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## PROTOCOL FOR COUNCILLOR CALL FOR ACTION

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### 1.0 INTRODUCTION

1.1 Councillor Call for Action (CCfA) was introduced under the Local Government and Public Involvement in Health Act 2007. It seeks to strengthen the role of the Ward Councillor, encouraging them to resolve local problems on behalf of residents. The legislation allows Ward Councillors to place CCfA onto scrutiny agendas for resolution and action. The legislation extends the power of the Council's Overview and Scrutiny function in two ways:

- So that any Member of the Council can refer a local government matter to the Council's Overview and Scrutiny Committee; and
- that matters which can be referred include matters which the Council and its partners are delivering through the Local Area Agreement and "local crime and disorder" matters.

1.2 The CCfA Best Practice guidance released by the Centre for Public Scrutiny (CfPS) and the Improvement and Development Agency (IDeA) refers to the importance of concentrating on outcomes rather than process when dealing with CCfAs. This protocol is therefore a light touch approach.

1.3 The protocol outlines what constitutes a CCfA, what should be excluded and the process for dealing with a CCfA. The protocol applies to CCfAs related to crime and disorder matters as well as local government matters.

### 2.0 WHAT IS COUNCILLOR CALL FOR ACTION?

2.1 The CCfA is a process for a Councillor to act on behalf of residents to resolve a local issue of concern, acting as a last resort for people who cannot get issues resolved through any other means; this can include crime and disorder matters.

2.2 Under section 21A of the Local Government Act 2000, a CCfA needed to relate to a "local government matter". To give full effect to CCfA, the interpretation of "local government matter" was broad. It would include issues relating to the Council's partners, in line with the area focus of Comprehensive Area Assessment (CAA), and the fact that an Authority's duties increasingly impact on other organisations and involve partners within and outside the Local Strategic Partnership (LSP).

2.3 Under CCfA, Ward Councillors are able to refer issues to Overview and Scrutiny Committee, where it can be shown that:-

- the issue is of a genuine and persistent local concern;
- the issue is not subject to ongoing legal processes; and
- other courses of action have failed to resolve the matter.

2.4 The Localism Act 2011 has provided further clarification on the matters or concerns that can be referred through the CCfA process:-

- Ward Councillors are no longer restricted to referring matters of 'local government concern' to Overview and Scrutiny Committee.

### **3.0 MATTERS WHICH ARE EXCLUDED FROM COUNCILLOR CALL FOR ACTION**

3.1 The following matters have been excluded under section 21A of the Local Government Act 2000, introduced under section 119 of the Local Government and Public Involvement in Health Act 2007:

- any matter relating to a planning decision;
- any matter relating to a licensing decision;
- any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Committee or at a meeting of a Sub-Committee of that Committee.

### **4.0 CCFA PROCESS**

4.1 In accordance with the national best practice guidance Overview and Scrutiny should be the last resort for a CCfA. The expectation will be on the Ward Councillor to have tried to resolve an issue using all available mechanisms (including partnership working when appropriate) prior to referring the matter to the Overview and Scrutiny Committee. When a matter is referred to the Overview and Scrutiny Committee it will be up to the Overview and Scrutiny Committee Chairman and the Proper Officer whether the matter is progressed and taken forward by scrutiny. The process of determination by the Overview and Scrutiny Committee Chairman with the Proper Officer represents a sifting process to determine if the matter is of sufficient weight to be considered as a CCfA, and to determine whether the matter is excluded under paragraph 3 above.

4.2 At this stage the Overview and Scrutiny Committee Chairman, together with the Proper Officer, will need to decide if the matter relates to a joint service

issue. If so, the matter should be considered by the Councils' Joint Overview and Scrutiny Committee and the Chairman and Proper Officer will need to consult with the Worthing Borough Council Overview and Scrutiny Committee Chairman to determine if the matter should be considered by the Joint Overview and Scrutiny Committee.

- 4.3 The possible reasons for rejecting a CCfA are outlined at paragraph 5.0 below.

## **5.0 REFERRAL TO SCRUTINY**

5.1 The Chairman of the Overview and Scrutiny Committee will then determine with the Proper Officer whether to take the CCfA forward. The Proper Officer will inform the Ward Councillor whether they will accept the CCfA within 5 working days of the request. If the CCfA is a crime and disorder related matter then responsible partners must be notified.

5.2 Reasons an Overview and Scrutiny Committee Chairman may decide not to take a CCfA forward to Overview and Scrutiny Committee (or Joint Overview and Scrutiny Committee) could include:

- Not enough information has been provided;
- 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 discriminatory or unreasonable complaint;
- The matter has recently been examined by Overview and Scrutiny (though the Ward Councillors may argue that certain aspects were not sufficiently covered hence a need for a CCfA);
- The matter is the subject of an Ombudsman complaint or other official complaints procedure;
- The matter falls under any other excluded matters (see paragraph 3 above).

5.3 If a CCfA is rejected for consideration by scrutiny the Ward Councillor will be notified by the Proper Officer in writing within 5 working days of lodging the CCfA. Where it is a Crime and Disorder CCfA, all responsible partners must also be notified of the rejection. Ward Councillors will have the opportunity to reply to the Chairman perhaps with further information to substantiate the CCfA.

5.4 If the CCfA is accepted, the relevant Executive Members, Officers and/or partners will be notified by the Proper Officer.

## **6.0 PROCESS FOR RESOLUTION OF A CCFA**

6.1 In an attempt to resolve the CCfA, a Ward Councillor may:

- receive public request for action or issue;
- discuss with other Ward Councillors if a multi-member ward and agree action;
- take steps to resolve the issue through existing mechanisms such as liaising with partners, County Councillors or raising with Officers;
- If unresolved and the matter can be taken no further by the Ward Councillor then refer to the Overview and Scrutiny Committee by completing “the Councillor Call for Action Form” and submit this to the Proper Officer for action.

6.2 Overview and Scrutiny Committee either:

- reject the CCfA and notify the Ward Councillor, who in turn should inform the public; or
- accept the CCfA and arrange to consider the CCfA, notifying partners as appropriate. Following which they will determine their response and relay this to the Ward Councillor and Partners as appropriate.

**7.0 PROCESS FOR DEALING WITH A CCFA AT OVERVIEW AND SCRUTINY COMMITTEE**

7.1 The Chairman and Proper Officer will determine if a special meeting outside the calendar of meetings is required and call a meeting, if not then the CCfA will be dealt with at the next available meeting of the Committee.

7.2 The Chairman in consultation with the Ward Councillor and Proper Officer when considering the meeting should give consideration to:

- Witnesses;
- Notifying and Inviting Partners
- Evidence required;
- Key questions;
- Timescales; and
- Aims and objectives for the meeting.

7.3 In a similar fashion to the call-in process, at the meeting of the Overview and Scrutiny Committee, or Joint Overview and Scrutiny Committee, as appropriate, Members will be expected to reach a decision on whether to:

- take no action;
- refer the matter to the Executive/Council/Partner Organisation, with recommendations; and/or
- carry out a full scrutiny investigation.

7.4 Any report and recommendations arising from the Committee meeting will be made available and sent to all agencies involved with the CCfA within 5 working days of the meeting. In the case of a crime and disorder matter,

reports and recommendations will be sent to the responsible authorities as listed in the Police and Justice Act 2006.

## **8.0 PROPER OFFICER**

- 8.1 For the purposes of this protocol, the Proper Officer dealing with Councillor Call for Action will be the Council's Corporate Policy Officer (Scrutiny).