

Councillor Call for Action (CCfA) – Guidance for Members

1. Introduction

As part of their community leadership role Members have always sought to resolve issues on behalf of their constituents. Section 21A of the Local Government Act 2000 provides an additional avenue for members to pursue issues if they feel the traditional methods of resolution have not achieved the desired outcome. The Councillor Call for Action (CCfA) will provide members with the opportunity as a means of 'last resort' to request that an issue affecting their electoral Division and which is of local concern to their constituents is included on an agenda of the relevant Scrutiny Committee.

CCfA can be used for issues designated in the Act as 'local government matters'¹. As well as council specific functions, members can use CCfA in relation to the Council's partners and their responsibilities for delivering Local Area Agreement targets. Additionally, under the Police and Justice Act 2006 members are also able to raise a crime and disorder matter in their area using the CCfA mechanism (but only in respect of those partners who are represented on Crime & Disorder Reduction Partnerships and in relation to the discharge of their crime and disorder functions).

This guidance is aimed at assisting members to make best use of the new powers.

2. How should I attempt to resolve a local issue?

Members have traditionally used a wide range of ways to try to resolve issues on behalf of their constituents. The following list highlights a number of approaches commonly taken:

- Informal and formal discussions with Cabinet Members and senior officers
- Communication with members in other authorities
- Communication with local MPs
- Raising the issue at an appropriate local group or partnership body
- Formal letters written on behalf of constituents
- Where appropriate organising local meetings or holding a public meeting

¹ "local government matter", in relation to a member of a local authority, means a matter which—

(a) relates to the discharge of any function of the authority,

(b) affects all or part of the electoral area for which the member is elected or any person who lives or works in that area, and

(c) is not an excluded matter. (see section 6 below: 'When will CCfA not be taken forward?')

- Providing advice about or helping with petitions
- Questions at Committee, Cabinet or Council
- Submitting a motion to Council
- Requesting that a topic for review is included in the scrutiny work programme
- Assisting with a formal complaint
- Giving advice about a Freedom of Information (Fol) request
- Web or e-mail based campaigns

This is not a hierarchical list and members will choose different routes depending on personal preference and the issue in question. If there is no resolution of the issue and a local member feels that insufficient action has been taken to try and resolve it then they can use the CCfA to raise the issue at the relevant overview and scrutiny committee.

As all members of the Council are able to refer an issue in their area to the relevant Scrutiny Committee, in multi-member electoral Divisions the agreement of the other member(s) in the Division to take this action would not be required. However, in making a case to the Committee it will be more powerful if all the County Councillors in the Division have discussed the issue and agree that its referral is appropriate. In the case of District Council functions it will be for a District Councillor within the area to take up the issue with a District Council Overview and Scrutiny Committee. Often, more complex issues will affect both the County and District Councils and also partner bodies, in these cases it would again make a more powerful case if all the Councillors in the area are agreed on how the issue should be dealt with and to which Council the CCfA will be referred. This will also help to avoid duplication and confusion on the part of partners and the public.

3. Examples of where members may wish to use CCfA

The following are examples of where a member may wish to use a CCfA if other avenues of resolution have failed:

- Sustained poor performance at a school
- A series of complaints about recycling services in a local area, which demonstrate a continuing trend of poor performance
- Poor access to a particular public building for users where no one organisation is taking responsibility for the issue
- Persistent drainage and flooding problems in a residential area
- Continued public transport problems in relation to a group of villages

Government Guidance on behalf of the Department for Communities and Local Government - together with the Centre for Public Scrutiny gives further examples of how this new power might be used.

4. What is the process for the CCfA to be discussed at a Scrutiny Committee?

Where a member is satisfied that s/he has tried all the appropriate avenues to resolve a local issue without success and they wish to proceed with a CCfA only then should the process be initiated by giving notice in writing to the Proper Officer not less than 15 working days before the next meeting of the Scrutiny Committee.

The notice to the Proper Officer should set out clearly what the issue is about, what resolution is being sought, what steps have already been taken and the outcome. The member should enclose any background papers and copies of any relevant correspondence.

Where the issue involves the functions of more than one Scrutiny Committee, the Proper Officer will, after consulting with the Chairs of the relevant Scrutiny Committees, decide which of the Committees will deal with it. Prior to the issue being placed on the agenda for the appropriate Scrutiny Committee, a meeting will normally be held between the member putting forward the CCfA and the Chair and Deputy Chair of the Committee in order to agree how it will be handled. The meeting gives an opportunity for them, along with the relevant officer/partner representatives to agree:

- Outcomes expected by the member putting forward the CCfA
- Key issues to be addressed at the meeting
- The information required
- Relevant witnesses who may be called at a future meeting, if the matter is subsequently taken forward by the committee

At the meeting of the Scrutiny Committee the local member(s) will be asked to outline the issue and what actions s/he has taken to try to resolve it locally. The Committee will be able to question the local member(s). The Committee will then need to decide whether or not it wishes to take up the issue on behalf of the local member. If the Committee decides not to take up the issue it must give its reasons for not doing so to the local member.

If the local member is not able to attend the meeting, a written statement outlining the issues must be submitted for the Committee's consideration at the meeting. If the Committee decides not to proceed further with the CCfA it must notify the member of its decision and the reasons for it.

5. What options are there for a Scrutiny Committee in pursuing a CCfA?

If the Scrutiny Committee decides to pursue the CCfA, it then needs to decide how to deal with the issues raised and identify solutions to be recommended. This will include consideration of relevant evidence and the hearing of witnesses, as appropriate. How the Committee chooses to deal with the CCfA issues will depend upon the complexity of them and whether or not they have wider implications for

the policies or service delivery of the Council or its partners. The following are some examples of how a Scrutiny Committee might take a CCfA issue forward:

- The issue is dealt with at a single committee meeting either as a stand-alone item or as part of a larger issue the Committee is addressing
- The issue is used as evidence within an existing piece of scrutiny work which has a wider remit
- A Scrutiny review group is established to investigate the issues
- A Joint piece of scrutiny work is initiated between local authorities

Following its investigation into the issues raised by the CCfA the Scrutiny Committee can make recommendations in the usual way to the Cabinet or partner body to seek a resolution of the issue. A copy of any report or recommendations made by the Committee must be given to the member who raised the CCfA.

6. When will consideration of a CCfA be excluded?

The legislation² sets out a small number of exclusions from CCfA if:

- The matter is vexatious, discriminatory or not reasonable to be included in the agenda or included for discussion at the Scrutiny Committee
- The issue is one where an individual or body has a statutory right to a review or appeal³ (other than a right to complain to the Local Government Ombudsman)
- Matters relating to planning or licensing decisions.

In relation to the last two exclusions, if the issues relate to a systematic failure in the discharge of a function, they can still be the subject of a CCfA.

Regardless of whether a CCfA is successful, the issue will be logged in order to ensure that common themes are identified to inform the scrutiny work programme.

7. Where can I find out more?

The following websites are a useful source of information on CCfA:

www.cfps.org.uk

www.homeoffice.gov.uk

² *The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2012*

³ *This includes individual staff matters and legal proceedings*

Flow Chart for Councillor Call for Action (CCfA)

