

# Part 4H

## Councillor Call for Action Protocol

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## 1. Introduction

- 1.1 Section 119 of the Local Government and Public Involvement in Health Act 2007 introduced the concept of a Councillor Call for Action (CCfA), which provides councillors with the opportunity to ask for discussions at Scrutiny Committee on issues where local problems have arisen and where other methods of resolution have been exhausted. Its purpose is to help councillors to resolve issues and problems on behalf of their residents.
- 1.2 The provisions extend existing powers in council's constitution for any member of Scrutiny Committee and any two councillors who are not members of the relevant panel to ask for a relevant item to be included on the agenda of the next available Scrutiny Committee meeting.
- 1.3 In discussing the draft protocol, councillors were keen to ensure that **CCfA is used as a last resort, and that full use should be made of existing mechanisms for resolving issues of local concern**, particularly community forums. To this end a separate guide has been produced for councillors to supplement this protocol, explaining the council's governance arrangements and the different avenues that can be utilised in the course of councillors' ward work (Resolving Ward Issues, A Practical Guide for Councillors, July 2009).
- 1.4 When councillors consider that a CCfA is the only remaining avenue for resolution, the process below should be followed.

## 2. Protocol

- 2.1 A councillor may give notice to the Monitoring Officer that he or she wishes a matter affecting people living or working in his or her ward and relating to the discharge of any function of the council, to be referred to overview and scrutiny as a CCfA.
- 2.2 A CCfA should not be seen as the first step in resolving a matter. The member should talk to relevant officers and the portfolio holder(s) before using this protocol. Councillors should refer to the separate practical guide for councillors, 'Resolving Ward Issues', to ensure that all other possible means of resolution have been exhausted.
- 2.3 The request to the Monitoring Officer should set out clearly what the issue is about, what resolution is being sought, what steps have already been taken and their outcome. The member should enclose any background papers and copies of any relevant correspondence.
- 2.4 The Monitoring Officer will refer the CCfA to the chair of Scrutiny Committee with advice as to whether it is an excluded matter (see Section 3 below).
- 2.5 The chair and the vice-chair of Scrutiny Committee will consider the request and will reject a CCfA where it deals with an excluded matter. A copy of the

decision, with an explanation of the reasons for refusal, will be sent to the member making the request.

- 2.6 If accepted, the item will be placed on the agenda of the next available or at a special meeting of Scrutiny Committee. The relevant portfolio holder(s), chief officer(s) and any relevant partners will be informed of the date of the meeting.
- 2.7 All CCfA requests received by the Monitoring Officer will be logged by Democratic Services, along with details of the decision and any outcomes. This should encourage CCfA issues to be fed into the broad overview and scrutiny work programme.
- 2.8 If the matter is resolved before being considered by a committee, the councillor may withdraw it.

### **3. Excluded matters**

- 3.1 Scrutiny Committee is required to consider a CCfA where they can add value, rather than merely duplicating existing mechanisms for consideration of issues.
- 3.2 The following are excluded matters:
  - (i) An issue relating to individuals concerning planning and licensing.
  - (ii) An issue relating to the dealings of individuals or entities where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman).
  - (iii) An issue which is vexatious, discriminatory, or not reasonable for inclusion in the agenda, for example because it is a minor matter affecting only one individual or because the issue would be detrimental to community cohesion.
  - (iv) An issue where the action being suggested would be unlawful.
  - (v) Individual staff matters.
  - (vi) An issue which would be dealt with under the council's or another body's complaints procedures (but if there is evidence of systemic failures highlighted through a series of complaints, it could be appropriate for CCfA to be used).
  - (vii) Litigation/court processes.
  - (viii) Repetitive complaints.
  - (ix) Matters for which the local authority has no responsibility or which do not affect the borough.
  - (x) Defamatory, frivolous or offensive requests.
  - (xi) A matter which has already been dealt with by Scrutiny Committee in the past twelve months (unless the situation has changed substantially), or which relates to an existing work programme item.

## **4. Consideration by Scrutiny Committee**

- 4.1 The chair will determine what format the meeting item should take. In order to make an informed decision, it is suggested that a meeting be held with the councillor making the call for action and the chair, supported by Democratic Services, to agree how the CCfA is to be handled. This meeting would be an opportunity for them, along with any relevant officers or partner representatives, to agree the following:
- Key questions to be answered
  - Information required
  - Timescale
  - Witnesses
  - Format of committee meeting
  - The objectives against which the success of the CCfA will be determined
- 4.2 It will be for the chair, in consultation with the councillor making the call for action and relevant officers and partners, to determine whether the item will be included on an existing Committee meeting's agenda or whether a special meeting is required to consider the CCfA specifically.
- 4.3 All meetings will be held under normal local government rules and therefore information will be public unless it falls under one of the specified private matters.
- 4.4 The Committee may take the following questions into account when deciding whether to develop the issue into a substantial scrutiny activity:
- Is it an issue of community concern?
  - Will consideration of the issue contribute to any of the council's priorities or key aims?
  - Can the matter be expressed with tight, defined objectives with clear desired outcomes?
  - Does the issue have potential impact for one or more sections of the population?
  - Will it be duplicating other work?
  - Are there adequate resources to do the activity well?
  - Is the scrutiny activity timely?
- 4.5 The Committee may refer the matter back to the councillor on the basis that insufficient information has been provided, or the request is premature, specifying what further steps should be taken towards resolving the matter.
- 4.6 It is likely that, if a task and finish group is established to consider the matter in detail, the requesting councillor will wish to be a member of that task and finish group. This is acceptable, although individual circumstances will vary and constitutional provisions regarding councillor's interests will apply. It

would not be appropriate for the requesting councillor to chair the task and finish group.

- 4.7 The Committee must provide the councillor with a copy of any report or recommendations which it makes to Cabinet or other relevant authority in relation to the matter.