

COUNCILLOR CALL FOR ACTION

PROCEDURE

Before a Councillor Call for Action (CCfA) can be referred to an overview and scrutiny committee it must pass the test of constituting either a “local government matter” or a “local crime and disorder matter” within the meaning of the relevant legislation. If it does meet the criteria, it must be placed on the committee’s agenda for discussion.

The procedure is more fully explained in the Council’s Constitution (Part D2, Paragraph 11) however a summary follows:-

1. All Calls for Action will be submitted to the Monitoring Officer in a standard format.
2. Upon receipt of such a Call for Action the Monitoring Officer shall ensure that the item is included on the next available agenda for consideration by the relevant committee, and advise the chairman accordingly.
3. The Monitoring Officer may only reject a Call for Action if (a) it does not relate to a local government matter or local crime and disorder matter; (b) it does not affect all or part of the ward for which the referring member is elected, or any person who lives or works in that ward; (c) it is a matter that has been excluded by Order of the Secretary of State (e.g. planning or licensing appeals and other quasi-judicial matters); or (d) it is frivolous, vexatious or clearly outside the Call for Action provisions (the Monitoring Officer must consult the chairman of the relevant overview and scrutiny committee in this instance).
4. The referring member and any other member of the same ward will be invited to attend a meeting at which his/her Call for Action is discussed, in order to make representations and answer questions. The relevant portfolio holder and senior officer will also be invited if appropriate.
5. If the committee decides that further action should be taken, it may either:
 - a. make immediate recommendations to the Executive or Council;
 - b. request further information or evidence from the ward councillor;
 - c. ask officers to look into the matter and report back;
 - d. invite the relevant portfolio holder to a meeting;
 - e. invite other local stakeholders to a meeting; or
 - f. set up a task and finish group for more detailed investigation and report back by a defined date.

COUNCILLOR CALL FOR ACTION GUIDELINES

Scope and Purpose

1. The Councillor Call for Action procedure is designed as a formal means whereby councillors can raise issues within the ward they represent that are of significant community concern, where the usual channels for doing so (for instance by raising issues with Council officers) have so far been unsuccessful. As such, it is generally seen as **a measure of last resort**, once other approaches have been exhausted.
2. Under the Local Government Act 2000 (S. 21A) and the Police and Justice Act 2006 (S.19), a Councillor Call for Action must:
 - (a) relate **either** to a local government matter (including issues relating to the council's partners, in line with the area focus of Comprehensive Area Assessment), **or** to a local crime and disorder matter (including anti-social behaviour, behaviour adversely affecting the local environment and misuse of drugs, alcohol or other substances); and
 - (b) directly affect all or part of the ward for which the councillor is elected, or any person who lives or works in that ward; and
 - (c) not be a matter that is excluded by order of the Secretary of State (e.g. where well-defined statutory processes apply such as planning and licensing appeals or other quasi-judicial matters).
3. The Councillor Call for Action is not considered an appropriate route for:
 - a. raising individual complaints, for which the Council's corporate complaints procedure should be followed;
 - b. scrutinising matters of wider Council policy, which any member can ask an overview and scrutiny committee to agree to include in its annual work programme (see Council Constitution, Part D2, Paragraph 3);
 - c. questioning decisions which have been taken but not yet implemented by the Executive, for which the call-in procedure may be used; or
 - d. seeking to resolve urgent matters, in view of the time which may be needed for the committee to investigate the matter if it agrees to do so.

The Procedure

4. All calls for action will be made on the Councillor Call for Action form. This will give the councillor's name, the ward, a summary of the matter being raised and how it may be resolved. The councillor will be able to supply supporting information or evidence indicating:
 - a. the degree of local concern or support for the Call for Action (e.g. from local constituents, the parish or town council or local community groups); and

- b. what previous action has already been taken by the councillor or local people to try to resolve the matter, for instance by raising it with the relevant officers, members or authority or by seeking a solution within the ward.

Discussion by the Committee

5. Once it receives a Councillor Call for Action on its agenda, an overview and scrutiny committee is required to discuss the matter and decide what further action, if any, it wishes to take. For instance it may request an officer or member for further information, launch a task and finish investigation and/or make recommendations on how the matter might be resolved.
6. The committee shall have regard to any representations made by the referring councillor as to why it should investigate the matter or make recommendations on it. In deciding what action to take, the committee should also take account of any written information or evidence supplied on or with the Call for Action form.
7. An overview and scrutiny committee already has powers to require members of the executive and officers to attend to answer questions, and to invite other people to attend its meetings. The committee may now also require any councillor who has been granted local ward member powers under Section 236 of the Local Government and Public Involvement in Health Act 2007 (e.g. a delegated budget) to attend to answer questions.
8. If the committee decides not to pursue the matter, it must notify the councillor who referred it of its decision and the reasons for it.

Reports and Recommendations

9. If the committee decides to make a report or recommendations to the Executive or the Council on a Council function it must require the Executive or Council to consider the report and recommendations and respond within two months, indicating what action it proposes to take.
10. The overview and scrutiny committee must also provide the referring councillor with a copy of its report.
11. In the case of a local crime and disorder matter, the crime and disorder committee may make a report or recommendations to the Council, the chief officer of police, the police and fire authorities, the probation board and the primary care trust. Those bodies will be required to consider the report or recommendations; to respond to the committee indicating what action, if any, they propose to take; and to have regard to the report or recommendations in exercising their functions. In practice this procedure is expected to be coordinated through a local community safety partnership.
12. The committee's minutes will clearly record its decisions and the reasons for them, so that these can be notified to all concerned.