

**Subject:** Councillor Call for Action

**Status:** For Publication

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**Report to:**

Governance Working Group  
Full Council

**Date:**

22<sup>nd</sup> June 2009  
19<sup>th</sup> August 2009

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**Report of:** Executive Director of Business

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**Portfolio**

**Holder:** Finance and Resources

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**Key Decision:** No

Forward Plan  General Exception  Special Urgency

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## 1. PURPOSE OF REPORT

- 1.1 The report sets out the proposed mechanism for adoption of a Councillor Call for Action (CCfA), in line with the Local Government and Public Involvement in Health Act 2007.

## 2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective.
- Encouraging healthy and respectful communities.
  - Promoting the Borough.
  - Providing value for money services.
  - Delivering regeneration across the Borough.
  - Delivering quality services to our customers.
  - Keeping the borough clean, green and safe.

## 3. RISK ASSESSMENT IMPLICATIONS

- 3.1 There are no specific risk issues for members to consider arising from this report.

#### **4. BACKGROUND AND OPTIONS**

- 4.1 The Local Government and Public Involvement in Health Act 2007, identified and set out the need for local authorities to adopt a Councillor Call for Action process in order to capture issues arising from local communities and ensure that the Council was able to respond accordingly (see Appendix A).
- 4.2 In this respect, the CCfA is effectively seen as a last resort, enabling the general public or organisation (eg, parish council, voluntary organisation) the opportunity to raise matters of concern through a formal mechanism via the scrutiny process, when all other routes have failed. If this has not happened the Scrutiny Committee may wish to reject a proposal put forward by a Member without the opportunity of being given to Officers to resolve the issue informally.
- 4.3 If Overview and Scrutiny agree to take the issue forward, they must notify the Member of any decision it makes and the reasons for it. The Committee must also provide the Member with a copy of any report or recommendations which it makes.
- 4.4 This Council already has a system for members to make a direct request to Overview and Scrutiny to put an item on the agenda, therefore the implementation of Councillor Call for Action is unlikely to have a significant effect.

#### **COMMENTS FROM STATUTORY OFFICERS:**

#### **5. SECTION 151 OFFICER**

- 5.1 There are no material financial implications.

#### **6. INTERIM HEAD OF LEGAL AND DEMOCRATIC SERVICES**

- 6.1 The constitution will need to be amended to include specific reference to the new power and the way in which the Council will respond.

#### **7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

- 7.1 No HR implications.

#### **8. CONCLUSION**

- 8.1 That legislation is clear that local authorities have a duty to adopt a Councillor Call for Action process.

#### **9. RECOMMENDATION(S)**

- 9.1 That Council agrees the procedure for the Councillor Call for Action.

**10. CONSULTATION CARRIED OUT**

10.1 N/A

**11. COMMUNITY IMPACT ASSESSMENT**

Is a Community Impact Assessment required **No**

Is a Community Impact Assessment attached **No**

**12. BIODIVERSITY IMPACT ASSESSMENT**

Is a Biodiversity Impact Assessment required **No**

Is a Biodiversity Impact Assessment attached **No**

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No background papers

## APPENDIX A

# Councillor Call for Action Guidance for Councillors in Rossendale

## INTRODUCTION

With the implementation of new legislation, a Councillor may now formally request a relevant scrutiny committee to consider an issue – formally known as a ‘Local Government matter’ – in their ward for further investigation through a ‘Councillor Call for Action’.

We already have in place mechanisms for Members to raise an issue with scrutiny within their own authority by way of completing a scrutiny form.

However, the legislation now extends the rights of Members to refer a local government matter not just to the Committees of their own Authority, but in the case of two-tier areas such as Rossendale, to the County Council’s scrutiny committee.

This guidance is to help Councillors decide whether they have a valid Call for Action, and provides details of how to lodge a Call for Action at Rossendale.

A referral to the Overview and Scrutiny Committee is seen as being an end of the Councilor Call for Action process and not the first stop. We believe that our local community will be better served if issues can be resolved without the need to take them to Overview and Scrutiny.

By monitoring the Calls for Action, our Overview and Scrutiny Committee can identify common issues which it would aim to take forward as part of its scrutiny of the Local Area Agreement.

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### Prior to making a CCfA referral?

Prior to referring a matter as a Councillor Call for Action to an overview and scrutiny committee, a Councillor must have tried to resolve the issue/problem themselves using the mechanisms and resources available to them at ward/neighbourhood level. The Councillor should:

- Raise the issue through the Member Enquiry Service
- Ensure that the service area or partner agency has been informed of the issue and given enough time to resolve it
- Ensure that this is not an issue that is currently being or should be pursued via the Council's complaints process

### What is a valid Councillor Call for Action?

In very simple terms, you must be able to answer yes, yes and no to the following questions to determine whether it is a valid Councillor Call for action:

#### Question 1

Does it relate to a local authority function?

#### Answer

Yes

#### Question 2

Does it affect all or part of your ward, or any person who lives or works in it?

#### Answer

Yes

#### Question 3

Might it be subject to exclusion (listed below)?

#### Answer

No

Any matter that already has a statutory appeals process – this would include

- Planning and Licensing applications
- Council tax complaints and queries
- Housing benefit complaints and queries
- Issues currently under dispute in a court of law

There are exclusions in statutory guidance for the Councillor Call for Action. The exclusions include:

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- Vexatious or persistent requests
- Requests which could be dealt with by formal complaints or appeals' processes (unless systematic failure can be demonstrated)

The intention behind the legislation is that the Councillor Call for Action should be used as a last resort, where all other avenues have failed.

### **How do I submit my Call for Action?**

Please complete a 'Councillor Call for Action Form' which is available on the Council's internet or by contacting Democratic Services on 01706 252423.

The form should outline what the issue is and what steps have been taken towards resolving the issue. It should then be submitted to Democratic Services and it will be acknowledged within five working days.

If it is agreed that it is a valid local government matter, you will then be informed of the date and time of the scrutiny committee which will consider your Call for Action, and whether the Committee wishes to hear any further representation.

### **What will happen to my Councillor Call for Action?**

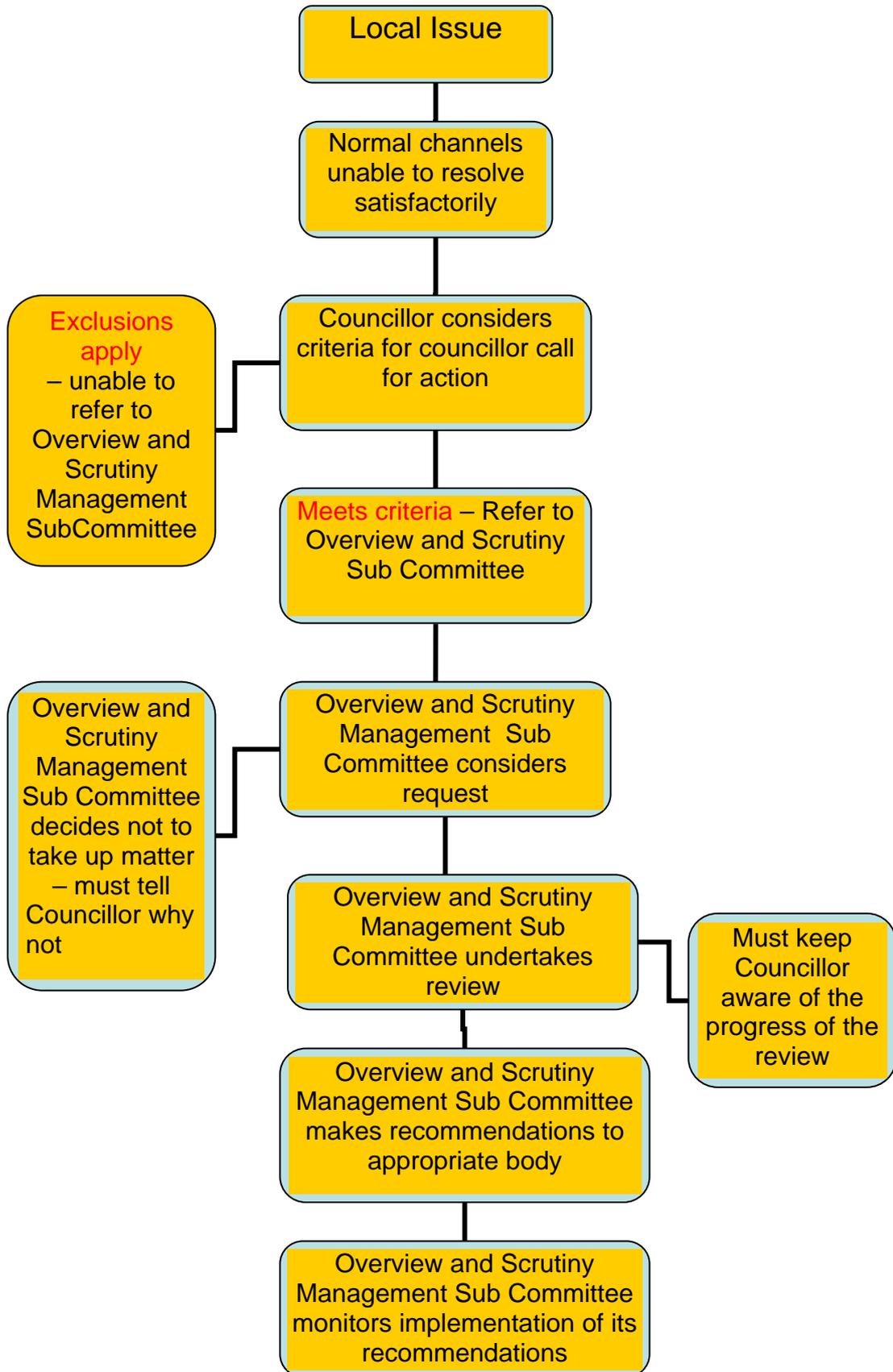
The Overview and Scrutiny Management Sub-Committee will consider your Call for Action as it does any new item suggested for its work plan. In deciding whether to review or scrutinise decisions or actions, it will consider whether the issue affects a large number of people or a significant number of people within a smaller specialist interest group. It will consider what you have already done to resolve the matter and what representations you make as to why the Committee should take the matter up.

If the Committee decides to not to take the 'matter' further, it must explain the reasons.

If the committee decides to accept the referral it must decide how it intends to take the matter further. This could include:

- Asking the service/partner to respond to the Call for Action
- Asking for further evidence and/or witnesses to be brought to a future meeting then making recommendations to the Cabinet/partner agency
- Setting up a task and finish group to undertake an in-depth review

If it does take the matter up, it must make sure that the Member receives a copy of any reports or recommendations that it makes.



## COUNCILLOR CALL FOR ACTION (CCfA) Request

Please note that this form must be:

- Signed personally by an Elected Member who wishes to make the Call for Action
- Posted or handed in to Democratic Services at room 213 at Futures Park, Bacup, OL13 0BB

<p><b>What is the subject of your CCfA?</b> (please give a brief outline of the issue)</p>
<p><b>What do you want to be the outcome of your CCfA?</b></p>

**Some areas are statutorily excluded from the CCfA process. Please answer the following questions to help ascertain whether or not your request falls within the excluded area.**

Does the issue relate to a problem in your electoral ward or any person who lives or works in it?	<b>Yes/No</b>
Does it relate to a local authority function/local Government matter?	<b>Yes/No</b>
Does it relate to a planning/licensing appeal process?	<b>Yes/No</b>

Guidance suggests that a CCfA should be made only when all other avenues have been exhausted. Please answer the following questions to show the action previously take to resolve the issue:

1. Has the issue been discussed with/through any of the following?

Overview and Scrutiny	Yes/No	Date:
Neighbourhood Forum	Yes/No	Date:
Member Enquiry Service	Yes/No	Date:
Other (please comment)		

2. Have you discussed the issue with any of the following:-

		Date	Contact Name/Tel No
Cabinet Member	Yes/No		
Head of Service	Yes/No		
Council Officer	Yes/No		
Other Person	Yes/No		
<b>Partner Organisations</b> Please give details of Partner organisations (NHS, Police, Fire and Rescue) with whom you have discussed the matter			
<b>Other</b> (please comment)			

3. Please give brief details of the outcome of the discussions you have had?

<p><b>Details</b></p>
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<b>Name:</b>	<b>Signature:</b>
<b>Date:</b>	

**For Office Use Only**

**Date and time of receipt of form .....**

**Receiving Officer.....**