

# Resources & Performance Scrutiny Board

## The Councillor Call for Action

22 September 2009

### Report of Head of Legal and Democratic Services

#### PURPOSE OF REPORT

This report advises Members of the introduction of a Councillor Call for Action as determined by the Local Government and Public Involvement in Health Act, 2007.

This report is public

#### **Recommendations**

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The Resources and Performance Scrutiny Board is recommended to:

- (1) Note the contents of this report and to consider the implications for this Council of the Councillor Call for Action
- (2) Note the comments of the Overview and Scrutiny Committee on the Councillor Call for Action Guidance (Appendix 1).

#### **Details**

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##### **Introduction**

- 1.1 The Councillor Call for Action is one of a number of recent changes in legislation that provide new powers for overview and scrutiny committees. In principle the changes seek to empower communities and enable local people, through their councillors, to participate in decisions that affect their day to day lives.
- 1.2 In practice the introduction of the Councillor Call for Action will not alter significantly the powers that members of Cherwell District Council already have. It simply formalises an arrangement that we have followed for a number of years in so far as members have always been able to refer an item to overview and scrutiny for consideration.
- 1.3 The issue for debate is not the formal introduction of the Councillor Call for Action but the extent to which it is taken up and used and what implication it has regarding the expectations of residents.

- 1.4 The Councillor Call for Action and the guidance note (Appendix 1) were considered by the Overview and Scrutiny Committee at its meeting on 15 September 2009. The Vice-Chairman and Scrutiny Officer will advise the Board of any comments arising from that meeting.

## **Proposals**

### **The Local Government Public Involvement in Health Act, 2007**

- 2.1 Although the Local Government and Public Involvement in Health Act was published in December 2007 the regulations relating to overview and scrutiny and the introduction of the Councillor Call for Action did not come into force until 1 April 2009.
- 2.2 The Councillor Call for Action (CCfA) provides all members of the Council with the opportunity to refer a local government matter<sup>1</sup> to an overview and scrutiny committee for consideration.
- 2.3 The main points of the Councillor Call for Action legislation are as follows:
- It will be up to individual councillors to determine which issues to take forward as a Councillor Call for Action – but it should represent genuine local community concern and apply only to a single ward;
  - there will be no requirement for councillors in multi-member wards to agree to the referral as this matter is for each individual Councillor;
  - Councillor Call for Action applies to any council or council partnership function;
  - If a councillor decides not to refer a matter, no further action is taken under a Councillor Call for Action;
  - It will be up to overview and scrutiny to determine whether or not to hold a scrutiny inquiry into the matter and to respond to the councillor accordingly;
  - There will be no right of appeal for a constituent via the Council's executive or committee processes if a councillor or committee decides not to pursue an issue as a Councillor Call for Action;
  - Councillors should regard the Councillor Call for Action as a last

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<sup>1</sup> This is defined as a matter “which relates to the discharge of any function of the Authority, affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area, and is not an excluded matter”. (See Constitution, page 17 for a list of ‘excluded matters’). The definition has been extended (under the Police and Justice Act 2006) to include crime and disorder matters in a Councillor Call for Action.

resort for difficult and intractable problems, and they will have to demonstrate that they have exhausted all other steps formally and informally to resolve the issue in their ward.

- 2.4 Whilst 'a local government matter' could be interpreted narrowly, to mean only those issues under the direct control of the authority the guidance suggests that to give full effect to the Councillor Call for Action the interpretation of 'local government matter' needs to be broader. This includes issues relating to the council's partners, in line with the area focus of the Comprehensive Area Assessment and the fact that an authority's duties increasingly impact on other organisations and involve partners within and outside the Local Strategic Partnership.
- 2.5 The legislation is not prescriptive as to the manner in which Councils are required to put the Councillor Call for Action into operation. However, the guidance does stress the importance of ensuring that the Councillor Call for Action is a responsive and un-bureaucratic process which delivers tangible outcomes on short timescales.

### **Conclusion**

- 3.1 The Constitution already allows that 'any member of the Council may give written notice to the Chief Executive that they wish a local matter relating to the work of the authority to be considered for inclusion in the overview and scrutiny work programme' and this has long been the practice at Cherwell.
- 3.2 Accordingly there does not appear to be a case for the creation of a separate Councillor Call for Action protocol or documentation at this time, although it may be necessary to revisit this decision in the future, in the light of practical experience of a Councillor Call for Action request.
- 3.3 In the meantime members may find it helpful to refer to the attached guidance note which provides a general illustration of how the Councillor Call for Action might operate (Appendix 1).

### **Implications**

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#### **Financial:**

At this stage it is not possible to predict the extent to which members will use the Councillor Call for Action mechanism and it is not possible to quantify the level of resource required to support those activities. But it is expected that the resources required to deliver the requirements of the new legislation will be delivered from existing provision. Regular monitoring will need to take place to consider the impact on officers to resource these additional activities.

Comments checked by Denise Westlake, CSR  
Service Accountant, Payroll & Pensions Manager  
01295 221982

**Legal:**

The revisions to the Constitution in April 2009 took account of the most recent legislative changes to overview and scrutiny. The way in which overview and scrutiny is undertaken at the Council will continue to evolve in the light of recent legislation and guidance and further (minor) revisions to the Constitution may be necessary.

Comments checked by Pam Wilkinson, Principal Solicitor, 01295 221688

**Risk Management:**

The Councillor Call for Action may increase the workload of the overview and scrutiny committees. If too many items are included on the work programme there is a risk that scrutiny agendas become overloaded. This undermines effective scrutiny because Members are unable to concentrate on the key issues and officer resources are over-stretched.

Comments checked by Rosemary Watts, Risk Management & Insurance Officer 01295 221566

**Wards Affected**

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All

**Corporate Plan Themes**

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The new powers for overview and scrutiny are relevant to all the Council's corporate priorities.

**Executive Portfolio**

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All

**Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Councillor Call for Action – Guidance for Councillors in Cherwell
<b>Background Papers</b>	
None	
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