

Councillor Call for Action Protocol

Introduction

The 'Councillor Call for Action' (CCfA) was introduced under section 119 of the Local Government and Public Involvement in Health Act 2007. This enables any member of the council to refer to an overview & scrutiny committee any local government matter which affects their ward. For the purposes of the Act a local government matter is one which:

- Relates to the discharge of any function of the authority;
- Affects all or part of the electoral area for which the referring member is elected or any person who lives or works in the area; and
- Is not an excluded matter

The Police and Criminal Justice Act 2006 also made provision for a 'Call for Action' regarding crime and disorder issues. This provision has been aligned so in effect a 'Councillor Call for Action' will be treated the same regardless of its legal origin.

A referral, provided it is not an excluded matter, will ensure that the matter is included on the agenda of the relevant overview & scrutiny committee. It is up to the members of the committee to decide whether or not to take the matter further.

In Brent, a referral to an overview & scrutiny committee is seen as being at end of the Councillor Call for Action process and not the first step. We believe that our local communities will be better served if issues can be resolved without the need to take them to overview & scrutiny.

Draft Protocol for managing Councillor Call for Action in Brent

Prior to making a Councillor Call for Action 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. Councillors should:

- Raise the issue through the Neighbourhood Working process. The Neighbourhood Working Co-ordinators advice / assistance should be sought in finding way to resolve the matter.
- Ensure that the service area or partner agency has been informed of the issue and been 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.

- Ascertain whether or not any other form of local scrutiny is investigating the issue. The Local Involvement Network for instance .

Issues Excluded from referral as a CCfA

The act makes provision for guidance from the Secretary of State on what issues can be excluded from a Councillor Call for Action referral to overview & scrutiny. The guidance is not yet available, but the results of a recent consultation on CCfA suggest that it is likely that the following will be excluded:

- Any matter that already has a statutory appeals process – this would include:
 - Planning and Licensing applications and appeals
 - Council tax complaints and queries
 - Housing benefits complaints and queries
 - Issues currently under dispute in a court of law
- Individual complaints concerning personal grievances or commercial issues. This could include:
 - Employment and Staffing concerns
 - Complaints against staff of local authorities
 - School admissions

Making a Councillor Call for Action referral

If the issue / problem is still not resolved the Councillor can refer it to the relevant overview & scrutiny committee as a 'Councillor Call for Action'. To do so the councillor will be asked to complete the attached form outlining what the issue is and what steps have been taken towards a resolution.

- Councillors should seek advice from Neighbourhood Working Co-ordinators when deciding whether or not all other avenues for resolution have been exhausted and whether the issue is suitable for referral to overview & scrutiny.
- Officers from the Local Democracy Team will receive the referral form, log it to track its progress and assess the issue to ensure that it is not a matter excluded from referral to overview & scrutiny. They will then inform the Chair that the item will be included on the relevant overview & scrutiny committee agenda. The Councillor will be informed whether or not their referral has been successful.

A successful referral will ensure that the 'Councillor Call for Action' will be placed on the next available agenda of the relevant overview & scrutiny committee. It is up to the members of the committee to decide whether or not to take the matter further. In deciding whether or not to take the matter further the committee will consider:

- Anything that the Councillor has done in relation to this matters; and
- Representations made by the member as to why the committee should take the matter up.

The criteria the committee will use to decide whether or not to take the matter further include:

- Is the committee satisfied that reasonable attempts at a resolution have been made by the ward councillor via Neighbourhood Working.
- Has the committee considered a similar issue recently – if yes have the circumstances or evidence changed.
- Has the relevant service or partner agency been informed and been given enough time to resolve the issue. What response has the Councillor received?
- Is this a case that is being or should be pursued via the council's corporate complains system
- Is this an issue currently being looked at by another form of local scrutiny eg Local Involvement Networks.

If the committee decides not to accept the referral it must inform the Councillor and explain why.

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 Executive / partner agency.
- Setting up a task group to undertake a more in depth review.

Once the committee has completed its work on the referral the member who made the referral will receive a copy of any report or recommendations made in relation to it.