

Councillor Call for Action

Guidance for Councillors in Cherwell

With the implementation of new legislation¹, a councillor may now formally request a relevant scrutiny committee to consider an issue – formally known as a ‘Local Government matter’ – in their ward for further investigation through a ‘Councillor Call for Action’ (CCfA).

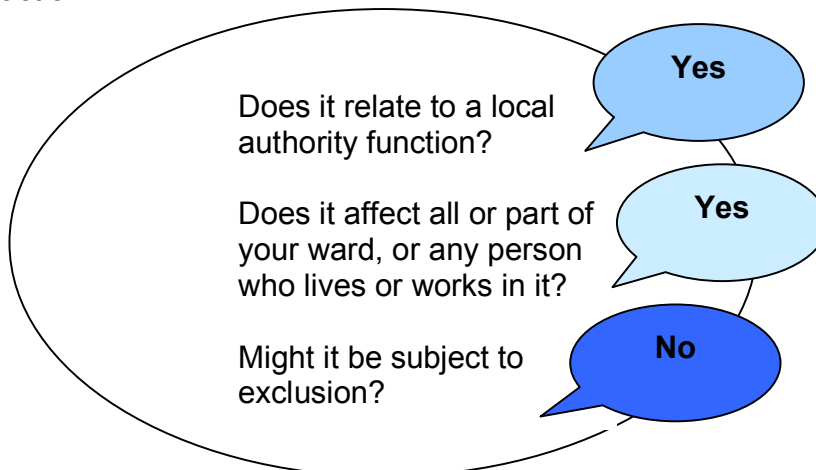
Many authorities, including Cherwell, already have in place mechanisms for members to raise an issue with scrutiny within their own authority.

However, the legislation now extends the rights of members to refer a local government matter not just to the committees of their own Authority, but in the case of two-tier areas such as Oxfordshire, to the committees of the relevant District, City or County scrutiny committee, irrespective of whether they are a member of that authority.

This guidance is to help councillors decide whether they have a valid Call for Action, and provides details of how to lodge a Call for Action in Cherwell.

What is a valid Councillor Call for Action?

In very simple terms, you must be able to answer yes, yes and no to the following questions to determine whether it is a ‘local government matter’ and a valid Councillor Call for action:



¹ Local Government Public Involvement in Health Act, 2007

The powers that a local authority has for the 'well-being' of its area might mean in effect that there are quite broad interpretations of a local authority function as is demonstrated by the examples given later in this guidance.

There are exclusions in statutory guidance for the Councillor Call for Action. The exclusions include:

- Vexatious or persistent requests
- Requests which could be dealt with by formal complaints or appeals' processes (unless systematic failure can be demonstrated)

Before submitting a Councillor Call for Action, it would be expected that you will have tried to resolve the issue using existing channels open to you, such as discussions with staff and other members; formal letters and motions at Council. The intention behind the legislation is that the Councillor Call for Action should be used as a last resort, where all other avenues have failed.

How do I submit my Councillor Call for Action?

You should make a written or email submission to the Chief Executive (copied to the Scrutiny team) setting out the basis of your Councillor Call for Action. You should aim to include the following information:

- Your contact details
- The Authority and Ward that you represent
- Title of your Councillor Call for Action
- Brief synopsis of the Councillor Call for Action issue
- What evidence you have to support your Councillor Call for Action
- Which areas or community groups are affected by your Councillor Call for Action
- How you have tried to resolve the issue
- Any deadlines associated with the Councillor Call for Action
- What outcomes you hope to achieve through this Councillor Call for Action

If it is agreed that it is a valid local government matter, you will then be informed of the date and time of the scrutiny committee which will consider your Councillor Call for Action, and whether the Committee wishes to hear any further representations from you or other parties.

If the Committee decides to not to take the 'matter' further, it must explain the reasons, and if it does take the matter up, it must make sure that you have a copy of any reports or recommendations that it makes.

The following examples may be helpful:

Example 1:

Councillor Green is a member of a District Council. At her ward surgeries, and when out and about, she receives regular comments about fly tipping in the area. A number of individual complaints have been put to the authority, but there has been no discernable improvement. Councillor Green wonders whether she can refer this matter to the relevant overview and scrutiny committee, so asks herself the following questions:

1. Does it relate to the discharge of any function of the Local Authority? **Yes.** Dealing with fly tipping is a local government function, and in Oxfordshire, is the responsibility of District Councils.
2. Does it affect all or part of her ward, or anyone living or working in it? **Yes**
3. Have other avenues failed to resolve the issue? **Yes.** There have been several complaints which have failed to resolve the issue, which could be considered as a systematic failure to resolve the issue.

Example 2:

Councillor Brown is a member of a County Council. He has been approached by a group of residents regarding the poor response of the local water company in responding to burst mains pipes, causing flooding in a local street. This issue has also received wide coverage in the local press. Councillor Brown is considering a Councillor Call for Action as a means to getting a promise of action from the water company. He asks himself the three qualifying questions.

1. Does it relate to the discharge of any function of the Local Authority? **It depends.** The provision and management of utility services such as water is not a function of local authorities. So initially the answer is no. However, there are other areas of local government responsibility which might be affected, for example the power to promote or improve the economic, social and environmental well-being of their area, introduced by the Local Government Act 2000. So a scrutiny committee may judge that this is a valid Call for Action, although they will not have any power to 'require' co-operation from the water company.
2. Does it affect all or part of his ward, or anyone living or working in it? **Yes**
3. Have other avenues failed to resolve the issue? **Possibly.** It may require further research to establish what residents have done so far to resolve the issue, and whether there are a number of areas suffering from similar levels of perceived poor service.

