

PRINCIPAL SCRUTINY COMMITTEE

18 February 2008

COUNCILLOR CALL FOR ACTION – INTERIM REPORT

REPORT OF COMMUNITY CALL FOR ACTION INFORMAL SCRUTINY GROUP

Contact Officer: Jacky Adams Tel No: 01962 848356 ([jadams@winchester.gov.uk](mailto:jadams@winchester.gov.uk))

RECENT REFERENCES:

PS 283: Appointments to Informal Scrutiny Groups and External Bodies 2007/08 (Principal Scrutiny Committee 4 June 2007)

CAB 1591: Local Government and Public Involvement in Health Act 2007 (Cabinet 16 January 2007; Principal Scrutiny Committee 21 January 2007)

EXECUTIVE SUMMARY:

An Informal Scrutiny Group was established by this Committee in June 2007 to look at the proposed 'community call for action' that formed part of the Police and Justice Act 2006 and emerging proposals for a 'councillor call for action' being introduced through the Local Government and Public Involvement in Health Bill.

The Group's terms of reference were to: "Assess government proposals for the Community / Councillor Call for Action and show how the Council could respond to these in a way that best serves the needs of the local community." It has been keeping abreast of the new legislation as it has emerged from Government and is proposing comments to be made in response to the current Government consultation exercise into future guidance.

The Local Government and Public Involvement in Health Act 2007 was enacted in October 2007. It introduced the 'Councillor Call for Action' and amended the Police and Justice Act 2006 to bring the former 'community call for action' into line with this. Neither power has yet been brought into force although the Government has indicated that it will introduce them later in 2008. It is currently consulting on issues to be raised in the guidance that will accompany their introduction.

The Council's Constitution already allows Councillors to raise matters on Committee agendas, although this is rarely used. The Informal Scrutiny Group has prepared a guidance note, attached as an Appendix to this report, which seeks to encourage Councillors to make fuller use of their existing rights under the current Constitution as a trial for the 'Councillor Call for Action'. This will allow the City Council to learn from experience so that it can embrace the new powers when they are introduced.

The Informal Scrutiny Group will meet again when the formal Government guidance is issued to review this in the light of experience gained from this trial. At that stage it will make firm recommendations on changes required to the Constitution to implement the new powers. The final report of the Group will also be produced at that stage.

## RECOMMENDATIONS:

That the guidelines attached as an appendix to this report be introduced as a trial of the 'Councillor Call for Action', based on the Council's current Constitution.

## RELEVANCE TO CORPORATE STRATEGY

The Council aims to provide community leadership, with priority given to supporting and developing the role of Councillors as community leaders. The proposals in this paper will support that aim.

## RESOURCE IMPLICATIONS

The recommended guidance is based on the existing Constitution. Any impact on resources arising from the stronger promotion of these rights will be monitored as part of the trial and taken into consideration in light of Government guidance on the new power.

## BACKGROUND DOCUMENTS

Summary of Local Government Act Part 5: Chapter 2 Overview and Scrutiny Committees.  
*Centre for Public Scrutiny November 2007*

## APPENDICES

Appendix 1: Guidance to Members – Councillor Call for Action

## Guidance to Members – Councillor Call for Action

### **What is the ‘Councillor Call for Action’?**

All Councillors have a right to raise issues of concern to their local Ward or to the people who live or work in that Ward, with Principal Scrutiny Committee or the relevant Scrutiny Panel.

This is a legal right given through Section 119 of the Local Government and Public Involvement in Health Act 2007 (LGPIH Act) and Section 19 of the Police and Justice Act 2006, as amended by the LGPIH Act.

The intention of the new legislation is to enhance the opportunities for Members to raise issues on behalf of their local community. Principal Scrutiny Committee has asked that Members be encouraged to use the “Councillor Call for Action” as soon as possible. At Winchester, a similar right already exists in the Constitution and also applies to Cabinet meetings. It has only been used occasionally. Changes to the Constitution will be considered in due course when further regulations and guidance are available. This document sets out arrangements to encourage and allow Members to make use of this provision in advance of the formal guidance, expected later in 2008.

### **What type of issues can be raised?**

Anything that is a concern in the Ward or to people who live or work in that area can be raised provided it

EITHER (Police and Justice Act 2006)

- Concerns crime and disorder, including anti-social behaviour or other types of behaviour that are having a negative impact on the local environment; or
- The misuse of drugs, alcohol and other substances

OR (LGPIH Act 2007)

- Relates to the discharge of any function of the City Council – this goes beyond the services that the Council provides to include anything where the Council has a responsibility; AND
- Is not excluded from being raised.

### **What issues are excluded?**

Under the Council’s existing Constitution the following are excluded:

- A member can give notice of no more than one item for any particular meeting
- The topic has to come within the terms of reference of the relevant scrutiny body
- Scrutiny bodies do not have the right to review decisions of the Planning Development Control Committee on specific applications and cases where applicants have a right of appeal, and similar decisions by the Licensing and Regulation Committee. Individual cases dealt with by the Personnel Committee, Appeals and Disputes Committee and the Housing (Appeals) Committee are also not subject to scrutiny review.

This list may change once Government guidance is issued.

### **Who can raise an issue?**

Ward Councillors can raise issues that affect their Ward or the people who live and work there. Where more than one Councillor represents a Ward, an individual Councillor can raise an issue and does not need agreement of other Ward Councillors to do so.

However, in Wards represented by more than one Councillor, it would be advisable to alert other Councillors to the issue in case a different Councillor is already pursuing the matter through other routes.

### **When should issues be raised?**

The 'Call for Action' is a powerful tool designed to raise the profile of an issue. It is best used to give new impetus to issues that have become 'stuck' – for example, perhaps not getting on to the agenda of other agencies or falling between different agencies - and where all attempts to resolve them have so far failed.

### **How should an issue be raised?**

Councillors should always try to resolve issues informally before turning to the 'Call for Action', for example by speaking to officers, or approaching the relevant Portfolio Holder who may consider raising it with the appropriate Strategic Outcome Group of the Winchester District Strategic Partnership.

Councillors wishing to raise an issue are advised to discuss this first with the relevant Head of Division, the Head of Performance & Scrutiny, the Head of Democratic Services or a Corporate Director to ensure that all options for an informal resolution have been explored and that it is appropriate to raise it through this route.

If, following discussion, a Councillor feels that the 'Call for Action' is the appropriate way forward, s/he should then complete the attached pro-forma and return it to the Head of Democratic Services at least 14 clear working days in advance of the date of the meeting at which it is to be considered. As a minimum, the pro-forma will be circulated as background to the agenda item.

### **What is the role of Principal Scrutiny Committee and Scrutiny Panels?**

The appropriate Scrutiny body must consider the issue at their next meeting (following the appropriate notice period). The Councillor raising the issue will generally be expected to attend the meeting to present the item. S/he will be able to join the meeting for consideration of the item in order to answer questions and provide further information to the Scrutiny Committee or Panel as requested. .

At the end of the discussion, the Scrutiny body will consider what, if any, action to take about the issue raised. Possible actions would be:

- Reject the issue – the Committee / Panel may feel that no case has been made.
- Do nothing – the Panel may feel that airing the issue in public has been sufficient and that no further action is required;

- Refer the matter to Cabinet or the relevant Portfolio Holder with a recommendation for them to take action;
- Refer the matter to another organisation with a recommendation for them to take action;
- Carry out further investigations – for example by inviting other witnesses to a future meeting of the Panel or setting up an Informal Scrutiny Group to carry out further investigations and report back.

Where the matter is referred to Cabinet, a Portfolio Holder or another organisation, the recommendation will not be binding on them but they are encouraged to report back within a reasonable time, saying what they have done in response to it.

It would be good practice for the Councillor raising the matter to receive a formal response within a reasonable time.

Councillor Call for Action

Councillors wishing to bring a matter before Principal Scrutiny Committee or a Scrutiny Panel under the 'Councillor Call for Action' are asked to complete this pro-forma and return it to the Head of Democratic Services at least 14 working days before the date of the meeting.

Officers will be happy to support Members and assist in completing this pro-forma.

**1. Issue to be raised**

*Please briefly describe the issue that you wish to raise*

**2. Is this a community safety issue?**

*Please tick*

Yes – go to question 4

No – go to question 3

**3. How does this relate to the work of the City Council?**

*Please briefly indicate how this relates to the work of the City Council*

**4. What action has already been taken to resolve the issue?**

*Please briefly describe the action already taken, indicating who has been involved in this.*

Disclaimer: Views expressed in this form are those of the Councillor raising the issue and do not necessarily reflect the views of the City Council.

**5. Which Scrutiny Body would you like to consider this issue?**

*Please tick*

Principal Scrutiny Committee

Social Issues Scrutiny Panel (this Panel will consider any community safety issues)

Environment Scrutiny Panel

Local Economy Scrutiny Panel

Resources Scrutiny Panel

*The Corporate Director (Governance) in consultation with the Chairman of Principal Scrutiny Committee will take your preference into account when allocating this matter to a scrutiny body.*

**6. Is there any particular action you would like to recommend to Principal Scrutiny Committee or the relevant Scrutiny Panel?**

*Please indicate.*

*Please note that while this will form a recommendation to Principal Scrutiny Committee or the Scrutiny Panel they will make their own decision following consideration of the item.*

**7. Is there anyone who you would like to be invited as a witness to address the Principal Scrutiny Committee or relevant Scrutiny Panel?**

*Please note – witnesses will be invited at the discretion of the Chairman. The Council can only request witnesses to attend unless they are serving officers or Members of the authority who are required to attend.*

**Please Note;** Comments may be sought from officers or other parties with an interest in this matter for inclusion in the Committee papers.

Disclaimer: Views expressed in this form are those of the Councillor raising the issue and do not necessarily reflect the views of the City Council.