

Community Call for Action Additional Guidance for Councillors

- What to do with an initial issue
- Assessing when something is a genuine community concern
- Agreeing to champion
- Knowing when to refer to scrutiny.

In 'A Councillors Guide to Community Call for Action', we established what was new about a community call for action and what distinguished it from a more general request for scrutiny.

The guide stated that:

- The focus of the CCfA is on neighbourhood or locality issues and specifically the quality of public service provision at a local level.
- The CCfA represents a genuine local community concern (based on the local councillors judgements.) and
- It is a persistent problem which the local councillor has been unable to resolve through local action and discussion with the cabinet or relevant services and agencies.
- When introduced as a legal requirement (expected April 2008), councillors will be under a legal duty to consider requests from members of the public on certain issues.
- Scrutiny reviews resulting from CCfA will be undertaken by scrutiny panels composed largely of councillors from the affected locality. There is an expectation that the locality-based scrutiny reviews will be 'short and sharp', focused reviews – it is important that the public see this as a responsive and un-bureaucratic process which delivers tangible outcomes.

The guide also stated what CCfA is not:

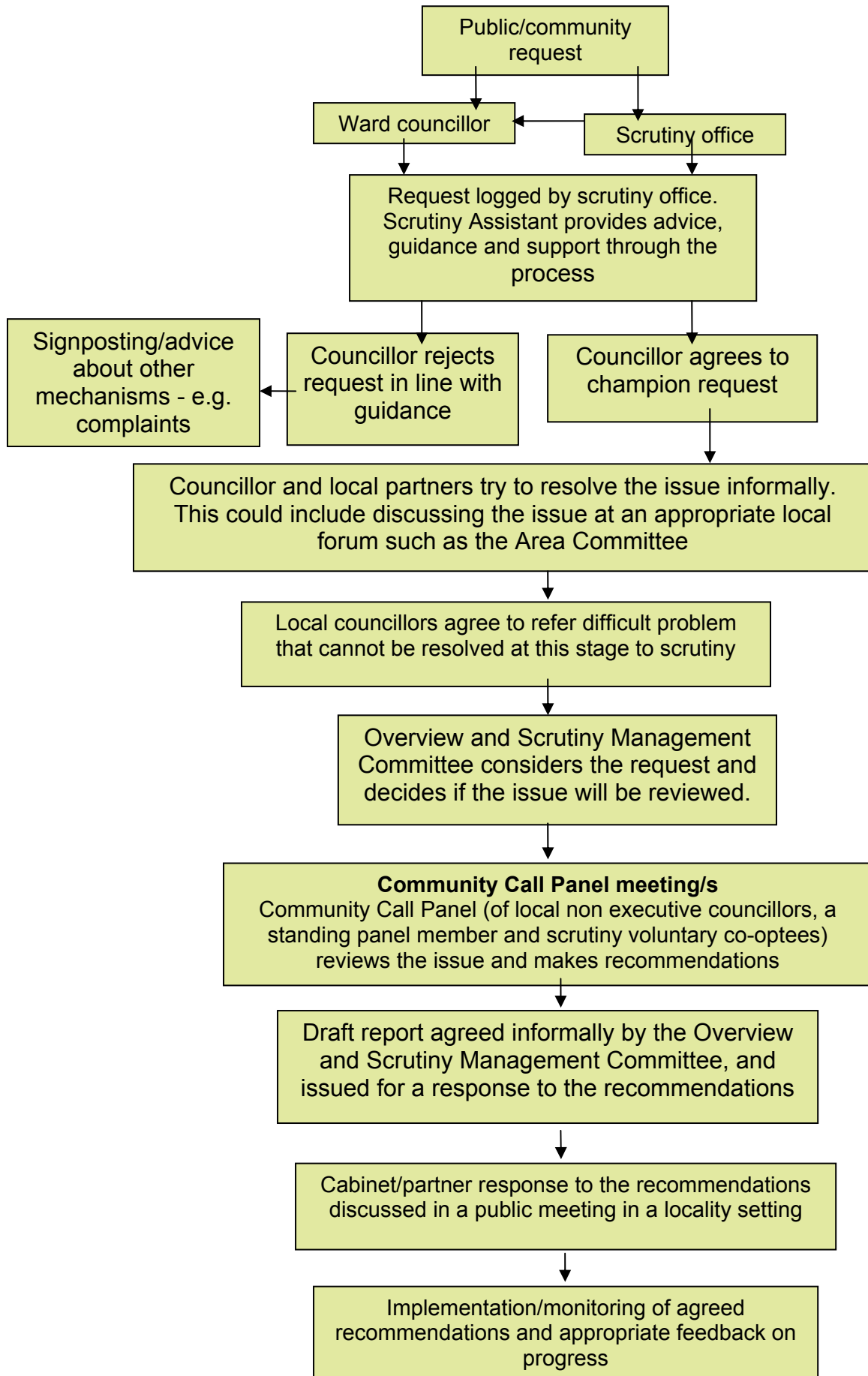
- A CCfA is not appropriate for dealing with individual complaints.
- A CCfA is not appropriate for dealing with issues that relate to individual 'quasi judicial' decisions (e.g. planning or licensing) or to council and non domestic rates as these are subject to their own statutory appeals processes.

Using case Studies and a checklist approach we can look at the different stages of the Community Call for Action in more detail.

Most importantly understanding:

1. What to do with the initial issue and signposting accordingly.
2. How to assess whether an issue is a genuine concern.
3. What happens once you agree to champion a request.
4. When to refer to scrutiny.

Summary of proposed CCfA Mechanism



The Initial Issue Checklist

1. Are the concerns individual complaints?

Scrutiny is not appropriate for individual complaints. If it is a complaint of this nature, advice can be given about the Kirklees Corporate Complaints procedure.

2. Do the concerns relate to individual 'quasi judicial' decisions (e.g. planning licensing) or to council and non domestic rates?

Scrutiny is not appropriate for dealing with these kinds of concerns as they are subject to their own statutory appeals process. However, patterns of issues may be appropriate to consider as a concern under CCfA – e.g. community concerns about the proliferation of licensed premises in a local neighbourhood.

3. Are the concerns to do with the quality of public service provision at a local level?

Community call for Action not only looks at issues of concern relating to council services, but also issues relating to other public services and service areas, such as: concerns about anti-social behaviour, community safety, health services and issues relating to local schools.

The Genuine Local Community Concern Checklist

1. Is the focus of concern on a neighbourhood or locality issue?

Community Call for Action focuses on neighbourhood or locality issues, where you as ward councillors can help resolve issues of concern in your wards. If the concern is of a more general nature – e.g. about policy across Kirklees – you can still make a request for scrutiny in the usual way.

2. Is the issue a genuine local concern?

You will want to be sure that the concerns in your ward are genuine and not just an individual 'hobby horse.' Finding out the views of other community members will help clarify this.

The Championing a Request Checklist.

1. An apology, explanation or an assurance about a particular problem is not enough to satisfy a community concern.

Research has shown that an apology, explanation or an assurance that a problem will not be repeated can help to address concerns. Some community concerns can be satisfied by public explanation and do not require service change or a scrutiny review.

2. Resolving an issue.

Once you have agreed to champion a CCfA you will be aware of a variety of ways in which you might seek to resolve a concern including:

- Discussing the issue with officers from relevant council service or agency.
- Facilitating an informal discussion at an appropriate local forum such as an area committee
- Raising the issue with locality based arrangements such as the Neighbourhood Management Group.
- Formally raising the issue with partnerships or partner agencies such as the Police or Primary Care Trust, Safer Communities partnership or Sports and Recreation Partnership.

The Referring to Scrutiny Checklist.

1. The issue is persistent and unresolved by ward councillor(s)

When you feel you have done everything within your power to remedy a community concern, you have exhausted all mechanisms and have tried to resolve the problem(s) with the aid of other agencies and partnerships, but have been unsuccessful in finding an adequate solution. Then you are able to refer the issues(s) to scrutiny, but this should always be a last resort.

By applying case studies to the above checklists we can begin to see how the Community Call for Action process might work in practice. The checklists and case studies have been developed to help you decide whether an issue has the potential to be a Community Call for Action. The guidance is not meant to be prescriptive and doesn't need to be followed rigidly.

Due to the unknown nature of potential community concern, the checklist should be thought of as highly flexible. When you are still unsure about a concern, you can contact the Scrutiny Assistant for further guidance.

Beth Hewitt, Scrutiny Assistant, Tel: 01484 221864

E-mail: beth.hewitt@kirklees.gov.uk

Case Study One Mr White – New Mill

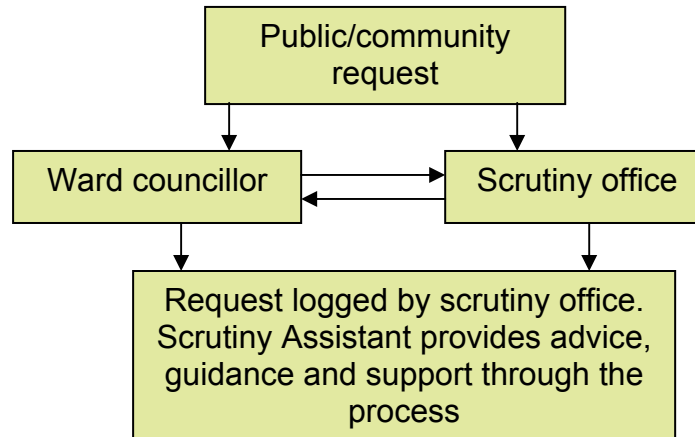
I am writing on behalf of local residents in the area who want the problems at the recreation ground to be sorted out. Local residents have made numerous petitions and complaints about this, we have raised the issue with our local councillors and the area committee who want to help but the problem is still not being solved.

The shelter at the recreation ground encourages teenage drinking, sex and drugs. I have had mud and eggs thrown at my window and recently bricks that have smashed my window and unsettled me for my safety. This behaviour seems to happen after the youths spend a night in the shelter drinking and doing drugs.

The police do not patrol this area (although they know of the problems) as they "do not have the man-power". I am a widower and pensioner and live on my own and I am finding this too much to cope with.

I would like to know what can be done about this. I know the situation is only going to get worse as the children break up from school soon.

The Initial Issue



Mr White has written to the Scrutiny Office stating his concerns about various problems occurring in his local community. The Scrutiny Assistant would log Mr White's concerns and contact you directly regarding this matter. If Mr White had contacted you first it is important that the Scrutiny Assistant/Office is informed so that if at a later time you agree to champion the request, the scrutiny office is already aware of the concerns. If you are unsure whether a request is a potential CCfA you can contact the Scrutiny Assistant for further guidance

The Initial Issue Checklist

1. Are the concerns of Mr White individual complaints?

Scrutiny is not appropriate for individual complaints; however Mr White's concerns are clearly the views of the community and local residents.

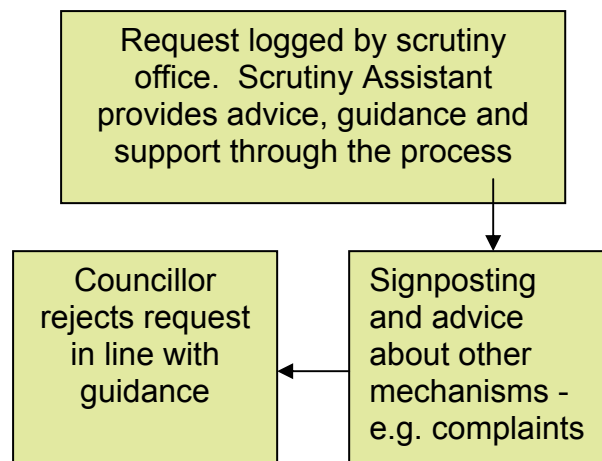
2. Do the concerns of Mr White relate to 'quasi judicial' decisions (e.g. planning, licensing) or to council and non domestic rates?

No the concerns of Mr White are not to do with 'quasi judicial' decisions or to council and non domestic rates. However if they were, Scrutiny would not be appropriate for dealing with these kinds of concerns as they are subject to their own statutory appeals process.

3. Are Mr White's concerns to do with the quality of public service provision at a local level?

Mr White has a variety of cross-cutting concerns including: problems with the use of recreational ground, anti social behaviour and the lack of police presence in the community.

A Genuine Concern



As ward councillor, you will have to decide whether a concern raised constitutes a genuine community concern. The scrutiny assistant can offer guidance if needed. Once you have established whether it is a genuine community concern, you can either reject the request and signpost to more appropriate mechanisms for dealing with the problem, or agree to champion the request and try to resolve the issue by liaising with other council services, the cabinet and other agencies/partnerships.

By using the genuine concern checklist you can assess whether Mr White's concerns would warrant further assistance for a CCfA.

The Genuine Local Community Concern Checklist

1. Is the focus of the concern on a neighbourhood or locality issue?

From the information Mr White has provided us with it is very clear that this is neighbourhood/locality issue.

2. Is the issue a genuine local concern?

The issues raised by Mr White on the surface seem like issues of genuine local concern, including underage drinking, drug taking, anti-social behaviour and the lack of police presence. However, you will need to be sure that the concerns of the ward are genuine and not just the views of an individual 'hobby horse'. Finding out the views of other community members will help clarify this.

~~Agreeing to Champion~~ Agreeing to Champion

Request logged by scrutiny office. Scrutiny Assistant provides advice, guidance and support through the process

Councillor agrees to champion request

Councillor and local partners try to resolve the issue informally. This could include discussing the issue at an appropriate local forum such as the Area Committee

It is your judgement as to whether a request should be championed and councillors are accountable to the community for these judgements. If you decide to champion a request, you will take on the issue of you constituents and try to resolve the problem by various means, including: liaising with council services, the cabinet and other agencies and/or partnerships.

Where you feel you have done everything within your power to resolve a community concern but the issue is still unresolved, then you will be able to refer the CCfA to scrutiny.

However this should be a last resort and the overview and scrutiny management committee will need to be satisfied that you have done everything you can to try and solve the community concern.

The Championing a Request Checklist

1. An apology, explanation or assurance about a particular problem is not enough to satisfy community concern. In the case of Mr White an apology, explanation or assurance would not be sufficient. Especially considering that ward councillors have known about this concern for some time.

2. Resolving the issue. Since the issues in Mr White's letter are varied in nature no one solution is appropriate. Mr White states that the residents have signed petitions and raised the issues with the ward councillors and area committee but the concerns are still unresolved. You might use a variety of other ways to try and resolve this concern, such as:

- Discussing the issue with officers from the relevant council services or agencies.
- Raising the issue with locality based arrangements such as Neighbourhood Management Group
- Formally raising the issue with partnerships or partner agencies such as the Police, Safer Communities Partnership or the Sports and Recreation Partnership.

Referring to Scrutiny

Local councillors agree to refer difficult problem that cannot be resolved at this stage to scrutiny



Overview and Scrutiny Management Committee considers the request and decides if the issue will be reviewed.



Community Call Panel meeting/s
Community Call Panel (of local non executive councillors, a standing panel member and scrutiny voluntary co-optees) reviews the issue and makes recommendations



Draft report agreed informally by the Overview and Scrutiny Management Committee, and issued for a response to the recommendations



Cabinet/partner response to the recommendations discussed in a public meeting in a locality setting



Implementation/monitoring of agreed recommendations and appropriate feedback on progress

Issues passed to scrutiny should only be the most persistent issues that have been unable to be resolved by all other mechanisms.

The Overview and Scrutiny Management committee will evaluate requests for scrutiny and prioritise reviews dependant on available resources.

Once a request has been decided to be reviewed. It is important that you are involved in the scrutiny review of their local services, ensuring that there is a local perspective on the issues being scrutinised.

In order that there is a balance on the scrutiny panel the reviews will be undertaken by:

- non executive councillors
- an appropriate standing panel member
- a Scrutiny Voluntary Co-optee pool.

Panels will be supported to undertake reviews by the Overview and Scrutiny Officer.

The completed reports will be agreed informally by the OSMC, before being sent to Cabinet/Partner agencies for a response to the recommendations.

The locality based scrutiny reviews are expected to be 'short, sharp and focused' pieces of work carried out in a short timescale. It is important that the public see this process as responsive and producing tangible outcomes.

Cabinet members and or partner agencies will be expected to respond to scrutiny recommendations in the usual way, indicating the recommendations that have been accepted, how and when these recommendations will be implemented and explaining why any recommendations have not been accepted.

Implementation of the recommendations will be monitored by the relevant scrutiny lead members/panel with support from the scrutiny office.

It is important that there is feedback and engagement at a local level, especially for the originators of the Community Call for Action.

The Referring to Scrutiny Checklist

1. The issue is persistent and unresolved by the ward councillor(s)

When you feel you have done everything within your power to remedy Mr White's concern and you have exhausted all mechanisms and have tried to resolve the problems with the aid of other agencies and partnerships, but have been unsuccessful in finding an adequate solution. Then you are able to refer the issue to Scrutiny. This should always be a last resort.

SUMMARY OF MR WHITES CONCERNS

Mr White's concerns are not his individual complaints; they are the views of other community members. Mr White's concerns include a number of cross-cutting concerns. Such as, anti social behaviour, gang culture, the use of recreational grounds and lack of police presence.

The focus of Mr White's concerns are certainly neighbourhood/locality based issues and the information provided by Mr White suggests that the issues are a genuine local concern, with petitions, complaints, ward councillors and area committees being unable to resolve the issues. You may wish to clarify this by finding out the views of the community members or you may already have adequate knowledge of these community concerns.

As the concerns are far reaching and have been unresolved for some time, an apology, explanation or an assurance may not be enough to address the concerns. If you agree to champion the request you will need to consider the different ways to help resolve the concern, such as discussing with officers, other agencies and partnership such as the Police, Safer Communities partnership or the Sports and Recreation Partnership.

Only when all other mechanisms have been unsuccessful should the CCfA be referred to Scrutiny.

Case Study 2 Mrs Green – Batley

Mrs Green writes: I have just read an article about Community Call for Action. I'm writing about the Sports Centre. It provides many great activities for children, but at night, the secluded location and the lack of lighting, brings some very worrying behaviour. A few weeks ago a car was set on fire in the car-park. Can anything be done to make this less threatening for residents after dark? Just some street lights and a few CCTV cameras would be a deterrent.

Initial Issue

1. Are the concerns of Mrs Green individual complaints?– This may be an individual complaint, but if Mrs Greens concerns are shared by the community, then CCfA may be more appropriate than trying to resolve the issue through the formal complaints procedure.
2. Do the concerns of Mrs Green relate to ‘quasi judicial’ decisions (e.g. planning or licensing) or to council and non domestic rates? - No
3. Are the concerns to do with quality of public service provision at a local level - Possibly

Genuine Local Concern

1. Is the focus of the concern on a neighbourhood or locality issue? – Yes.
2. Is the issue a genuine local concern? – yes potentially a genuine local concern

Championing a Request

1. Has an apology, explanation or assurance been enough to satisfy a community concern?

It would seem that the outcome Mrs Green is looking for is to resolve the anti-social behaviour issues at the sports centre, so an apology is unlikely to satisfy her concerns. However, there are times when community concerns can be satisfied by public explanation – for example, the issues at the sports centre may have been recognised by the relevant public agencies but are not being addressed immediately, because other areas have higher priority.

2. Having agreed to champion Mrs Green’s concern you may use a variety of ways to try and resolve a concern, in the case of Mrs green you may wish to formally raise the issue with partnerships or partner agencies such as the Kirklees Safer Community Partnership or Ross Street Care.

Referring to Scrutiny

1. If all other mechanisms have been exhausted and the aid of other partnerships and agencies has been unsuccessful in finding an adequate solution, then you are able to refer the issue to Scrutiny.

Summary of Mrs Green’s Concerns

If Mrs Green’s concerns represent an individual complaint, this would not be appropriate for scrutiny. However you would want to be sure that the concerns are not shared by the wider community. On the face of it, Mrs Green’s concerns could be seen as a service request – for street lighting and CCTV. However the issue of concern is the problem of anti-social behaviour at the sports centre and while it may be that street lighting or CCTV could address the problem there may be other or better ways to resolve the concerns. These would need to be explored with the relevant agencies, should you agree to champion the request.

Whilst the concerns can be thought of as neighbourhood and locality issues, you will want to be sure that the concerns are genuine and not just an individual ‘hobby horse’, finding out the views of other community members will help clarify this.

An apology, explanation or an assurance may not be enough to allay Mrs Green’s concerns although she may be relieved that her concerns are being dealt with. If you agree to champion this request, this would involve exploring potential solutions to the problem, with relevant agencies. You may wish to let Mrs Green know about ROSS Street Care, where individuals can request additional street lighting via the Kirklees Website. You may also wish to discuss the issue with the community police officers or other partnerships such as the Kirklees Safer Community Partnership.

If you have exhausted all mechanisms to resolve the problem, but have been unsuccessful in finding an adequate solution, you are able to refer the issue to scrutiny, but this should always be a last resort

Case Study 3 Mr Blue – Almondbury

Mr Blue has sent a letter to the scrutiny office. Mr Blue writes: I am writing regarding the bulky and garden waste collection service which, as a pensioner who doesn't own a car I find invaluable. I do want to complain though about the length of time it takes for them to take away my garden waste. It is supposed to be collected within 10 days but usually takes much, much longer and sometimes only after several phone calls to chase people up.

Initial Issue

1. Are the concerns of Mr Blue an individual complaint? – Yes, unless there are a pattern of complaints in this area.
2. Do the concerns of Mrs Green relate to 'quasi judicial' decisions (e.g. planning or licensing) or to council and non domestic rates? - No
3. Are the concerns to do with quality of public service?– Yes

Genuine Local Concern

1. Is the focus of the concern on a neighbourhood or locality issue? – Not if it is an individual complaint, but if there are a pattern of similar complaints in a particular estate or ward then it could be. In this case it could be appropriate for CCfA. It could also be an issue of more general concern, across Kirklees, in which case a traditional referral to scrutiny might be appropriate
2. Is the issue a genuine local concern – yes but again isolated to Mr Blue

Championing a Request

1. Has an apology, explanation or assurance been enough to satisfy a community concern – Mr Blue may be satisfied with an apology.
2. Resolving an Issue – If it is an individual complaint, Mr Blue should find a a resolution under the councils corporate complaints procedure.

Referring to Scrutiny

1. The issue is persistent and unresolved by local councillor(s)
Mr Blue's concern should have been resolved via the council's corporate complaints procedure and is not an issue adequate for scrutiny.

Summary of Mr Blue's Concerns

Mr Blue's concern is an individual complaint and is not appropriate for Scrutiny. Advice can be given about the Kirklees Corporate Complaints procedure. Whilst the issue is on the quality of public service at a local level, it is likely that the issue will be isolated to Mr Blue.

However, if you felt the lack of public service was affecting other residents within the community, then you may wish to gather support from your constituents.

Mr Blue may be happy with an apology, explanation or assurance that a problem has been dealt with and will not occur again. It is unlikely that you will have to liaise with other agencies and partnerships unless you believe the concern is affecting the wider community members.

It is likely that the issue will be successfully resolved by the ward councillor or Kirklees Corporate Complaints procedure and unlikely to be referred to scrutiny.

In the Government White Paper 'Strong & Prosperous Communities', there is an increased emphasis on the role of the frontline councillor. Councillors provide an invaluable link between local people, community groups & public service providers. Councillors will be expected to identify the issues of particular community concern through their correspondence & knowledge of their area & it is important that councillors best represent the views of the most vulnerable people in society as they are the least likely to make their voices heard.

The development of the councillor role empowers the local communities by providing access to an elected representative for their area. Good councillors have always acted in this way but the CCfA proposals will positively strengthen the community representative role of frontline councillors.

The councillor's role is vital for ensuring both local democracy works and that the local people believe in it. Effective representation requires a good knowledge of local area and strong relationships with individuals, local community groups and organisations. Since the emphasis will be on councillors resolving issues, it is important that they you aware of all the tools available to help resolve community concerns early on in the CCfA process.

For further information contact:

John Heneghan, Overview and Scrutiny Team Leader, Tel: 01484 221687

Email: john.heneghan@kirklees.gov.uk

Or Beth Hewitt, Scrutiny Assistant, Tel: 01484 221864

E-mail: beth.hewitt@kirklees.gov.uk

Information available:

Informal report to O&S Management Committee 18th October 2006

Informal report to O&S Management Committee 02nd January 2007

Report to O&S Management Committee 13th February 20

