

## COUNCILLOR CALL FOR ACTION: PROCESSES AND PROCEDURES

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### Summary

This report outlines the proposed procedures and processes for utilising the Councillor Call for Action function within Shropshire Council.

### Recommendations

To:

- A. Consider the recommended process and procedure.

### Report

### BACKGROUND

1. As part of the Local Government White Paper October 2006, the Government committed to introducing a "Councillor Call for Action" (CCfA) which would allow greater scrutiny of all local government matters. This came into being from 1<sup>st</sup> April 2009.
2. This function allows local ward members more powers to bring local matters of significance to the attention of the relevant Scrutiny Committee, following consultation with relevant officers and outside organisations. The function could also be used to hold partnership organisations accountable for relevant issues of local concern covered by the Local Area agreement.
3. The white paper established areas that would not be available to be subjected to a CCfA, including vexatious complaints, licensing and planning matters (quasi-judicial), and matters that were not considered of significance to the whole local community. The white paper also emphasised the 'last resort' basis of the CCfA function, and noted that all issues should attempt to be fixed prior to the submittal of an issue as a CCfA.
4. The white paper did not define a set process for the dealing with of CCfAs, and allowed local government authorities the flexibility to develop individual processes more suited to their authority's environment and circumstances. As a result, several local government authorities undertook pilot schemes to devise suitable Best Practice methods, which other authorities could utilise to establish processes and procedures.
5. The Improvement and Development Agency (IDeA) in conjunction with the Centre for Public Scrutiny (CfPS) produced a best practice booklet detailing some of the approaches that the pilot CCfA schemes took. This can be found at <http://www.cfps.org.uk/what-we-do/publications/cfps-general/?id=92>. An executive summary is attached at Appendix A. A full copy of the Best Practice booklet is available in the Members' Room.

## KEY ISSUES FOR CONSIDERATION

6. Key issues for consideration during the production of the procedures and processes for the CCfA pilots were:
  - The CCfA function should not be used to reopen previously closed or vexatious complaints.
  - The CCfA function should only be used as a last resort to resolve issues of importance to the local community.
  - The capability for all Members of the Council to both call-in decisions and place items on the relevant Scrutiny Committee's agenda.
  - The inclusion and cooperation of partnership bodies is important to establish and maintain the effectiveness of the CCfA process.
  - To clarify the involvement of local committee structures in the process.
  - The importance of member training on CCfA.

## THE PROPOSED APPROACH

7. Birmingham City Council, in its role as an authority undertaking a pilot CCfA scheme, developed the 'Gateway' approach. This approach utilises a Member Checklist to attempt to resolve potential CCfAs before the relevant Scrutiny Committee received them. The Member Checklist includes such actions as consulting relevant officers, approaching relevant Cabinet members, and consulting relevant local groups and communities prior to submittal.
8. By utilising this approach to its fullest extent Birmingham City Council has been able to reinforce the emphasis on CCfAs as a 'last resort' for local matters, and as a result has received no CCfAs at a Scrutiny Committee level (as of the date of this report), due to all matters being resolved during the Gateway process. This result highlights the effectiveness of Birmingham's method and is noted as good practice by the CfPS.
9. The 'Gateway' approach lists several paths in which Members could submit their issue to attempt to seek a resolution prior to the issues transformation into a CCfA. Some of these suggested paths of enquiry as listed below.
  - The Member could consult a Shropshire Council Officer to attempt to resolve any service related issues;
  - The Member could consult the relevant Cabinet Member to attempt to resolve any policy issues that could be addressed by Cabinet;
  - The Member could consult any relevant local groups or organisations that may be able to address, or assist in addressing, the issue. This would encompass partner working as explained in paragraphs 18 and 19;
  - The Member could address the relevant Local Joint Committee, which may be able to utilise its scrutiny function to resolve the issue.

10. While the 'Gateway' approach does suggest paths which a Member may pursue, the Member can also follow any lines of enquiry that he or she feels may be fit and advantageous towards the resolution of the issue. All actions taken to resolve an issue must be reported to the relevant Chair and Scrutiny Committee in order to maximise the effect of any action taken by the Committee.
11. The Council also ensured that its Constitution allowed for all Members to place items on the agenda of the relevant Scrutiny Committee, and allowed all Members to Call-in items to Scrutiny. This allows support to the CCfA process. Shropshire Council already has the facility to allow any Member of the Council to place an item on the agenda of the relevant Scrutiny Committee, and to call-in matters to the relevant Scrutiny Committee.
12. The complete process for CCfAs is proposed as follows:
  - Step 1: The submitting Member utilises the Gateway checklist to attempt to resolve the issue prior to submitting a CCfA.
  - Step 2: The submitting Member will fill out the 'Councillor Call for Action Submittal Form' (Appendix B) and would submit it to the Complaints and Scrutiny Team, who would then consult with the relevant Director and Scrutiny Chair to consider the validity of the CCfA, in conjunction with the validity criteria (see paragraph 15).
  - Step 3: If the CCfA is considered valid by the Scrutiny Chair and Director, then the CCfA would be presented at the next meeting of the relevant Scrutiny Committee, or in cases where the Committee is not due to meet in the next 30 days from this point the Chair could call a Special Committee meeting, where the CCfA would be considered.
  - Step 4: The CCfA should be presented to the relevant Scrutiny Committee where the submitting Member should be allowed to present the case for the CCfA. Following this the Committee may decide to form a Task & Finish Group which may include the Scrutiny Chair, selected Members from the relevant Scrutiny Committee, the submitting Councillor and relevant Service Heads/representatives from Partnership bodies.
  - Step 5: The Task & Finish Group, upon reaching a decision, would then report back to the relevant Scrutiny Committee with recommendations on action to be taken, which may include recommendations to be made to Council or Cabinet.
13. In all cases the submitting Member should be notified of the Committees decision, recommendations and reasons. This information should also be made publicly available.
14. A diagram of this process is attached at Appendix C.
15. The Chair of the relevant Committee and Director should receive and examine the CCfA prior to it being addressed by the Committee. During this examination, the CCfA can be rejected or postponed if it does not meet any of the following criteria:
  - Not enough information has been provided
  - All pre-submittal work has not been completed
  - The matter has recently been covered by a Scrutiny Review

- The CCfA has stemmed from a vexatious complaint;
- The matter is the subject of a Local Government Ombudsman complaint or other official complaints procedure;
- The matter relates to a quasi-judicial function, such as planning or licensing;
- The CCfA is not considered reasonable e.g. it is felt that the matter cannot be progressed further.

### MEMBER TRAINING

16. As part of the Member Induction Programme an Overview & Scrutiny Session is planned for 28<sup>th</sup> July 2009.
17. The training session will cover both the Scrutiny Committees function and the Councillor Call for Action processes and procedures.

### PARTNER CONSULTATION

18. It will be important to engage with partner organisations on CCfA to ensure that relevant organisations have a full working understanding of the powers that the CCfA process enables, how this links to the strengthened statutory powers of Overview and Scrutiny to hold partners to account for local performance, and the CCfA procedures that Shropshire Council has adopted.
19. It is proposed that the Shropshire Partnership Leadership Board receive a report at a future meeting.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

'Strong and Prosperous Communities' Government White Paper  
 'CCfA Best Practice Guidance' published by IDeA and CfPS

**Human Rights Act Appraisal**

The recommendations in this report are compatible with provisions of the Human Rights Act 1998.

**Environment Appraisal**

There are no environmental issues.

**Risk Management Appraisal**

There is a risk that if Shropshire Council does not develop and utilise a CCfA process it would not adhere to the Government white paper 'Strong and Prosperous Communities' and would not utilise the improvements to organisational and partnership scrutiny.

**Community / Consultations Appraisal**

Consultation will be carried out with partnership organisations which will enable formal partnership agreements.

**Cabinet Member**

All

**Local Member**

All

**Appendices**

Appendix A – Executive Summary of CCfA Best Practice Guidance  
 Appendix B – Sample Councillor Call for Action Submittal Form  
 Appendix C – Diagram of proposed Councillor Call for Action process

