



meeting **OVERVIEW AND SCRUTINY COMMITTEE**

date **20 April 2009**

agenda item number

Report of the Chair of the Overview and Scrutiny Committee

Councillor Calls for Action

Purpose of the report

1. To introduce the Overview and Scrutiny Committee to the councillor call for action (CCfA) and to consider how this should be implemented in Nottinghamshire.

Background

2. The councillor call for action – also referred to as the call for action and the community call for action - was included in the Annual Report of Scrutiny 2007-08 as a potential challenge for scrutiny to address.
3. The councillor call for action is a formal tool for Members to use to tackle issues of concern through overview and scrutiny:

“Ward councillors play a central role in the life of a local authority, as a conduit for discussion between the council and its residents and as a champion for local concerns.

To bolster councillors’ ability to carry out this second role, the Government has enacted...provisions for a “CCfA” providing members with the opportunity to ask for discussions at scrutiny committees on issues where local problems have arisen and where other methods of resolution have been exhausted.”

Guidance - councillor call for action a new voice for members

4. It is based on two pieces of legislation which at the time of the Annual Report had received royal assent and were expected to be implemented during the municipal year 2008-09. The two acts are:

The Police and Justice Act 2006	Expected 30 April 2009
The Local Government and Public Involvement in Health Act 2007	Implemented 1 April 2009

5. The County Council is expected to make the councillor call for action available to Members from these dates and this report provides a suggested protocol (attached as an appendix) to implement this.

Procedures prior to the introduction of councillor call for action

6. The County Council's Constitution currently contains provision for Members to put forward topics for scrutiny reviews. This is set out in Part H.

Part H – Overview and Scrutiny Procedure Rules

7.1 Any Member of the Overview and Scrutiny Committee and/or a Select Committee shall be entitled to give not less than seven working days notice to the Chief Executive that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

7. This provision is currently restricted to Members sitting on the Overview and Scrutiny Committee or a select committee. Members not on the Overview and Scrutiny Committee only have the right to put forward an issue relevant to the terms of reference of the select committee they sit on.
8. Whilst in practice this is not the case – with the Overview and Scrutiny Committee welcoming suggestions from any Member of the County Council or the public – the councillor call for action takes good practice like that carried out in Nottinghamshire and makes it a requirement.

"Some councils have sections in their constitutions which give powers to individual councillors to put items on scrutiny committee agendas. CCfA goes beyond this. CCfA is an opportunity for the whole council, and is a way for members to try to bring about specific solutions for local problems. It is designed to sit alongside existing mechanisms already at councillors' disposal to resolve local issues."

Guidance - councillor call for action a new voice for members

9. The County Council currently has a very loose process in place for the suggestion of topics for scrutiny reviews. The introduction of the councillor call for action requires the Council to formalise these arrangements. The proposed protocol seeks to maintain the freedom for the Overview and Scrutiny Committee to manage the programme of work effectively whilst introducing the new provisions to ensure that Members can raise issues of concern.

The Local Government and Public Involvement in Health Act 2007 version

10. The councillor call for action was put forward by Communities and Local Government in the 2006 White Paper – Strong and prosperous communities enacted as The Local Government and Public Involvement in Health Act 2007. Regulations were introduced to implement this Act on 1 April 2009.
11. The Act provides a right for all Members of the Council to be able to have an issue of concern raised through Overview and Scrutiny. The Member will have the ability to call for debate and discussion at committee on a topic of neighbourhood concern. However there is also an expectation that the Member will have exhausted all other steps to resolve an issue in his or her ward.
12. The opportunity to raise the issues through the Overview and Scrutiny Committee is intended to generate a high-profile public discussion of the issue and offers a chance to bring a pressing issue to a wider audience and to discuss such issues in an independent, neutral forum.
13. The Overview and Scrutiny Committee is able to use its powers to invite representatives from the County Council and partner organisations to attend, where relevant and to request information. Recommendations may also be made to those organisations to try to resolve the issue or generate improvement.

Examples in the Guidance of why a Member might use a CCfA include

- sustained poor performance at a local school
- poor maintenance of a park, leading to increased anti-social behaviour
- a series of complaints about refuse collection services, which demonstrate a continuing trend of poor performance

The Police and Justice Act 2006 version

14. The Home Office originally put forward proposals for a 'community' call for action for crime and disorder matters. This was introduced in The Police and Justice Act 2006 but has yet to be implemented.
15. At the meeting of the Overview and Scrutiny Committee on 16 March 2009 Members were informed of a Home Office consultation on implementing the scrutiny of crime and disorder matters through the Crime and Disorder (Overview and Scrutiny) Regulations 2009. An outline response to the consultation was discussed. Subsequently Members were provided with a briefing on the consultation and a response was submitted to the Home Office.
16. As part of the implementation of scrutiny of crime and disorder matters the Home Office will be introducing a call for action. This is not the

originally proposed community call for action and will be known as the councillor call for action.

17. **Guidance issued on the councillor call for action for community safety issues suggests that this should not need to be treated differently to the councillor call for action set out in The Local Government and Public Involvement in Health Act 2007.** The protocol set out in the appendix therefore makes no distinction between the two versions of the councillor call for action.

The Police and Justice Act 2006 contains provisions that differ from The Local Government and Public Involvement in Health Act 2007. These are not expected to be implemented, however Members may wish to be aware of them. The differences relate to where a member of the public has asked an elected member to raise a matter as a call for action and include:

- a requirement for the Member to keep the member of the public informed of the action that they are taking to address the issue
- a right of appeal for the member of the public that includes referring the matter to the executive where the Member opts not to raise the issue through a call for action.

18. The Police and Justice Act 2006 introduces the concept of a 'crime and disorder committee' to consider scrutiny of community safety/crime and disorder matters. To enable the Overview and Scrutiny Committee to utilise the powers in the Act the Overview and Scrutiny Committee should be designated as the 'crime and disorder committee' and this is contained within the recommendations of this report.

Excluding councillor call for actions

19. The Regulations set out a number of issues for which councillor call for actions should not be applicable. These are
- where the matter relates to an individual who has an alternative resolution available to them specifically - **complaints and appeals**
 - where the matter relates to a **planning** process
 - where the matter relates to a **licensing** process
20. The regulations also contain provision for the Overview and Scrutiny Committee to decline to consider a councillor call for action where Members consider it to be **vexatious, discriminatory or not reasonable**. To provide the Overview and Scrutiny Committee and Members with the flexibility to consider each issue it is not proposed to set specific definitions for these criteria so that each suggestion may be considered on its merits.
21. Members are expected to attempt to resolve local issues. The Overview and Scrutiny Committee may not wish to consider a CCfA

unless attempts have been made to do so. The protocol identifies some support that is available to Members, however it is also proposed that senior officers and partners be made aware of the CCfA to encourage further support and co-operation.

Use of Select Committees

22. The protocol proposes that the Overview and Scrutiny Committee should be the original recipient of a councillor call for action as part of its role to manage the programme of work. However to progress a CCfA Members may wish to commission a select committee to carry out a review of the issue.

Recommendation

23. It is recommended that
- i. the Overview and Scrutiny Committee adopt the protocol attached as an appendix to the report and this be reflected in the constitution,
 - ii. the scrutiny team make senior officers and partners aware of the CCfA and
 - iii. the Overview and Scrutiny Committee be designated as the 'crime and disorder committee.'

Councillor EDW Llewellyn-Jones Chair of the Overview and Scrutiny Committee

Background papers:

Centre for Public Scrutiny – Guidance - councillor call for action – a new voice for Members, 2009.

Strong and prosperous communities, White Paper 2006

The Local Government and Public Involvement in Health Act 2007 and associated regulations

The Police and Justice Act 2006 and associated regulations

Scrutiny of Crime and Disorder – Member Briefing Note 18 March 2009

Response of the Overview and Scrutiny Committee to – Draft Regulations on Overview and Scrutiny of Crime and Disorder Matters