). Furthermore, Members will require comprehensive training provision that acquaints them with their extended responsibilities vis-à-vis the CCA, the CCfA and external partner organisations.

The volume of CCAs/CCfAs that will reach Overview and Scrutiny will be difficult to determine until the new arrangements have been established. The Government has indicated that it does not expect CCAs/CCfAs to reach the scrutiny stage regularly but, rather, to be a last resort. However, a number of Officers and Members on the course expressed concern that this process could be abused and increase the scrutiny workload to an unmanageable level. The Government White Paper did recognise these concerns and noted that an Overview and Scrutiny Committee might “wish to agree a limit on the number of calls for action individual Councillors will bring to the Committee” (Cade 2007).

The Department for Communities and Local Government (DCLG) has apparently recognised that for local authorities to manage the additional workload generated by CCAs/CCfAs they may require extra financial support (comments made by Bob Pullen). The Department may, therefore, set aside supplementary funds to support Councils, particularly District Authorities. However, this remains to be confirmed independently by the DCLG.

The role of Executive Committee Members in the CCA/CCfA process will need to be clarified and explained to both Members and Officers. Constitutionally Executive Members are not permitted to participate in Overview and Scrutiny Reviews. However, Executive Committee Members, like any other Councillor, will have the authority to represent their constituents and to bring forward CCAs/CCfAs for consideration. Academics at the University of Birmingham have suggested that “there is no reason why Executive Members should not be involved, provided they declare an interest and take no part in scrutinising matters where they have been involved in the decisions” (Bovaird, et al., 2007).

What is the current situation for Redditch Borough Council?:

The Executive Committee considered two reports discussing the implications of the Local Government White Paper: Strong and Prosperous Communities on the 31st January 2007. The first report briefly mentioned the introduction of CCAs/CCfAs. The second reviewed the implications of the Local Strategic Partnership for Scrutiny and other Council areas. At that meeting Members resolved that the Member Development Programme would be expanded to take into account the implications of the new arrangements and the Overview and Scrutiny Committee would be asked to mark the implications for future scrutiny work.

Conclusion:

Academics at the University of Birmingham, agreed that arrangements would need to be determined in accordance with local needs. Whilst some authorities may establish another Overview and Scrutiny Committee to consider CCAs/CCfAs this will not be suitable for all local authorities. At Redditch Borough Council the single Overview and Scrutiny Committee commissions scrutiny work from smaller Task and Finish Groups. This Overview and Scrutiny arrangement was established at the beginning of the municipal year to ensure that the main Committee concentrated on wider strategic responsibilities. It could arguably, therefore, adopt a version of the Birmingham City Council Gateway Scheme. However, further exploration of local needs may be suitable before any arrangements are implemented.

Sources

Barker, P., (10th July 2007), 'Scrutiny of LAAs', paper presented at the Institute of Local Government Studies, the University of Birmingham.

Bovaird, T., A. Coulson, C. Game, J. Raine, K. Spencer, P. Whiteman and M. Willis, (January 2007), *Strong and Prosperous Communities: A Contribution to the Debate*, published jointly by The School of Public Policy and the Institute of Local Government Studies, the University of Birmingham.

Cade, J., (10th July 2007), 'Community Calls for Action: A Suggested Gateway Process', paper presented at the Institute of Local Government Studies, the University of Birmingham, by the Head of Scrutiny at Birmingham City Council.

Coulson, A., (10th July 2007), 'The White Paper thinking on Scrutiny and the New Legislation', paper presented at the Institute of Local Government Studies, the University of Birmingham.

Hills, G., (5th July 2007), 'Crime and Disorder Reduction Partnership Reform Overview and Scrutiny Committees (OSC) and Community Call For Action (CCA)', letter produced by the Home Office.

Redditch Borough Council, (May 2007), *Overview and Scrutiny Procedures Document*

Rickard, M., and B., Pullen, (10th July 2007), 'Local Government and Public Involvement in Health Bill: Scrutiny Related Provisions', paper presented at the Institute of Local Government Studies, the University of Birmingham by senior civil servants from the Department for Communities and Local Government.

Rogers, S., (10th July 2007), 'CAAs and LAAs – Acronyms for Local or Central Scrutiny?', paper presented at the Institute of Local Government Studies, the University of Birmingham.