

Councillor call for action protocol

Purpose

1. This document sets out the process for dealing with issues relating to councillor call for action as set out in the Local Government and Public Involvement in Health Act 2007 and Centre for Public Scrutiny Best Practice Guidance.

Introduction

2. The councillor call for action (CCfA) was introduced under section 119 of the Local Government and Public Involvement in Health Act 2007 and came into force on 1 April 2009. The statutory requirement to implement CCfA by 1 April 2009 applies to all principal councils in England.
3. The Act enables any councillor to refer any local government matter or any crime and disorder matter that affects their ward to a Scrutiny Committee. Local government issues not only cover specific council functions but also cover the council's partners and their responsibilities for delivering Local Area Agreement targets.
4. The power to refer is only available where the matter is of direct concern to the ward the councillor represents. There is no requirement for councillors in multi member wards to agree to the referral.
5. It is not anticipated that there will be extensive use of the CCfA power as it is designed as a last resort mechanism when normal processes fail. Councillors should note that CCfA is not guaranteed to solve problems but is designed to offer a mechanism for discussion and through this trying to address them.

Limitations

6. It is important to recognise that CCfA is not guaranteed to solve a problem. CCfA provides a method for discussing problems and through discussion trying to resolve them.

Issues excluded from referral as a CCfA

7. The following matters have been excluded from CCfA by statutory regulations (The Overview and Scrutiny (Reference by Councillors) (External Matters) (England) order 2008):
 - (a) any matter relating to a planning decision;
 - (b) any matter relating to a licensing decision;
 - (c) any matter relating to an individual or entity that is already subject to an appeal, review or complaint;
 - (d) where there is an alternative avenue to resolve an issue (complaints process); and
 - (e) any matter which is vexatious, discriminatory or unreasonable.

Examples of possible CCfA issues

8. Examples of possible issues that could be used as councillor calls for action include:

- A series of complaints about waste collection which illustrate a continuing trend of poor performance
- Anti-social behaviour issues
- Environmental issues

CCfA process

9. In accordance with the national best practice guidance the use of CCfA should be the last stop for resolving an issue. Prior to referring a matter as a CCfA a councillor must have tried to resolve the issue/problem themselves using all the mechanisms and resources available to them such as liaising with partners, county and parish councillors or raising the issue with officers.

10. There are a range of tools that councillors can use to influence change and resolve problems both formally and informally such as:

- (a) questions at Council or committee
- (b) motions on the agenda at a Council meeting
- (c) informal discussions with officers and other councillors
- (d) communication with councillors in other authorities
- (e) public meetings
- (f) formal letters written on behalf of constituents
- (g) request that a topic for review is included in the scrutiny work programme

11. A councillor referring a matter as a CCfA will need to show that they have tried to resolve the matter using some of the above techniques/resources and that sufficient time has elapsed for partner organisations to resolve the issue.

How to make a CCfA

12. If the issue/problem is not resolved the councillor can refer it to the Scrutiny Committee using the form attached to this guidance ensuring that each section is completed. The councillor should return this form to the head of legal and democratic.

Decision on whether to take the matter further

13. A democratic services officer will meet with the chair and vice-chair of the Scrutiny Committee to consider whether to take the CCfA forward.

14. This decision will be based on ensuring that all other avenues have been exhausted, that the statutory exclusions have been considered, whether the committee has considered a similar issue recently and if so whether there is any change in circumstances/new evidence, whether a similar issue is included in the committee's work programme and whether the issue is of genuine local concern.

15. The CCfA can be rejected at this stage or the councillor could be asked to take additional action before the matter is considered further. If the CCfA is rejected the councillor will be advised of these reasons in writing.
16. If the chair concludes that the item is valid the matter will be referred to the next scheduled Scrutiny Committee meeting.

Committee process

17. The committee will receive an initial report which will allow it to prioritise the issue in its work programme and determine whether the whole committee or a task group progresses the work. The report to the committee will include information covering the issue, what the councillor is requesting as the proposed outcome and previous action taken by the councillor.
18. The committee can use powers under the 2007 Act and other legislation to invite representatives from partner organisations to attend and to request information. Discussions would be based on how to achieve the outcomes that the councillor bringing the CCfA specified on the initial form. The committee would explore possible solutions and complete its consideration of the matter with a recommendation for certain action to be taken. The committee will be responsible for monitoring the implementation of the recommendations.

Councillor call for action: request form

This form should be used by any councillor at South Oxfordshire District Council or Vale of White Horse District Council who would like the Scrutiny Committee to consider a call for action in their ward.

Subject of the councillor call for action:

Would you like the opportunity to speak to the Scrutiny Committee?

Yes: No:

Have you approached the Scrutiny Committee on the same issue in the past six months?

Yes: No:

Why you think the issue should be looked at by the Scrutiny Committee:

Please give a brief synopsis of what the main areas of concern are:

What evidence do you have in support of your call for action:

Who is affected by the call for action:

Have you exhausted all avenues to resolve the issue?

Yes: No:

What action have you taken to resolve the issue:

Are there any deadlines associated with the call for action:

What outcomes would you hope for in making this call for action:

Is the call for action currently the subject of legal action by any party (to your knowledge) or is subject of a formal complaints' process?

Yes: No:

Councillor (print):

Signature:

Ward:

Date submitted:

For Office Use Only:

Received by:

Received on: