

<b>Title of Report:</b>	<b>Councillor Call for Action</b>	<b>Item 4</b>
<b>Report to be considered by:</b>	Council	
<b>Date of Meeting:</b>	24 September 2009	
<b>Forward Plan Ref:</b>	C1921	

**Purpose of Report:** To provide a brief on the requirements of the 'Councillor Call for Action' and its operation within West Berkshire Council.

**Recommended Action:** That Governance and Audit endorse the proposed operation for approval by full Council.

**Reason for decision to be taken:** To ensure that the Council complies with the requirements of the Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007.

**Other options considered:** None.

**Key background documentation:** Police and Justice Act 2006  
Local Government and Public Involvement in Health Act 2007  
Centre for Public Scrutiny guidance on Councillor Call for Action

The proposals contained in this report will help to achieve the following Council Plan Priorities:

- CPP1 – Support our communities through the economic recession** – to alleviate the impact on different communities and individuals who find themselves out of work and/or disadvantaged
- CPP2 – Raise levels of educational achievement** – improving school performance levels
- CPP3 – Reduce West Berkshire’s carbon footprint** – to reduce CO<sub>2</sub> emissions in West Berkshire and contribute to waste management, green travel, transportation and energy efficiency

The proposals will also help achieve the following Council Plan Themes:

- CPT1 - Better Roads and Transport**
- CPT2 - Thriving Town Centres**
- CPT3 - Affordable Housing**
- CPT4 - High Quality Planning**
- CPT5 - Cleaner and Greener**
- CPT6 - Vibrant Villages**
- CPT7 - Safer and Stronger Communities**
- CPT8 - A Healthier Life**
- CPT9 - Successful Schools and Learning**
- CPT10 - Promoting Independence**
- CPT11 - Protecting Vulnerable People**
- CPT12 - Including Everyone**

<input checked="" type="checkbox"/>	<b>CPT13 - Value for Money</b>
<input checked="" type="checkbox"/>	<b>CPT14 - Effective People</b>
<input checked="" type="checkbox"/>	<b>CPT15 - Putting Customers First</b>
<input checked="" type="checkbox"/>	<b>CPT16 - Excellent Performance Management</b>
<p>The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:                  Providing a further mechanism by which residents of the district, through their Ward Members, can achieve a resolution to local problems.</p>	

Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Brian Bedwell
<b>E-mail Address:</b>	bbedwell@westberks.gov.uk
<b>Date Portfolio Member agreed report:</b>	30 July 2009

Contact Officer Details	
<b>Name:</b>	David Lowe
<b>Job Title:</b>	Policy and Scrutiny Manager
<b>Tel. No.:</b>	01635 519817
<b>E-mail Address:</b>	dlowe@westberks.gov.uk

**Implications**

- Policy:** None directly, although application of recommendations arising from CCfA may have policy implications.
- Financial:** The application of the Councillor Call for Action process should not have any financial implication. However remedies or solutions arising from application of the process may do.
- Personnel:** CCfA will be managed within existing Policy and Communication service resources.
- Legal/Procurement:** None.
- Property:** None.
- Risk Management:** None.
- Equalities Impact Assessment:** Not required

<b>Is this item subject to call-in?</b>	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	

## Executive Summary and Report

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### 1. Introduction

- 1.1 In response to the recently created 'Councillor Call for Action' this report outlines what a Councillor Call for Action is and a method and framework for handling calls when they are received.

### 2. Legislative background – 2006 and 2007

- 2.1 The Police and Justice Act 2006 created the concept of a '*Community Call for Action*'. Although not fully articulated and subject to supporting regulations, the notion was that members of the public could request that Councils' Overview and Scrutiny Committees take action on community safety issues, which they felt the police or other Crime and Disorder Reduction Partnerships had failed to address adequately.
- 2.2 Following quickly on the heels of the 2006 Act, the 2007 Local Government and Public Involvement in Health Act created the concept of a '*Councillor Call for Action*'. Again, not fully articulated and subject to supporting regulations, the idea was that any Councillor could refer to the Overview and Scrutiny Committee any matter that was of concern in their ward.
- 2.3 References to both proposals tended to be abbreviated to CCfA and frequently the words 'councillor' and 'community' were used interchangeably, particularly by those who were not close to the legislation.

### 3. Current position – 2009

- 3.1 In early 2009 the Department for Communities and Local Government, through the Centre for Public Scrutiny and the Improvement and Development Agency, issued guidance on the application of CCfA. The concept of a community call was dropped – explicitly – and all future references were to councillor calls only.
- 3.2 The 'Councillor Call for Action' is now a mechanism that provides elected members of the Council with the opportunity to ask for discussions at scrutiny committees on issues where local problems have arisen and where other methods of resolution have been exhausted.
- 3.3 In essence, despite being much trailed and discussed, the CCfA does not really change or add to what elected members have always been able to do in respect of resolving local issues: all members have always been able to refer issues to Scrutiny for consideration.

### 4. Councillor Call for Action in operation in West Berkshire

- 4.1 Whilst the 'right' to refer matters to Scrutiny is now set in law, care needs to be taken to ensure that only those that are appropriate do actually receive consideration.

- 4.2 To aid understanding of the concept, it is proposed that the Council's Constitution be amended to contain a description of the Councillor Call for Action, the associated principles and attributes and the circumstances under which it can or, importantly, cannot be initiated. These are articulated for inclusion into the Constitution at Appendix A.
- 4.3 As with any change to the Constitution, this will require agreement by the Governance and Audit Committee and full Council.
- 4.4 In order to inform members from both political parties prior to their required vote on the matter at Council, it is intended that both groups will receive a briefing on the proposals. Any major objections or requests for significant changes arising will be communicated to Management Board for its consideration.

## **5. Recommendations**

- 5.1 It is recommended that the Governance and Audit Committee comment on the proposed operation of the Councillor Call for Action and approves it for consultation and subsequent endorsement by Council.

## **Appendices**

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Appendix A – Proposed Councillor Call for Action protocol for inclusion within the Constitution.

## **Consultees**

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**Local Stakeholders:** OSMC Chairman

**Officers Consulted:** Head of Policy and Communication, Democratic Services Manager

**Trade Union:** Not consulted

## **Appendix A – Councillor Call for Action protocol for inclusion within the Constitution**

### **COUNCILLOR CALL FOR ACTION PROTOCOL**

#### **Introduction**

This protocol provides a description of a 'Councillor Call for Action'; guidance on who may initiate one, when and how; specific exclusions from the process; investigation and resolution; and monitoring.

#### **Description**

The Councillor Call for Action (CCfA) is a mechanism that provides elected members of the Council with the opportunity to ask for discussions at scrutiny committees on issues where local problems have arisen and where other methods of resolution have been exhausted.

CCfA is not guaranteed to provide a solution to a problem but can provide:

- A public forum for discussion of the issues
- An opportunity to discuss the issues in a neutral environment
- An opportunity to discuss the problem with the explicit and sole aim of solving it
- A high profile process owned by the ward councillor.

All of these factors can make resolution easier to achieve.

The CCfA is a whole Council process and is not solely related to scrutiny. Scrutiny is however the forum for bringing together evidence from multiple sources, including partner organisations.

It is a technique for helping to resolve queries, which may lead to the forming of recommendations for the consideration of the Executive or other bodies.

#### **Eligibility criteria for the initiation of a Councillor Call for Action**

Any Member of the Council may submit a Councillor Call for Action (CCfA) for inclusion in the agenda of the Overview and Scrutiny Management Commission (OSMC).

The issue for consideration must relate to a single locality only rather than the entire district, for which other channels for consideration exist. In this context a 'single locality' could be a town, village, ward or part thereof.

CCfA may only be initiated as a last resort when all other methods of problem resolution have been exhausted. These methods might include, but not be limited to:

- Questions at Executive/Council
- Informal discussions with officers or other members
- Formal letters written on behalf of constituents
- Public meetings
- Petitions and deputations
- Motions on the agenda at full Council
- Communication with local MPs
- Communication with councillors in other authorities
- The Council's complaints process

- Web or e-mail based campaigns
- Communications with relevant Portfolio Holder.

Members bringing forward a CCfA will be required to define their preferred outcomes and resolutions prior to discussion and, wherever possible, attend the relevant committee meeting(s).

To raise a CCfA a Member should in the first instance contact the Policy and Scrutiny Manager outlining the issue, the desired outcome and the processes previously undertaken to resolve it. A submission form is available on the intranet. Submissions must be received by no later than 10.00am, seven clear working days prior to the date of the Overview and Scrutiny Management Commission meeting at which it is to be considered.

On receipt of the proposal, the OSMC Chairman and Vice Chairman, along with the Policy and Scrutiny Manager, will assess its suitability for consideration by the OSMC. If the issue is considered appropriate it will be added to the next OSMC agenda. If it is assessed that the issue is not appropriate then the member making the CCfA will be directed to other courses of action for issue resolution.

### **Exclusions from Councillor Call for Action**

Specifically excluded from becoming a CCfA are:

1. Any matter relating to a planning decision.
2. Any matter relating to a licensing decision.
3. Any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.
4. Any matter which is vexatious, discriminatory or not reasonable.
5. Any matter that has been considered by the Overview and Scrutiny Management Commission, a Select Committee or task group in the previous six months.

### **Investigation and resolution**

Following initial acceptance by the Policy and Scrutiny Manager, members of the Overview and Scrutiny Management Commission will then consider whether they wish to accept the matter for investigation and the most appropriate forum and course of action to determine resolution. This may include referral to a Select Committee, establishment of a time limited task group or examination of the subject as a full Commission. The matter will then be dealt with as any other item of Scrutiny.

In conducting its investigation, the Scrutiny body will have regard to the issue and the resolution required by the member raising the CCfA. Reviewing members may challenge the expected outcome if they feel that it is unreasonable.

The Council's overview and scrutiny function only has the power or authority to require the Council or other organisations to have regard to its considerations and cannot of itself impose a resolution. Therefore at the conclusion of its investigation the Scrutiny body will produce a report containing recommendations for the endorsement of the OSMC, if it is not the investigating body itself, and thence the consideration of the Council's Executive, the West Berkshire Partnership Board or other organisations as appropriate.

As with other scrutiny reports, a response to each of the OSMC's recommendations will normally be given within 56 days of the report's production. The Council service most closely involved with delivery of the recommendations will have responsibility for the production of the response report.

**Monitoring**

The responding service will provide implementation progress reports to the OSMC at intervals not normally more frequent than 6 monthly.