



councillor call for action
a new voice for members



New powers forward councillors to help them tackle local problems on behalf of their constituents have been brought in by the Government. These powers are contained in the Local Government and Public Involvement in Health Act 2007 ("the Act"), and the Police and Justice Act 2006.

This is only a summary of these new powers, and the ways in which councils could put them into practice. More detailed information is provided in guidance produced by the Improvement and Development Agency for local government (IDeA) and the Centre for Public Scrutiny (CfPS), which can be found at www.cfps.org.uk.

what are the new powers?

Councillors will have the ability to call for debate and discussion at committee on a topic of neighbourhood concern, under section 119 of the Act (which inserts a new section 21A into the Local Government Act 2000). These powers are known as the “Councillor Call for Action” (CCfA for short). The powers are limited to issues affecting single council wards. More general policy issues can continue to be dealt with by scrutiny committees under their existing powers.

Some councils have sections in their constitutions which give powers to individual councillors to put items on scrutiny committee agendas. CCfA goes beyond this. CCfA is an opportunity for the whole council, and is a way for members to try to bring about specific solutions for local problems. It is designed to sit alongside existing mechanisms already at councillors’ disposal to resolve local issues.

The power under section 236 of the Act, gives councils the right to delegate council functions to individual members to exercise in their ward, enhancing the role of ward members and giving them the ability to get things done without going through the council’s executive decision-making process. Section 237 of the Act inserts a new section into the Local Government Act 1972. This requires a record to be kept of decisions made under section 236 of the Act, through regulations setting out how this is to be done. Functions which could be delegated include those relating to environmental services, community grants and youth activities. However, councils will need to put in place support to allow members to exercise these roles effectively – possibly as part of neighbourhood working arrangements.

Some authorities already delegate budgets, and functions, to individual wards or individual members under neighbourhood working arrangements. These new provisions – which are optional for authorities – will allow those powers to be placed on a more formal footing, and will also allow them to become more streamlined.

who will use the powers?

The CCfA powers are for any member of the authority to use. Any member can bring a Councillor Call for Action on any issue they choose. However, there are certain exceptions (for example, if a CCfA is vexatious, or where it deals with an individual complaint), and councils themselves may wish to put in place guidelines to make sure that issues can be dealt with under CCfA quickly and effectively. Councils will need to be prepared to provide guidance and advice to the new provisions for members.

In relation to the S236 powers to delegate to individual members, different functions will need to be delegated in different ways. Most functions can be delegated directly by full council or in accordance with the council's scheme of delegation. Functions of cabinet members can be delegated directly to members by the council leader. It will then be for individual members to carry out those functions according to the council's own existing policies.

why use the powers?

CCfA is designed as a “long stop”, to be used when all other attempts at resolution have failed. It is not designed to provide an immediate solution, but high-profile public discussion of an issue through CCfA. It offers a chance to bring a pressing issue to a wider audience and to discuss such issues in an independent, neutral forum.

Examples of why members might use CCfA include calls for action regarding:

- sustained poor performance at a local school
- poor maintenance of a park, leading to increased anti-social behaviour
- a series of complaints about refuse collection services, which demonstrate a continuing trend of poor performance

Examples of why members might want to exercise delegated functions include:

- to carry out improvements to the local streetscape
- to provide funding to local community projects
- to help organisations such as the police, council and NHS to work better together at a neighbourhood level.

how will CCfA work in practice?

It is up to local councils to specify how CCfA will work in their authority. Generally speaking it will become relevant when a councillor has exhausted all other steps to resolve an issue in his or her ward. The following provides a general illustration of how things might operate in practice. Precise procedures are down to individual councils to formulate and agree.

The councillor would approach the chair of O&S to request that a CCfA on the issue be considered at committee. The chair would decide if a CCfA was appropriate, based on the council's policy and the rules on exclusions. If agreed, the issue would be placed on the agenda for a subsequent meeting.

The committee would be able to use its powers under the Local Government Act 2000, to invite representatives from partner organisations to attend, where

relevant, and to request information. The discussion would take place at committee, based on how to achieve the outcomes that the member bringing the CCfA had specified. The ensuing discussion would explore potential solutions, and the item would end with the committee recommending that certain action be taken.

It should be pointed out that discussions at committee will not necessarily resolve the issue immediately. But the CCfA process will act as a spur for members and officers to work together to jointly develop policies to overcome the problem.

what do councils have to do to make this happen?

Councils asked that the guidance provide them with the maximum flexibility possible within the legislation to develop solutions that work best for their own authority. However, many were keen that some form of steer should be provided, to give an indication of the opportunities that CCfA, and the power to delegate functions to individual members, could provide.

Local authorities should think about CCfA in the context of existing policy around:

- petitions
- complaints
- the scrutiny work programme
- freedom of information

amongst other things.

Councils will also need to think about:

- how partners and the executive will be involved when procedures for CCfA are being developed
- how CCfAs will operate at committee, and whether there is the need for a formal process for CCfA discussions
- who should define whether or not a CCfA issue has been “resolved”, or whether further action needs to be taken.

These new powers will come into force on 1st April 2009.

where can I find out more?

You can find out more information about CCfA and the power to delegate functions to individual members in the more detailed guidance document produced jointly by the Centre for Public Scrutiny and the Improvement and Development Agency. This guidance provides some worked examples and some discussion of issues that councils will need to think about when putting the procedures.

Backing up this guidance document is a further report which provides more comprehensive information about the way in which authorities around the country have already started to give effect to CCfA.

More information is available at:

www.cfps.org.uk

www.idea.gov.uk

www.communities.gov.uk

www.opsi.gov.uk – for the original legislation and regulations



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