
Scrutiny Management Committee

24 March 2009

Report of the Scrutiny Manager

Local Government & Public Involvement in Health Act 2007 – Introduction of Councillor Call for Action

Summary

1. This report informs Members that as from 1 April 2009, Councillor Call for Action (CCfA) will come into force, and highlights how the Overview & Scrutiny function in York has responded to the forthcoming new requirements of the Local Government & Public Involvement in Health Act 2007.

Background

2. Section 119 of the Local Government and Public Involvement in Health Act 2007 inserts a section into the Local Government Act 2000, requiring Councils to ensure its overview and scrutiny arrangements enable any Member to refer a local government matter (except for those which are excluded) to the relevant overview and scrutiny committee. The regulations define the excluded matters from being the subject of a councillors call for action.
3. Excluded Matters
 - any matter relating to a planning decision
 - any matter relating to a licensing decision
 - any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment
 - any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee.

Analysis

4. CCfA is specifically for issues affecting single wards which would be taken up by the ward Councillor. Councillors will from their knowledge of their area and its people, be able to identify issues which are of significant concern to their communities. Ward meetings / advice surgeries will also allow members of the public to raise local and neighbourhood matters with their ward Councillors.

Under this provision, Councillors will in effect be encouraged to play a gate keeping role in deciding how to resolve matters of concern.

5. CCfA is seen as sitting alongside existing mechanisms for resolving issues and is a final option for when all others have not led to resolution i.e. the ward Councillor will have tried all other measures before it gets to CCfA. It also needs to be clear that a CCfA may still not resolve the problem, just provide an opportunity to take it further.
6. Councillors may require some support in identifying ways in which they can attempt to resolve an issue before it escalates to a CCfA. In York, how this support is provided and by whom, is yet to be addressed and therefore the issue has been raised at CMT level.
7. Where informal approaches do not work and after due consideration of the public concerns, a Councillor may deem it appropriate to refer the issue to scrutiny by registering the topic for review. Under CCfA such referrals will be a local Councillor's decision with the relevant scrutiny committee constitutionally responsible for considering how to handle that referral.
8. In York, new working practices have been introduced in Scrutiny, designed to help the scrutiny process but which will also provide the mechanism for responding to CCfA. The topic registration form has been updated to help identify those topics registered as a result of an unresolved CCfA, and to allow Members to provide all the necessary information on what actions they had taken to try to resolve the issue prior to registering it as a scrutiny topic. This will inform the feasibility report produced, which in turn should assist the relevant scrutiny committee to fully understand the issue and consider the ways in which it could be reviewed.
9. The scrutiny committee carrying out the review would be able to use its powers under the Act to invite representatives from partner organisations to attend and to request information. CCfA also provides opportunities for partners to work together as they may involve partners, although a CCfA must relate to a 'local government matter'.
10. In addition, the Police and Justice Act 2006 required that crime and disorder issues be considered by a 'crime and disorder' scrutiny committee, or in authorities with subject based committees CCfA should go to the relevant committee. In York, as a result of the forthcoming scrutiny restructure, this would be the Community Safety / Safer City Scrutiny Committee (name still to be confirmed), which will come into being following Annual Council in May.
11. Provisions coming into force on 1st April 2009
The following provisions of the Act shall come into force on 1st April 2009 — Statutory Instrument 3261
 - Section 119 (each authority operating executive arrangements to ensure any member can refer a matter to overview and scrutiny committee where local problems have arisen and other methods of resolution have been exhausted – see CCfA provisions above)

- Section 120 (power of overview and scrutiny committee to question members of the authority)
- Section 121 (power to require information from partner authorities – these would normally be partner authorities for the purpose of local area agreements except for the police authority which is covered under the Police and Justice Act 2006)
- Section 122 (empowers a scrutiny committee to publish reports and recommendations, where it does this it must give the local authority or executive notice in writing, specifying the steps which the local authority or executive must take within two months of receiving the report or recommendation. These steps include responding to the report/recommendations and if published, publishing a response. There are provisions about confidential and exempt information)
- Section 127 (overview and scrutiny committees: consequential amendments e.g. each authority must have a scrutiny committee tasked with dealing with Health)
- Section 128 (transitional provision e.g. to ensure a mechanism is in place from 1st April to scrutinise an issue relating to Health prior to setting up a Health Scrutiny Committee if one does not currently exist)

Options

11. There are no options as this report is for information only.

Implications

12. There are no Financial, Legal, HR or other implications associated with the recommendation in this information only report.

Corporate Priorities

13. Supporting the CCfA process will enable Members to use the new powers of section 119 of the Local Government & Public Involvement in Health Act 2007, to bring about positive change in their Wards. This in turn could support many of the corporate priorities depending on the type of issue to be resolved.

Risk Management

14. There are no risks associated with the recommendation in this report.

Recommendations

15. Members are asked to note the content of this information only report.

Reason: To raise awareness of the forthcoming introduction of CCfA on 1st April 2009.

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Report Approved



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Specialist Implications Officer(s) N/A

Wards Affected:

All



For further information please contact the author of the report