

Councillor Call for Action

A Guide for Councillors and Officers

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Guidance for Councillors and Officers

Introduction

Ward Councillors play a central role in the life of a local authority, as a conduit for discussion between the Council and its residents and as a champion for local concerns. To strengthen Councillor's ability to carry out this second role the Government has enacted in the Local Government and Public Involvement in Health Act 2007, provisions for a "Councillor Call for Action" (CCfA). This provides Councillors with the opportunity to ask for discussions at Scrutiny Committees on issues where local problems have arisen and where other methods of resolution have been exhausted.

Background & Context

For some time the Government has been pursuing the aim of giving more power to local people and local ward councillors. This aim has run through both 2006's 'Strong and Prosperous Communities' and 2008's 'Communities in Control' White Papers.

Recent legislation has given more powers for overview and scrutiny functions to work more closely with partners and across organisational boundaries. These include powers to scrutinise a wide range of national, regional and local bodies, some of which were not previously subject to local authority challenge. This means that scrutiny is in a stronger position to resolve a wide range of policy issues. CCfA needs to be viewed in this context.

Principles

The successful operation of CCfA relies on several broad principles being recognised and supported in local authorities. These principles are:

- Transparency in decision making and the contribution of scrutiny to the decision making process at some level;
- A willingness to identify mistakes and shortcomings and the recognition of the need to resolve problems through discussion;
- An understanding (among senior officers and executive members) of the role that scrutiny can play to help the Council improve its services;
- An understanding and a wish to bolster and support the role that ward councillors play as champions and leaders of their communities.

How can CCfA be used?

CCfA is a tool that can be used by Councillors to tackle problems on a neighbourhood or ward specific basis that has not been possible to resolve through the normal channels.

CCfAs should represent genuine local community concerns and should focus on neighbourhood and ward issues, specifically the quality of public service provision, both by the Council and its partners.

CCfA is a means of last resort when all other avenues have been exhausted and the Council has been unable to resolve the issue.

It is important to recognise that CCfA is not guaranteed to solve a problem. What CCfA can provide is:

- Recognition that an issue is significant enough for time, attention and resources to be spent in trying to resolve it;
- A public forum for discussion of the issues;
- An opportunity to discuss the issues in a neutral environment;
- An opportunity to discuss a problem with the explicit and sole aim of solving it;
- A high profile process owned by the ward councillor.

What CCfA is not

CCfA should not be regarded as merely a scrutiny process. It is a whole Council approach which can help Councillors to resolve issues and problems on behalf of their residents.

CCfA is not:

- About a councillor's everyday casework;
- Appropriate for dealing with individual complaints;
- To be used for dealing with issues that relate to individual quasi-judicial decisions (e.g. planning or licensing) or to council tax and non-domestic rates as these are subject to their own statutory appeals process.

Any member can bring a CCfA on any issue they choose, however there are certain exceptions for example if a CCfA is:

- Vexatious, not reasonable and/or persistent – whether the request is likely to cause distress, disruption or irritation without any proper or justified cause;
- Discriminatory – implying a group of people or an area receives better or worse services on account of that group's predominant religion, race, sex or other characteristic.

It does not replace the corporate complaints procedure or the public's right to petition the Council.

What kind of issues can be tackled?

Issues should be genuine local community concerns which focus on the quality of public service provision at a local level. It can include any function of the authority which affects the councillor's ward and constituents. It can also include issues relating to crime and anti social behaviour.

Issues that can be tackled by CCfA are usually persistent and have remained unresolved for a long period of time. They may be issues that the councillor is aware of from their work within their ward or they may decide to champion a request on behalf of the public.

What does championing a request mean?

Championing a request will mean taking the issue up on behalf of the resident(s) concerned and trying to resolve the problem by liaising with council services, the Executive and/or outside agencies.

What if a councillor doesn't want to champion a request from a member of the public?

If a councillor decides not to champion a request, no further action will be taken under a CCfA. There is not a right of appeal by a member of the public.

Who can raise a CCfA

Implications for Members

The power to initiate a CCfA lies solely with a councillor and it is up to them to determine which issues they want to take forward as a potential CCfA.

Implications for officers

If a member of the public contacts an officer to say that they want to raise a CCfA, the officer should signpost them to their local ward councillor.

Initiating a CCfA

The first thing a councillor should do is log a potential CCfA with the Overview and Scrutiny Team (O&S Team) who will help them to decide if any issue is suitable for the CCfA process (see contact details below).

If it is a CCfA, what next?

The councillor will need to continue trying to resolve the concern themselves. They should keep the O&S Team informed about the progress they have made, keeping them up to date with key developments. The scrutiny team will try to assist in resolving the concern by, for example:

- Providing advice to councillors in approaching partner agencies such as the PCT, Police or relevant partnerships;
- Helping to formally raise an issue with services/partner agencies.

As part of councillors' attempts to resolve issues officers may be asked to assist, for example by:

- Supporting councillors through the usual complaint or enquiry processes;
- Attend meetings specifically set up to try and help councillors resolve the issue.

If the issue remains unresolved

Implications for Members

The councillor should contact the O&S Team to discuss the issue and their actions to date in more detail. A scrutiny officer will then prepare a feasibility report to the relevant Overview and Scrutiny Committee which details the background and history of the issue.

The Overview and Scrutiny Committee will then consider the request to carry out a CCfA review. The councillor will be invited to attend the meeting to support their review request and a decision will be made to either:

- Carry out the review; or
- Identify possible courses of action that the councillor has not thus far pursued; or
- Request further information in order to make a decision; or
- Determine that the issue is not suitable for the CCfA process and that no further action will be taken by scrutiny.

The Scrutiny Committee has agreed to carry out a CCfA review – what happens now?

The CCfA review will be added to the Scrutiny Committee's work plan. The O&S Team will produce a scoping report and if appropriate the councillor will be invited to participate in the review.

What will happen after a CCfA review has been concluded?

A report will be produced together with a set of recommendations which will be presented to the Executive for consideration. Any recommendations approved by the Executive will be implemented and that implementation will be tracked by the O&S Team and reported back to the Scrutiny Committee on a regular basis until completion.

Implications for officers

Officers may be asked to provide advice to the O&S Team on action taken in relation to the issue. If the councillor flags an issue as a potential CCfA, officers might wish to consider more detailed recording of actions taken in case they are required to produce it for scrutiny purposes.

Officers may also be asked to attend the relevant Overview and Scrutiny Committee meeting.

Officers may be required to provide technical support throughout the scrutiny review and/or to participate at relevant scrutiny meetings

Officers will be responsible for implementing any agreed recommendations relevant to their service areas and providing update information as necessary to the O&S Team.

Contact details

For further information and advice contact the Overview & Scrutiny Team on 01904 552063/1714.