

Report To: Overview and Scrutiny – Tuesday 21st April 2009

**By: William Wade – Member Support Officer –
Overview and Scrutiny**

Open to the public and press

Background Papers: Held in Member Support Team

Title: **Councillor Call for Action Procedure**

Ward
Councillors

All

1. Summary

This report gives an overview of the Councillor Call for Action provisions that came into force on the 1 April 2009 through the Local Government and Public Involvement In Health Act 2007 (LGPIH).

The report also seeks the agreement of the Committee to implement an outline procedure for dealing with CCfAs. Approval is also sought to recommend to Council that the Overview and Scrutiny Committee's terms of reference be updated to include the responsibilities of the required Crime and Disorder Committee in line with the statutory requirements LGPIH.

2. Recommendations

- 2.1 That the Committee approves the suggested approach to dealing with CCfAs as outlined in 4.9, 4.10 and 4.11 of this report.
- 2.2 That the Committee recommends to Council that the Overview and Scrutiny Committee be designated with the responsibilities for Wychavon's Crime and Disorder Committee and that the Committee's terms of reference are amended as appropriate.

3. Implications & Impact

3.1 Council Priorities & Community Plan Themes

- 3.1.1 All Council priorities could be addressed through a CCfA dependent on the issue.

3.2 Resource Implications –

- 3.2.1 **Financial Implications** - None, should be met from existing resources.

- 3.2.2 **Staffing Implications** – these can be contained within existing resources.
- 3.2.3 **Risk Implications** – None at this stage.
- 3.2.4 **Legal Implications** – there could be an additional workload for the Legal Department as a consequence of this CCfA.
- 3.2.5 **Property Implications** – None.
- 3.2.6 **Diversity Impact Assessment** – not required at this stage.

4. Background

- 4.1 Members will be aware that for some time, the Government has been pursuing the aim of giving more power to local people and local Councillors. The Government wish to empower the public by increasing their ability to influence the way in which services are provided and to have additional avenues for raising concerns and seeking improvements in their communities. In line with this the Government wish local councillors to be ‘Champions’ of their community and to provide them with effective tools with which to resolve any issues.
- 4.2 In 2006, the Government published the “Strong and Prosperous Communities” consultation document and suggested the concept of Community Calls for Action. This, together with the White Paper “Communities in Control” has evolved into the Councillor Call for Action as set out in the LGPIH.
- 4.3 CCfA is the Governments proposed tool to assist local councillors in their role as conduit between the Council and its residents. Raising a CCfA gives a councillor the opportunity to ask for discussions at Overview and Scrutiny on issues where local problems relating to Local Government matters have arisen in their electoral ward and where all other methods of resolution have been exhausted.
- 4.4 The LGPIH Act 2007 also amends the Police and Justice Act 2006 so the CCfA procedure can be followed in relation to crime and disorder matters. These matters however must only be considered by a committee designated by the Council as its crime and disorder committee. This section of the Act is due to come into force on 30 April 2009.
- 4.5 The LGPIH Act gives members the power to refer a matter to a meeting of the Overview and Scrutiny Committee under a CCfA. The Committee will then decide whether or not to proceed with the matter. If it decides to pursue the matter, the Committee can call to account relevant stakeholders, including Cabinet Members with responsibility, senior officers and partner organisations (with some exceptions). The CCfA will require the introduction of a proper process to ensure that it fits with existing frameworks.
- 4.6 CCfA is a “last resort”, with issues only being raised at Committee after all other avenues have been exhausted. Issues should essentially relate to local ward issues, but do not have to relate directly to a Council

service – they can relate to services provided by Council partners. Councillors will be expected to have undertaken steps to resolve the problem before making a CCfA. It is proposed that a request form (Appendix A) which asks for information on previous steps, be completed by any Councillor wishing to make a CCfA.

4.7 The engagement of partners and the Executive will be required and senior officer and member's commitment will be necessary for maximum effect. It also needs to be recognised that the County Council and other District Councils within Worcestershire will also be developing CCfA processes. Discussions are ongoing within the Worcestershire Scrutiny Officer's Network to look at opportunities to work jointly with the aim of avoiding duplication, particularly around arrangements for engaging and involving partners.

4.8 Successful CCfA will rely upon:

- Transparency in decision making and the involvement of scrutiny in the decision making process at some level;
- A willingness to identify mistakes and shortcomings and a recognition of the need to resolve problems through discussion;
- An understanding among senior officers and the Executive Board that scrutiny help the council improve its services;
- An understanding and wish to bolster and support the role that local councillors play as champions and leaders of the communities.

4.9 Whilst the CCfA processes are being developed, it is suggested that the Committee adopts the following procedure:-

- Any member who wishes to make a CCfA must complete and submit a request form (Appendix A) to the Member Support Team no later than 5pm on the preceding Thursday before a scheduled meeting of the Committee.
- The Committee will decide whether or not the CCfA should be progressed. It will be open to the Committee to deal with the matter itself or to refer the matter to a Scrutiny Task Group.

4.10 In deciding whether to progress the CCfA the Committee will need to consider whether any of the following apply:-

- Insufficient information has been provided;
- The matter falls under excluded matters. (These are covered by legislation but in essence include planning and education appeals and any matter where an alternative avenue to resolve the issue is available);
- The CCfA is, or has stemmed from, a vexatious complaint;
- The matter is the subject of an ombudsman complaint or other official complaints procedure;
- More could be done to resolve the issue at a local level (e.g. key people have not been contacted);
- The matter has been recently examined by Scrutiny

4.11 If the Committee decides that the CCfA should be progressed, it must then be considered in detail within 6 weeks. Arrangements for this detailed consideration will need to include deciding what information is required and who will need to contribute (either in writing or by

attendance at the meeting). It is likely that this detailed consideration will vary according to the issues and consequently it is not proposed at this point to prescribe how it should operate.

- 4.12 The Committee should note that the CCfA process might not result in a direct solution to a problem. However, it is a way to provide a forum where problems can be discussed and possible action considered.