
To
Scrutiny Co-ordination Committee

1st April, 2009

Subject
"Councillor Call for Action – a New Voice for Members"

1 Purpose of the Note

1.1 The Local Government and Public Involvement in Health Act 2007 (LGPIH Act) and the Police and Justice Act 2006 introduced the Councillor Call for Action (CCfA), which comes into effect on 1st April, 2009. The Government commissioned guidance to help councils to introduce CCfA and this was published on 13th February, 2009. The Committee considered this issue informally on 4th March, 2009, and gave some guidance to officers. This note sets out more detailed information about how the CCfA could be implemented and developed in Coventry.

2 Recommendations

2.1 The Committee is recommended to:-

- a) Approve the introduction of a pilot scheme for the CCfA, with effect from 1st April, 2009, as detailed in paragraphs 4 and 5 below; and
- b) Authorise officers to carry out further development work with Members, officers and partner organisations, with a view to submitting final arrangements for the CCfA for approval by the Standards Committee and Council by early 2010.

3 Information/Background

3.1 For some time now the Government has been seeking to augment the various ways in which Councils can engage with the public and the communities they serve. Government wish the public to be able to influence the way services are delivered and to have additional avenues for raising concerns and seeking improvements in their localities. To aid this Government wish to enable local councillors to be community champions and have effective tools at their disposal with which to resolve matters of concern to their constituents.

3.2 In 2006 Government published the "Strong and Prosperous Communities" consultation document and suggested the concept of Community Calls for Action, this together with the 2008 White Paper "Communities in Control" has evolved into the concept set out in the LGPIH Act of a Councillor Call for Action. This is seen as a tool to assist councillors in their

role as a conduit between the Council and their residents. Raising a CCfA gives a councillor the opportunity to ask for discussions at a scrutiny committee on issues where local problems relating to local government matters in their ward have arisen and where other methods of resolution have been exhausted.

- 3.3 The introduction of CCfAs will complement the other the tools already available to City Councillors. It is for each local authority to develop its own arrangements for CCfAs, and Members are encouraged to consider how CCfAs might be used for them to resolve local problems. The LGPHI Act gives Councils the power to convene a meeting of a Scrutiny Board and call to account relevant stakeholders, including Cabinet Members, senior officers, and partner agencies (with some exceptions). The CCfA will require the introduction of a proper process to ensure that it fits with existing frameworks: it is intended as a last resort to resolve problems and should not be overly disruptive to planned Scrutiny Board work programmes. The legislation and guidance (based on experience from pilots) set out the kind of framework in which CCfA should operate. The guidance is available from the Centre for Public Scrutiny and can be found via the link below

<http://www.cfps.org.uk/what-we-do/publications/cfps-general/?id=92>

- 3.4 Section 126 of the Local Government and Public Involvement in Health Act 2007 amends the Police and Justice Act 2006 so that largely the same CCfA procedure can be followed in relation to local crime and disorder matters. The only difference is that such matters must be considered by a committee designated by the Council as its crime and disorder committee. This section is due to come into force on 30th April, 2009.

4 Proposals

- 4.1 Given the delay in issuing guidance (it was published on 13th February, 2009), and its general nature, it is proposed that Scrutiny Co-ordination Committee initially establish pilot arrangements for the introduction of CCfA on 1st April 2009. This will facilitate the opportunity for more in-depth work on developing a CCfA process in Coventry which engages key partner agencies, develops clear protocols on gateways and alternative methods of problems resolution and does so in a way that will be grounded in some experience of operating the tool through Scrutiny. These arrangements will help to establish a process as required by legislation while making sure that the process the Council finally agrees is well researched and founded on good local experiences.
- 4.2 The intention is that CCfAs will be the last resort for councillors seeking to resolve issues of concern to them and or their community. They should essentially relate to ward issues, but do not necessarily have to relate directly to a Council service: they can relate to services provided by the Council's partners. Councillors will be expected to have undertaken steps to resolve their problem before making a CCfA. It is proposed that a request form (attached as the Appendix to this report), which asks for information on previous steps, be completed by any Councillor wishing to make a CCfA.
- 4.3 It is proposed that the pilot (which will include crime and disorder CCfAs) be conducted for 6 months, using the following procedure:
- Any Member who wishes to make a CCfA must complete and submit a request form to Governance Services.
 - The form must be considered informally at the next available meeting of the Scrutiny Co-ordination Committee, who will decide whether or not the CCfA should be progressed and, if so, which Scrutiny Board should consider it in detail. It will also be

open to the Committee to decide to carry out this detailed consideration itself, unless it is a crime and disorder CCfA, which must be referred to the designated crime and disorder scrutiny board.

In making its decision, the Committee will take into account whether any of the following applies:-

- Not enough information has been provided;
- The matter falls under excluded matters – these will be defined further by legislation but will include Planning, Education and licensing appeals.
- More could be done to resolve the issue at a local level, e.g. key people have not been contacted;
- The CCfA is, or has stemmed from, a vexatious complaint;
- The matter has recently been examined by Scrutiny;
- The matter is the subject of an ombudsman complaint or other official complaints procedure

4.4 If the Committee decides that the CCfA should be progressed, it must then be considered in detail within 6 weeks. Arrangements for this detailed consideration will need to include deciding what information is required and who will need to contribute (either in writing or by attending the meeting). It is likely that this detailed consideration will vary according to the issue involved and therefore it is not proposed to prescribe how it should operate.

4.5 The Committee is asked to note that the CCfA process might not result in a direct solution to a problem. However, it is a way to provide a forum where intractable problems can be discussed and possible action considered.

4.6 During the pilot period, officers will take the opportunity to undertake consultation with Councillors, officers and key partners to explain the CCfA and consider how they might best be involved in the process.

5 Key milestones

1 st April 09	Formal report to Scruco authorising pilot
October 09	Scruco to review pilot and decide whether to extend the pilot or to make recommendations to Standards Committee and Council about a formal amendment to the Constitution to incorporate a process for CCfA
January 10	Council to amend the Constitution (if the pilot is not extended)

6 Other matters

6.1 Members are reminded that the Government have included in the current legislative programme the Local Democracy and Economic Development Bill, which will incorporate a requirement for the City Council to have a formal set of arrangements for dealing with petitions from members of the public. These will inevitably require some adjustment to the current petitions process, but will be dealt with by a separate report following the passage of this legislation.

6.2 The CCfA guidance also includes information on Section 236 of the LGPIH Act which allows local authorities to delegate some of their functions, decision-making or budgets to individual or groups of councillors. This power is optional and is not specifically relevant to Scrutiny. Officers can report in more detail on this provision should Members request this.

Briefing Note Authors:

Peter Barnett
Scrutiny Co-ordinator
Tel: 02476 831172

Corinne Steele
Scrutiny Co-ordinator
Tel. 024 7683 1145

Adrian West
Performance & Scrutiny Manager
Tel. 024 7683 2286

COUNCILLOR CALL FOR ACTION (CCfA) REQUEST

PLEASE NOTE THAT THIS FORM *MUST*:

- a) **BE SIGNED OR ELECTRONICALLY VERIFIED PERSONALLY BY THE ELECTED MEMBER WHO WISHES TO MAKE THE CALL FOR ACTION**
- b) BE HANDED IN TO GOVERNANCE SERVICES STAFF IN ROOM CS59, SENT BY FAX TO COVENTRY 7683 3266 OR, IN THE CASE OF AN ELECTRONIC SUBMISSION, E-MAILED TO ????????????????

WHAT IS THE SUBJECT OF YOUR CCfA?: (please give a brief outline of the issue)
WHAT DO YOU WANT TO BE THE OUTCOME OF YOUR CCfA?

THE CCfA STATUTORY GUIDANCE EXCLUDES SOME AREAS FROM THE CCfA PROCESS. PLEASE ANSWER THE FOLLOWING QUESTIONS IN ORDER TO SHOW WHETHER OR NOT YOUR ISSUE RELATES TO AN EXCLUDED AREA:

Does the issue relate to a problem in your ward?	YES/NO
Does it relate to a complaint made by an individual or an organisation?	YES/NO
Does it relate to a planning or licensing problem?	YES/NO

THE CCfA STATUTORY GUIDANCE STATES THAT A CCfA SHOULD BE MADE ONLY WHEN ALL OTHER AVENUES HAVE BEEN EXHAUSTED. PLEASE ANSWER THE FOLLOWING QUESTIONS IN ORDER TO SHOW THE ACTION PREVIOUSLY TAKEN TO RESOLVE YOUR ISSUE:

1. Has the issue been discussed at a meeting of any of the following:-

Cabinet	YES/NO	DATE:
Cabinet Member (please state which)	YES/NO	DATE:
Scrutiny Board (please state which)	YES/NO	DATE:
Ward Forum (please state which)	YES/NO	DATE:

