

Councillor Calls for Action (CCfA) Guidance for Members

Stockton-on-Tees Borough Council

1. This guidance is intended to help Members understand the process surrounding Councillor Calls for Action, and outlines guidelines that should be used to determine the validity of a CCfA request. Also included is a copy of the form that should be used to submit a request.
2. Councillor Calls for Action have been introduced following legislation, specifically the Police and Justice Act 2006, and the Local Government and Public Involvement in Health Act 2007, that allows for Councillors to be able to refer matters of local concern to overview and scrutiny committees.
3. The IDeA and Centre for Public Scrutiny (CfPS) have produced national best practice guidance and copies of this are available from the Scrutiny Team and on the intranet. This document is based on the national guidance, however the guidance is not intended to be prescriptive and therefore has been adapted to suit local needs.

Introduction

4. Councillor Calls for Action provide ward members with the opportunity to ask for a discussion to take place at overview and scrutiny committees on issues where local problems have arisen and where all other methods of resolving the issue have been exhausted.
5. Ward councillors already play a key role in their communities and CCfAs are intended to improve their ability to act as champions for local concerns.
6. CCfA should be viewed within the context of the wider changes to local authorities, scrutiny and partnership working. The increased powers of overview and scrutiny functions to work more closely with partners and across organisational boundaries means that scrutiny is in a stronger position to resolve a wider range of issues; for example, by using the duty to co-operate.
7. The provisions included in the Police and Justice Act 2006 (as amended by the Local Government and Public Involvement in Health Act 2007) include the power to examine 'local crime and disorder matters' as part of a CCfA. Under the LGPIH Act, 'local government matters' can also be examined. This should be interpreted in the broader sense, in line with the area based focus of the Comprehensive Area Assessment, and the general partnership approach that is now a major feature of local authority work.

How it will work at Stockton Council

8. Members may recognise that there is a genuine issue of local concern that is outstanding in their ward. Members may have become aware of the issue themselves, or it may have been highlighted by residents and groups in the community. As part of their routine ward-related work, councillors will attempt to solve such an issue. Members will be aware of the range of techniques already at their disposal in order to effect change or resolve issues, and these include:
 - Questions and formal motions at committees and Council
 - Communication with MPs and other local politicians
 - Input into scrutiny reviews
 - Informal discussions with officers or other Members
 - Requests for service on behalf of residents
9. Residents also have a range of methods that they can use in order to take up their concerns, including:
 - Complaints and comment procedures;
 - Petitions;
 - Letter writing;
 - Contacting inspectorates and other monitoring bodies direct.

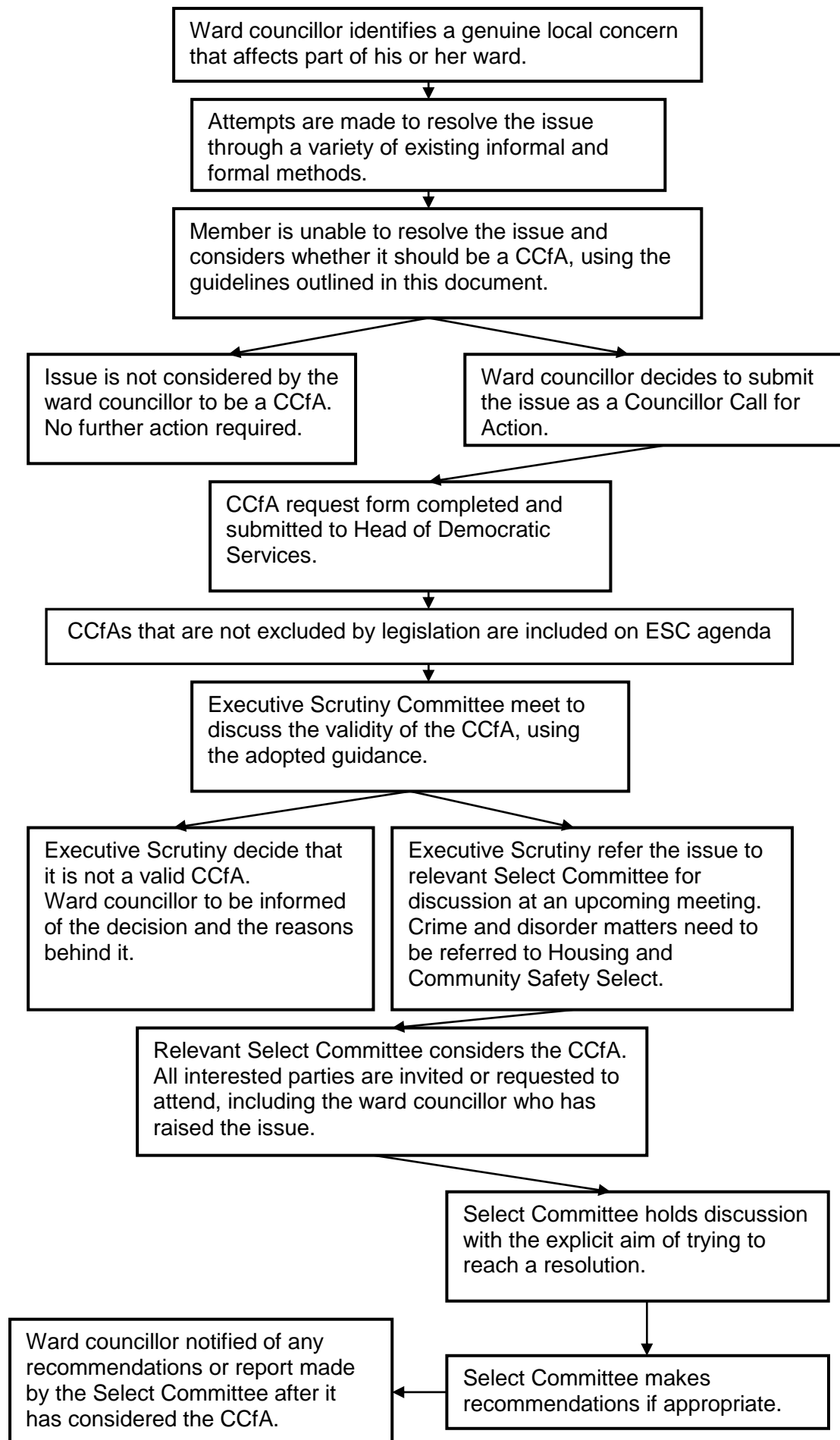
(NB. Petitions are subject to developments related to the Local Democracy, Economic Development and Construction Bill, and Democratic Services are

reviewing procedures in relation to petitions in light of this discussion. Currently any petition can be handed to an officer or presented to the Mayor at Council.)

10. If Members are unable to find a resolution, they will have the option to request that the matter be discussed at a meeting of a relevant scrutiny committee by making a Councillor Call for Action. The process is designed to be a last resort and may not provide an immediate solution. However, CCfAs can provide:
 - the chance to discuss a pressing issue in an independent, neutral forum, and to bring it to a wider audience;
 - an opportunity to discuss a problem with the sole aim of solving it;
 - a high-profile process owned by the ward councillor.
11. A CCfA can be requested by any Council Member. Ward councillors will need to exercise their judgement, using this guidance, to decide whether the issue constitutes a CCfA. Ward councillors can reject this option, or agree to champion them. It is at this stage that Members should be clear that they have explored all avenues for a means of resolving the issue.
12. If a Member wishes to take forward the CCfA, then a request will need to be completed in writing and will need to cover the following points:
 - Description of topic
 - Why are you raising this topic?
 - Who or what does it affect?
 - What has already been tried in order to resolve the issue?
 - What outcomes do you think should be possible from discussion of a CCfA on this issue?
 - Any other relevant information to support the CCfA request
13. The completed request will need to set out the issues, and what has already been attempted in order to resolve them. Alternatively, a proforma that can be used is included at Appendix 1. The request should be submitted to the Head of Democratic Services.
14. Using its status as the co-ordinating body for scrutiny at Stockton, Executive Scrutiny Committee will act as the depository for all CCfAs received (apart from those considered to be excluded by legislation – see para 25). ESC will consider the supporting information provided by the Councillor, and decide on the validity of the request. If the CCfA is approved, it will then be referred to the relevant Select Committee for inclusion on the next meeting's agenda where practical. Alternatively, ESC may consider the CCfA in detail itself, or form a Task and Finish Group. This may be particularly appropriate when Select Committees are especially busy with existing review work.
15. Please note: For crime and disorder matters, the CCfA will need to be referred to the Housing and Community Safety Select Committee as this has been designated as the Council's 'Crime and Disorder Committee' in order to fulfil the obligations of the Police and Justice Act 2006. A key part of any crime and disorder committee's role is that CCfAs that relate to local crime and disorder matters must be considered by that committee.

16. CCfAs should be considered by a committee in their entirety, and therefore when an issue is related to crime and disorder but other issues are also involved (for example, an issue surrounding anti-social behaviour that regularly takes place in a particular park that has long been in need of re-development), the matter will be considered by Housing and Community Safety Select Committee but the Chair of any other relevant Select Committee will also be co-opted onto the Committee for the relevant meeting, in a non-voting capacity.
17. ESC will need to give consideration to the overall scrutiny work programme when considering the timescales involved with a CCfA request.
18. Relevant parties would be requested to attend the meeting of the Select Committee, including the ward councillor who initiated the CCfA.
19. If a CCfA request is turned down by Executive Scrutiny Committee, the Member concerned needs to be notified of the decision and the reasons for it.
20. Should a Select Committee choose to make recommendations or a report following consideration of a CCfA, the Member needs to be provided with a copy of any recommendations or reports made in relation to the matter.

A flowchart demonstrating the process can be found on the following page:



Resolutions

21. It should be recognised that in some cases it would be fair to assume that discussion of a CCfA at a committee will not necessarily lead to immediate solutions to complex issues that have been of concern for a considerable period of time. However, CCfAs will enable ward councillors to trigger a formal response by service providers, and ensure that an issue is discussed in an open and transparent manner.
22. National guidance suggests that attempts to find a solution will be helped by:
 - The councillor bringing the CCfA being clear at the outset as to what he or she expected to get out of the process;
 - The committee discussion focussing on these expected outcomes;
 - The committee challenging the expected outcomes at the outset, if they felt that these outcomes were unreasonable.
23. This would allow success of the CCfA to be judged against these initial aims.

Guidelines when considering a CCfA request

24. When considering whether to take forward an issue as a CCfA request, ward councillors must consider whether the issue is appropriate, and so the following guidelines should be used in order to help Members make this decision.
25. Legislation specifically excludes certain types of matters from being considered as part of a CCfA, in order to prevent inappropriate matters from being included on a committee agenda. These include:
 - requests that are seen as 'vexatious' or 'not reasonable' are **excluded**. National guidance indicates that there is no rigid test but that a vexatious request would be one that is likely to cause distress, disruption, or irritation, without proper or justified cause. It is considered best to view 'not reasonable' as being a qualifier to the word 'vexatious', as a vexatious request is likely not to be reasonable, and a request that is not reasonable is likely to be vexatious.
 - However, a persistent request may still be valid as it may relate to a systematic problem that has not been resolved. In terms of situations where a request may be considered vexatious for political reasons, it should be the subject matter that is the deciding factor, rather than the personality of the individuals involved.
 - If a CCfA is refused due to it being clearly vexatious, clear feedback will need to be provided to the Councillor concerned in order to set out the reasons why.
 - A discriminatory CCfA may be one which implies or clearly states that a group of people or an area receives better, or worse, services on account of that group's predominant religion, race, sex, or other characteristic, as covered by discrimination legislation. These are **excluded** by legislation.

- Requests that relate to appeals as part of the quasi-judicial process (ie. planning applications, licensing decisions, and all other areas where individuals have an alternative method of appeal/complaint) are **excluded**.

CCfA requests that fall into these categories will not be included on an agenda for Executive Scrutiny Committee. Ward Councillors who make such a request will need to be informed of the reasons as to why it has been refused, and ESC be informed of the action taken.

26. Ward councillors should also have regard to the following guidelines when considering a request and they should be used by Executive Scrutiny Committee when it considers the validity of any CCfA request:
- A CCfA should relate to issues that are of genuine local concern, within the particular ward that the relevant Councillor represents;
 - All reasonable efforts should already have been made to resolve the issue. CCfAs should be seen as the last resort, with issues only being referred to a scrutiny committee once all other avenues have been exhausted;
 - It is already accepted that scrutiny is not a method of dealing with individual complaints about a service and so these should not be used as the basis for a CCfA. The Council and other partners have established complaints procedures already in place;
 - However, if it appears that a number of complaints have been made in relation to similar issues, this may indicate that there is a 'systematic' failure and if this appears to be the case, a CCfA could be considered;
 - In addition, it may be appropriate to examine complaints information when considering a CCfA at Committee, as happens with other scrutiny reviews;
 - A CCfA request is not appropriate for questioning decisions that have been taken but not yet implemented (call-in provisions may be used for this);
 - Issues that affect more than one ward, and that may reflect a broader policy issue, could still be looked at as part of the setting of the work programme for the usual scrutiny review process;
 - Alternatively, a CCfA may be highly relevant with regard to a scrutiny review that is already planned. Members may make the decision to consider the CCfA as part of that review, if timescales allow.
27. It is advised that specific criteria for the automatic rejection of a request should not be used, as each CCfA will need to be examined on its own merits.

Appendix 1 - Sample CCfA Request Form

Councillor Call for Action Request Form	
Description of topic Please provide as much detail as possible to describe the issue, with examples if possible	
Why are you raising this topic? Please explain why you are putting forward the topic	
Who or what does it affect? Are you able to say how many residents (for example) the issue affects?	
What has already been tried in order to resolve the issue? Please indicate what has been tried and the outcomes of these attempts.	
What outcomes do you think should be possible from discussion of a CCfA on this issue? It will assist the committee if you can suggest outcomes from the discussion.	
Any other relevant information to support the CCfA request	
Name:	Ward:
Please submit this form to: Head of Democratic Services, Democratic Services, Municipal Buildings.	