



<u>Committee and date</u> CMT - 1 September 2009 Strategic Overview and Scrutiny Committee - 9 September 2009	<u>Item</u>	<u>Paper</u>
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COUNCILLOR CALL FOR ACTION: PROCESSES AND PROCEDURES

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SUMMARY

Further to the Council report of 16 July, this report provides members of Strategic Overview and Scrutiny Committee with the options for Councillor Call for Action (CCfA) and makes a recommendation for procedures and processes.

RECOMMENDATION

- A. That the Committee agrees the recommended process and procedure (option 1).

Report

BACKGROUND

- At its meeting 16 July 2009, Council received a report recommending approval of the 'gateway' approach, as adopted by Birmingham City Council, for utilising CCfA in Shropshire.
- Council agreed that more options should be explored before taking a decision on the approach to take. The report was referred to Strategic Overview and Scrutiny Committee to consider further research and report back to Council with a recommendation for the method considered most appropriate for Shropshire.
- As a reminder, CCfA has been introduced by the government to strengthen the role of the ward councillor. The focus of CCfA is on neighbourhood or locality issues and specifically the quality of public service provision at a locality level.

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.

- Matters that cannot be raised as a CCfA are:
 - Individual complaints concerning personal grievances or commercial issues.
 - Any matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman), for example:
 - Planning and licensing applications and appeals
 - Council Tax/Housing Benefits complaints and queries
 - Issues currently under dispute in a court of law.
 - Any matter which is vexatious or discriminatory

OPTIONS

5. Early indications are that in total approximately 30 to 40 CCfAs have been raised across the country to date. The Centre for Public Scrutiny plans to conduct an analysis of the approaches to CCfA taken by local authorities across the country, the numbers of CCfAs raised and any outcomes arising in October/November 2009.
6. Outlined below are two options for consideration that have been adopted by Local Authorities across the country for utilising CCfA:

OPTION 1

7. The gateway approach (see appendix 1 for more details) developed by Birmingham City Council is the one most Councils favour – it is a clear structured process whereby a number of checks and balances are put into place to make sure that all avenues for resolving any issues raised have been fully explored.
8. It involves a series of actions that must be taken before a local Ward Councillor submits a CCfA, to ensure that any issues have had the opportunity to be resolved at various levels in the authority, including Local Joint Committees. It is explicitly designed to highlight the “long stop” nature of CCfA, and to signpost members to a wider range of methods for resolving their issues.
9. Whilst a full evaluation of the extent to which CCfAs have been raised in authorities using this approach has not been done, to date there have been none raised in Birmingham City Council who piloted this approach over 12 months ago. Birmingham City Council see this as a positive indication that issues of concern in localities are dealt with in the appropriate and timely manner.
10. A variation on this option is a slightly less structured approach where the CCfA submittal form is not so comprehensive. There is one area on the form for proposing Members to state what steps they have taken to resolve issues, rather than a section to be completed for each step. There is still however an expectation CCfA is a last resort and that all reasonable steps have been taken to resolve the issues in question prior to submitting a CCfA. Several Councils have used this variation of Option 1 as their approach to CCfA, which has seen a number of CCfAs being raised.

OPTION 2

11. The second option, a much less structured approach, is similar to that adopted at Enfield Council, where councillors are encouraged to seek advice and work with officers to complete the submittal form for CCfA. They are advised on the most appropriate route to take if not all steps have been taken to resolve the issue in question.
12. During the initial investigation phase there is an expectation that every attempt will be made to either resolve the issue or to signpost the Councillor to those who may be able to resolve the issue, so that the CCfA request is withdrawn and/or requires no further action.
13. If, following advice to the contrary, the ward member still believes that the issue in question is a CCfA it will be put before Enfield Council Overview and Scrutiny Committee for a final decision is made on whether to take the proposed CCfA forward or not.
14. This approach has resulted in approximately 10 CCfAs being taken forward through Enfield Council’s scrutiny function.

CONCLUSION

15. In both cases, there is an expectation that Councillors have taken all steps to resolve the issue in question prior to submitting a CCfA and that there is a clear statement of the resolution expected by the Ward Councillor.
16. The key difference between the two approaches appears to be when and who makes the decision to accept or reject the proposed CCfA.

Councillor Call for Action – differences in approach between the three options		
	OPTION 1 (see also paragraph 10 for slight variation to this option)	OPTION 2
Who	Scrutiny Chair and Lead Officer	Overview and Scrutiny Committee
When	Only after all ‘gateway’ steps have been taken to resolve the issue and they can be clearly evidenced on the submittal form.	After discussions with the scrutiny officer (who also supports the process of taking steps to resolve the issue).

17. Option 1 remains the recommended option for utilising CCfA within Shropshire. It is the one that most top tier and Unitary Councils have chosen to adopt. It gives a clear structured pathway to the process for large, diverse Councils with multi faceted issues and seeks to avoid the scrutiny function getting overwhelmed and prevented from undertaking its primary functions.

When considering their decision, Members need to take into account that Shropshire also has the benefit of 28 Local Joint Committees (LJCs) and its Community Working Team as a way of resolving issues at a local level. This ability for local members to, in effect, make a ‘call for action’ at a local level, working with lead officers to raise an issue on an LJC agenda represents a positive option for Shropshire to follow the spirit of the governments intention with CCfA.

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 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 1 –CCfA report to 16 July meeting of Council (including appendices)