

TELFORD & WREKIN COUNCIL

SCRUTINY MANAGEMENT BOARD – 23rd JUNE 2009

COUNCILLOR CALL FOR ACTION

REPORT OF THE HEAD OF FINANCE & AUDIT

1.0 PURPOSE

- 1.1 The purpose of the report is to summarise the changes needed to the Council's scrutiny arrangements relating to Councillor Call for Action as a result of:
- The Local Government and Public Involvement in Health Act 2007 which came into effect on 1st April 2009;
 - The Police & Justice Act 2006 which came into effect on 30th April 2009;
- 1.2 and to propose a process for recording and managing Councillor Calls for Action at Telford & Wrekin Council.

2.0 RECOMMENDATIONS

- 2.1 **Members note the legislative requirements on the Council to implement a process for Councillor Calls for Action;**
- 2.2 **Members of the Scrutiny Management Board discuss and agree the arrangements proposed in this report to deal with the introduction of Councillor Calls for Action;**
- 2.3 **Members agree that awareness raising of the proposed process is undertaken for ward members through a member information seminar and the Member's Information Point;**
- 2.4 **and, that the process for Councillor Call for Action is reviewed after 12 months in operation.**

3.0 PREVIOUS MINUTES

- 3.1 Not applicable.

4.0 INFORMATION

- 4.1 Councillor calls for action (CCfA) will allow individual ward councillors a way to secure action from the Council or, in particular circumstances its partners, if they have been unable to address a particularly persistent problem in their area. If convinced of the merit of a Councillor Call for Action, the ward member would refer the issue to the Scrutiny Leadership Board for review. The Scrutiny Leadership

Board will have a duty to gather evidence and decide whether the issue is one which requires resolution and then make recommendations for action to the Council's Cabinet, or in particular circumstances to the Safer and Stronger Communities Partnership. These bodies will have a duty to respond. The essential principle of a CCfA is that all cases should be resolved at the earliest possible stage in the process. It is expected that the vast majority of cases should not reach the Scrutiny Leadership Board, as the expectation is that the ward member will be resolving them before they get to that point. The CCfA is designed to complement existing methods of complaint and service enquiry, not to replace them.

4.2 Two pieces of legislation have introduced "councillor calls for action":

- 1) The Police & Justice Act 2006 has introduced a councillor call for action which would allow councillors a way to secure action from community safety partners on the Crime and Disorder Reduction Partnership if they failed to address a particular persistent community safety problem.
- 2) The Local Government and Public Involvement in Health Act 2007 extended the remit of the councillor call for action in the Police & Justice Act to allow local ward members with concerns about persistent or serious problems in their neighbourhoods or those who want to influence policy to be able to raise these matters with the Scrutiny Leadership Board. This applies to "the discharge of any function of the Council and affects all or part of the electoral area for which the member is elected or any person who lives or works in the area." The Government wants to keep exclusions to the scope of CCfA to a minimum. However, they will exclude matters for which there are already statutory processes, and complaints about an individual's treatment by the local authority.

4.3 Successful Councillor Call for Action will rely upon:

- Transparency in decision making and the involvement of scrutiny in the decision making process at some level;
- a willingness to identify mistakes and shortcomings and recognition of the need to resolve problems through discussion;
- an understanding among senior officers and Cabinet members that scrutiny can help to improve Council services;
- and, an understanding and a wish to bolster and support the role that local councillors play as champions and leaders of their communities.

4.4 The statutory regulations allow some matters to be excluded from Councillor Call for Action:

- Any matter relating to an individual complaint, although scrutiny can play a role where it is felt that a series of complaints demonstrate a "systematic failure" in a particular service area;

- Any matter relating to a planning or licensing appeal, and all other areas where a person has an alternative avenue to resolve an issue;
- Any matter which is vexatious, and it is suggested that the guidance used for the Freedom of Information Act should be referred to. This includes consideration of:
 - whether the request could be seen as obsessive,
 - is harassing the authority or causing distress to staff,
 - it would impose a significant burden in terms of expense or distraction,
 - it is designed to cause disruption and it lacks serious purpose or value.
- Any matter which is discriminatory;
- Any matter which is not reasonable to be included in the agenda for, or to be discussed at a meeting of the overview and scrutiny committee or at a meeting of a sub committee of that committee is to be excluded.

4.5 Attached to this report as appendices A and B, is proposed guidance on how a Councillor Call for Action will work in practice, a draft proforma for Ward Members to fill out to initiate a Councillor Call for Action and a flow diagram summarising the proposed process.

5.0 BACKGROUND

5.1 Equality & Diversity

The introduction of Councillor Call for Action will support Ward Members to act as community leader's and to champion issues of concern for their local residents.

5.2 Environmental Impact

No environmental impact can be identified in this instance.

5.3 Legal Comment

The process for Councillor Calls for Action must be compliant with all legislative requirements and give consideration to relevant government guidance. Further work will be undertaken during the implementation of the process to ensure that the statutory requirements are met.

Any changes to the constitution that are required as a result of the implementation of this process should be agreed by the Council's Constitution Committee and will require the approval of full Council.

5.4 Links with Corporate Priorities

The recommendation to agree the proposed process for Councillor Call for Action should help to contribute to all of the Council priorities, as potentially any issue could become the subject of a Councillor Call for Action.

5.5 Opportunities and Risks

The opportunities identified are:

- Greater voice for ward members;
- Scrutiny Leadership Board can act in a facilitation role, by providing a forum for issues that are hard to resolve to be discussed by all the agencies who have an interest in the issue.

The risks identified are:

- Councillor call for action is used by Ward Members in place of other more appropriate routes to resolve the issue;
- issues are accepted as a Councillor Call for Action whilst
- already being dealt with through another process e.g. corporate complaints.

The process being proposed specifically mitigates for these risks by providing detailed guidance to Ward Members on what should and shouldn't be referred as a Councillor Call for Action.

5.6 Financial Implications

There are no direct financial implications arising from this report. The administration of Councillor Calls for Action received by the Council will be dealt with by the Customer Quality Team. Any financial implications arising from recommendations made as a result of a CCfA will need to be identified and considered by the Scrutiny Leadership Board before going forward to Cabinet or Council.

6.0 WARD IMPLICATIONS

Borough wide implications

7. BACKGROUND PAPERS

Centre for Public Scrutiny – Councillor Call for Action Best Practice Guidance

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